



January 2024

# Metropolitan Region Scheme Amendment 1415 (Standard Amendment)



## Children's Hospice Site

Amendment Report

City of Nedlands

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**Metropolitan Region Scheme  
Amendment 1415  
(Standard Amendment)**

**Children's Hospice Site**

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**Amendment Report**

**City of Nedlands**



January 2024

The Western Australian Planning Commission acknowledges the traditional owners and custodians of this land. We pay our respect to Elders past and present, their descendants who are with us today, and those who will follow in their footsteps.

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MRS Amendment 1415 (Standard) Amendment Report  
File RLS/1014

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This document is available in alternative formats on application to the Department of Planning, Lands and Heritage Communications Branch.

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## Abbreviations

<b>AHA</b>	<i>Aboriginal Heritage Act 1972</i>
<b>APZ</b>	Asset Protection Zone
<b>BAL</b>	Bushfire Attack Level
<b>BEEP</b>	Bushfire Emergency Evacuation Plan
<b>BMP</b>	Bushfire Management Plan
<b>DPLH</b>	Department of Planning, Lands and Heritage
<b>DWER</b>	Department of Water and Environmental Regulation
<b>EPA</b>	Environmental Protection Authority
<b>LPS</b>	Local Planning Scheme
<b>NCC</b>	National Construction Code
<b>P&amp;D Act</b>	<i>Planning and Development Act 2005</i>
<b>SPP</b>	State Planning Policy
<b>SWALSC</b>	South West Aboriginal Land and Sea Council
<b>WAPC</b>	Western Australian Planning Commission

## **Amendment Report**

# Metropolitan Region Scheme Amendment 1415 (Standard)

## Children's Hospice Site

### Amendment Report

#### 1 Planning objective

The purpose of the amendment is to rezone approximately 5,945 m<sup>2</sup> in Swanbourne from the Parks and Recreation reservation to the Public Purposes - Special Uses reservation in the Metropolitan Region Scheme (MRS).

The amendment seeks to align the MRS with the Western Australian Planning Commission's (WAPC) development approval for a children's hospice which includes patient rooms, family suites, family and play areas and allied health services.

#### 2 Background

The proposed amendment is located in the City of Nedlands and is approximately 10 km west of the Perth CBD and 5 km west of the Perth Children's Hospital. The subject land is surrounded by Parks and Recreation reserved land and to the west is Swanbourne Oval (cricket ground), to the south is the WA Bridge Club and to the east is the Associates Rugby Union Football Club, carparking and remnant bushland within Allen Park.

Access to the site is via Odern Crescent from existing Lot 504 Clement Street which is a Crown land title subject to a management order vested in the City of Nedlands. This is for the purpose of "public access" and is proposed to accommodate the main entrance to the Hospice.

Lot 503 was established on a Crown land title with a Management Order vested in the Child and Adolescent Health Service within the Department of Health for the purpose of a Children's Hospice. The conditions of this management order state that it is "*To be utilised for the designated purpose of 'Children's Hospice' only*".

The site is cleared and vacant, having previously been the site of the former Swanbourne Bowling Club. On 10 March 2022, the site was classified as decontaminated under the *Contaminated Sites Act 2003*. The land does not contain any Threatened Ecological Communities, Declared Rare Flora or Fauna, wetlands and is not located within or abuts a Bushforever site.

Land use and development within the proposed amendment area is generally controlled by the City of Nedlands Local Planning Scheme No. 3 (LPS 3). If the MRS amendment is finalised the Public Purposes – Special Uses reserve will be reflected in the City of Nedlands LPS 3.

#### **WAPC Development Approval**

On 27 July 2023, the WAPC approved a development application for a Children's Hospice use under Part 17 of the *Planning and Development Act 2005* (P&D Act). The amendment seeks to align the MRS with the WAPC's development approval.

The Hospice is the first purpose-built Children's Hospice facility in WA and will provide services to a discrete cohort of patients under the age of 18 with a life limiting illness and their families. The four service areas of the Hospice include:

- In-hospice care, including respite care, symptom management, end of life care, and post death care.
- Family support services.
- Bereavement care.
- Outreach services (rural and remote) to allow children and families to be able to access the hospice experience wherever they live in Western Australia.

