

Case Note: Australian Unity Diversified Property Fund and City of Busselton

Discretion to refuse deemed-to-comply development

In *Australian Unity Diversified Property Fund v City of Busselton* [2018] WASCA 38 it was argued that the City did not have jurisdiction to determine the applications for approval, on the basis that the estimated development costs ought to have been treated cumulatively, as the total amount of the proposals exceeded \$10 million.

The Court rejected the Australian Unity's arguments and upheld the City's jurisdiction to determine the development approval applications separately. A summary from the law firm that represented the City is available [here](#)