

DEVELOPMENT PROPOSALS BEFORE THE STATE ADMINISTRATIVE TRIBUNAL MEDIATION AND REVISED DEVELOPMENT PROPOSALS POLICY

CATEGORY:	<p>City Policy – A policy that is developed for administrative and operational imperatives and has an internal focus.</p> <p>Developed by the Policy Committee and/or the administration and adopted by Council.</p>
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 SAT should be considered by the City to inform administrative processes and procedures.

2. DETAILS

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

- ~~In the case of any mediation session before the SAT, Matters should be heard in public where all parties consent; , the City will request that the matter be heard in public.~~
- ~~In the case of any revised plans or other development matters that are presented by the applicant during the course of the SAT review, the City will request leave to advertise those revised plans or other matters for public comment, prior to establishing a position on the proposed revisions~~ Where permitted by the SAT, 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 SAT for the purposes of defending a decision made by the Council, other than a decision made under delegated authority, any outcome achieved through SAT mediation must be referred back to the Council for approval.
- Elected Members should be regularly advised of matters currently before the SAT and the status of these matters.
- ~~If leave is granted by the SAT to advertise amended plans or other development matters, the advertising is to be in the same format as the original advertising process. If the matter had not previously been advertised, the proposal is to be advertised in the normal manner appropriate to the application or development matter.~~
- ~~Where mediation is to take place, the CEO is to appoint an independent external advocate to represent the City.~~

CREATION DATE: October 2005

AMENDMENTS: CJXXX-XX/XX

RELATED DOCUMENTATION: State Administrative Tribunal Act 2004
Planning and Development Act 2005
N/A