



Department of **Planning,
Lands and Heritage**



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Western Australia.*

Position Statement:

State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments: Relationship with Pre-Existing Local Planning Frameworks

May 2019

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Published by the
Western Australian Planning Commission
Gordon Stephenson House
140 William Street
Perth WA 6000

Locked Bag 2506
Perth WA 6001

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website: www.dplh.wa.gov.au
email: info@dplh.wa.gov.au

tel: 08 6551 8002
fax: 08 6551 9001
National Relay Service: 13 36 77
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1. Purpose

This Position Statement has been prepared by the Western Australian Planning Commission (WAPC) to assist stakeholders understand the relationship between State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments (R-Codes Vol.2) and the local planning framework.

The purpose of this Position Statement is to:

- clarify the relationship of the R-Codes Vol.2 to the local planning framework;
- communicate the position of the WAPC in regards to pre-existing local planning frameworks; and
- assist stakeholders during the introductory period of R-Codes Vol.2.

2. Background

State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments was released by the Minister for Planning on 18 February 2019 as part of Design WA Stage 1 with gazettal scheduled for 24 May 2019 providing for a 90 day transition period.

During this period, a comprehensive stakeholder engagement process was undertaken to assist industry familiarisation and preparedness. Local Governments have sought clarity regarding the operation and relationship with their pre-existing local planning framework.

Upon gazettal, the R Codes Volume 2 will be used for all development that was previously designed and assessed using Part 6 of the former SPP3.1 Residential Design Codes and will be read into local planning schemes as part of the R Codes.

3. Local Planning Frameworks and State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments

To ensure that the design and development of apartments are respective of local context, Section 1.2 of R-Codes Vol.2 outlines the sections of the policy that may be amended or replaced by local government either with or without WAPC approval.

This can be achieved through the following local planning instruments:

- Local planning policies;
- Local development plans;
- Structure plans; and
- Activity centre plans.

Clause 1.2.2 and 1.2.3

R-Codes Vol.2 states that a properly-adopted local planning instrument with provisions covering matters identified in clause 1.2.2 will continue to apply. However, R-Codes Vol.2 will prevail to the extent of any inconsistency over local planning policy or local development plan provisions covering matters identified in clause 1.2.3.

Some ambiguity relating to the status of current structure plans and activity centre plans has been identified as the R-Codes Vol.2 is silent on this matter, potentially leading to differing interpretations.

Need for WAPC Approval

Upon commencement, the R-Codes Vol.2 will prevail over the local planning framework for all of the elements identified in clause 1.2.3 to the extent of any inconsistencies. Therefore, the approval of the WAPC is required where a local government wishes to retain any provisions that amend or replace any of the Acceptable Outcomes listed under clause 1.2.3.

4. WAPC Resolution

Existing WAPC approved structure plans and activity centre plans

At its 1 May 2019 meeting, the WAPC resolved that the provisions of all properly approved structure plans and activity centre plans (ie those approved by the WAPC since 19 October 2015) that existed prior to the gazettal of R-Codes Vol.2 (24 May 2019) that amend or replace any of the provisions of R-Codes Vol.2 will continue to apply to the extent of any inconsistencies and are not superseded by R-Codes Vol.2.

Existing local planning policies and local development plans

Clause 1.2.2 provides for a properly-adopted local planning policy or local development plan with provisions covering matters identified in that clause to continue to apply. However for those matters listed in 1.2.3, the local planning policy or local development plan will require WAPC approval.

To assist, Appendix 1 provides guidance on the relationship of the R-Codes Vol.2 with the pre-existing local planning framework.

5. Review and future R-Codes amendment

The WAPC will monitor and review the relationship between the R-Codes and local planning frameworks, with possible amendments to the R-Codes if necessary.

6. Further information

Enquiries concerning this statement should be directed to:

Department of Planning, Lands and Heritage
Gordon Stephenson House
140 William Street
PERTH WA 6000
Locked Bag 2506
PERTH WA 6001

Information relevant to this Position Statement is published at:

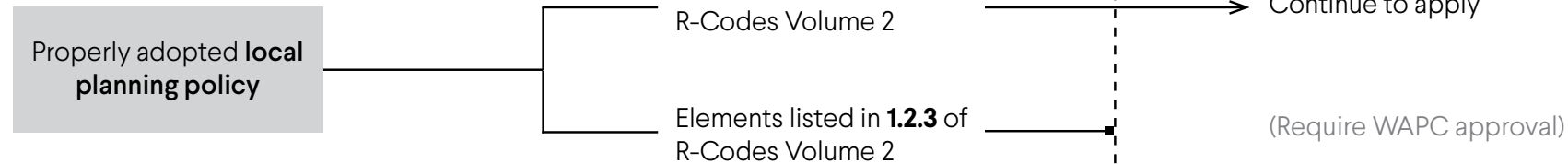
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Appendix 1

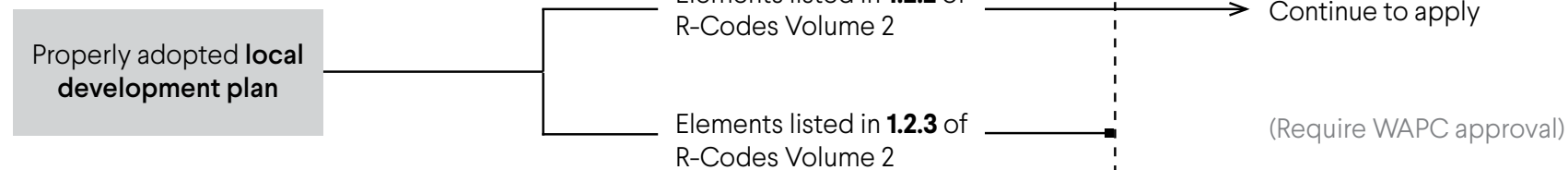
24 MAY 2019
Gazettal Date



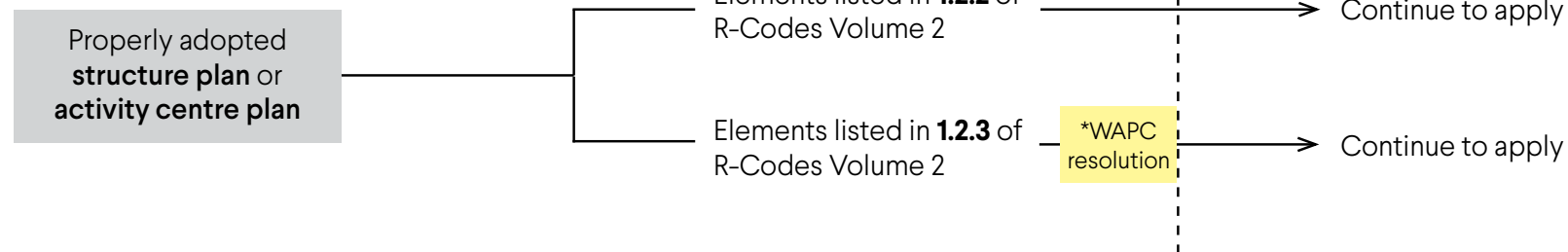
LOCAL PLANNING POLICIES



LOCAL DEVELOPMENT PLANS



STRUCTURE PLANS AND ACTIVITY CENTRE PLANS



Note - This diagram is guidance only

*At their 1 May 2019 meeting, the WAPC resolved to approve that the provisions of all properly approved structure plans and activity centre plans that existed prior to the gazettal of SPP7.3 Vol.2 that amend or replace any of the provisions SPP7.3 Vol.2 continue to apply to the extent of any inconsistencies and are not superseded by SPP 7.3 Vol.2.