

IN THE HIGH COURT OF AUSTRALIA  
PERTH REGISTRY

No. P47 of 2016

BETWEEN: **WESTERN AUSTRALIAN PLANNING COMMISSION**  
Appellant

and

**SOUTHREGAL PTY LTD**  
First Respondent

and

**DAVID STEPHEN WEE**  
Second Respondent



### APPELLANT'S CHRONOLOGY

**Part I:**

I certify that this chronology is in a form suitable for publication on the internet.

**Part II:**


Date	Event	Appeal book reference
23.10.2002	Notice is published in the <i>Government Gazette</i> containing the text of the Peel Region Scheme (PRS); stating that it has been approved and is to be tabled in Parliament.	
18.04.2002	The Respondents enter into a contract to purchase land that would later become Lot 2 Estuary Road, Dawesville (then being a portion of Murray Location 644) (Lot 2).	
20.03.2003	The PRS comes into effect. A portion of Lot 2 is reserved for Regional Open Space and is thereby injuriously affected.	
04.04.2003	Notice is published in the <i>Government Gazette</i> that the PRS came into effect on 20.03.2003.	
14.10.2003	The Respondents enter into a new contract to purchase Lot 2 from the same vendors for \$2,600,000.	
22.10.2003	Settlement of the (new) contract of sale of Lot 2 occurs. Transfer of Lot 2 to the Respondents is registered.	

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09.12.2004	Decision of the High Court in <i>WAPC v Temwood Holdings Pty Ltd</i> [2004] HCA 63; (2004) 221 CLR 30.	
09.04.2006	Commencement of Part 11 of <i>Planning and Development Act 2005</i> (WA). Repeal of <i>Western Australian Planning Commission Act 1985</i> (WA); <i>Metropolitan Region Town Planning Scheme Act 1959</i> (WA) and the <i>Town Planning and Development Act 1928</i> (WA) takes effect.	
01.02.2008	Appellant receives a development application, lodged on behalf of the Respondents, for proposed development within the Regional Open Space reserve over Lot 2.	
15.07.2008	The development application being deemed to have been refused under clause 41 of the PRS, a claim for compensation for injurious affection for \$51,600,000 is lodged with the Appellant by the Respondents' solicitors.	
04.03.2010	The Appellant's solicitors advised the Respondents' solicitors that, while the Appellant acknowledged receipt of the Respondents' claim for compensation, the Appellant did not offer any amount of compensation because the Respondents did not own Lot 2 at the time the PRS was made.	
01.07.2014	Supreme Court proceedings CIV 1922 of 2014 commenced.	
26.11.2014	Hearing of the stated case before Beech J.	
22.12.2014	Reasons for Decision and Orders of Beech J.	
30.01.2015	Appellant commences appeal to Court of Appeal.	
23.10.2015	Court of Appeal hearing	
24.03.2016	Reasons for Decision and Orders of Court of Appeal.	
19.04.2016	Appellant lodges application for special leave in High Court.	
01.09.2016	Special leave granted by Kiefel and Nettle JJ.	

Dated this 6<sup>th</sup> day of October 2016

  
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KM Pettit SC  
Francis Burt Chambers

  
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TC Russell  
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