

**REGISTER OF STATE ADMINISTRATIVE TRIBUNAL (SAT) APPEALS
AS AT 6 AUGUST 2024**

NO.	ADDRESS & SAT REVIEW NO.	DATE RECEIVED	APPLICANT	REVIEW MATTER & COMMENTS
1.	Nos. 212-214 Lake Street, Perth (DR 223 of 2021)	19 October 2021	Hanoze Park Pty Ltd	<p>Application for review of notice issued in accordance with the <i>Health (Miscellaneous Provisions) Act 1911</i> to address odour nuisance at 7 Grams Chicken Café. Hanoze Park Pty Ltd believes the notice to be invalid.</p> <p>*****</p> <p>SAT Directions Hearings were held on 5 and 11 November 2021, and a further directions hearing held 1 March 2022. The presiding member heard submissions from the City and from the Applicant. On 20 April 2022, the Tribunal handed down their decision, affirming the decision of the City that a Notice can be given under S.184 of the <i>Health (Miscellaneous Provisions) Act 1911</i> (for a nuisance not specifically mentioned in Section 182 of that Act). The matter proceeded to confidential mediation on 5 July 2022. The session centred on a practical solution proposed by the business. The business agreed to present plans for this solution to the City to review by 2 August 2022 with a further mediation hearing scheduled for 9 August 2022. SAT agreed to further adjournment to 21 September 2022. Applicant required to submit mechanical drawings prior to the next SAT Hearing. Matter further adjourned to 17 November 2022 as the consultant contracted by Hanoze Park Pty Ltd passed away. Mechanical drawings have been submitted and it has been identified that a development application and building application would be required. Mediation listed for 17 November 2022 was vacated, and matter is listed for hearing on 3 March 2023. A development approval has been issued for external fixtures, and the City is awaiting submission of a building application for solution. The SAT mediation hearing that was schedule for 3 March 2023, was adjourned, with the matter relisted for a Directions Hearing on 14 April 2023. The City is advised the installation of the new exhaust system at the premises is imminent.</p> <p>The SAT hearing that as schedule for 14 April 2023, was adjourned, with the matter relisted for 12 May 2023. The City is advised the installation of the new exhaust system will be completed by 2 May 2023.</p> <p>The two parties will return to SAT on 23 June 2023. At this time, the matter will either be resolved to the satisfaction of both parties, adjourned to a later mediation or programmed for a Hearing by the SAT Member.</p> <p>29 June 2023. The SAT Directions hearing set for 23 June was adjourned and relisted for 21 July 2023. At this time, the matter will either be resolved to the satisfaction of both parties, or it will likely be programmed for a Hearing by the SAT Member.</p> <p>The matter was heard by the Senior Member at SAT on 21 July 2023. The matter was listed for a directions hearing on 29 September 2023. Within the timeframe specified by the Order, the City and the Applicant lodged their statements of issues, facts and contentions.</p> <p>As at 30 October 2023 – matter has been listed for a final hearing, commencing 18 March 2024. SAT hearing took place between 18 – 21 March 2024. Matter has been adjourned, for a decision. Decision not expected for 2 – 3 months.</p> <p>Update as at 29 May 2024 – no decision has been handed down by the Tribunal yet.</p>

