



ROTTNEST IS

ROTTNEST ISLAND AUTHORITY POLICY DEVELOPMENT AND IMPROVEMENTS

POLICY TYPE: STRATEGIC

1. OVERVIEW

Pursuant to the *Rottnest Island Authority Act 1987 (RIA Act)* Rottnest Island Authority (**RIA**) is responsible for the control and management of Rottnest Island.

Rottnest Island is not regulated for planning purposes by the Metropolitan Region Scheme under the *Planning and Development Act 2005 (PD Act)*. Whilst Rottnest Island sits within the City of Cockburn local government area, it is not included in any planning scheme prepared under the PD Act.

Under section 11(2) of the RIA Act, RIA is responsible for control and management of Rottnest Island, which includes facilitation and regulation of development and/or improvements on Rottnest Island. Ministerial consent is required for any development and/or improvements that fall outside of the prescribed settlement area, unless provided for in the Rottnest Island Management Plan (**RIMP**). It should be noted however that the provision of any living accommodation outside of the prescribed settlement area is prohibited (except where it is incidental to the duties of an RIA officer pursuant to section 14(2)).

The development and improvements control provisions of the RIA Act differ from those under the PD Act in that:

- 1.1. RIA's statutory role is to be the proponent for all development and/or improvements on Rottnest Island;
- 1.2. even if an application meets all criteria under this policy and the guidelines, RIA has no obligation to consent to, approve, adopt or support it;
- 1.3. unlike a planning decision made by a local government under the PD Act, a decision made by RIA under the RIA Act does not have a right of appeal to the State Administrative Tribunal; and
- 1.4. conditions associated with development and/or improvements are controlled by RIA as landlord for Rottnest Island utilising an agreement for lease and/or lease as appropriate.

As part of the management and control of Rottnest Island, RIA ensures that all development and/or improvements are undertaken on Rottnest Island in accordance with:

- relevant statutory requirements (in particular the RIA Act and *Rottnest Island Regulations 1988*);
- the RIMP;
- RIA's criteria and/or guidelines; and
- the designation of Rottnest Island as an Class A reserve, with the objective of preserving and protecting the unique environment and cultural heritage of Rottnest Island for future generations; and
- effective sustainability practices.

This Development and Improvements Policy (**Policy**) provides a clear set of requirements for all developments and/or improvements on Rottnest Island.

2. OBJECTIVES

The key objectives of the policy are to:

- provide an overview of the regulatory context for RIA's responsibility for development and/or improvements on Rottnest Island;
- establish a framework for RIA to assess applications in accordance with statutory provisions and in a transparent and consistent manner;
- clarify what constitutes development and/or improvements;
- detail the criteria which will form the basis for assessment of applications for development and/or improvements; and
- set out the options available to RIA in relation to determination of an application for development and/or improvements.

3. SCOPE

This policy applies to all development and/or improvements proposed to be undertaken within Rottnest Island.

4. DEFINITIONS

Application means an application to RIA for approval of proposed Development and/or Improvements.

Approval means a consent granted by RIA for Development and/or Improvements.

Approval Process means the processing and determination of an Application.

Conditions means any conditions which RIA may impose upon any Development and/or Improvement.

Development and/or Improvements means the development or use or improvement of any land in, on, over or under Rottnest Island, including the waters and beds of lakes, and seawater and seabeds, including:

- any demolition, erection, construction, alteration of or addition to any building or structure on the land;
 - the carrying out on the land of any excavation or other works;
 - in the case of a place listed on the Heritage Council's State Register of Heritage Places, any act or thing that —
 - (i) is likely to change the character of that place or the external appearance of any building; or
 - (ii) would constitute an irreversible alteration of the fabric of any building;
 - a material change in the use of land or built structures;
 - any other work, act or activity in relation to land declared by regulation to be development or improvement;
- but does not include any of the following:
- maintenance or repair work, which does not involve new construction, by a public authority, utility service provider;
 - anything undertaken by RIA itself or a contractor or agent of RIA acting within the scope of its contract or other mandate;
 - for a building or structure listed on the Heritage Council's State Register of Heritage Places, maintenance or repair work, including internal work, undertaken in accordance with a management plan approved by the RIA;
 - renewal or grant of new lease or concessional agreement.

Guidelines means such guidelines as may be issued from time to time by RIA in its discretion including any site-specific guidelines.

Proponent means any third-party person or persons that has, or have submitted, or proposes to submit an Application.

