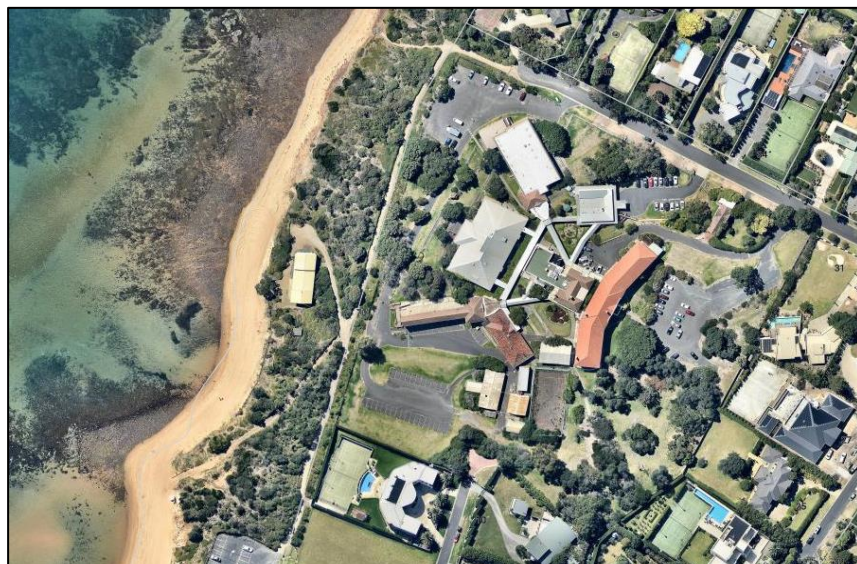




8 November 2017

## Explanatory Report

33-33A Jacksons Road, Mount Eliza: Peninsula Health Mount Eliza Centre



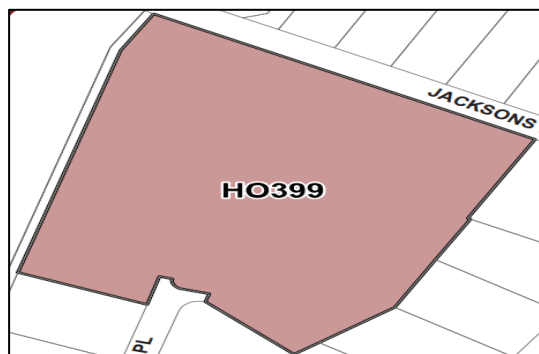
### Introduction

This report concerns a proposal to amend the Mornington Peninsula Planning Scheme (**Scheme**) as it applies to land situated at 33-33A Jacksons Road Mount Eliza (**Subject Land**). The Subject Land is currently used for the purposes of the Peninsula Health Mount Eliza Centre.

By way of planning controls, the Subject Land falls within the General Residential Zone - Schedule 1 of the Scheme and is affected by the following overlays:

- Design and Development Overlay – Schedule 4;
- Vegetation Protection Overlay – Schedule 1; and
- Heritage Overlay – Schedule 399 (**HO399**).

At present, HO399 covers the entirety of the Subject Land as illustrated below. HO399 is an interim planning control, due to expire on 30 June 2018.



1. Figure 1: Current extent of HO399

Peninsula Health, together with the Department of Health and Human Services (**DHHS**) has requested that the Minister for Planning consider reducing the extent of HO399 to apply only to certain portions of the Subject Land.

## **Background**

In 2013, Mornington Peninsula Shire Council (**Council**) conducted a revised heritage study of land in the north-west of the municipality. The resulting report was entitled 'Mornington Peninsula Heritage Review – Area 1 – Mount Eliza, Mornington, Mount Martha, December 2013' (the **2013 Heritage Report**).

The 2013 Heritage Report informed the preparation of Amendment C174 to the Scheme, which was gazetted in two parts in 2015. Although the 2013 Heritage Report recommended that the Subject Land be included in a Heritage Overlay, it was not included in Amendment C174.

