

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.

Legislative Context

Planning and Development Act 2005

Local Government Act 1995

State Administrative Tribunal Act 2004

Responsible Directorate:	Business Services
Responsible Department:	Statutory Planning
Reviewer:	Coordinator Statutory Planning

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Amendments			
Version #	Council Approval Date, Reference	Date Document In force	Date Document Ceased
2	Minute G.28/2/10	24/02/2010	28/02/2012
3	Minute G.57/2/12	29/02/2012	24/02/2015
4	Minute G.35/2/15	25/02/2015	23/07/2019
5	Minute G.12/7/19	24/07/2019	-