SPPs means State Planning Policies issued from time to time by the Western Australian Planning Commission under Part 3 of the PD Act

5. POLICY POSITION

It is the policy of RIA that:

- 5.1. Development and/or Improvements on Rottnest Island shall require the submission of an Application.**
- 5.2. Applications will be assessed by RIA in line with the process flowchart attached to this Policy.**
- 5.3. Development and/or Improvements on Rottnest Island shall not commence until RIA grants an Approval pursuant to an Application.**
- 5.4. RIA will consider any SPPs that are relevant to Rottnest Island during the Approval Process and may incorporate any aspects of these SPPs into an Approval where appropriate.**
- 5.5. Applications must, through application of the Guidelines, demonstrate achievement of the fulfilment of the following criteria:**
 - **alignment with the strategic focus areas of the RIMP;**
 - **adherence with SPPs relevant to Rottnest Island;**
 - **energy conservation – aim to minimise energy demands by considering renewable energy sources within a Development that will contribute to reducing Rottnest Island’s carbon footprint;**
 - **environmental sustainability - aim to achieve a Green Star Rating through the Green Building Council of Australia and apply passive solar design principles;**
 - **water conservation – reduce water usage by using water-efficient fixtures, fittings and appliances; harvest rainwater for use and use grey water productively;**
 - **landscaping – plan landscaping to align to RIA’s Biosecurity – Importation of Flora policy and its associated guidelines;**
 - **waste management – demonstrate alignment to RIA’s waste strategy, employing best practice waste management and reduction, including the re-use and recycling of materials as part of managing waste from the works phase and during on-going use or operation;**
 - **materials – ensure materials used in the Development and/or Improvement are wherever possible sourced locally, reused or recycled, sustainable, renewable and non-toxic;**
 - **cultural heritage – Developments and/or Improvements must recognise the cultural heritage of Rottnest Island and Developments and/or Improvements on or near Heritage Places shall be designed in a culturally sensitive manner and managed with regard to their heritage value;**
 - **amenity – ensure the Development does not detract from the unique amenity of Rottnest Island, and where possible improves the amenity of Rottnest Island; and**

- cost minimisation – ensure the ongoing or operating costs subsequent to the Development are minimised.

(Criteria)

- 5.6. For each proposed Development and/or Improvements, the Criteria and Guidelines shall be given due consideration.
- 5.7. Where appropriate, a period for stakeholder and public comment will be incorporated into the Approval Process.
- 5.8. Public consultation and/or stakeholder notification will be required in relation to an Application where:
- RIA classifies the Application as a “Substantial Development” – this is defined in RIA’s Guideline No. 01 “*Development and Improvements Application Requirements*”;
 - the Minister for Tourism directs; or
 - RIA decides in its absolute discretion.
- 5.9. RIA may refer an Application to the State Design Review Panel (SDRP) and may require that an Application incorporates advice from the SDRP.
- 5.10. RIA may determine an Application in RIA’s absolute discretion. In determining an Application, RIA’s options include (but are not limited to) the following:
- advise that an Application is not required for the works proposed;
 - approve the Application in whole or in part, and without any Conditions;
 - approve the Application in whole or in part, and subject to such Conditions and/or amendments as RIA determines;
 - require that the Development and/or Improvements shall not commence unless and until an agreement for lease, a lease, licence or other legal agreement is entered into with RIA on such terms as are satisfactory to RIA, including covenants by the Proponent to undertake the Development and/or Improvements in accordance with the terms of such Condition/s as may be imposed by RIA;
 - require that the Application is amended by the Proponent prior to further consideration by RIA; or
 - refuse the Application.

RIA’s decision on an Application is final.

- 5.11. An Approval may contain a condition precedent that prior to commencement of Development and/or Improvements, the Proponent enters into an agreement for lease and/or lease with RIA on terms which are acceptable to RIA. RIA’s preference is that an agreement for lease will be entered into, providing that a lease will only be granted once the Conditions are satisfied by the Proponent where appropriate.
- 5.12. Development and/or Improvements proposed to be undertaken by RIA shall be undertaken in accordance with statutory requirements and relevant and applicable SPPs.

6. ROLES AND RESPONSIBILITIES

The Policy Custodian is responsible for developing, implementing, maintaining and monitoring the effectiveness of the Policy.

- The Director Contracts and Planning is responsible for RIA’s compliance with this Policy.

- The Leasing and Development Manager is responsible for implementation of this Policy.

7. STATUTORY COMPLIANCE and RELEVANT DOCUMENTATION

The policy reflects the requirements of:

- *Rottnest Island Authority Act 1987*
- *Rottnest Island Authority Regulations 1988*
- Rottnest Island Management Plan 2020-2024
- Part 3 of the *Planning and Development Act 2005*

8. EFFECTIVE DATE

The policy is effective from 5 May 2010.

9. REVIEW PERIOD

The policy is to be reviewed every three years.

10. POLICY CUSTODIAN

Director Contracts and Planning.

