

Form 3A Application Guide

Request for Reconsideration of WAPC Decision to Approve/ Refuse Freehold, Survey-Strata or Leasehold (Survey-Strata) Subdivision

Version: 1.0 (May 2020)

Notice to applicants – consent to the disclosure of information

In the interests of transparency, the agenda and minutes of meetings of the Western Australian Planning Commission may appear on the Department of Planning, Lands and Heritage website, which is a website that is available to the public. Accordingly, in signing this form, you acknowledge that except for information about your business, professional, personal or commercial and financial affairs, the information you have provided in support of your application may be placed on the website.

Important information for applicants

1. Under section 144(1) of the *Planning and Development Act 2005*, an applicant may, within 28 days of being notified of a decision of the WAPC to refuse an application, make a written request to the WAPC to reconsider its decision. Under section 151(1) of the *Planning and Development Act 2005*, an applicant may, within 28 days of being notified of a decision of the WAPC to approve an application subject to conditions, make a written request to the WAPC to reconsider a condition/s.
2. A request for reconsideration is to be submitted within 28 days of the date of the WAPC's decision and is to include:
 - This completed Form 3A.
 - The correct fee for reconsideration in accordance with the current schedule of fees.
 - Additional information or justification to warrant reconsideration of a decision or condition/s.
3. A request for reconsideration may not be accepted and will be returned to the applicant with the submitted fee if these requirements are incorrect or incomplete.

Consent to apply

4. All registered proprietors (landowners) listed on the certificate/s of title are required to sign the application form or an attached letter of consent.
5. If consent to apply is given on behalf of landowners, a letter of consent that is signed by the registered proprietor/s as shown on the certificate/s of title and/or an endorsed power of attorney or other evidence must be provided.

If the subject land is owned by a company, you must confirm whether it is a sole proprietorship company and state the full name/s and position/s of the company signatory/ies, company name and ACN/ABN on the Form 3A. Appropriate company signatory/ies include one director and the company seal, two directors or one director and one secretary.

If the subject land is owned by owners of lots in a strata scheme, part 3 or a letter of consent can be signed by an elected person of the company providing proof of authority either by letter of delegated authority, signed by all strata owners or minutes showing delegated authority.
6. If the application is by or on behalf of a prospective purchaser/s under contract of sale or offer and acceptance, evidence of landowner's consent must be provided. Relevant evidence may include an express provision of consent by the vendor on the contract of sale or offer and acceptance, a letter of consent from the registered proprietor/s giving prospective purchaser/s consent to lodge the application or copy of the transfer of land document that incorporates a lodgement receipt.
7. If consent to apply is given by or on behalf of joint tenant survivors, a copy of the death certificate of the deceased landowner must be provided.
8. If consent to apply is given by or on behalf of an executor of a deceased estate, a copy of the grant of probate must be provided.
9. If this application includes land that is owned by or vested in a government agency or local government, you must ensure that part 2 of the Form 3A or a letter of consent is signed by an authorised officer of the relevant agency or authority, stating the name and position of the signatory/ies.
10. If the application includes Crown land, you must ensure that part 2 of the Form 3A or a letter of consent is signed by an authorised officer of the Department of Planning, Lands and Heritage, stating the name and position of the signatory/ies.

Reconsideration process

11. There is a statutory limit of 60 days for the WAPC to make a decision on a request for reconsideration. In some instances it will be necessary to refer requests for reconsideration to the agencies that were previously requested to provide comments for the original application.
12. During the time taken by the WAPC to deal with a request for reconsideration, the time limit (28 days) during which an applicant can lodge a request for a review of the original decision by the State Administrative Tribunal is suspended. If an applicant is aggrieved by a decision of the WAPC in relation to the reconsideration, a request for a review may then be lodged within the 28 days of being notified of that decision.
13. The lodgement of a request for reconsideration of condition/s does not change the period during which an approval remains valid. Whether or not a request for reconsideration of condition/s is acceded to by the WAPC, the time period for an applicant to submit deposited or survey-strata plans for endorsement by the WAPC remains 3 or 4 years (as applicable) from the date on which the subdivision plan was originally approved.

Accompanying information

It is important that a request for reconsideration of a decision made by the WAPC includes information that sets out the grounds or reasons why a decision should be changed. The grounds may be new information that was not provided with the original application and will usually form the basis for the decision on the reconsideration.

Submission of application to WAPC through Department of Planning, Lands and Heritage offices

Perth (Postal applications): Locked Bag 2506 Perth WA 6001	Perth (Lodgements in person): Level 2 140 William Street Perth WA 6000 telephone: 6551 8002 facsimile: 6551 9001 NRS: 13 36 77	Albany 178 Stirling Terrace PO Box 1108 Albany WA 6331 telephone: 9892 7333	Mandurah Level 1 - Suite 94 16 Dolphin Drive Mandurah WA 6210 telephone: 9586 4680	Bunbury 6th Floor Bunbury Tower 61 Victoria Street Bunbury WA 6230 telephone: 9791 0577
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