

As at 29 July 2021

APPLICATION (Name, No. and City File Reference)	PROPERTY	DATE COMMENCED	DECISION BEING REVIEWED	RESPONSIBLE OFFICER	STAGE COMPLETED	NEXT ACTION AND DATE OF ACTION AS PER SAT ORDERS	DATE COMPLETED / CLOSED
CITY OF BUSSELTON							
Lindberg v City of Busselton	4822 Bussell Highway, Busselton	October 2019	Review of a decision to give a direction under s.214.	Ben Whitehill / Lee Reddell	<ul style="list-style-type: none"> ● Directions hearing on the 8 November 2019 against the decision of the City to give a direction under s.214. ● The matter was adjourned to a further directions hearing on 29 November 2019 in order to determine whether the application is misconceived or lacking in substance pursuant to s.47 of the <i>State Administrative Tribunal Act 2004</i> ● Directions hearing on the 29 November 2019 where it was resolved: <ul style="list-style-type: none"> - The application is amended by substituting Mr Doug Hugh Lindberg as applicant in place of Mr Johnson. - The matter is listed for an on-site mediation on 6 January 2020. - Mr Michael Johnson is invited to attend and participate in the mediation. ● Mediation on 6 January 2020 where it was resolved that : <ul style="list-style-type: none"> - the applicant is to provide additional information to the respondent by 3 February 2020; - The matter is listed for mediation on 13 February 2020. ● Mediation on 13 February where, following further discussion with the landowners and Mr Johnson, it was resolved to adjourn the proceeding back to a further directions hearing on 17 April 2020. ● Directions hearing on 17 April was vacated and listed for a directions hearing on 5 June 2020. ● Directions hearing on 5 June was vacated and listed for a directions hearing on 7 August 2020. ● Directions hearing on 7 August 2020 was vacated and listed for a directions hearing on 6 November 2020. ● Directions hearing on 6 November 2020 was vacated and listed for a directions hearing on 5 February 2021. ● Directions hearing on 5 February 2021 was vacated and listed for a directions hearing on 7 May 2021. ● Directions hearing on 7 May 2021 was vacated and listed for a directions hearing on 2 July 2021. ● Directions hearing on 2 July 2021 was vacated and listed for a directions hearing on 5 November 2021 whilst proceedings relating to the eviction of the tenant from the land continue in the Magistrates Court. 	Directions Hearing 5 November 2021	

JOINT DEVELOPMENT ASSESSMENT PANEL

NIL

WESTERN AUSTRALIAN PLANNING COMMISSION

Newport Geographe v WAPC	Port Geographe	November 2020	Review of structure plan / subdivision conditions.	State Solicitors Office / Paul Needham	<ul style="list-style-type: none"> • Mediation Scheduled for 10 December 2020. • 10 December 2020 mediation hearing resulted in scheduling of further mediation hearing for 3 March 2021 (the City attended the 10 December and 3 March hearings). • 3 March mediation hearing resulted in a s31 order for WAPC reconsideration by 18 May 2021, and a directions hearing scheduled for 28 May 2021. City of Busselton may also be asked to reconsider its recommendations to the WAPC on the proposals. If that occurs, formal Council consideration would be appropriate, rather than a delegated decision. • City was not asked to reconsider its recommendations to the WAPC on the proposals, but WAPC did reconsider on 18 May 2021. WAPC has subsequently issued a revised decision notice on the structure plan on 25 May 2021. The WAPC decision resulted in the minimum finished floor level for habitable buildings within the development area being reduced from 3.4 AHD to 3.0 AHD. • A directions hearing at the SAT was convened on 28 May, at which time the matter was adjourned until 23 July 2021. Aigle Royal intends seeking consideration at that hearing for 'dispensation in regard to minimum FFL requirements at the periphery of the structure plan area, where proposed development will abut existing development at lower levels'. • Subject to the SAT orders, and subsequent approval by the WAPC of a structure plan modified in accordance with the replacement schedule of modifications (25 May 2021), a revised decision notice on the subdivision application can be expected. 	<ul style="list-style-type: none"> • City has been advised that the SAT application has now been withdrawn, as the proponents are satisfied with the revised WAPC decision on the structure plan. Finalisation of structure plan and subdivision application processes will now occur outside SAT process. 	22 July 2021
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