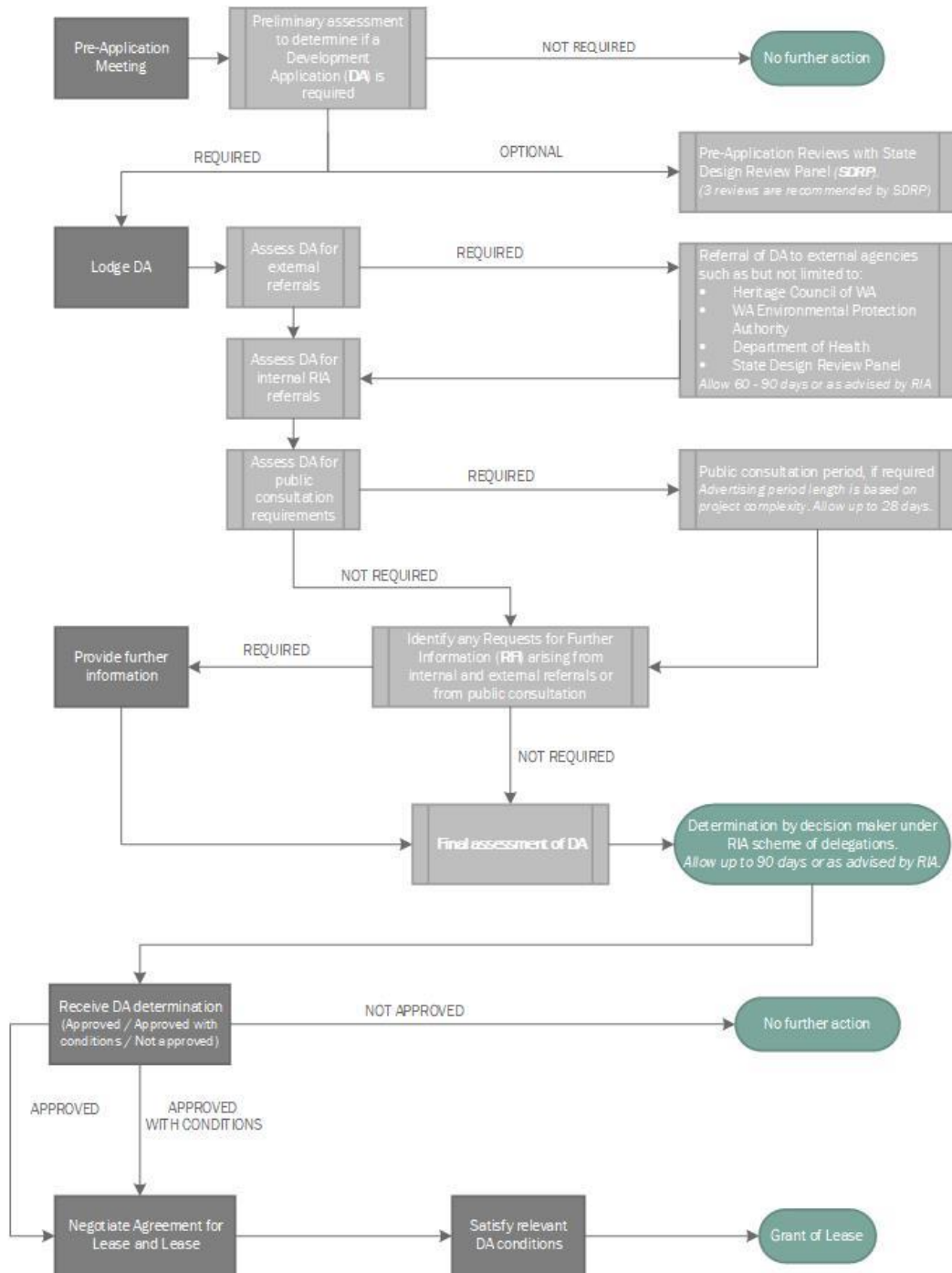
11. POLICY AUTHORISATION

This policy details the Rottnest Island Authority's policy for Development and/or Improvements on Rottnest Island.

Schedule

Development Application Process Chart

Rottnest Island Authority



Signed:  Date: 28/05/2020
John Langoulant
Chairman Rottneest Island Authority

12. POLICY REVISION

Rev	Revision Description	Revision by	Issue Date	Page
1.0	Minor update parts 6, 7, 9 and 10 and minor updates to formatting	N Bowring	31/08/2018	3
2.0	Substantial revision to reflect terminology and ensure objectives of the RIA Act 1987 are met, and to set the framework for achieving RIMP objectives. The policy was renamed from Development Planning Policy	P Denholm	16/01/2020	All