



C.5.11

## Town Planning Information Sheet 03

### REZONING APPLICATIONS

#### INTRODUCTION:

This information sheet summarises the principle Town Planning requirements and the procedures involved in the rezoning of land. Because of the complexity of such a process, all applicants are recommended to engage the services of a qualified Town Planning Consultant.

#### WHAT TO KNOW BEFORE 'MAKING AN APPLICATION TO REZONE' YOUR LAND

1. Find out what the Shire's Town Planning Scheme proposes for your land and the surrounding locality. From this you may ascertain whether your proposal appears to be in keeping with the Town Planning Scheme. Obtain extracts of the Scheme for those provisions which affect your proposal and make sure you understand them.
2. Investigate whether there are any Shire policies that are applicable to or are likely to affect your proposal. Obtain copies of these policies and make sure you are aware of their requirements.
3. Investigate as to whether there are any State Government requirements or policies that are applicable or are likely to affect your proposal. Advice on these policies may in part be available through the Shire's Town Planning Officers, however, you are advised to contact the relevant Government Departments directly.
4. If your land is rezoned, the development of your proposal will require approvals from the Shire's Town Planning, (Operational Services) Engineering, Building and Health Services. Make enquiries with these services at an early stage as at the end of the rezoning process, you may find that conditions imposed on a development approval could be cost prohibited.
5. Carefully read the following sections in this Information Brochure concerning the following:
  - (a) The Rezoning Process;
  - (b) Costs involved in Rezoning;
  - (c) Information that should be within a Rezoning Document.

Make sure you are fully aware of the implications of these three matters.

You should now have sufficient information to enable you to consider preparing an application to rezone. If there is any particular matter which you are still unsure about, please contact an officer in the relevant service area for assistance.

## **MAKING AN APPLICATION**

In order for the Town Planning Staff to carry out an assessment of your proposals, the following information is required:

1. Payment of the required processing fee pursuant to the Town Planning (Local Government Planning Fees) Regulations 2000. (see Fee Schedule)
2. Proof of ownership and/or options to purchase the land.
3. A detailed description of the current use of the lot.
4. A detailed description of the nature of the activity proposed to occupy the lot if the lot is rezoned. This should include a Site Plan of the proposed use and any other plans that you think will be beneficial in demonstrating your intentions. (see Advisory Notice No. A2)
5. Supporting information on such matters as:
  - (a) The physical attributes of the lot, e.g. topography, type of vegetation, soil types, drainage, etc.
  - (b) Availability of services, e.g. road standards, availability of water supply, method of effluent disposal, power availability, etc.
  - (c) Supporting comments on the compliance of the proposal with the requirements and intentions of the Shire's Town Planning Schemes and Policies and State Government Policies.
6. Any other additional information which you consider the Shire should be aware of in assessment of your rezoning proposal.

## **THE REZONING PROCESS**

1. In reading this section of the brochure it is suggested that you also follow the attached Schedule 1 which sets out the procedures involved and provides an example of the minimum time involved in each step of the process.
2. On receipt of your rezoning proposal a report will be prepared by the Town Planning staff which will be submitted to Council.
3. If Council resolves to refuse your application, you will be advised accordingly, and there is subsequently no further action for you to take.
4. If you receive conditional support to the Scheme Amendment, you will be required to acknowledge Council's advice in writing and proceed to employ a Town Planning Consultant to prepare the necessary Scheme Amendment documents.
5. Once the rezoning documents have been satisfactorily prepared by your Town Planning Consultant and adopted by Council they will be referred to Environmental Protection Authority (EPA) for environmental assessment. If the EPA advises that no formal assessment is required, Council will proceed to advertise the amendment for public comment for a term of 42 days. The advertising process may involve one or all of the following actions:
  - (a) Advertise the proposal in a newspaper in accordance with the Town Planning Regulations.

- (b) Invite adjoining owners and appropriate Government Departments to comment on the proposal, the number of adjoining owners consulted to be determined by Council staff at that time.
  - (c) Erect a sign on the site that you are proposing to rezone, indicating the nature of the intended development.
6. If the EPA determines that an environmental assessment is required, you will need to engage an environmental consultant to undertake the assessment. The assessment must be completed, approved by the EPA and incorporated into the amendment documents prior to Council being able to proceed to advertise the proposal for public comment.
  7. Following the advertising period, Council will consider any submissions received and either resolve to seek the Honourable Minister for Planning and Infrastructure's final approval with or without modifications to your proposal or resolve not to continue with the rezoning.  
  
