

Fact Sheet

How to make a Submission on a Town Planning Proposal

What is a Local Planning Scheme?

A Local Planning Scheme (Scheme) is the principal statutory planning document for a local government area. Schemes are prepared in accordance with the relevant requirements of the *Planning and Development Act 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

The Scheme has the same status as an Act of Parliament and consists of a Scheme Text and Scheme Maps, which are read in conjunction with the Deemed Provisions of the Regulations.

The Scheme sets out the zoning and reservation of land, permissibility of land uses and development requirements. The Scheme has a significant impact on community life as it controls land use and development, which influences the appearance of the City.

What is the Metropolitan Region Scheme (MRS)?

The MRS is administered by the Western Australian Planning Commission (WAPC) with professional support from the Department of Planning, Lands and Heritage (DPLH).

The MRS provides for the planning and development of land within the Perth Metropolitan Region. Areas of land are classified into 'Zones' or 'Reserved Lands'.

- 'Reserved Lands' refers to lands that are or will be used for a public purpose. This may include Parks and Recreation, regional road reserves (i.e. Great Eastern Highway) and railway land. These reserves are clearly shown on the City's Scheme Map.

What is a Submission?

A submission is a written statement detailing a person's support or objections to a planning proposal. Lodging a submission is sometimes referred to as 'making a written comment'.

When Can a Submission Be Lodged?

Submissions are invited in the following circumstances:

- The preparation or review of a Local Planning Scheme or Local Planning Policy;
- When a Local Planning Scheme is amended;
- When the Metropolitan Region Scheme (MRS) is amended; or
- When the City invites residents and ratepayers to comment on a development proposal.

Lodging a Submission

Metropolitan Region Scheme (MRS) Amendments

The Western Australian Planning Commission (WAPC) will advertise amendments to the MRS for public comment.

MRS Amendments can be viewed on the WA State Government's website:

<https://www.wa.gov.au/organisation/department-of-planning-lands-and-heritage/metropolitan-region-scheme>

Local Planning Schemes, Local Planning Scheme Amendments or Local Planning Policies

The *Planning and Development (Local Planning Schemes) Regulations 2015* require any submission on a Local Planning Scheme, Local Planning Scheme Amendment or Local Planning Policy to be made in writing and in a standardised format established by the WAPC.

A copy of the submission form will be made available at the City's Civic Centre or website during the advertising period:

<https://www.belmont.wa.gov.au/build/planning/open-for-public-comment>

Development Applications (Proposed Dwellings, Change of Use etc)

The City will occasionally invite residents or ratepayers to lodge a submission on a development proposal.

A copy of the submission form will be made available at the City's Civic Centre or website during the advertising period:

<https://www.belmont.wa.gov.au/build/planning/open-for-public-comment>

Alternatively, a letter or email can be submitted and should include your name, address, contact number and the application number/address of the proposed development.

Timeframes

There is always a specified time in which a submission must be lodged. This can range from 14 to 60 days depending on the type of town planning proposal.

When town planning proposals are advertised, the City's website will set out the relevant timeframe in which submissions must be lodged.

How Much Do I Write?

Submissions should be clearly written and specifically address issues relevant to the proposal, or a specific matter on which the public has been invited to comment. A submission may be lengthy or short depending on the complexity of the issue under consideration.

Will My Submission Be Considered?

All submissions received within the specified time are registered and considered by the City's Planning Department, in conjunction with any relevant policies and statutory requirements.

If a proposal is referred to an Ordinary Council Meeting for determination, a summary of the submissions received will be included in the report item. Councillors, on request, can view the full submissions received.

- The invitation to lodge a submission does not give the submitter a power of veto. Rather, this gives the public an opportunity to participate in the planning process by raising issues of concern and identifying matters that may not have come to the attention of the City.
- A greater number of submissions opposing a planning proposal does not mean that the City will accept a “majority” view. The decision depends on the merits of the planning arguments.
- Greater weight is given to submissions where impacts can be clearly substantiated and demonstrated.

What Are Valid Grounds of Objection or Support?

A submission should specifically address the “planning merits” of the matter under consideration.

In some cases, you may be invited to comment on a specific aspect of a proposal. Only comments in regard to that aspect would be considered by the City.

Examples of valid planning matters are as follows:

- The height, bulk or appearance of a building.
- The type of use proposed and its impact on traffic, noise and other potential adverse effects to the environment.
- Adverse effects to adjoining property, such as privacy and overlooking.
- The effect on the amenity of the area.

Amenity can relate to:

- Physical factors such as noise, smell and light; or
- Visual factors relating to the appearance and design of the proposal, also referred to as ‘aesthetics’.
- The effect on the character of an area.
 - This relates to how a proposal “fits in” the affected locality. It does not mean that architectural styles or colours and building materials must be the same.
- The heritage value of a building or place.
- The suitability of the land for the type of development proposed.
- Vehicle access arrangements to and from the site, and the space for loading, unloading, manoeuvring and parking.
- Whether the proposal is consistent with policies relevant to the area.
- Landscaping.

What Arguments Cannot Be Considered?

Submissions that do not specifically address the planning merits of a proposal will not be considered or will have little weight in the planning assessment process.

The following list provides examples of such comments:

- Management type issues (i.e. how an activity or a business is conducted, or the possible behaviour of individuals/patrons/customers).
- A possible effect on land value.
- Assumptions or hearsay.
- Judgements based on personal prejudices or bias (i.e. having a dislike for the proponent or a dislike of any change).
- Issues that relate to religious beliefs, morals or ethics.
- Competition (i.e. where a person considers there is an oversupply of a particular service and any additional service should not be permitted).

Is a Petition More Likely to Succeed?

A petition is likely to have limited value, unless the wording of the petition contains valid planning reasons, and there was reliable evidence that the petition was conducted by a method reasonably scientifically designed and collected in a reasonably detached and impartial manner.

When signatures are provided as part of a petition, the City rarely has evidence as to whether reliable information was provided to an individual at the time of signing. An individual submission gives the respondent a stronger opportunity to specifically address their concerns.

Greater weight is generally given to individually prepared submissions which clearly reflect the views of the respondent, rather than a stereotyped document which may be subscribed to by a number of respondents.

Why Make A Submission?

This is a question occasionally asked because of a belief that it is pointless lodging a submission because people's concerns will not be seriously considered by the City.

There are many examples of community participation that have significantly influenced the outcome of a wide range of planning proposals, and the City encourages its residents and ratepayers to actively participate in planning matters by taking the opportunity to lodge a submission when invited to do so.

If you would like further assistance, please contact the City's Planning Department on (08) 9477 7222 or email planning@belmont.wa.gov.au.