In 2017, Council received an application for a report and consent pursuant to section 29A of the *Building Act 1993* for a proposal to demolish all buildings on the Subject Land. In response, Council requested that the Minister for Planning to prepare, adopt and approve Amendment C208 to the Scheme to apply interim heritage protection to the Subject Land.

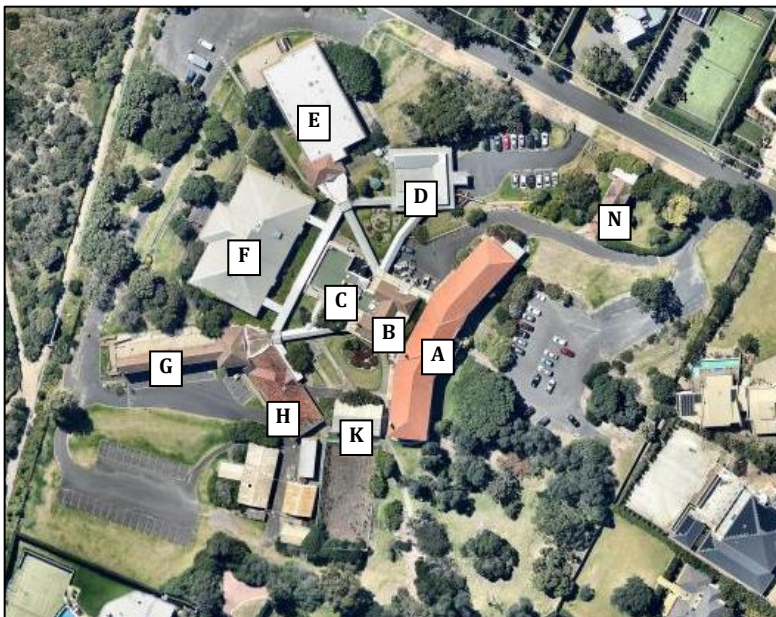
On 13 June 2017, the Minister's delegate acceded to that request, exercising the power under section 20(4) of the *Planning and Environment Act 1987 (Act)* to exempt the amendment from notice. Amendment C208 was gazetted on 6 July 2017, applying HO399 to the entirety of the Subject Land. HO399 is an interim planning control, due to expire on 30 June 2018.

In 2016, DHHS commissioned a conservation management plan for the Subject Land to identify buildings and elements of potential heritage significance. The resulting report is entitled 'Mount Eliza Centre Conservation Management Plan, Peter Andrew Barrett, May 2016' (**CMP**).

## **The proposal**

*Existing buildings on the Land.*

The following map shows the configuration of existing buildings on the Subject Land:

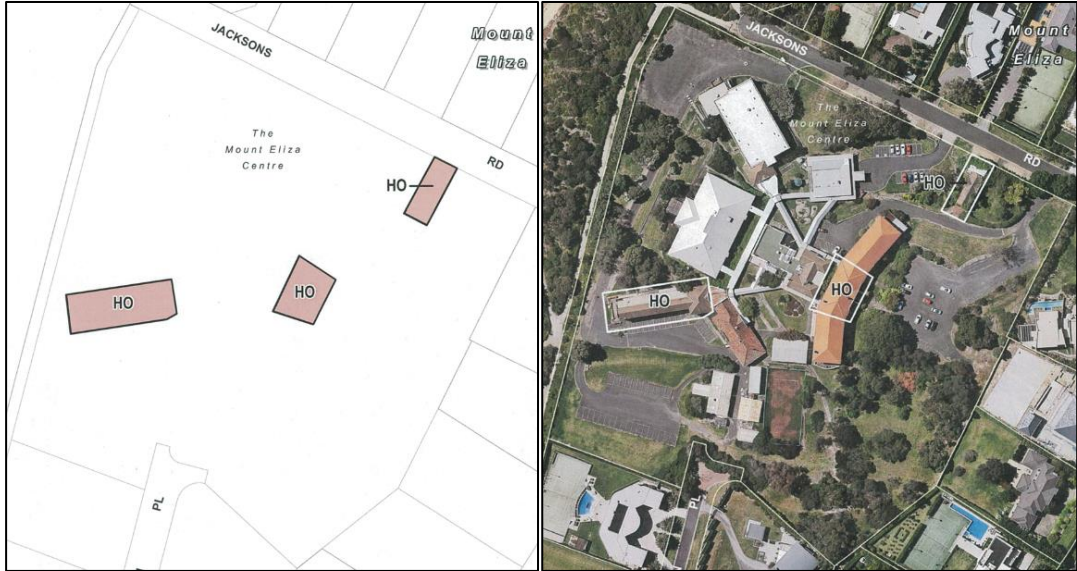


**Figure 2: Configuration of existing buildings on Subject Land**

The proposal seeks to reduce the extent of HO399 to apply only to specified buildings on the Subject Land, with a limited curtilage around each. The retained buildings are:

- Building A (central portion): Former administrative block
- Building G: Former treatment ward
- Building N: Former chapel

The proposed extent of HO399 is shown in the figures below:



2. Figure 3: Proposed extent of HO399

*Extent of the Heritage Overlay*

The proposal adopts a polygon approach to HO399.

This is specifically endorsed in Department of Environment, Land, Water and Planning Practice Note 1, *Applying the Heritage Overlay (Practice Note 1)* in situations where only certain elements within a large overall site are of heritage significance and warrant inclusion within the overlay. This reflects a change in approach from previous practice, which applied the overlay across entire sites, regardless of the extent and distribution of heritage elements.

Notably, the current approach was recently followed in Amendment GC64 to the Banyule Planning Scheme (gazetted on 30 June 2017), which reduced the extent of Heritage Overlay Schedules 62 and 63 of the Banyule Planning Scheme applying to the Austin Hospital site at 145 Studley Road, Heidelberg. That amendment was considered by the Government Land Standing Advisory Committee, which recommended the overlays be reduced having regard to the extent of significant fabric on that site and current Departmental guidance.

*Buildings to be retained in HO399*

Buildings A (and the fig tree adjacent to its entrance), G and N are amongst the oldest surviving buildings on the Subject Land, dating to the establishment of the Orthopaedic Branch of the Children’s Hospital in the late 1920s. Each was built between 1929 and 1930 in the first phase of the hospital’s development. The CMP describes the significance of these buildings in the following terms:

Three contributory buildings: the Administrative Block (Building A), the ward with the swimming pool and sun balconies (Building G) and the Chapel/Mortuary (Building N), provide as a group and understanding of the process or experience of patients and their families ant this hospital – admission, treatment, and in unfortunate circumstances, the death of their loved ones. It is these three buildings that also have the highest level of

aesthetic and architectural value of all the buildings at the Mount Eliza Centre. The removal of one, or more of these buildings would diminish the heritage value of this site.

#### *Buildings to be excluded from HO399*

The remainder of the buildings on the Subject Land are of limited heritage significance and are proposed to be excluded from HO399. The CMP concludes that these buildings do not warrant inclusion as they are either:

- minor in nature or auxiliary in function (Buildings H, B & C);
- have been significantly altered or obliterated (Building E); or
- are of later origin and do not provide a high-level of interpretive value to the early history of the Land (Buildings D, K, I, J, L & F).

#### **Why is this proposal required?**

The current extent of HO399 represents a significant constraint on the development of the Subject Land. Buildings and works for the adaptive re-use of the Subject Land are subject to additional permit requirements and decision guidelines that are not warranted.

Practice Note 1 provides guidance on the use of the Heritage Overlay, advising that it should include, relevantly:

Places identified in a local heritage study, **provided the significance of the place can be shown to justify the application of the overlay.**

[emphasis added]

With the exception of Buildings A, G and N, which are proposed to be wholly or partly retained within HO399, the significance of the existing buildings on the Subject Land and other features does not justify the application of the overlay.

The proposal will remedy this situation, whilst ensuring protection for the elements of heritage significance.

David Anderson  
**Acting Chief Executive Officer**