If Council resolves to proceed it is required to refer the amendment and any submissions received to the Western Australian Planning Commission which will make recommendation to the Hon. Minister for Planning and Infrastructure.
  8. If Council resolves to seek the Honourable Minister's final approval and it is granted, the rezoning documents will be formally endorsed, sealed by Council and returned to the Minister for gazettal.
  9. If Council resolves not to proceed you will be advised and there is subsequently no further action for you to take.
  10. The process is complete on gazettal of the rezoning or Council making a resolution not to proceed.

#### **SPECIFIC MATTERS THAT YOU WILL NEED TO HAVE REGARD TO**

1. Ensure your proposal complies with the Shire's Scheme and Policy requirements.
2. Ensure your proposal complies with State Government Policies and requirements.
3. Ensure that at the completion of the rezoning that your intended development can comply with all Shire Town Planning, Building, Environmental Health and Operational Services (Engineering) requirements.
4. Note that the rezoning process involves a number of approval stages both at the Shire and State Government levels, and a public advertising period, at which times the process could be stopped or you could be imposed with certain conditions to control the nature of your proposed activity. It is therefore very important that you have researched all likely requirements of the various Government agencies and provided within your rezoning documents sufficient information to indicate that you will be complying with the Shire and Government requirements. This approach is considered to be the quickest means of having your rezoning processed, i.e. by providing all the answers before the questions are raised.
5. Ensure that your Scheme Amendment documentation is correctly prepared as minor errors can involve time delays and additional cost.
6. Ensure that you promptly pay the Shire's costs.

## FORMAT OF REZONING DOCUMENTS

1. Five (5) copies of the rezoning documents are to be prepared in booklet form and are to contain the following:
  - (a) A text resolution of Council's proposal to amend the Scheme prepared in accordance with Town Planning Regulation requirements.
  - (b) A Scheme Amendment Report containing the information listed on the Shire's Scheme Amendment Report Proforma shown at Schedule 2. Plans are to be provided where necessary.
  - (c) Provision of an Existing Zoning and Scheme Amendment Map. Two additional copies of the Scheme Amendment map are also required to enable the Shire to update the existing Scheme maps. Map colours are to be consistent with the colours shown on the relevant Town Planning Scheme maps.
  - (d) A text resolution page for Council resolution to amend and adopt the Scheme prepared in accordance with Town Planning Regulation requirements.
  - (e) A text resolution page for Council, the Honourable Minister and the Chairman of the State Planning Commission to sign final approval in the event the Scheme Amendment is completed and to be prepared in accordance with Town Planning Regulation requirements.
2. It is again recommended that you engage the services of a qualified Town Planning Consultant to prepare your rezoning documentation as examples have shown that the unqualified will experience problems resulting in excessive time delays.
3. In preparing the rezoning documents close liaison should occur with the Shire's Town Planning staff to ensure that the documents will be acceptable.

### NOTE:

A draft copy of the rezoning document should be submitted to the Town Planning staff for checking prior to finalisation of the documents. This again will avoid delays and reduce costs which may occur if the completed documents need to be changed.

