

RESPONSE TO APPEALS TO THE STATE ADMINISTRATIVE TRIBUNAL

POLICY

POL-LUP 02

Objective:

To clarify the role, responsibility and accountability of the Council and City Officers in respect to decisions it makes which are the subject of an appeal.

Statement:

In respect to town planning responses to the State Administrative Tribunal (SAT) the following shall apply:-

1. Where a Council decision is the same or essentially the same as an officer's recommendation, or corrects or improves the content of an officer's recommendation, then the responsible officer or other appropriate officer nominated by the Director Sustainable Development or the Manager of Planning and Land Services, shall provide a written response to an Appeal on behalf of the Council or attend a mediation or tribunal hearing as an expert witness to represent the Council's position.
2. Elected Members attending mediation sessions do so on a voluntary basis as community members and as observers; not as a representative of Council.
3. Where a decision of the Council is the subject of an appeal to the SAT and that decision is contrary to the recommendation of a City officer then, in the interests of the Council and City officers:-
 - 3.1. Council will be represented by a private consultant or a person appointed by the Director Sustainable Development or Manager Planning and Land Services, in conjunction with the City's Legal section, to represent the City at the SAT hearing.
 - 3.2. In such cases, officers will represent the City at the mediation sessions, as far as practicable.
 - 3.3. In the event of City officers being subpoenaed, Council acknowledges that officers will be required to give evidence at a SAT hearing in support of the officer's recommendation, acknowledging that the evidence given may be contrary to the Council decision the subject of the appeal.

Responsible Directorate:	Sustainable Communities
Reviewer:	Manager Planning and Land Services
Creation date:	Minute G.24/11/06, 21 November 2006
Amendments:	Minute G.28/2/10, 23 February 2010 Minute G.57/2/12, 28 February 2012 Minute G.35/2/15, 24 February 2015 Minute G.12/7/19, 23 July 2019

**Related Documentation and/or
Legislation:**

Planning and Development Act 2005
Local Government Act 1995
State Administrative Tribunal Act 2004