



APPEALS GUIDANCE

November 2014

Appeals to the Governor (in Executive Council)

THESE NOTES DO NOT APPLY IF THE DECISION IS SIGNED BY, OR BY DIRECTION OF, THE GOVERNOR

1. If you are dissatisfied with the decision of the Committee to refuse permission or to grant it subject to conditions, you have a right to appeal to the Governor (in Executive Council).
2. To appeal, you must fill in a form which you can obtain from the Clerk of the Legislative Assembly, Gilbert House, Stanley. Usually, you must return the completed form within 28 days of the date of the decision notice, but the Governor has power to grant you a longer period of time.
3. You should submit in writing your grounds of appeal and full evidence/case when you return the form of appeal to the Clerk of the Legislative Assembly.
4. The Clerk of the Legislative Assembly will then pass your grounds of appeal and full evidence/case to the Environmental Planning Department (EPD), giving them 28 days (or such longer period as agreed by the Governor) to comment and prepare the case on behalf of the Planning and Building Committee.
5. At the same time, the Clerk of the Legislative Assembly write to the persons who made representations on the original planning application with the grounds of appeal giving 28 days, or such longer period as agreed by the Governor, for those persons to make comments on the appeal.
6. The EPD's evidence is then passed to you, giving you 28 days or such longer period as agreed by the Governor, to make any further comments.
7. At the same time:
 - any third party evidence will be passed to you and the EPD for comment, giving you all 28 days, or such longer period as agreed by the Governor, to make any comments; and
 - all evidence will be submitted to the next Planning and Building Committee for its comments, and any comments will be submitted to the Clerk of Councils within 5 working days of the date of the Committee.
8. The Clerk of Councils then submits the following to Executive Council:-

- The original planning application file including the application form, plans, decision notice, committee report, committee minutes, objection letters etc.
 - The appellant's grounds for appeal and full evidence/case
 - The EPD's evidence/case
 - Any further representations made by those who originally commented on the planning application
 - Any further comments by the appellant and EPD
 - Any additional comments by the Planning and Building Committee
9. Executive Council will then consider the appeal. If you wish to make oral representations to this meeting, please refer to the separate public speaking guidance notes.