

28 August 2024

Heritage Victoria
2 Lonsdale Street
MELBOURNE VIC 3000

By way of email: heritage.permits@delwp.vic.gov.au

Dear [REDACTED],

**MELBOURNE OBSERVATORY, 100 BIRDWOOD AVENUE, MELBOURNE
VHR – H1087
HERITAGE VICTORIA PERMIT APPLICATION**

We act on behalf of *Darling Hospitality Group Pty Ltd*, being the leasehold of Jardin Tan and Visitor Centre building located within the Royal Botanic Gardens Victoria ('Botanic Gardens'), at the above-described address.

Introduction

Planning & Property Partners Pty Ltd has been instructed to prepare a permit application and accompanying Heritage Impact Assessment ('HIS') prepared to assess the compatibility of the proposed building and works to the Melbourne Observatory (H1087), in accordance with the requirements of the *Heritage Act 2017* ('Heritage Act').

Accompanying Documentation

This HIS provides an assessment of the proposal against relevant provisions of the *Heritage Act* and should be read in conjunction with:

Architectural plans prepared by *Chris Connell Design* dated 03.07.2024.

- Site Information – Proposed Site Plan, drawing no. A010 Rev 1;
- Existing/demolition – Ground General Arrangement, drawing no. A015 Rev 1;
- Existing/demolition – Ground Part Plan (West), drawing no. A016 Rev 1;
- Existing/demolition – Ground Part Plan (East), drawing no. A017 Rev 1;
- Existing/demolition – Elevation A, drawing no. A020 Rev 1;
- Existing/demolition – Elevation B, drawing no. A020 Rev 1;
- Existing/demolition – Elevation C, drawing no. A021 Rev 1;
- Floor Plan – Ground General Arrangement, drawing no. A100 Rev 1;
- Floor Plan – Ground Part Plan (West), drawing no. A101 Rev 1;
- Floor Plan - Ground Part Plan (East), drawing no. A102 Rev 1;
- Site Information – Roof Plan, drawing no. A103, Rev 1;
- Proposed - Elevation A, drawing no. A200 Rev 1;
- Proposed - Elevation B, drawing no. A200 Rev 1;

- Proposed - Elevation C, drawing no. A201 Rev 1;
- Proposed Elevation – Site Elevation A, drawing no. A210 Rev 1;
- Proposed Kiosk – Kiosk Plan, drawing no. A400 Rev 1;
- Proposed Kiosk – Elevation A – A401 Rev 1;
- Proposed Kiosk – Elevation B – A401 Rev 1;
- Proposed Conservatory – Elevation A, drawing no. A411 Rev 1;
- Proposed Conservatory – Site Plan, drawing no. A410 Rev 1;
- Proposed Conservatory – Elevation A, drawing no. A410 Rev 1;
- Proposed Conservatory – Elevation B, drawing no. A410 Rev 1;

Background

The background information below follows the template provided in ‘Guidelines for Preparing Heritage Impact Statements’ (Heritage Victoria, June 2021):

Heritage Impact Statement is for:	Melbourne Observatory
Victorian Heritage Register Number:	H1087 Melbourne Observatory is registered under the Heritage Victoria Register for its architectural, scientific and historical significance to the State of Victoria.
Address and location description:	100 Birdwood Avenue, Melbourne 3000
This Heritage Impact Statement forms part of a permit application for:	Renovations to the existing Jardin Tan and Visitor Centre building in the form of: <ul style="list-style-type: none"> • Partial internal and external demolition and removal works; • Erection of new structures; and • Aesthetic façade renovations.
Pre-application meeting number:	P40026
Prepared By:	Planning & Property Partners Pty Ltd
Prepared for:	Darling Hospitality Group Pty Ltd
Date:	August 2024

Pre-Application Meeting

A pre-application meeting (P40026) with Heritage Victoria was conducted on the 13 August 2024, during the meeting the proposed works were presented to a Senior Heritage Officer, and we sought applicable feedback. The advice provided at officer level, expressed a level of comfort and support of the concept presented and no amendments to the design or form was recommended. In response, the application submits the initial sets of plans provided with only minor presentation edits.