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				<p>On 21 June 2024, the City was provided Orders from the SAT, advising the time in which the Tribunal has to deliver its decision is extended to 26 July 2024.</p> <p>On 25 June 2024, the City was provided an update in respect to the Order received on 21 June 2024, advising that the time in which the Tribunal has to deliver its decision has been extended to 20 September 2024.</p> <p>On 22 July 2024, the Tribunal handed down its decision. The City was unsuccessful. The Tribunal found “...that the odour being emitted at the exhaust stack is not as described in the Notice, being oily, fried, greasy, rancid and burnt. Rather, we found that the odour of the treated emissions at the exhaust stack is ‘fresh, sweet clean light oil’”. As such, they then found that “...there is no basis that the exhaust stack emissions constitute a nuisance for the purpose of s 184 of the Health (Miscellaneous Provisions) Act 1911”. Finally, that “...there is no basis for the Notice to be affirmed.” As such, the Tribunal orders that the City’s Notice issued 24 September 2021 “...is set aside”. Administration have notified affected residents.</p> <p>Completed. <i>Representation by: McLeods</i></p>
2.	Nos. 41-43 & 45 Angove Street, North Perth (DR 81 of 2023)	1 June 2023	Hidding Urban Planning/Lavan	<p>Application for review of a Development Assessment Panel decision to refuse an application for a Service Station on 3 May 2023.</p> <p>*****</p> <p>Directions hearing held on 16 June 2023. Mediation held on 4 July 2023, with Mayor Cole and interested community members in attendance to make a presentation. A second mediation was scheduled for 14 August 2023 and was vacated. Mediation was rescheduled to 10 October 2023 and was subsequently vacated. The matter was listed for a directions hearing on 10 November 2023 to schedule a new date for mediation. This was vacated. The matter has been listed for a directions hearing on 2 February 2024 with the applicant to provide additional information by 11 January 2024. The applicant has yet to provide any additional information and the matter is still proceeding to the directions hearing on 2 February 2024. The directions hearing has been vacated and the matter has been listed to a further mediation on 27 February 2024. This mediation was scheduled for 6 May 2024. Following this the matter has been listed for a further mediation to be held on 2 July 2024. This was vacated and has been rescheduled to 2 September 2024.</p> <p><i>Representation by: DAP Executive Director</i></p>

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3.	Nos. 37-43 Stuart Street, Perth (DR184 of 2023)	20 December 2023	Planning Solutions/Lavan	<p>Application for review of conditions of a Joint Development Assessment Panel decision to approve an application for an Unlisted Use (Community Purpose) and Alterations and Additions on 10 November 2023.</p> <p>*****</p> <p>Directions hearing vacated and mediation scheduled for 14 February 2024. Mediation held on 14 February 2024. Matter listed for a further mediation on 19 April 2024 with the applicant having provided further information for consideration on 27 March 2024. Following this mediation the SAT issued orders inviting the DAP to reconsider the application pursuant to s.31(1) of the <i>State Administrative Tribunal Act 2004</i>. The key dates associated with this are:</p> <ul style="list-style-type: none"> • The applicant is to provide additional information by 6 May 2024. • The DAP is to reconsider the application on or before 12 July 2024 (note this timeframe accounts for the meeting itself as well as the publishing of the minutes). • A further directions hearing has been scheduled for 19 July 2024. <p>The DAP meeting to reconsider the application was held on 3 July 2024 where the DAP approved a number of amended conditions. The appeal has not been withdrawn and has been scheduled for a further directions hearing on 16 August 2024.</p> <p><i>Representation by: DAP Executive Director</i></p>
4.	No. 5 Berryman Street, Mount Hawthorn (DR71 of 2024)	22 May 2024	George Seal	<p>Application for review of conditions of a Council decision to approve an application for a Change of Use from Single House to Single House and Restaurant/Cafe on 23 April 2024.</p> <p>*****</p> <p>The matter was listed for a directions hearing on 7 June 2024, which on agreement between the parties, was vacated and rescheduled for 5 July 2024. Following the directions hearing on 5 July 2024 the SAT issued orders inviting Council to reconsider the application pursuant to s.31(1) of the <i>State Administrative Tribunal Act 2004</i>, on or before 29 October 2024. The matter is also listed for a further Directions Hearing on 1 November 2024.</p> <p><i>Representation by: Administration</i></p>
5.	No. 120 Claisebrook Road, Perth (DR110 of 2024)	30 July 2024	Allerding and Associates	<p>Application for review of conditions of Western Australian Planning Commission decision to approve the Holcim Concrete Batching Plant to continue to operate until 30 December 2027 on 27 June 2024.</p> <p>*****</p> <p>The matter has been listed for a direction's hearing on 30 August 2024.</p> <p><i>Representation by: DPLH Director Planning Appeals</i></p>