

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:	28 February 2025
Decision of:	Deputy President, Judge Jackson

The Tribunal orders:

- Subject to further order, pursuant to s 37(3) of the State Administrative Tribunal Act 2004 (WA) Save Perth Hills Inc ("SPH") has leave to intervene in these proceedings in relation to Issues B1(a)-(c), B2, B5 and B6 as identified in the Respondent's Updated Statement of Issues, Facts and Contentions filed 25 October 2025 ("Respondent's SIFC"), subject to the following conditions:
 - SPH's intervention in relation to Issue B5 and Issue B6 is limited to the issues in dispute between the applicant and the respondent and does not extend to 'social amenity impacts' as described at [69] - [70] of SPH's Submissions in Support of Application for Leave to Intervene filed 24 January 2025. For the avoidance of doubt, SPH's intervention in relation to Issue B5 and B6 does not extend to impacts of a bushfire on a community which arise after the fire has been extinguished.
 - SPH may give evidence of, or call to give evidence at the hearing, no more than five lay witnesses.
 - SPH may give evidence of, or call to give evidence at the hearing, no more than one expert witness, and that expert witness must have expertise in the field of human behaviour in fire.
 - At the final hearing of these proceedings, SPH may examine any of the witnesses called by it but may not cross-examine any witness called by another party.
- By 19 March 2025, SPH must file with the Tribunal and give to the parties a statement of facts and contentions which:



- (a) is consistent with the scope of its intervention as set out in order 1; and
- (b) sets out:
 - (i) by reference to relevant paragraph numbers in the Respondent's SIFC and the Applicant's Statement of Issues, Facts and Contentions filed 29 November 2024 whether SPH accepts or rejects the fact or contention identified in that paragraph; and
 - (ii) any other facts or contentions it says are relevant to the decision under review.
- 3. If SPH proposes to give evidence of a lay witness, or call a lay witness to give evidence at the hearing, it must, by 19 March 2025, file with the Tribunal a signed statement of the witness' evidence and give a copy of the statement to the other parties.
- 4. The time for the applicant to comply with order 6 of the orders made by the Tribunal on 20 December 2024 is extended to 9 April 2025.
- 5. Orders 7, 8 and 9 of the Tribunal's orders dated 20 December 2024 apply to SPH and any expert witness engaged by SPH in these proceedings.
- 6. Pursuant to s 242 of the Planning and Development Act 2005 (WA), the Shire of Mundaring has leave to make written submissions in respect of the application.
- 7. The Shire of Mundaring must file its submissions with the Tribunal and give a copy to each of the parties by the date that the parties are required to file opening submissions in advance of the final hearing.
- 8. The final hearing dates referred to in order 1 of the Tribunal's orders dated 8 November 2024 are vacated.
- 9. The final hearing listed in order 1 of the Tribunal's orders dated 20 December 2024, being the hearing on 1 September to 4 September; 8 September to 11 September; 15 September to 17 September and 22 September to 25 September 2025, is confirmed.
- 10. The directions hearing listed for 2.15 pm on 28 February 2025 is vacated.
- 11. The matter is listed for a directions hearing at 10.00 am on 11 April 2025 at 565 Hay Street, Perth, Western Australia.