Site Location

The proposed works to be located within the subject site known as the 'Melbourne Observatory' south-west of the Botanic Gardens and south of the Yarra River. The subject site sits in close proximity to the Shrine of Remembrance to the west and Government House to the eastern interface (refer to **Figure 1** and **Figure 2**).



Figure 1: Aerial imagery of the Subject Site 'Former Melbourne Observatory Site'

Source: nearmap.com

Statutory Heritage Controls

The Jardin Tan and Visitor Centre building is located within the Melbourne Observatory, which is registered as VHR H1087 under the Victorian Heritage Register for its architectural, scientific and historical significance to the State of Victoria. The full extent of the Royal Botanic Gardens is included in the VHR H1459 pursuant to the *Heritage Act*.

It is important to draw attention to the fact, the Subject Site forms part of the Melbourne Observatory registered place, however the Jardin Tan and Visitor Centre building itself is not individually identified or listed in the description and accompanying plan as part of the gazetted VHR extent of registration.

There are three built forms in the immediate vicinity of the Jardin Tan building identified in the VHR registration:

- Observatory – B13;
- Astrograph House – B8; and
- Zeiss House – B7 (demolished).



Figure 2: VHR extent of registration for Melbourne Observatory

Source: Victorian Heritage Database: Melbourne Observatory

Melbourne Planning Scheme

Pursuant of the Melbourne Planning Scheme, the Melbourne Observatory is identified as a site-specific Heritage Overlay defined as HO396 in the Schedule to the Heritage Overlay (refer to Figure 2). Under the provisions of the Heritage Overlay, a heritage place which is included in the Victorian Heritage Register is subject to the requirements of the *Heritage Act*.

