



IN THE SUPREME COURT OF WESTERN AUSTRALIA

CIV/3185/2017

BETWEEN:

**Swan Foreshore Protection Association
Incorporated**

First Applicant

AND

City of Melville

First Respondent

AND

Urbnsurf (Perth) Pty Ltd

First Other Party

**ORDERS MADE BY THE HONOURABLE JUSTICE ALLANSON
DATE: 17 July 2018**

This application having been heard on 27 March 2018 before the Honourable Justice Allanson in the presence of Mr PD Lochore of Counsel for the Applicant and Mr MD Howard SC and Mr HH Jackson of Counsel for the Other Party and there being no appearance for the Respondent which filed a notice of intention in this application to abide by the decision of this Honourable Court and the Honourable Justice Allanson having ordered that leave to bring the application out of time be refused and that the application for judicial review be dismissed, IT IS ORDERED THAT:

1. The application for leave under O 56 of the Rules of the Supreme Court 1971 to proceed with the application for judicial review which application was made outside the limitation period is refused.
2. The application for judicial review of the Respondent's decisions and conduct of 6 and 11 April 2017 to enter into and execute a ground lease with the Other Party is dismissed.
3. The Applicant pay the Other Party's costs of these proceedings, to be taxed if not agreed, on the basis it was reasonable for the Other Party to brief two counsel.

BY THE COURT

THE HONOURABLE JUSTICE J ALLANSON