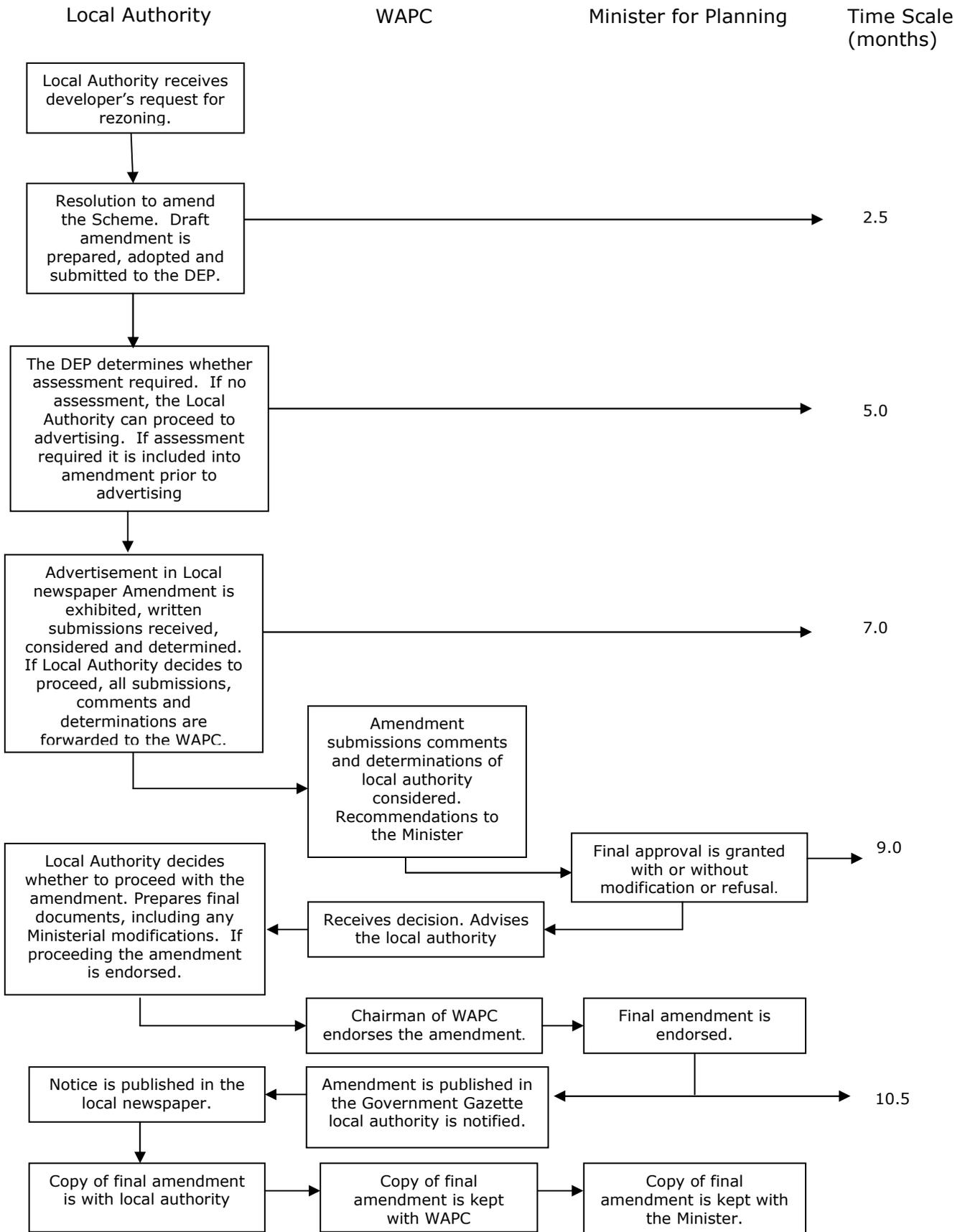
### ENQUIRIES

Enquiries to the Town Planning Officers are invited to be made concerning the rezoning of the land, either in person or by phone on 9727 2030. Email enquiries maybe directed to [info@capel.wa.gov.au](mailto:info@capel.wa.gov.au).

Applicants are recommended to discuss their proposals with the Planning staff prior to the preparation of their submission to ensure compliance with the Shire requirements and therefore assist in quicker processing.

If in doubt about any particular requirement, please ask.

**SCHEDULE 1  
PROCEDURES FOR AMENDING LOCAL AUTHORITY  
TOWN PLANNING SCHEME**



NOTE: WAPC – Western Australian Planning Commission  
DEP – Department of Environmental Protection

**SCHEDULE 2  
SCHEME AMENDMENT REPORT FORMAT**

**PART 1 - PLANNING DATA**

- 1.0 Location, Area and Ownership of Property
- 2.0 Land use (including adjoining lots)
- 3.0 Physical Features
  - i.e. Topography
  - Vegetation
  - Soils
  - Drainage - water courses, etc
- 4.0 Public Utilities and Services (Existing & Proposed Services)
  - i.e. Roads - sealing, kerbing
  - Water Supply - Scheme or on-site supply - Details of proposed works
  - Sewerage - Scheme or on-site disposal
  - Telecom and SECWA
  - Drainage - On-site or connection into Shire's Drain/Drainage System
  - Pedestrian Access - Walkways and Cycleways?
- 5.0 Crown Land and Reserves - size, reserve status, distance from subject land
- 6.0 Statistical Information - if applicable

**PART 2 - SCHEME PROPOSALS – TOWN PLANNING SCHEME No 7**

- 1.0 Existing and Non-Conforming Use Rights
- 2.0 Existing Zoning (including adjoining lots)
- 3.0 Development Areas - if applicable
- 4.0 Specific reference to Scheme Text provisions

**PART 3 - SHIRE & STATE GOVERNMENT POLICIES & PLANNING STUDIES**

- e.g. State Planning Framework Policy (SPP No 8)
- State Planning Strategy
- Bunbury-Wellington Region Plan
- Greater Bunbury Structure Plan
- Draft Greater Bunbury Region Scheme
- Shire of Capel Land Use Strategy

**PART 4 - DEVELOPMENT PROPOSALS**

Include any reference to Council requirements as a prerequisite to rezoning. Subdivision and Development specifications. Compliance with Council Policy - Guide Development Plan.

**PART 5 - CONCLUSION**

- i.e. Reason for Council support to Amendment.