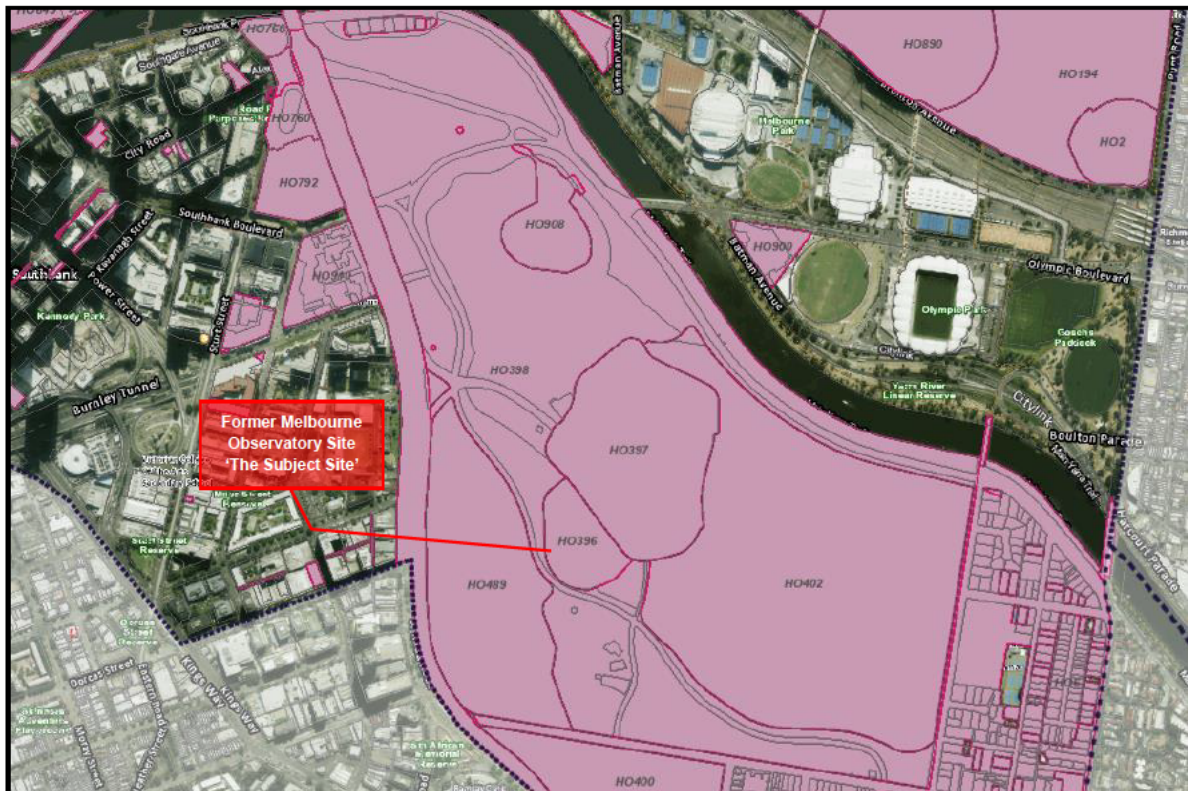


Figure 3: Heritage Overlay Mapping

Source: Melbourne Planning Scheme

Brief History

The Royal Botanic Gardens Victoria comprises of 39 hectares of gardens reserved for public use and established in 1846. The layout we see today was founded by director William Guilfoyle between 1873 and 1909, and the improved layout was introduced and has been maintained by subsequent directors. A more detailed history of the Royal Botanic Gardens can be found in the Royal Melbourne Gardens Master Plan 2020 - 2040.

Statement of Significance

The statement of Significance of the Melbourne Observatory citation reads as follows:

What is significant?

The Observatory Site is a complex consisting of the following buildings:

Main Observatory Building (1861-1902)

Great Melbourne Telescope Building (1869-1904)

Photoheliograph and 8 inch (south) Equatorial Building (1873-74)

Brick footings of the Permanent Chain Standard (1875-76)

Magnet House (1877)

Collimating Marker or Obelisk (1886-87)

Astronomer's House and Service Block (1889)

Astrograph House (1889)

Caretaker's House (1902)

Zeiss House (1936)

Astronomical, magnetic and meteorological observations were conducted at the site from 1861 until 1945. The buildings were designed by Public Works Department architects, largely in an Italianate style that complements the nearby Government House.

How is it significant?

The Observatory Site is of scientific, historical and architectural significance to the State of Victoria.

Why is it significant?

The Observatory Site is of scientific significance as a record of the development of 19th century astronomical, magnetic and meteorological technology, and has international as well as Victorian significance. The complex was one of the few well-equipped observatories functioning in the Southern Hemisphere in the 19th and early 20th centuries, providing the world with basic scientific information unavailable from other sources. It was instrumental in providing Victoria with accurate time, as well as meteorological statistics. The observatory was vital in the exploration of Antarctica at the beginning of this century. Within the overall scientific importance of the site, individual buildings have specific scientific significance.

The Great Melbourne Telescope building, dating from 1869 and erected to house one the world's major nineteenth century astronomical instruments, demonstrates considerable engineering skill and ingenuity in the construction of the roll-off roof, even if this design feature, dictated by the scientific establishment in Britain, contributed to the eventual failure of the telescope within it. The additions to this building illustrate the developing research work of the establishment, while the surviving design detailing, finishes and fittings show the working of the building, and the conditions and environment of a 19th and early 20th century Government observatory.

The Photoheliograph Dome building of 1873 and the Eight Inch South Equatorial building of 1874, are significant because they were erected specifically for the observation of the transit of Venus in 1874, a rare astronomical event which could best be observed from the Southern Hemisphere, and which yielded results unavailable to the scientific world from any other source. Photographs of the transit taken by W. Kernot from the photoheliograph building, and subsequent photographs of the sun made between 1874 and 1885 were taken to England, where they were analysed and incorporated into major research programmes and publications being undertaken at the time.

The 1877 Magnet House, the last structure of the former magnetic observatory still surviving on the observatory site, was the location for magnetic observations carried out in Melbourne from 1858 until 1918. These observations formed the base to which all the magnetic surveys of Australia, and all magnetic work of the Antarctic expeditions, were referred and standardised. The building's design is of considerable elegance and simplicity, its construction specifically omitting all ferrous material to avoid magnetic interference.

The Astrograph House of 1889 was specially erected for the international Paris Observatory-based project of preparing a photographic atlas of stars. It is an idiosyncratic design by important Public Works Department architect A J Macdonald, showing his flamboyant, art nouveau design characteristics. It remains a functioning observatory building, incorporating early fittings, fixtures and design features, and continues to be used by the Astronomical Society of Victoria.

