



ROTTNEST ISLAND AUTHORITY GUIDE TO THE DEVELOPMENT APPROVAL PROCESS

1. GUIDELINE OBJECTIVE

The objective of this guideline is to articulate the Rottnest Island Authority's assessment and approval process to be applied to the processing and determination of an application for approval to undertake development within the Rottnest Island Reserve.

2. SCOPE

This guideline and any associated procedures and forms applies to an application for development approval.

3. FORMAT OF THIS GUIDELINE

This Development Approval Process is set out under the following section headings:

Section 4 – Who Requires a Development Approval

Section 5 – Development Application Approval Process

Section 6 – Power to Revoke an Approval

Section 7 – The Development

Section 8 – Unauthorised Development

Section 9 – Application of the Development Planning Guidelines

Section 10 – Site Specific Development Guidelines

Section 11 – Administration of Development Planning Guidelines and Site-specific Development Guidelines

4. WHO REQUIRES DEVELOPMENT APPROVAL

Development Approval is required from the Rottnest Island Authority (RIA) for any person, organisation or entity, including the RIA, to undertake any development on or partly within the Rottnest Island Reserve.

A Development Application is to be lodged with the RIA and approved by the RIA prior to the commencement of any development within the Rottnest Island Reserve.

5. DEVELOPMENT APPLICATION APPROVAL PROCESS

5.1. Development Application Submitted for Approval

A Development Application requesting approval to commence a development must be submitted to the RIA and must include the following:

- a) A completed Application Form (available from the RIA);

- b) Development Plans in accordance with the RIA's Development Planning Guidelines;
- c) A written submission detailing the proposal, as per the Development Planning Guidelines; and
- d) Any additional information or supporting material the Proponent may deem appropriate to support the Development Application or anything the RIA may require to assist it in the determination of the application.

5.2. Receipt of a complete Development Application

A Development Application may be accepted by the RIA but will only be formally receipted when all required information detailed in the Development Planning Guideline is supplied. At this time the Development Application is considered a "complete application".

Within 14 days of receipt of a complete application, the RIA will issue a letter in writing to the applicant confirming that the application has been formally received.

Substantial Development Applications: Development applications deemed to be Substantial (please see definition in Development Planning Guideline No. 01) by the RIA require an Environmental Impact Assessment (please see Development Planning Guideline No. 08) prepared by the developer.

5.3. Determination Period

Subject to the requirements of clause 5.4, the RIA will generally make a determination on a Development Application received as a complete application by way of making a decision in the following periods:

- a) for a Standard Development Application – within 90 days;
- b) for a substantial Development Application that requires referrals and/or public comment – within 120 days.

The determination period may be extended by agreement between the Applicant and the RIA on a case by case basis.

The time taken for an Applicant to fully respond to a Preliminary Written Response from the RIA in accordance with Clause 5.8, or respond to requests for additional information, will be additional to the above determination periods.

The time period for the RIA to refer applications to third party authorities, including Government agencies and/or to publicly advertise applications for comment is excluded in the above determination periods.

5.4. Referral of Development Applications to Third Parties or Government Agencies

Where a Development Application has cause to be referred to a third party authority or Government agency for specific consideration and/or comment in part or in whole, within 14 days of receipt of a complete Development Application the RIA shall refer a copy of the Development Application and all supporting information to the relevant authority/s or agency/s for their consideration and/or comment.

The RIA will not make a decision on a Development Application until comment from all referred relevant authorities or agencies has been received.

Should a Development Application be significantly amended subsequent to being initially receipted as a complete application, the RIA may again refer the application to the relevant authorities or agencies for consideration and/or comment.

The RIA will have due regard for the matters raised in any comment made by any third party authorities or agencies in determining an application.

5.5. Determination of Level of Development Application

The RIA's Development Application Assessment Team will, on a case by case basis, evaluate each Development Application to determine whether it is a:

- a) Standard Development Application; or
- b) Substantial Development Application.