### **3 Discussion**

#### **STRATEGIC CONTEXT**

##### **Perth and Peel @ 3.5 Million / Central Sub-Regional Planning Framework**

The *Perth and Peel @ 3.5 Million* document provides strategic guidance to government agencies and local governments on land use, land supply, land development, environmental protection, infrastructure investment and the delivery of physical and community/social infrastructure for the Perth and Peel regions. It links the four Frameworks for each subregion and encourages the consideration of new urban growth opportunities.

The *Central Sub-Regional Planning Framework* reflects the current Parks and Recreation reservation. However, on 27 July 2023 the WAPC approved a development application for a Children's Hospice use under Part 17 of the P&D Act. This amendment seeks to align the MRS with this development approval.

##### **Allen Park Master Plan**

Allen Park is managed by the City of Nedlands in accordance with the Allen Park Master Plan. It is a comprehensive plan that includes "*a review of the current situation, analysis of potential future demand, extensive consultation with the community and key stakeholders, review of current trends and development of long-term concept plans with indicative cost estimates*". It makes recommendations for Allen Park on the basis of three precincts - the Beach Precinct, the Sports Precinct and the Bush Precinct.

The amendment is within the Sports Precinct and numerous recommendations were made for this precinct. A community active space, a nature play area, quiet reflective spaces, an all-ages exercise area, toilets and a water fountain, and better connections to the Wadjuk Trail were recommended for the subject site.

Of these, the community active space, quiet reflective spaces, connections to the Wadjuk Trail and (by others) the toilets and water fountain can still be delivered. The nature play and all-ages exercise area will be occupied by the Hospice building and garden, however, the community active space will perform a similar role to the exercise area.

##### **State Planning Policy 2.8 - Bushland Policy for the Perth Metropolitan Region**

*State Planning Policy 2.8 - Bushland Policy for the Perth Metropolitan Region* aims to provide a policy and implementation framework that will ensure bushland protection and management issues are addressed and integrated with broader land use planning and decision-making.



In general, the policy does not prevent development where it is consistent with policy measures and other planning and environmental considerations. The site is located within land that is primarily cleared of vegetation and does not contain any Threatened or Priority Ecological Communities, and it is not within or abuts a Bushforever area.

### **Draft State Planning Policy 2.9 - Planning for Water**

*Draft State Planning Policy 2.9 - Planning for Water* seeks to ensure that planning and development considers water resource management and includes appropriate water management measures to achieve optimal water resource outcomes at the various stages of the planning process. The Department of Water and Environmental Regulation (DWER) advised that a District Water Management Strategy is not required for this site.

### **State Planning Policy 3.7 - Planning for Bushfire Risk Management**

*State Planning Policy 3.7 - Planning for Bushfire Risk Management* (SPP 3.7) forms the foundation for land-use planning to address bushfire risk management in Western Australia. It is used to inform and guide decision-makers, referral authorities and proponents to achieve acceptable fire protection outcomes on planning proposals in bushfire-prone areas.

At the development application stage, the Department of Fire and Emergency Services provided comments on the proposed Bushfire Management Plan (BMP) and supplementary information including a landscaping agreement from the City of Nedlands and raised concerns with the BMP and Bushfire Emergency Evacuation Plan (BEEP) regarding the location, siting and design and vehicle access.

The DPLH procured the services of a Level Three Bushfire Planning Practitioner to peer review the applicant's consultant BMP and BEEP. In summary, the review did not identify any significant gaps or shortcomings of the BMP or BEEP however made some recommendations to be addressed either at the planning or building stage which included:

- Clarification of the management of the future low threat landscaping outside of the site within the Asset Protection Zone (APZ) area;
- Minor amendment to mapping of the plot areas, although not impacting the calculated Bushfire Attack Level (BAL), and landscaping designed to demonstrate compliance with the BMP; and
- Demonstration that the proposal can achieve the provisions of both National Construction Code (NCC) 2019 and NCC 2022 through a building certification.