A number of structures in the grounds are also of individual significance in illustrating the work of the observatory. These include the meridian collimating mark, and its visual alignment with the third transit room, and the remnants of the permanent chain standard.

The Observatory Site is of historical significance because it reflects the scientific aspirations of the young colony. The large complex is a remarkable testimony to public investment in scientific endeavour over a long period. The observatory is also significant for its associations with many important figures in Victorian history who were directly involved in the development and management of the observatory, and the scientific direction of the work undertaken by the institution. They include Professor William Wilson, George Verdon, George von Neumayer, Henry Barkly, Charles Pasley, Joseph Kay, William Kernot, Professor Thomas Lyle, Alfred Deakin, Theodore Fink, John Davis, as well as the astronomers Robert Ellery, Pietro Baracchi, and Joseph Baldwin.

The Zeiss House of 1936, named for the famous German brand of telescope, is significant for its associations with noted engineer, soldier and amateur astronomer Sir John Monash whose former telescope it contains. The building was erected, and is owned and operated by the Astronomical Society of Victoria.

The Observatory Site is of architectural significance as a rare and largely intact example of a 19th century observatory complex. It is one of the earliest examples of a 19th century observatory designed to house separate functions in separate buildings, and with accommodation for astronomers on site.

The Observatory Site is of architectural significance as an example of the work of the Public Works Department over an extended period and as testimony to the public investment in scientific infrastructure during the 19th century. The main observatory building dating from 1861 and designed by Gustav Joachimi of the Public Works Department, working in conjunction with Professor Wilson and Neumayer, is an elegantly detailed Italianate structure, of asymmetrical design, its picturesque massing aided by the presence of a dome and tower, reinforcing the somewhat romantic appearance. Subsequent additions to the structure, dictated by functional need, reinforced the original design concept. The early building design detailing and interior finishes and fittings surviving (often in fragment form) in this building are of significance, showing the working of the building and the conditions and environment of a nineteenth and early twentieth century Government observatory.

Later buildings also reflect the Public Works Department's efforts to provide quality architecture on the site. The Second Astronomer's residence and its out building of 1889, for instance, are an important, influential and substantially intact example of the early development of the English Queen Anne style in Victoria.

Existing Conditions

The Gardens are governed under the Royal Botanic Gardens Act 1991 by the Royal Botanic Gardens Board with the purpose to provide management of the Royal Botanic Gardens, Melbourne and the National Herbarium of Victoria. The Gardens remain immaculately maintained, with an extensive onsite team that work to preserve and manage the extensive hectareage.

The Jardin Tan building is in need of an architectural rejuvenation to permit for the continued use of the building for a food and drink premises.

Proposed Works

The proposal is for the refurbishment and modest redevelopment of the existing building to accommodate the continued use for a restaurant, kiosk and visitor centre. The key features of the proposal includes:

- Partial external demolition works in the form of:
 - Demolition of the south elevation pergola and accompanying canopy structures;
 - Complete demolition of the external kiosk and outdoor decking adjacent to the Observatory House;
 - Partial removal of the existing windows and doors along the southern and northern façade;
 - Partial demolition of the roof structures;
 - Removal of the decking and associated structures situated to the rear of the building;
 - Removal of external awning associated with the outdoor seating; and
 - Removal of the existing skylight windows to the existing roof.
- Partial internal demolition works and reconfiguration of the structural and design features including renewal of the internal kitchen area;
- Additions to the built form and erection of structures in the form of:
 - Alterations to the external built form envelope, improving on the sitting of the built form to the adjacent Observatory building;
 - Erection of a circular kiosk built form, achieving a low building height of 3.0 metres measured from the ground FFL and contains a maximum of one (1) storeys; and
 - Erection of a 'glass house' conservatory built form to rear of the existing building, achieving a low building height of 3.4 metres from Ground FFL.
- There are no significant structures or elements to be removed and no internal alterations that would require permit approval from Heritage Victoria.

Permit Exemptions and Policy

Under the VHR documentation for the place, there is an applicable exemption for:

1. All internal works to the unregistered buildings and structures provided that the works do not alter the external plan form and appearance.

During the pre-application meeting with HV, we were advised that no prior written permission is required to facilitate for the scope of works that apply to the above exemption.