5.6. Determining the Requirement for an Independent Probity Advisor

A Development Application Approval Process will include the appointment of an independent probity advisor for a development that either:

- (a) has a potential or estimated development value of \$2,000,000 or greater, inclusive of a construction phase and/or the total value of projected ongoing commercial terms; or
- (b) is valued below \$2,000,000 but is determined by the RIA, the RIA Board or the relevant Minister to be of a sensitive or complex nature therefore requiring such independent advice.

Where an independent probity advisor is applicable, they will be appointed prior to the finalisation of any development of documentation, specifications and any public advertising of an opportunity.

If appointed, the independent probity advisor will participate through all steps of the Development Approval Process from conception to its conclusion.

5.7. Community Comment

For a Substantial Development Application, the RIA will seek comment from potentially affected stakeholders and the general public in accordance with the RIA's Stakeholder and Community Comment Guideline.

For a Standard Development Application, the RIA may seek comment from stakeholders and the general public if deemed necessary or requested by the Minister for Tourism.

5.8. Preliminary Written Response

Prior to determination of a Development Application the RIA may provide a preliminary written response to the Applicant outlining:

- a) any non-compliance with provisions of a policy or guideline;
- b) comments obtained as a result of referral to relevant third party authorities or Government agencies;
- c) comments obtained as a result of a stakeholder and community comment process; or
- d) comments obtained as a result of a request for specialist advice.

The preliminary written response may request the Applicant to provide, within a specified time period:

- i. further information or supporting material regarding specific aspects of the proposal;
- ii. a written justification or response in relation to the matters raised in a) to d) above; and/or
- iii. information deemed necessary for the Development Application to comply with the specified Guideline provisions.

Issuing a preliminary written response will pause the Determination Period until a complete response to all matters raised is received from the Applicant.

5.9. Withdrawal of Development Application

A Development Application may be withdrawn by written request of the Applicant at any time prior to the RIA making its determination.

The RIA may refund all or part of the Application Fee (where applicable) when a Development Application is withdrawn, if assessment of the Development Application has not commenced.

5.10. Key matters for consideration in determination

In determining a Development Application, the RIA will have due regard for:

- a) the vision of the Rottneest Island Management Plan applicable at the time of application;
- b) the achievement of sustainable development;
- c) all provisions of the *Rottneest Island Authority Act 1987* as amended and the *Rottneest Island Authority Regulations 1988*;
- d) any relevant planning document adopted under the Development Planning Policy, the suite of Development Planning Guidelines and the Heritage Inventory;
- e) any consideration or comment received as a result of the referral to third party authorities, Government agencies or public comment;
- f) the requirements of orderly and proper planning; and
- g) the current and intended amenity of the locality.

5.11. Non-compliant Development Applications

If the Development Application does not comply with a provision of the Development Planning Policy or any Development Planning Guideline or a Site Specific Development Guideline or a provision of any other planning document adopted by the RIA, the RIA retains the right to approve the Development Application at its discretion.

This right will only be exercised in circumstances where the public good outweighs the non-compliance matter.

5.12. Determination decision

In determination of a Development Application, the RIA may:

- a) approve the Development Application unconditionally; or
- b) approve the Development Application subject to specific condition/s; or
- c) refuse the Development Application. The RIA's decision is final.

5.13. Notification of RIA's determination

A determination of a Development Application takes effect from the date on which the approval or refusal form is signed by a Delegated Officer of the RIA.

The RIA will give notice in writing of its decision in respect of a Development Application to the Applicant within 10 business days of the approval or refusal form being signed.

The RIA shall also give notice in writing of its decision to each party to which a referral notice was given and who provided comment and to each person, organisation or entity that made an original written submission during any public comment period.

5.14. Approval Subject to Conditions

An approval with conditions issued to the Applicant will provide advice on how the conditions must be met and how the Applicant will report that they have met the conditions. Conditions may have the affect of stopping the development if not adhered to.