With regard to the management of the APZ area, clarification was sought from the City for the area between the proposed Children's Hospice and the Bridge Club. The City confirmed that it manages the grassed area surrounding the proposed Children's Hospice site and undertakes an on-going management program that includes weed and feral animal control, seed collection, revegetation of degraded areas, erosion control, and fire risk management programs.

With regards to the grassed area to the south of the Hospice site, the City holds the Management Order for this area being Reserve 7804 and has a contractor that maintains this open space. The City confirmed its commitment to maintaining the bushland in accordance with the City's Natural Area Management Policy, and to the ongoing maintenance of low threat vegetation within the Asset Protection Zone south of the Hospice within Reserve 7804 in accordance with the Guidelines for Planning in Bushfire Prone Areas.

With regards to demonstrating compliance with the National Construction Code (NCC) requirements, the applicant provided a summary of the building methodology to comply with NCC 2019 and NCC 2022 from the applicants Building Certifier.

The above requirements were incorporated into development approval conditions for the Children's Hospice facility which has been approved by the WAPC. Therefore, it has been concluded that the BMP and BEEP have satisfied the requirements of SPP 3.7.

## **STATUTORY CONTEXT**

### **Environment**

The DWER verbally advised that the proposed amendment is unlikely to raise any environmental issues.

### **Water, Wastewater and Drainage Infrastructure**

The Water Corporation raises no objections to the proposed amendment and advises as follows:

Water Supply: Reticulated water is currently available to the subject area. All water main extensions, if required for the development site, must be laid within the existing and proposed road reserves, on the correct alignment and in accordance with the Utility Providers Code of Practice.

Wastewater: Reticulated sewerage is not immediately available to serve the subject area. All sewer main extensions required for the development site should be laid within the existing and proposed road reserves, on the correct alignment and in accordance with the Utility Providers Code of Practice.

Servicing Demands: The Corporation's planning would not have initially allowed for water and wastewater demands to the proposal given the existing landuse. The Corporation will liaise with the consulting engineers to determine water and wastewater capacity and demands as proposed yields become available.

General: The developer is expected to provide all water and sewerage reticulation if required. A contribution for Water, Sewerage and Drainage headworks may also be required. The developer may be required to fund new works or the upgrading of existing works and protection of all works. The Corporation may also require land being provided for works.

### **Transportation**

Main Roads WA raise no objections to the proposed amendment.

## **4 Aboriginal Cultural Heritage**

The process of rezoning or reservation of land in a region scheme is broad by nature and does not physically interfere with the land. Consideration of Aboriginal Cultural Heritage is addressed more specifically at later stages of the planning process, typically when preparing a local structure plan or at the subdivision and development approval stages. All Aboriginal Cultural Heritage is protected whether or not it has been previously recorded or reported.

Nevertheless, in recognising the importance of having reliable Aboriginal cultural heritage information, the WAPC and the Department of Planning, Lands and Heritage have entered

into a Memorandum of Understanding with the South West Aboriginal Land and Sea Council (SWALSC) for the provision of Aboriginal consultative services. All amendment proposals likely to be of interest to Aboriginal persons are pre-referred to SWALSC for comment. SWALSC is the recognised Native Title Representative Body for Western Australia's southwest region and as such is well placed to provide advice on Aboriginal heritage.

The proposed amendment was pre-referred to SWALSC and no advice was received. However, the amendment will be formally referred to SWALSC during the public submission period.

## **5 Coordination of local and region scheme amendments**

Under Section 126(3) of the *Planning and Development Act 2005* the WAPC has the option of concurrently rezoning land being zoned Urban under the MRS to a 'Development' zone (or equivalent) in a LPS. As no land is being zoned Urban section 126(3) of the P&D Act does not apply.

## **6 Substantiality**

The *Planning and Development (Region Planning Schemes) Regulations 2023* allows for amendments to the MRS to be processed as either "complex", "standard" or "basic" amendments depending on the alteration to the MRS. This amendment is recommended to be processed as a "standard" amendment for the following reasons:

- The size and scale of the proposed amendment is not considered regionally significant. It does not reflect a regional change to the planning strategy or philosophy for the metropolitan region.
- The proposed amendment will align the MRS with the WAPC's development approval for a Children's Hospice use under Part 17 of the P&D Act.
- Relevant State Government agencies have not raised matters which prevent the initiation and advertising of the amendment.

