

STP-07 Review of Decisions

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1 Review of Planning Commission Decision (Section 27 STA)

The WAPC must give written notice of its decision to the applicant. A person who has made an application may apply to the State Administrative Tribunal (SAT) for a review of a decision to:

- refuse to approve an application for subdivision by strata scheme; or
- impose a condition of an approval for subdivision by strata scheme; or
- refuse to vary or revoke a condition of an approval for subdivision by strata scheme; or
- refuse to approve an application for approval of the making, amendment or repeal of leasehold by-laws for postponement of the expiry day of a leasehold scheme; or
- refuse to approve an imposition, variation or revocation of a restricted use condition;
- refuse to approve an amendment or repeal of planning scheme by-laws.

SAT has jurisdiction to carry out the review in accordance with the P&D Act Part 14. If at the end of 90 days or longer if agreed in writing by WAPC and the applicant after an application is made, WAPC has not made a decision, the applicant may give written notice of default to the WAPC.

If WAPC fails to notify its approval of an application to the applicant within 90 days (after being given the application), it is taken to have refused the application at the end of that period 'deemed refusal'.

If an applicant is aggrieved with a decision of the WAPC (refusal, approval subject to conditions), an application to SAT for a review must be made within 28 days after the day on which the applicant is given, notice of the refusal or attachment of a condition, or within 28 days after the expiration of the period referred to the previous paragraph, as the case may be.

If a notice of default is given to WAPC, the applicant may apply to SAT for a review, in accordance with the P&D Act Part 14, as if WAPC had refused to approve the application on the day on which the notice of default was given to the Planning Commission.

2 Review of Local Government Decision (Section 28 STA)

A local government must give written notice of its decision to the applicant. A notice of refusal to approve an application must:

- specify the grounds of refusal; and
- inform the applicant of the right to apply for a review of the refusal.

An applicant may apply to SAT for a review, in accordance with the P&D Act Part 14, of:

- a refusal by local government to approve an amendment or repeal of scheme by-laws under a planning condition (section 22); or
- a refusal by local government to approve an application for a type 1(b), 2 or 3 strata subdivision; or
- the attachment of a condition to the approval of an application under section 23 or 24; or to refuse to approve acceptance of a long term lease of temporary common property under section 25; or
- a decision to refuse to approve a long term lease or licence over common property under section 26.

If local government fails to notify its approval of an application to the applicant within 40 days (or longer if agreed in writing by local government and the applicant) after being given the application, it is taken to have refused the application at the end of that period.

An application to SAT for a review may be made within 30 days after the day on which the applicant is given, notice of the refusal or attachment of a condition or within 30 days after the expiration of the period referred to the previous paragraph, as the case may be.