

(Note: All applications (excluding WAPC matters) are managed by the legal services section of Finance and Corporate Services in conjunction with the responsible officer below.)

As at 18 January 2017

APPEAL (Name, No. and Shire File Reference)	PROPERTY	DATE COMMENCED	DECISION APPEAL IS AGAINST	RESPONSIBLE OFFICER	STAGE COMPLETED	NEXT ACTION AND DATE OF ACTION AS PER SAT ORDERS	DATE COMPLETED / CLOSED
CITY OF BUSSELTON APPEALS							
Caves Caravan Park vs City of Busselton	Lot 5037 No 23 Yallingup Beach Road, Yallingup	March 2016	Appeal against Section 34(4) of the Caravan Parks and Camping Grounds Act 1995 and Section 214(2) notice for illegal structures and camping	Moshe Philips / Tanya Gillett / Paul Needham	<ul style="list-style-type: none"> • Directions hearing to commence proceedings and discuss way forward. • Mediation hearing on 29 April 2016. The City prepared a report to Council in line with the Orders from SAT for the reconsideration of S.34 of the Caravan and Camping Grounds Act 1995. • Directions hearing 10 August 2016 where the applicant under Section 34(4) was withdrawn; • 7 September the City filed a Statement of Issues, Facts and Contentions and Section 24 Bundle and on 3 October the City filed a response to the Issues, Facts and Contentions as submitted by the applicant; • Mediation took place on 2 November 2016, where the appeal was stayed in order to give the applicant time to progress with a development application • Directions Hearing on 17 February 2017 	• Directions hearing on 17 February 2017.	
Realview Holdings v City of Busselton	Lot 17 No 80 West Street, West Busselton	August 2016	Appeal against the refusal of a development application for a medical centre and shop.	Jo Wilson / Moshe Philips	<ul style="list-style-type: none"> • Directions Hearing on 30 September 2016 where it was decided that a Compulsory conference will take place on 31 October 2016; • Hearing took place on 7 December 2016; • The member has three months to reach a decision. 	• Awaiting Final outcome.	
Safe Haven Health Pty Ltd v City of Busselton	48 Roy Road, Metricup	September 2016	Appeal against the refusal of a development application for private hospital.	Paul Needham / Moshe Philips	<ul style="list-style-type: none"> • Directions Hearing on 11 November 2016 where it was agreed to adjourn until the land tenure issues have been resolved; • Directions Hearing deferred at the request of the applicant. New Hearing set for 27 January, 2017. • 27 January hearing also deferred at request of applicant, and new hearing set for 24 February 2017. 	• Directions Hearing on 24 February, 2017.	

APPEAL (Name, No. and Shire File Reference)	PROPERTY	DATE COMMENCED	DECISION APPEAL IS AGAINST	RESPONSIBLE OFFICER	STAGE COMPLETED	NEXT ACTION AND DATE OF ACTION AS PER SAT ORDERS	DATE COMPLETED / CLOSED
					<ul style="list-style-type: none"> Property is currently expected to be sold by administrators via auction, but auction date has not yet been confirmed. 		
JOINT DEVELOPMENT ASSESSMENT PANEL APPEALS							
DCSC vs Southern JDAP	Lot 108 No 57 Dunn Bay Road, Dunsborough	January 2016	Appeal against refusal of Development application for Service Station	State Solicitors Office / Anthony Rowe / Paul Needham	<ul style="list-style-type: none"> Parties circulated documents categorising the land use within 14 days. Land use has been determined by SAT to be a convenience store; Mediation took place on 5 October 2016, where JDAP requested amended plans to be submitted for a revised elevation to Dunn Bay Road and a revised traffic assessment. Decision reconsidered by JDAP on 14 November 2016, where the application was refused. Final hearings held on 1 and 2 February, 2017. 	<ul style="list-style-type: none"> Awaiting Sat decision. 	
WESTERN AUSTRALIAN PLANNING COMMISSION APPEALS							
Caves 1676 Pty Ltd v Western Australian Planning Commission and City of Busselton	Lot 200 No 1676 Caves Road, Dunsborough	April 2016	Appeal against the refusal of a survey-strata subdivision	State Solicitors Office / Joanna Wilson / Moshe Philips	<ul style="list-style-type: none"> Mediation Hearing on 27 April 2016 the issue of whether the development approval which has expired had substantially commenced was discussed. The applicant submitted evidence that the works have substantially commenced and the City and SSO is to form a view if they agree. Mediation on 7 June 2016, an agreement on substantial commencement could not be reached; the SSO and Tribunal have suggested that the City submit an intervention application to become a party to the proceedings. Intervention application was submitted by the City. Directions hearing on 29 July 2016 it was decided that by 23 September 2016 parties must file agreed statement of facts; 7 October 2016 the parties exchange written submissions and 21 October 2016 exchange written submission in response to the other parties' submission. 	<ul style="list-style-type: none"> Final hearing date to be set for after 16 February, 2017. 	

APPEAL (Name, No. and Shire File Reference)	PROPERTY	DATE COMMENCED	DECISION APPEAL IS AGAINST	RESPONSIBLE OFFICER	STAGE COMPLETED	NEXT ACTION AND DATE OF ACTION AS PER SAT ORDERS	DATE COMPLETED / CLOSED
					<ul style="list-style-type: none"> Hearing was set for 30 November, 2016 but is deferred at the request of the applicant to a date after 16 February, 2017. At the time of writing, SAT is expected to agree and set a new date. 		
Formas v Western Australian Planning Commission	Lot 4082 No 3 Tilly Road, Yallingup	April 2016	Appeal against the refusal of a three lot subdivision	State Solicitors Office / Joanna Wilson	<ul style="list-style-type: none"> Mediation on 27 April 2016 to discuss the issue that the existing dwellings on site have existing development approvals and the applicant is arguing that as they have a purple title the subdivision could be approved. The parties could not agree in Mediation and the application has requested the matter goes to a Hearing. Directions Hearing on 2 June to set dates for a Hearing. Directions hearing on 5 August 2016, the applicant requested an extension on the hearing dates in order to organise a Flora Survey and additional bushfire management plans. City's expert witness statement submitted. Expert Witness conferral took place on 19 October 2016, Hearing took place on 31 October 2016 for a duration of three days. The Appeal was dismissed due to the extreme bushfire risk which cannot be appropriately managed, in particular due to the single evacuation route. Further the Tribunal was unable to make appropriate findings in relation to conservation issues. 	<ul style="list-style-type: none"> Appeal was Dismissed 	January 2017