

**As at 27 May 2020**

| APPLICATION<br>(Name, No. and<br>City File<br>Reference) | PROPERTY                           | DATE<br>COMMENCED  | DECISION BEING<br>REVIEWED   | RESPONSIBLE<br>OFFICER             | STAGE COMPLETED   | NEXT ACTION<br>AND DATE OF<br>ACTION AS PER<br>SAT ORDERS | DATE<br>COMPLETED /<br>CLOSED |
|--|------------------------------------|--|--|------------------------------------|---|---|-------------------------------|
| <b>CITY OF BUSSELTON</b>                                 |                                    |  |  |                                    |   |   |                               |
| Lindberg v City of<br>Busselton                          | 4822 Bussell<br>Highway, Busselton | October 2019   | Review of a decision to give a<br>direction under s.214.   | Martyn Cavanagh /<br>Lee Reddell   | <ul style="list-style-type: none"> <li>• Directions hearing on the 8 November 2019 against the decision of the City to give a direction under s.214.</li> <li>• 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></li> <li>• Directions hearing on the 29 November 2019 where it was resolved: <ul style="list-style-type: none"> <li>- The application is amended by substituting Mr Doug Hugh Lindberg as applicant in place of Mr Johnson.</li> <li>- The matter is listed for an on-site mediation on 6 January 2020.</li> <li>- Mr Michael Johnson is invited to attend and participate in the mediation.</li> </ul> </li> <li>• Mediation on 6 January 2020 where it was resolved that : <ul style="list-style-type: none"> <li>- the applicant is to provide additional information to the respondent by 3 February 2020;</li> <li>- The matter is listed for mediation on 13 February 2020.</li> </ul> </li> <li>• 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.</li> <li>• Directions hearing on 17 April was vacated and listed for a directions hearing on 5 June 2020</li> </ul> | Directions Hearing<br>5 June 2020                         |                               |
| Bishop v City of<br>Busselton                            | 545 Gale Road,<br>Kaloorup         | November 2019 - (DR<br>227 of 2019)<br><br>April 2020 – (DR 59 of<br>2020) | Review of a decision to give a<br>direction under s.214<br>(concrete batching and<br>dumping rubbish)<br><br>Review of a decision to refuse<br>to grant develop approval for<br>a 'Research Establishment' | Martyn Cavanagh /<br>Joanna Wilson | <ul style="list-style-type: none"> <li>• Directions hearing on the 29 November 2019 against the decision of the City to give a direction under s.214</li> <li>• The matter was adjourned to a further directions hearing on 13 December 2019 in order for the applicant to seek legal advice</li> <li>• Directions hearing listed for 13 December 2019 was vacated</li> <li>• S 214 direction issued by the City is stayed until further orders are made.</li> <li>• The matter is listed for a directions hearing on 7 February 2020.</li> <li>• Directions hearing on 7 February 2020 where it was resolved that : <ul style="list-style-type: none"> <li>- adjourned to a further direction hearing on 4 March 2020;</li> <li>- By 6 March 2020, the respondent must file a statement of issues, facts and contentions and bundle of documents</li> </ul> </li> </ul>  | Mediation<br>3 June 2020                                  |                               |

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|  |  |                                |  |                               | <p>required under s 24 of the State Administrative Tribunal Act 2004.</p> <ul style="list-style-type: none"> <li>• Directions on 4 March 2020, where it was discussed that City likely to refuse Application for DA for Research Establishment, that the order for City to file documents be revoked, and adjourned to 3 April 2020</li> <li>• City refused Application for DA for Research Establishment on 12 March 2020</li> <li>• Mr Bishop has applied to the SAT to have refusal reviewed</li> <li>• Directions hearing on the 3 April 2020 adjourned to 17 April 2020 due to non-appearance of Mr Bishop.</li> <li>• Directions hearing on the 17 April was vacated and listed for a directions hearing on 24 April 2020.</li> <li>• Both review applications have now been listed for Mediation on 6 May 2020;</li> <li>• Directions hearing on 5 May 2020 in order for both parties to agree on vacating the mediation on 6 May 2020 and re-listing for 3 June 2020.</li> </ul>  |   |                               |
| Hotait v City of Busselton                               | 9 Prospect Close, Quindalup                | November 2019 and January 2020 | Review of a decision to give directions under s.214. | Martyn Cavanagh / Lee Reddell | <ul style="list-style-type: none"> <li>• City issued 3 s 214 directions (Planning and Development Act 2005) October 2019; review applications lodged with SAT</li> <li>• Due to administrative issues, review applications were dismissed. Re-commenced in January 2020 (DR 16/2020).</li> <li>• Directions hearing held on 31 January 2020, adjourned to 28 February 2020 to enable the parties to confer, with a view to then being directed to mediation.</li> <li>• Directions hearing on 28 February 2020 where the matter was referred to mediation on 16 March 2020.</li> <li>• Mediation on 16 March 2020 where it was resolved that: <ul style="list-style-type: none"> <li>- The parties are to liaise in respect of the additional information required for the determination of the current development applications;</li> <li>- Preparation of a 'livestock management plan' that might form the basis of a development application.</li> <li>- Adjourned to a further mediation on 21 May 2020.</li> </ul> </li> <li>• Adjourned to a Directions Hearing on 24 July 2020, to provide time for Applicants to provide documentation and City to consider applications.</li> </ul> | Directions hearing on 24 July 2020                        |                               |
| Fittock v City of Busselton                              | Lots 50 & 52/12 Dunn Bay Road, Dunsborough | February 2020                  | Review of conditions on development application      | Lee Reddell                   | <ul style="list-style-type: none"> <li>• Directions hearing on 21 February 2020 against the conditions imposed by the City of a development application.</li> <li>• Directions hearing on 21 February 2020 vacated with adjournment of 4 weeks to allow the City and applicant time to meet prior to directions.</li> <li>• Matter re-listed for directions hearing on 27 March 2020.</li> </ul>  | Withdrawn   |                               |

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|  |          |                   |                            |                        | <ul style="list-style-type: none"> <li>• Directions hearing held 27 March 2020 where a number of matters were discussed, including the need for the applicant to separate the review proceedings (only one decision can be considered per review application, whereas review lodged against two DA's) and the applicant sought a further adjournment to seek further advice on their options and attempt to resolve the issues with the City. Matter re-listed for directions hearing on 28 May 2020.</li> <li>• The parties have resolved the issues and the application has been withdrawn.</li> </ul> |   |                               |
| <b>JOINT DEVELOPMENT ASSESSMENT PANEL</b>                |          |                   |                            |                        |  |   |                               |
| NIL  |          |                   |                            |                        |  |   |                               |
| <b>WESTERN AUSTRALIAN PLANNING COMMISSION</b>            |          |                   |                            |                        |  |   |                               |
| NIL  |          |                   |                            |                        |  |   |                               |