## **7 Environmental Protection Authority advice**

The proposed amendment was referred to the Environmental Protection Authority (EPA) for advice on whether environmental assessment would be required.

The EPA has advised that the proposed amendment does not require formal assessment under Part IV of the *Environmental Protection Act 1986*. A copy of the notice from the EPA is included at Appendix A.

## **8 The amendment process**

The procedures for amending the MRS are prescribed by the *Planning and Development Act 2005* and the *Planning and Development (Region Schemes Regulations) 2023*. In essence, the procedure for a "standard" amendment involves:

- formulation of the amendment by the WAPC
- referral to the EPA for environmental assessment

- completion of an Environmental Review (if required) in accordance with EPA instructions
- public submissions being sought on the proposed amendment (including Environmental Review if required)
- consideration of submissions
- approval, with or without any modifications in response to submissions, or refusal to approve, by the Minister
- the amendment takes legal effect with Gazettal of the Minister's approval.

An explanation of the [region scheme amendment process](#) can be found on the Department of Planning, Lands and Heritage's website, along with further information for [your property and planning region schemes](#).

## 9 Submissions on the amendment

The WAPC invites people to comment on this proposed amendment to the MRS.

The amendment is being advertised for public submissions for a period of 42 days from Tuesday 30 January 2024 to Wednesday 13 March 2024.

The amendment report and plans showing the proposed changes are available for public inspection online at [www.dplh.wa.gov.au/mrs-amendments](http://www.dplh.wa.gov.au/mrs-amendments).

Online submissions are encouraged via <https://consultation.dplh.wa.gov.au>.

However, written submissions commenting on the amendment should be sent to:

[RegionPlanningSchemes@dplh.wa.gov.au](mailto:RegionPlanningSchemes@dplh.wa.gov.au)

or posted to:

The Secretary  
Western Australian Planning Commission  
Locked Bag 2506  
PERTH WA 6001

**and must be received by 13 March 2024.**

All submissions received by the WAPC will be acknowledged.

For your convenience a submission form is contained in this report (Appendix D). Additional copies of the form are available from the Department of Planning, Lands and Heritage website at [www.dplh.gov.au/regionplanningschemes](http://www.dplh.gov.au/regionplanningschemes).

You should be aware that calling for submissions is a public process and all submissions lodged will become public. All submissions are published and made available when the Minister has made a determination on the amendment. Advice of disclosure and access requirements are shown on side two of the submission form.

Before making your submission, it is recommended that you read the information in Appendix C of this report regarding preparing a submission.