5.15. Reasons for Refusal

If the RIA refuses a Development Application the RIA shall give the Applicant written reasons for the refusal. Key reasons for which the RIA may refuse a Development Application include, but are not limited to:

- a) non-compliance with provisions of the Development Planning Guidelines or Site Specific Development Guideline;
- b) the proposed development is inconsistent with sustainable development practices;
- c) the proposed development is inconsistent with orderly and proper planning; and/or
- d) the proposed development presents a likely detrimental impact on the environment, cultural heritage and/or amenity of the locality.

5.16. Multiple Development Approvals

The RIA may determine or approve more than one Development Application for any site at any one time.

Where a Development Approval has been substantially commenced and that approval is inconsistent with any other Development Approval for the same land, then, to the extent of the inconsistency, the commenced Development Approval is taken to prevail and any other previous or concurrent Development Approval that is inconsistent with the commenced Development Approval is taken to have been revoked.

6. POWER TO REVOKE AN APPROVAL

The RIA may revoke a Development Approval granted under this Development Approval Process in any of the following circumstances:

- a) The development is not being or has not been constructed generally in accordance with the approved plans of the Development Approval.
- b) The development is not being or has not been carried out in accordance with one or more conditions of the Development Approval.
- c) One or more of the conditions of the Development Approval have not been complied with within a timeframe specified on the approval form.

7. THE DEVELOPMENT

7.1. Validity for commencement of development

If the approved development has not been commenced, within the timeframe agreed and stipulated by the RIA on the approval form and notification from the Developer has not been received and approved by the RIA, the Development Application approval shall lapse.

7.2. Validity period for development of limited duration

The RIA will nominate the validity period for an approved development

Where the RIA considers that a proposed development may take an extended or indefinite period of time and that time would be likely to have a detrimental affect on the environment, cultural heritage and/or amenity of the locality or for any other sound reason, the RIA may limit the period during which the development may occur.

Where the RIA limits the time that a development may occur, no person, organisation or entity shall undertake that development or use that land or building for that purpose after the expiration of the time limit without obtaining a new Development Approval.

7.3. Demolition and/or Building Permit

Where application for a Demolition and/or Building Permit is required under the *Building Act 2011*, the Demolition and/or Building Permit Application form and all relevant supporting information and detailed plans must be submitted to RIA as the landowner for review and signature, allowing at least 21 days for such review and signature, prior to its lodgment with the City of Cockburn (determining authority).

The Demolition and/or Building Permit Application shall be supported with all information necessary for the purposes of addressing the conditions of the RIA Development Approval for the Site.

The Developer will not occupy the Site without receipt of a formal Demolition and/or Building Permit issued by the City of Cockburn, with copy provided to RIA.

8. UNAUTHORISED DEVELOPMENT

8.1. Cessation of Unauthorised Development

A duly authorised employee or representative of the RIA may serve a notice verbally (with immediate written notice) or in writing on a person, organisation or entity to immediately stop the development, who is:

- undertaking an unauthorised development without development approval; or
- undertaking a development in contravention of a development approval; within the Rottnest Island Reserve.

8.2. Penalties for Unauthorised Development

A person, organisation or entity must not undertake any development or cause any development to be undertaken on land that is in, or partly in the Rottnest Island Reserve without Development Approval from the RIA, or in contravention of a Development Approval including contravention of a Development Approval condition.

The RIA may determine that one or more of the following requirements apply to an Unauthorised Development:

- the Developer remedies the unauthorised development to a state determined by the RIA at the Developer's own cost; or
- the Developer returns the development to its original state at the Developer's own cost; or
- the RIA remedies the development with all costs being borne by the Developer.

The RIA will impose such requirements at its discretion.

9. APPLICATION OF THE DEVELOPMENT PLANNING GUIDELINES

Application of the RIA's Development Planning Guidelines for any matter related to the planning or development of the Rottnest Island Reserve have been adopted by the Rottnest Island Authority Board to regulate development on Rottnest Island.

