

Development Proposals before the State Administrative Tribunal Policy

City Policy

Responsible Directorate: Planning and Community Development

Objective: To ensure that development matters that are brought before the State Administrative Tribunal and involve the City of Joondalup, are dealt with in an open and accountable manner.

1. Statement:

In accordance with the *State Administrative Tribunal Act 2004* and the *Planning and Development Act 2005*, an applicant who is dissatisfied with the decision of the City or the Council on a Development Application, may seek a review of this decision by the State Administrative Tribunal (SAT).

The City has standard practices for dealing with these matters, which reflect the values of honesty, transparency and inclusiveness. This Policy deals with the high level principles under which development proposals before the State Administrative Tribunal should be considered by the City to inform administrative processes and procedures.

2. Details:

The City will deal with development proposals before the State Administrative Tribunal in a manner that is consistent with the following principles:

- Matters should be heard in public where all parties consent.
- Where permitted by the State Administrative Tribunal, public comment should be obtained on amended plans or modified proposals, if the changes result in the development being likely to impact nearby landowners and affected stakeholders.
- The use of external advocates is supported for complex or controversial matters, and/or where independent assistance would be considered beneficial to the process.
- Where City officers or appointed external advocates attend for the purposes of defending a decision made by the Council, other than a decision made under delegated authority, any outcome achieved through mediation must be referred back to the Council for approval.
- Council should be regularly advised of matters currently before the State Administrative Tribunal and the status of these matters.

Creation Date: October 2005

Formerly:

- *State Administrative Tribunal – Mediation and Revised Development Proposals Policy*

Amendments: CJ206-10/05, CJ093-05/12, CJ163-08/12, CJ254-11/12, CJ027-02/18

Related Documentation:

- *State Administrative Tribunal Act 2004*
- *Planning and Development Act 2005*