## 10 Modifications to the amendment

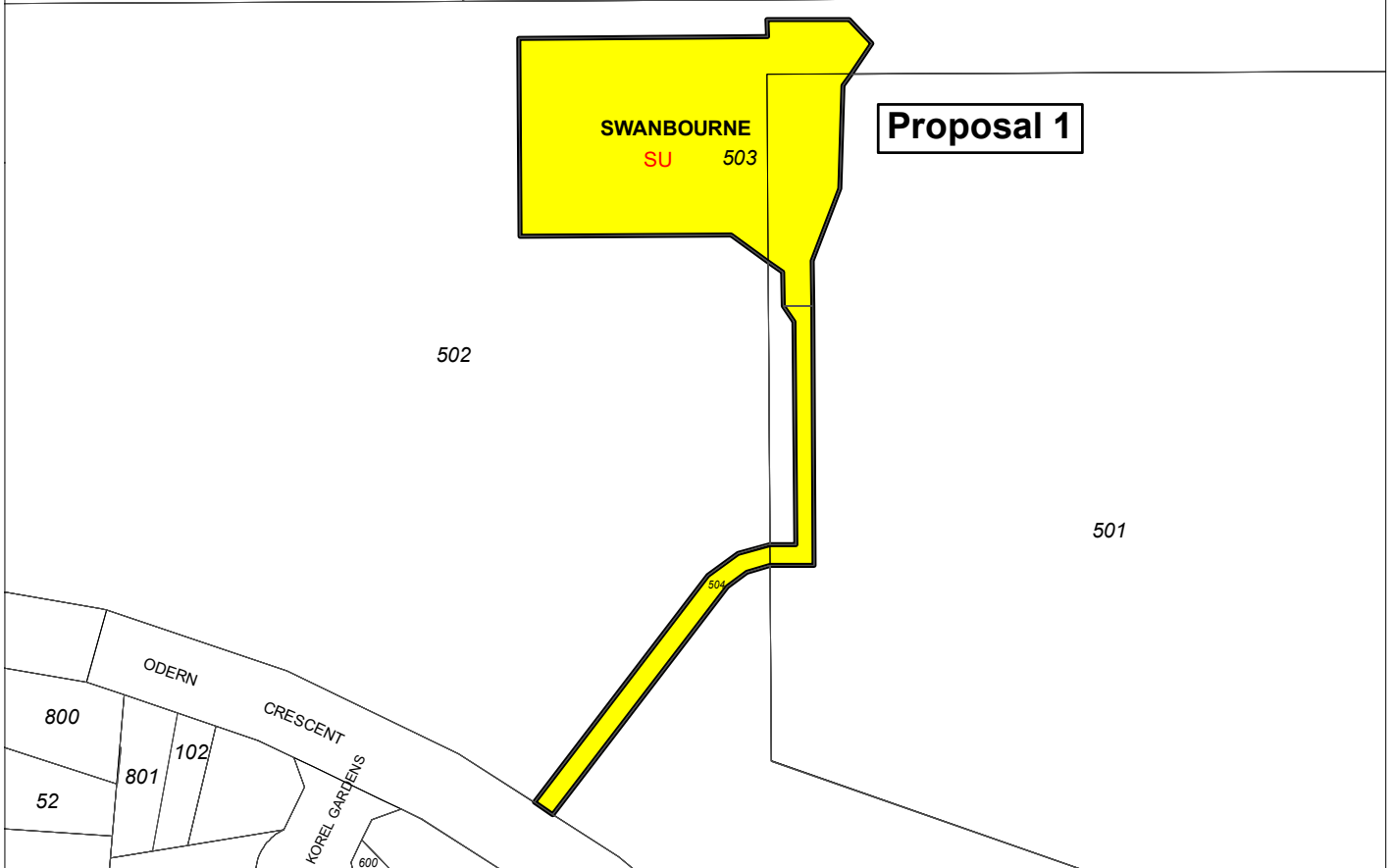
After considering any comments received the WAPC may recommend that the Minister modify the amendment. The Minister may approve the amendment, with or without any modifications in response to submissions, or decline to approve.

## **11 Final outcome**

The recommendations of the WAPC, including any modifications, along with the determination of the Minister, are published in a report on submissions. Anyone who has made a submission, along with affected landowners, will be notified of the outcome when the amendment is gazetted to give it legal effect.

**Metropolitan Region Scheme  
Amendment 1415  
Children's Hospice Site**

**Amendment Figure - Proposal 1**



**Children's Hospice Site  
Proposed Standard MRS amendment  
as advertised**

13 September 2023

Proposal 1

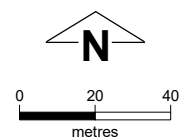
Proposed Amendment:

**SU** Parks and Recreation reservation to Public Purposes reservation - special uses

Reference no: 3733

File no: RLS/1014

Version number: 2



## **Appendix A**

### **Notice of environmental assessment**



Ms Sam Fagan  
Secretary  
Western Australian Planning Commission  
Locked Bag 2506  
**PERTH WA 6001**

Our Ref: APP-0024958  
Enquiries: Helen Shaughnessy  
Email: helen.shaughnessy@dwer.wa.gov.au

Dear Ms Fagan

**DECISION UNDER SECTION 48A(1)(a)**  
***Environmental Protection Act 1986***

<b>SCHEME</b>	<b>Metropolitan Regional Scheme</b>
<b>LOCATION</b>	<b>Lot 503 Clement Street, Swanbourne City of Nedlands</b>
<b>RESPONSIBLE AUTHORITY</b>	<b>Western Australian Planning Commission</b>
<b>DECISION</b>	<b>Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of the EP Act. No Advice Given (Not Appealable)</b>

Thank you for referring the above scheme to the Environmental Protection Authority (EPA).