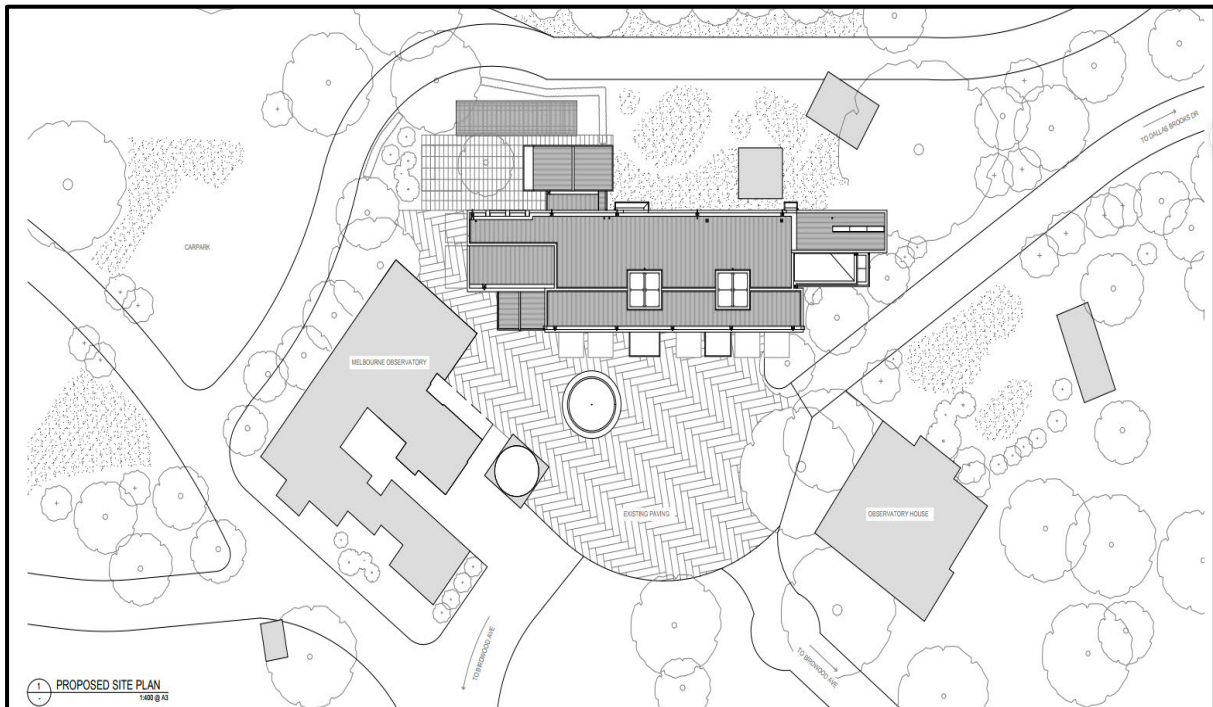


Figure 4: Proposed Site Plan

Source: Chris Connell Design

Assessment of the Heritage Impacts

The below assessment provides a detailed response to the considerations at sections 101(2)(a) – impact on cultural heritage significance and 101(2)(b) – impact on reasonable or economic use of the Heritage Act.

Heritage Act 2017 Considerations S.101

101 Determination of permit applications (relevant issues bolded)

(1) After considering an application the Executive Director may determine—

(a) approve the application and—

(i) issue the permit for the proposed works or activities; or

(ii) issue the permit for some of the proposed works or activities specified in the application; or

(b) refuse the application.

(2) In determining whether to approve an application for a permit, the Executive Director must consider the following—

(a) the extent to which the application, if approved, would affect the cultural heritage significance of the registered place or registered object;

(b) the extent to which the application, if refused, would affect the reasonable or economic use of the registered place or registered object;

(c) any submissions made under section 95 or 100;

(d) if the applicant is a public authority, the extent to which the application, if refused, would unreasonably detrimentally affect the ability of the public authority to perform a statutory duty specified in the application;

(e) if the application relates to a listed place or to a registered place or registered object in a World Heritage Environs Area, the extent to which the application, if approved, would affect—

(i) the world heritage values of the listed place; or

(ii) any relevant Approved World Heritage Strategy Plan;

(f) any matters relating to the protection and conservation of the registered place or registered object that the Executive Director considers relevant.

