

Guide to the Development Approval Process

1. Guideline Objective

The objective of this Guideline is to articulate Rottnest Island Authority's (RIA's) assessment and approval process to be applied to the processing and determination of an application for approval to undertake development within the Wadjemup / Rottnest Island Reserve (the island).

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 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 RIA for any person, organisation or entity, including RIA, to undertake any development on or partly within the island.

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

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 RIA and must include the following:

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

5.2. Receipt of a Complete Development Application

A Development Application may be accepted by RIA but will only be formally received when all required information detailed in the Development Plan Guidelines is supplied. At this time, the Development Application is considered a complete application.

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

Substantial development applications deemed to be substantial (please see definition in DPG 01) by RIA requires an Environmental Impact Assessment prepared by the developer.

5.3. Determination Period

Subject to the requirements of clause 2.4, 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 or public comment, within 120 days

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

The time taken for an Applicant to fully respond to a Preliminary Written Response from RIA in accordance with Clause 2.7, or respond to requests for additional information, will be additional to the above determination periods.

The time period for RIA to refer applications to third party authorities, including Government agencies or to publicly advertise applications for comment is included 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 or comment in part or in whole, within 14 days of receipt of a complete development application RIA shall refer a copy of the development application and all supporting information to the relevant authorities or agencies for their consideration or comment.

RIA will not make a decision on a development application until a 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, RIA may again refer the application to relevant authorities or agencies for consideration or comment.

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

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
- 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 or the total value of projected ongoing commercial terms
- (b) Is valued below \$2,000,000 but is determined by 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, RIA will seek comment from potentially affected stakeholders and the general public in accordance with RIA's Stakeholder and Community Comment Guideline.

For a standard development application, 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 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
- 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
- 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 RIA making its determination.

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, RIA will have due regard for:

- a) The vision of the Rottnest Island Management Plan applicable at the time of application
- b) The achievement of sustainable development
- c) All provisions of the *Rottnest Island Authority Act 1987* as amended and the *Rottnest 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
- 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 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 the determination of a Development Application, RIA may:

- a) Approve the development application unconditionally
- b) Approve the development application subject to specific conditions
- c) Refuse the development application

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 RIA.

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.

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 effect of stopping the development if not adhered to.

5.15. Reasons for Refusal

If RIA refuses a development application, RIA shall give the applicant written reasons for the refusal. Key reasons for which 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 guidelines
- b) The proposed development is inconsistent with sustainable development practices
- c) The proposed development is inconsistent with orderly and proper planning
- d) The proposed development presents a likely detrimental impact on the environment, cultural heritage or amenity of the locality

5.16. Multiple Development Approvals

RIA may determine or approve more than one development application for any site at any one time.

Where 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

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 RIA on the approval form and notification from the developer has not been received and approved by RIA, the development application approval shall lapse.

7.2. Validity Period for Development of Limited Duration

RIA will nominate the validity period for an Approved Development.

Where 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 effect on the environment, cultural heritage, or amenity of the locality or for any other sound reason, RIA may limit the period during which the development may occur.

Where 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. Building Licence

Where a development is of a built form or has a component requiring construction activities, RIA will issue a building licence for the whole or part of the development as required to accommodate the construction of the built form component of the development.

The developer will not occupy the site without receipt of a formal building licence issued by RIA.

7.4. Demolition Licence

Where a development requires some demolition or removal of a building structure, RIA will issue a demolition licence for the whole, or part of, the development as required to accommodate the demolition component of the development.

The developer will not commence any demolition work without receipt of a formal demolition licence from RIA.

8. Unauthorised Development

8.1. Cessation of Unauthorised Development

A duly authorised employee or representative of 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
- Undertaking a development in contravention of a development approval within the 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 island without development approval from RIA, or in contravention of a development approval including contravention of a development approval condition.

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 RIA at the developer's own cost
- The Developer returns the development to its original state at the developer's own cost
- RIA remedies the development with all costs being borne by the developer
- RIA will impose such requirements at its discretion

9. Application of the Development Planning Guidelines

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

The suite of Development Planning Guidelines will apply generally to all development on and to the island or to a particular matter, or to a particular area within the 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 ria.wa.gov.au.

10. Site-Specific Development Guidelines

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 island reserve.

The content of a site specific development guideline will be based on:

- (a) The Development Planning Guidelines
- (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 island reserve.

11. Administration of Development Planning Guidelines and Site-Specific Development Guidelines

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 RIA in respect of any application for approval to commence a development, however RIA shall have due regard to the provisions of the relevant Development Planning Guidelines and site-specific development guidelines 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**

Ensuring that this Guideline remains relevant and applicable to the processing, assessment, and determination of, an application for approval development received by the Authority.

Resolving unauthorised and non-compliant development upon the island.

- **Development Planning Team**

Assessment of a Development Application received by RIA against provisions 4, 5, 6, 7, 9 and 10 of this Guideline.

Assisting the Director of 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 July 2024.

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 Wadjemup / Rottnest Island Reserve.

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	Reformatting this guideline	Corporate Communications	1 July 2024	All