After consideration of the information provided by you, the EPA considers that the proposed scheme should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* (EP Act).

Please note the following:

- For the purposes of Part IV of the EP Act, the scheme is defined as an assessed scheme. In relation to the implementation of the scheme, please note the requirements of Part IV Division 4 of the EP Act.
- There is no appeal right in respect of the EPA's decision to not assess the scheme.

A copy of the EPA's Determination and is attached and will be made available to the public via the EPA website.

Yours sincerely



**Prof. Matthew Tonts**  
**Chair of the Environmental Protection Authority**

31 October 2023

Encl. EPA Determination



# Environmental Protection Authority

s.48A Referrals

**Title:** Metropolitan Regional Scheme – Amendment 1415

**Location:** Lot 503 Clement Street, Swanbourne

**Description:** The amendment proposes to rezone the above area from Parks and Recreation reservation to Public Purpose – Special Use reservation to facilitate development of a children’s hospice.

**Ref ID:** APP-0024958

**Date Received:** 10/10/2023      **Date Sufficient Information Received:** 10/10/2023

**Responsible Authority:** Western Australian Planning Commissions, 140 William Street PERTH WA 6000

**Contact:** Anthony Muscara

**Preliminary Environmental Factors:** Flora and Vegetation and Terrestrial Fauna

**Potential Significant Effects:** Implementation of the scheme amendment may result in indirect impacts to surrounding remnant vegetation and fauna habitat.

**Protection:** Future development of the amendment site should ensure bushfire management requirements are contained within the site. Clearing beyond the amendment area should be avoided to retain the environmental values established through revegetation projects.

**Determination:** **Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed under Part IV of the EP Act. No Advice Given. (Not Appealable).**

The Environmental Protection Authority (EPA) has carried out some investigations and inquiries before deciding not to assess this scheme. In deciding not to formally assess schemes, the EPA has determined that no further assessment is required by the EPA.

This Determination is not appealable.

Chair’s Initials:

Date:

31 October 2023

## **Appendix B**

### **List of plans supporting the amendment**

**Metropolitan Region Scheme  
Amendment 1415**

**Amendment Name**

**as advertised**

**Amending Plan 3.2819**

## **Appendix C**

### **Preparing a submission**

## Preparing a Submission

The WAPC welcomes comment on proposed amendments to the MRS from interested individuals, groups, and organisations.

### What is a submission?

A submission is a way to express your opinion and provide information. It is an opportunity to explain why the amendment should be supported, withdrawn, or modified. Suggestions of alternative courses of action are also welcomed.

Making a submission is not the same as voting in an election. The number of submissions received for or against a proposal will not in itself determine the result. Rather, it is the reasoned argument of why a particular thing should or should not be done. Your submission will assist the WAPC in reviewing its planning proposal before proceeding. Advertised proposals are often modified in response to the public submission process.

### What should I say?

Your comments should focus on the particular issues that arise from the proposed amendment. If there are a number of components in the amendment, please indicate exactly which ones you are addressing.

It is important that you state your point of view clearly and give reasons for your conclusions and recommendations. These may include an alternative approach or other ways for the WAPC to improve the amendment or make it more acceptable. Indicate the source of your information or argument where applicable.

If you prefer not to write your own comments, you may consider joining a group interested in making a submission on similar issues. Joint submissions can increase the pool of ideas and information.

### Before lodging your submission

The WAPC prefers to receive submissions online at <https://consultation.dplh.wa.gov.au>, however, hardcopy submissions can also be accepted (Submission Form - Appendix D).

Please remember to complete all fields in the submission form including your name and contact details. Please limit the number of attachments, where possible, ensuring they are directly relevant to the proposed amendment you are commenting on.

The closing date for submissions and how to lodge them is shown on the submission form and in the submissions on the amendment section of the amendment report.

Some amendments may be subject to an environmental review. Under these circumstances, the WAPC will forward a copy of any submission raising environmental issues to the EPA.

You should be aware that all submissions lodged with the WAPC are subject to regulations on disclosure and access, and your submission will become a public document.

## **Appendix D**

**Submission form for this amendment**





