

How to make a Submission on a Town Planning Proposal

What do you do when you have been invited to make a submission on a new Local Planning Scheme, an amendment to a Local Planning Scheme or a development application?

The following information is provided to assist you when making a submission.

What is a Local Planning Scheme (LPS)?

The City of Belmont has one Local Planning Scheme which covers the entire district. It is called the City of Belmont Local Planning Scheme No. 15. The Scheme has the same status as an Act of Parliament and is comprised of a written statement (Scheme Text), plans (Scheme Map) and report (Local Planning Strategy).

The Local Planning Scheme has a significant impact on community life, as it controls land use and development and the appearance of the City.

The Local Planning Scheme is required to conform with the 'Reserved Land' as shown in the Perth Metropolitan Region Town Planning Scheme (MRS).

What is the Metropolitan Region Scheme (MRS)?

The MRS is comprised of a written statement (Metropolitan Region Local Planning Scheme Text) and plans (MRS Map) for the Perth Metropolitan Region.

The MRS is administered by the Western Australian Planning Commission (WAPC) with professional support from the Department of Planning (DOP).

The MRS provides for the planning and development of land within the Perth Metropolitan Region. Areas of land are classified by Zones and Reserved Land. Reserves refer to land that are, or will be used for a public purpose and examples include Parks and Recreation, regional road reserves 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;
- When a Local Planning Scheme is amended;
- When the Metropolitan Region Local Planning Scheme is amended;
- When the Council invites residents and ratepayers to comment on a development proposal.

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Lodging a Submission

Metropolitan Region Scheme (MRS) Amendments

The Western Australian Planning Commission will advertise amendments to its MRS for public comment.

MRS Amendments can be viewed at the Commission's website:

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

Local Planning Schemes or Local Planning Scheme Amendments

When the public is invited to lodge submissions on a Local Planning Scheme or Local Planning Scheme Amendment the *Planning and Development (Local Planning Schemes) Regulations 2015* require any submission to be made in writing and in a standardised format established by the Western Australian Planning Commission. A copy of the scheme/scheme amendment submission form will be made available at the City's Office or City's 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)

In the case of an invitation to lodge a submission on a development proposal a copy of a submission form is available at the City's Office or City's 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 be 42 days in the case of a Local Planning Scheme or Scheme Amendment, or as little as 14 days in the case of a development application proposal.

- It is important to note that the invitation to lodge a submission does not give the person making the submission a power of veto. The invitation to lodge a submission gives the public an opportunity to participate in the planning process by raising issues of concern and identifying matters that might not have come to the attention of the Council.
- A greater number of submissions in opposition to a planning proposal does not necessarily mean that Council will accept a "majority" view. The decision depends on the merits of the planning arguments.

How Much Do I Write?

A submission should be clearly written and should specifically address issues relevant to the proposal or the specific matter on which the public has been invited to comment. A submission may therefore be quite lengthy or very 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 are then considered by Council's Planning Department in conjunction with the proposal and assessed against 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.

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 asked to comment on a specific aspect of a proposal which is a variation to an accepted standard. Only comments in regard to that aspect would be considered by the Council. Examples of valid planning matters are as follows:

- The height, bulk or appearance of a building.
- The type of use proposed and its impact in regard to 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 not only refers to physical factors such as noise, smell and light, but also the judgements in relation to the appearance and design of the proposal. These matters are often referred to as the ‘aesthetics’ of a proposal, although amenity extends beyond aesthetics to consider all the factors that people value in their locality.
- 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. This may be regarded as an aspect of amenity.
- The heritage value of a building or place.
- The suitability of the land for the type of development proposed.
- The access and egress arrangements for vehicles to and from the site, 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 with relevant and factual comments will not be considered, or will be entitled to little weight. The following list provides examples of such comments:

- Management type issues, that is, 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. Examples include a dislike for the proponent or a dislike of any change.
- Issues that relate to religious beliefs, morals or ethics.
- Competition. An example being 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 would be likely to have only 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.

Recognition has to be given to the fact that a signature is being solicited and the Council rarely has evidence on whether information being given to an individual at the time of signing is reliable. An individual submission gives the respondent a much better opportunity to specifically address their concerns.

Greater weight would therefore generally be given to an individually prepared submission which clearly reflects the views of the respondent, rather than a stereotyped document which may be subscribed 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 Council.

This is not the case. There are many examples of community participation that have significantly influenced the outcome of a wide range of planning proposals and the Council encourages its citizens to actively participate in planning matters by taking the opportunity to lodge a submission when invited to do so.

Greater weight is given to submissions where impacts can be clearly substantiated and demonstrated.

*Please contact the City's Planning
Department on (08) 9477 7222 or email
planning@belmont.wa.gov.au if you would
like some assistance.*