The content of a Development Planning Guideline reflects the vision in the Rottnest Island Management Plan, protects high levels of amenity and guides sustainable development on Rottnest Island.

The suite of Development Planning Guidelines will apply generally to all development on and to the Rottnest Island Reserve or to a particular matter, or to a particular area within the Rottnest Island Reserve.

Development Planning Guidelines will be prepared and adopted in accordance with the Development Planning Policy and the principles of the Rottnest Island Management Plan.

The Development Planning Guidelines are available on the Rottnest Island Authority website.

10. SITE-SPECIFIC DEVELOPMENT GUIDELINES

The RIA may at its discretion prepare and adopt Site Specific Development Guidelines which will make provision for certain aspects of design for a development within the Rottnest Island Reserve.

The content of a Site Specific Development Guideline will be based on:

- (a) the Development Planning Guidelines; and
- (b) the Rottnest Island Management Plan principles.

Each Site Specific Development Guideline will be written to ensure a high standard of design and amenity in developments for new and existing Buildings and other non-Building developments, and to achieve a safe, secure and aesthetically palatable public realm.

A Site Specific Development Guideline may apply to a particular type of development, or to a particular area within the Rottnest Island Reserve.

11. ADMINISTRATION OF DEVELOPMENT PLANNING GUIDELINES AND SITE-SPECIFIC DEVELOPMENT GUIDELINES

The RIA may amend or rescind a Development Planning Guideline or a Site-specific Development Guideline at any time.

A Development Planning Guideline or Site-specific Development Guideline shall not bind the RIA in respect of any application for approval to commence a development, however the RIA shall have due regard to the provisions of the relevant Development Planning Guideline/s and Site Specific Development Guideline/s and the objectives or outcomes which the Guideline was designed to achieve.

12. ROLES AND RESPONSIBILITIES

All RIA officers, including Board members, are responsible for ensuring this guideline is applied to the processing and determination of an application for development approval received by the Authority.

The following RIA roles have specific responsibilities for ensuring conformance with this guideline:

- **Director Contracts and Planning**
 - (i) Ensuring that this guideline remains relevant and applicable to the processing, assessment, and determination of, an application for approval development received by the Authority; and
 - (ii) Resolving unauthorised and non-compliant development upon the Island.
- **Development Planning Team**
 - (i) Assessment of a development application received by the Authority against provisions 4, 5, 6, 7, 9 and 10 of this Guideline; and
 - (ii) Assisting the Director Contracts and Planning in resolving unauthorised and non-compliant development upon the Island.

13. STATUTORY COMPLIANCE and RELEVANT DOCUMENTATION

This guideline and the ensuing development approval process reflects the requirements of Clause 13 (1) of the *Rottnest Island Authority Act 1987*.

The powers and functions afforded by the relevant legislation applicable to this Guideline are detailed in RIA's *Schedule of Delegations and Authorisations*, under section 70, or regulation 55 of the *Rottnest Island Regulations 1988*.

14. EFFECTIVE DATE

This Guideline is effective from 1 January 2022.

15. REVIEW PERIOD

This guideline is to be reviewed every three years.

16. CUSTODIAN

The Director Contracts and Planning is responsible for the development and maintenance of this guideline.

17. AUTHORISATION

This Guideline details the Rottnest Island Authority’s process for applying, assessing, and determining an application for approval to undertake development within the Rottnest Island Reserve.

Signed: _____
Jason Banks
Executive Director
Date: _____

18. GUIDELINE REVISION

Rev	Revision Description	Revision by	Date	Page
1	Reformatting this guideline	Development Planning	21 December 2021	All
2	Amended probity requirement from \$1m to \$2m	Development Planning	5 August 2022	3
3	Revision to correct clauses and update demolition and building permit provisions (clauses 7.3 and 7.4 combined)	Development Planning	1 May 2023	All