

(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 2 March 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
<b>CITY OF BUSSELTON APPEALS</b>							
<b>Caves Caravan Park vs City of Busselton</b>	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"> <li>• Directions hearing to commence proceedings and discuss way forward.</li> <li>• 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.</li> <li>• Directions hearing 10 August 2016 where the applicant under Section 34(4) was withdrawn;</li> <li>• 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;</li> <li>• 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</li> <li>• Development application lodged 6 February 2017;</li> <li>• Directions Hearing on 17 February 2017 was vacated in order for the City to determine the development application;</li> <li>• Directions Hearing on 31 March 2017.</li> </ul>	<ul style="list-style-type: none"> <li>• Directions hearing on 31 March 2017.</li> </ul>	
<b>Realview Holdings v City of Busselton</b>	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"> <li>• Directions Hearing on 30 September 2016 where it was decided that a Compulsory conference will take place on 31 October 2016;</li> <li>• Hearing took place on 7 December 2016;</li> <li>• The member has three months to reach a decision.</li> </ul>	<ul style="list-style-type: none"> <li>• Awaiting Final outcome.</li> </ul>	
<b>Safe Haven Health Pty Ltd v City of Busselton</b>	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"> <li>• Directions Hearing on 11 November 2016 where it was agreed to adjourn until the land tenure issues have been resolved;</li> <li>• Directions Hearing deferred at the request of the applicant. New Hearing set for 27 January, 2017.</li> </ul>	<ul style="list-style-type: none"> <li>• Directions Hearing on 31 March, 2017.</li> </ul>	

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					<ul style="list-style-type: none"> <li>• 27 January hearing also deferred at request of applicant, and new hearing set for 24 February 2017.</li> <li>• 24 February 2017 Hearing vacated.</li> <li>• Directions Hearing on 31 March 2017 to allow the auction to take place.</li> </ul>		
<b>24DB Pty Ltd v City of Busselton</b>	24 Dunn Bay Road, Dunsborough	March, 2017	Market	Paul Needham	<ul style="list-style-type: none"> <li>• Notice of Directions Hearing on 17 March, 2017 against City of Busselton decision to refuse application.</li> </ul>	<ul style="list-style-type: none"> <li>• Directions Hearing 17 March 2017</li> </ul>	
<b>JOINT DEVELOPMENT ASSESSMENT PANEL APPEALS</b>							
<b>DCSC vs Southern JDAP</b>	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"> <li>• Parties circulated documents categorising the land use within 14 days.</li> <li>• Land use has been determined by SAT to be a convenience store;</li> <li>• 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.</li> <li>• Decision reconsidered by JDAP on 14 November 2016, where the application was refused.</li> <li>• Final hearings held on 1 and 2 February, 2017.</li> </ul>	<ul style="list-style-type: none"> <li>• Awaiting SAT decision.</li> </ul>	
<b>WESTERN AUSTRALIAN PLANNING COMMISSION APPEALS</b>							
<b>Caves 1676 Pty Ltd v Western Australian Planning Commission and City of Busselton</b>	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"> <li>• 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.</li> <li>• 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.</li> <li>• Intervention application was submitted by the City.</li> </ul>	<ul style="list-style-type: none"> <li>• Directions Hearing on 17 March, 2017.</li> </ul>	

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					<ul style="list-style-type: none"> <li>• 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.</li> <li>• 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;</li> <li>• Directions Hearing on 20 February, SAT resolved not to deal with issue and reverted it back to directions hearing to determine how best to deal with the appeal;</li> <li>• Directions hearing on 17 March 2017</li> </ul>		