

Jurisdiction:	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
Application:	Review of a decision not to approve a structure plan
Parties:	SATTERLEY PROPERTY GROUP PTY LTD (Applicant) WESTERN AUSTRALIAN PLANNING COMMISSION (Respondent)
Matter Number:	DR 189/2020
Application Lodged:	20 August 2020
Date of Decision:	17 April 2025
Decision of:	Deputy President, Judge Jackson

For the avoidance of doubt:

- (i) The following orders are subject to the conditions imposed by the Tribunal when granting the Intervenor leave to intervene as set out in Order 1 of the Tribunal's orders dated 28 February 2025.
- (ii) Any reference to the parties in the following orders includes the Intervenor.
- (iii) Where the following orders refer to the giving of a document to the other parties, the document is also to be given to the Shire of Mundaring.

By consent of the parties, the Tribunal orders:

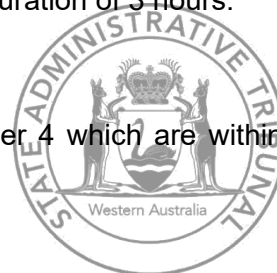
Non-planning expert evidence

1. If the Respondent or the Intervener proposes to give evidence or call any expert witness to give evidence at the hearing (other than an expert in the field of town planning) it must, by 13 June 2025, file with the Tribunal a signed statement of the witness' evidence and give a copy of the statement to the other parties.
2. By 2 July 2025, the parties may file and give to the other parties any witness statements that are purely responsive to the witness statements referred to in Order 1.



Conferrals

3. For the purposes of orders 4, 5 and 6, the fields of expertise are:
 - (a) transport impact assessment;
 - (b) traffic microsimulation modelling;
 - (c) bushfire simulation modelling;
 - (d) bushfire (other than in the field of bushfire simulation modelling); and
 - (e) environment.
4. For the purposes of expert conferral referred to in Order 5, the legal representatives for the parties are to confer and file with the Tribunal a list of issues in each field of expertise referred to in Order 3, respectively, for discussion by the expert witnesses in each field, on or before 7 days prior to the date of each expert conferral.
5. The expert witnesses:
 - (a) in the field of transport impact assessment must confer with one another in the absence of the parties and their representatives before Member Lavery at the State Administrative Tribunal, 565 Hay Street, Perth commencing at 10.00 am on 7 July 2025 for a duration of 3 hours;
 - (b) in the field of traffic microsimulation modelling must confer with one another in the absence of the parties and their representatives before Member Barton at the State Administrative Tribunal, 565 Hay Street, Perth commencing at 10.00 am on 8 July 2025 for a duration of 3 hours;
 - (c) in the field of bushfire simulation modelling must confer with one another in the absence of the parties and their representatives before Member Lavery at the State Administrative Tribunal, 565 Hay Street, Perth commencing at 10.00 am on 10 July 2025 for a duration of 3 hours;
 - (d) in the field of bushfire (other than in the field of bushfire simulation modelling) must confer with one another in the absence of the parties and their representatives before Member Connor at the State Administrative Tribunal, 565 Hay Street, Perth commencing at 10.00 am on 11 July 2025 a duration of 1 day; and
 - (e) in the field of environment must confer with one another in the absence of the parties and their representatives before Member Barton at the State Administrative Tribunal, 565 Hay Street, Perth commencing at 10.00 am on 14 July 2025 for a duration of 3 hours.
6. The expert witnesses in each field must prepare a joint statement of:
 - (a) the issues identified by the legal representatives pursuant to Order 4 which are within their expertise;
 - (b) the matters upon which they agree in relation to those issues;



- (c) the matters upon which they disagree in relation to those issues; and
- (d) the reasons for any disagreement;

and must each sign the joint statement at the conclusion of their conference. If the statement is in handwriting the expert witnesses must appoint one of them to generate a typed version of it and each must sign the typed document. The expert witnesses must file the joint statement with the Tribunal and give copies of it to the parties and the Shire of Mundaring by no later than 4 days after the conference.

- 7. The matter is listed for a directions hearing at 10.00 am on 25 July 2025 at 565 Hay Street, Perth, Western Australia.

Planning evidence

- 8. If the Applicant or the Respondent proposes to give evidence or call any witness, including any expert, to give evidence at the hearing in the field of town planning it must, by 6 August 2025, file with the Tribunal a signed statement of the witness' evidence and give a copy of the statement to the other parties and the Shire of Mundaring.

Modifications

- 9. By 6 August 2025, the Applicant must file with the Tribunal and give to the other parties a document that sets out any modifications that it proposes be made to the Structure Plan lodged on 14 June 2024 (in addition to the substitution of the Bushfire Management Plan at Appendix 7 of that document with the Bushfire Management Plan filed on 11 April 2025) (Applicant's Modifications).
- 10. By 8 August 2025, the Respondent and the Intervenor must file with the Tribunal and give to the other parties a document which:
 - (a) identifies any of the Applicant's Modifications which it objects to;
 - (b) gives brief reasons for each objection; and
 - (c) without prejudice to its final position in the proceeding, sets out any alternative or additional modifications to the Structure Plan that it will contend at the hearing that the Applicant should be required to make if the Tribunal does not consider that the Structure Plan should be refused (Respondent's Modifications and Intervenor's Modifications).
- 11. By 13 August 2025, the Applicant must file with the Tribunal and give to the other parties a document which:
 - (a) identifies any of the Respondent's Modifications and Intervenor's Modifications which it objects to; and
 - (b) gives brief reasons for each objection.



Opening submissions

12. By 15 August 2025, the parties and the Shire of Mundaring must file with the Tribunal written opening submissions and give a copy of the submissions to the other parties.

Directions hearing

13. The matter is listed for a directions hearing at 10.00 am on 22 August 2025 at 565 Hay Street, Perth, Western Australia.