(3) In determining whether to approve an application for a permit, the Executive Director may consider—

(a) the extent to which the application, if approved, would affect the cultural heritage significance of any adjacent or neighbouring property that is—

(i) included in the Heritage Register; or

(ii) subject to a heritage requirement or control in the relevant planning scheme; or

(b) any other relevant matter.

The extent to which the application, if approved would affect the cultural heritage significance of the registered place or registered object

The proposed works will facilitate for the re-development and re-presentation of the existing Jardin Tan and Visitor Centre building and associated structures. Providing a high-level design response that positively considers the sensitive nature of the Botanic Gardens and the Melbourne Observatory. The re-imagination of the area results in a welcomed and improved heritage outcome, that permits for the ongoing historical use of this part of the site for hospitality and commercial uses.

As demonstrated under **'Figure 5'**, the design built form remains within the existing building envelope and does not encroach on the Melbourne Observatory building which will permit for the building to sit more comfortably into the Site. And further provide for improved separation from sensitive interfaces and does not bear any unreasonable presentation to the features of the Melbourne Observatory built form. The reimagination of the built form, ensures the building remains siting adjacent to the Melbourne observatory without resulting in any physical impact to the sensitive heritage fabric of the adjacent heritage listed building.

The proposal presents a change, but a change that does not cause any adverse impact to the state level heritage values of the Melbourne Observatory and Botanic Gardens. The architectural team has undertaken several revisions to avoid adverse impacts to the heritage significance of the place. As a result, the proposal does not provide any excessive changes to the current built form whilst providing a welcomed improvement relationship with the heritage place.



Figure 5: Subject Site 'Former Melbourne Observatory Site'

Source: nearmap.com

Extent to which a refusal would affect the reasonable or economic use of the registered place or registered object [s.101(2)(b)]

In accordance with the above mentioned, the Executive Director of Heritage Victoria must consider the extent to which the registered place or object would be affected by the refusal of a permit.

The works to be solely associated to an existing building and built forms presently used for the commercial use of a restaurant and visitor centre. Our client *Darling Hospitality Group* has acquired a lease of the building, and seeks to continue the existing uses on the premises. In recent years, the existing building and associated built forms have declined and partial elements require revisions for improvements to avoid adverse impacts to the heritage significance of the place and adjacent Melbourne Observatory building. The proposed design of the works has taken careful consideration of the close interface with the Melbourne Observatory, in response the design elements have been carefully considered to provide for an improved contextual design and built form that does not disrupt or deter from the beauty of the heritage place.

As such, the proposed works do not propose excessive changes that will alter the understanding to appreciate the heritage significance of the place. Rather, the proposal provides appropriate upgrades and improvements required to maintain the existing use of the restaurant and visitor centre for the community.

In light of the above, the proposed works will refresh and rejuvenate the existing restaurant to enable the economic longevity and viability. The building footprint has been reviewed and optimised to permit for functional requirements and patron expectations for a high-quality hospitality venue.

Summary

As outlined within this submission, the proposal for building and works to facilitate buildings and works to an existing building within the Royal Botanic Gardens, appropriately addresses the requirements and legislative direction within the Heritage Act. The above statements are supported via the following design and demolition considerations:

- As shown within the accompanying architectural drawings, the views of the proposed kiosk and Glass House 'Conservatory' provide minimal modifications to the view line of the principal facades of the existing building and do not obscure any view lines towards the adjacent Observatory building.
- The modified building footprint, scale and boundary setback have considered the sensitive site context and the amenity of the neighbouring heritage buildings. The result is a well resolved built form outcome that is appropriate for the current commercial uses and heritage interfaces.
- Accordingly, and based on the above, we consider the proposed minor first floor alteration to be appropriate design response that responds to the existing site constraints and immediate character of the area.

Please contact the undersigned on ph. 03 8626 9037 (email: gpadiack@pppartners.com.au) should Council have any queries regarding the correspondence.

Kind regards,

A handwritten signature in black ink, consisting of a stylized 'R' followed by a horizontal line that tapers to the right.

Rob McKendrick
Planning & Property Partners Pty Ltd

Encl.