

(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 28 September 2016

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
Eichenberg vs City of Busselton	Lot 21 No 231 Injidup Spring Road, Yallingup	December 2014	Appeal against Section 214(2) and 214(3) Notices issued on 17 December 2014 for the removal of all illegal structures and cease the use of the land for raves and functions.	Jo Wilson / Paul Needham / Moshe Philips	<p>Mediation on 20 November 2015 which resulted in following orders being made:</p> <ul style="list-style-type: none"> • Applicant to engage an accredited fire specialist to prepare a Bushfire Fire Management Plan. • All notices have been stayed pending consideration of the BFMP. • Applicant did not engage a specialist to undertake a BFMP as a result the matter has been listed for a Directions Hearing to set dates for a Formal Hearing. • Directions Hearing on 6 May 2016, the applicant was given 2 months to submit a planning application and FMP. • A development application was received on 30 June 2016. • Mediation on 12 July 2016 where it was agreed that an amended Development Application will be submitted by the 21 July 2016 and the current development application will be withdrawn. • An amended development application has not been received; as a result in accordance with the Orders the City will prepare a Statement of Issues, Facts and Contentions by 7 October 2016; • The matter is listed for final Hearing on 26 October 2016. 	<ul style="list-style-type: none"> • Statement of Issues, Facts and Contentions to be provided by the City by 7 October 2016. 	
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 scheduled for 5 October 2016. 	<ul style="list-style-type: none"> • Mediation scheduled for 5 October 2016. 	
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 / Anthony Rowe	<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, by 3 October the City shall file a response to the Issues, Facts and Contentions as submitted by the applicant. 	<ul style="list-style-type: none"> • Directions hearing on 6 October 2016. 	
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 	<ul style="list-style-type: none"> • After 7 October 2016, the Tribunal will decide whether a determination on the documents or an oral hearing will take place. 	

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					<p>Tribunal have suggested that the City submit an intervention application to become a party to the proceedings.</p> <ul style="list-style-type: none"> 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. 		
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 on 19 October 2016, Hearing set for 31 October 2016 for a duration of three days. 	<ul style="list-style-type: none"> Hearing 31 October 2016 	
Credaro v City of Busselton	Lot 4079 No 121 Chambers Road, Yelverton	June 2016	Appeal against the refusal of an extension of time for an Extractive Industry	Anthony Rowe / Andrew Watts	<ul style="list-style-type: none"> Directions hearing on 29 June 2016 to arrange date mediation; Mediation scheduled for 12 August 2016, Councillors/CEO and Mr Threadgold is invited to attend the mediation; Mediation on 5 September 2016 where the matter was adjourned for a further mediation on 30 September 2016. 	<ul style="list-style-type: none"> Mediation on 30 September 2016 	
Kumar v City of Busselton	Lot 16 No 33 Southern Drive, Busselton	May 2016	Appeal against the refusal of a development application for residential enterprise.	Tanya Gillett / Anthony Rowe	<ul style="list-style-type: none"> Directions hearing on 22 June 2016 to arrange date for mediation; Mediation on 1 July 2016 where it was agreed that the matter be deferred subject to negotiations to find alternative locations for the applicant; Mediation on 22 July 2016 where it was agreed that the applicant lease kitchen facilities and an amended development approval will be issued restricting the shed for storage and washing by 6 September 2016. Directions hearing on 23 September 2016. 	<ul style="list-style-type: none"> Application withdrawn. 	
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. 		