

Statement of Recommendation from the Executive Director, Heritage Victoria

Residence, VHR H0142

39 Nicholson Street, Abbotsford, Yarra City

Wurundjeri Country



Executive Director recommendation

I recommend to the Heritage Council of Victoria (**Heritage Council**) that the Residence at 39 Nicholson Street in the Victorian Heritage Register (**VHR**) be amended. The category of registration is recommended to be Registered Place.

In accordance with section 62 of the *Heritage Act 2017* (**the Act**), I suggest that the Heritage Council determine:

- to include additional land in the VHR (section 49(1)(d)(i) and (ii) of the Act).



STEVEN AVERY

Executive Director, Heritage Victoria

Date of recommendation: 20 May 2026

The process from here

1. The Heritage Council publishes the Executive Director's recommendation (section 41)

The Heritage Council will publish the Executive Director's recommendation on its [website](#) for a period of 60 days.

2. Making a submission to the Heritage Council (sections 44 and 45)

Within the 60-day publication period, any person or body may make a written submission to the Heritage Council. This submission can support the recommendation, or object to the recommendation and a hearing can be requested in relation to the submission. Information about making a submission and submission forms are available on the [Heritage Council's website](#).

3. Heritage Council determination (sections 46, 46A and 49)

The Heritage Council is an independent statutory body. It is responsible for making the final determination to include or not include the place, object or land in the VHR or amend a place, object or land already in the VHR.

If no submissions are received the Heritage Council must make a determination within 40 days of the publication closing date.

If submissions are received, the Heritage Council may decide to conduct a hearing in relation to the submission. The Heritage Council must conduct a hearing if a submission requests a hearing, and that submission is made by a person or body with a real or substantial interest in the place, object or land.

If a hearing does take place, the Heritage Council must make a determination within 90 days after the completion of the hearing.

4. Obligations of owners of places, objects and land (sections 42, 42A, 42B, 42C, 42D and 43)

The owner of a place, object or land which is the subject of a recommendation to the Heritage Council has certain obligations under the Act. These relate to advising the Executive Director in writing of any works or activities that are being carried out, proposed or planned for the place, object or land.

The owner also has an obligation to provide a copy of this statement of recommendation to any potential purchasers of the place, object or land before entering into a contract.

5. Further information

The relevant sections of the Act are provided at the end of this report.

History

Statement of Country

The Wurundjeri people have an unbroken connection to the land and waters around Abbotsford from time immemorial.

Wurundjeri Country includes the city of Melbourne (Narrm) and an area extending north to the Great Dividing Range and beyond, west to the Werribee River, and east to Mount Baw Baw. It includes the Birrarung (Yarra River) which flows northeast of Abbotsford.

In 2025, the Yoorrook Justice Commission recorded how colonisation brought irreparable damage to First Peoples in Victoria with the introduction of diseases, massacres, dispossession of Country, confinement on missions and reserves, forced labour, separation of families and ongoing policies and practices that perpetuate systemic injustice. The historic phase of auction and speculation was one such instrument of colonisation that divided up land belonging to First Peoples, land that was central to their cultural, spiritual and physical wellbeing.¹

The Wurundjeri continue to live, work, practise culture and manage land and waters around Abbotsford.

Sir Charles Nicholson

Sir Charles Nicholson was born in 1808, in Iburndale, Yorkshire. Nicholson migrated to Sydney in 1833 where he inherited extensive land holdings upon his uncle's death. By 1840 he had devoted himself to business affairs, including buying land. In 1843 Nicholson was elected to the New South Wales Legislative Council as a representative for the electoral district of Port Phillip (Victoria), prior to separation in 1851.²

The Collingwood Flat

In 1838 the land forming much of present-day Collingwood and Abbotsford was subdivided for sale by government auction. The area was not originally intended to be urban; portions were around 25 acres each and it remained semi-rural until the 1850s.³ The only land reserved for roads were those to the boundaries of the subdivision, being Victoria Street, and Alexandra Parade, which ran east to west, and Nicholson Street (in Fitzroy, then named West Government Road), Smith Street, Hoddle Street and Church Street, which ran north to south.

Charles Nicholson purchased section 57 of this subdivision and later also came to hold sections 58 and 59. In the 1850s, the gold rush spurred Victoria's population growth, creating a boom time for subdivisions.⁴ Nicholson, alongside many of the other purchasers in the 1838 government auction, began to subdivide large sections of the Collingwood Flat from 1853.

By 1855, East Collingwood was proclaimed a municipality and District Surveyor Clement Hodgkinson was appointed to survey the municipality. Until this point, major roads had been the responsibility of Victoria's Central Road Boards while any minor roads within or between subdivisions were the responsibility of residents. Subdividers, who were interested in profits and fitting the maximum number of plots on their land, frequently planned streets without reference to what was planned on the adjacent subdivisions.⁵

Hodgkinson's map of 1858 shows that Charles Nicholson's land was being further subdivided already with small buildings concentrated towards Victoria Street and around the river. Further subdivision of Nicholson's land continued until 1870.⁶ In the years preceding the 1890s Depression, the Collingwood Flat became an area of intensive speculative development, and housing stock during this period was typically small working-class cottages of timber, brick and occasionally bluestone. Gipps and Nicholson Street (Abbotsford) attracted larger and more prestigious development, demonstrated by the two adjacent residences at 39 Nicholson Street (VHR H0142) and 41 Nicholson Street (VHR H0143), Abbotsford. The residences are a matching pair, designed with both Gothic and Italianate features. The sturdy

¹ Yoorrook Justice Commission. *Truth be Told*. 2025.

² Australian Dictionary of Biography. *Sir Charles Nicholson*. 2006.

³ Karen T. Cummings. *Streets Parks and Lanes of Collingwood Abbotsford Clifton Hill & Collingwood*. 2021.

⁴ Andrew Ward & Associates. *Collingwood Conservation Study Volume 1*. 1989.

⁵ Karen T. Cummings. *Streets Parks and Lanes of Collingwood Abbotsford Clifton Hill & Collingwood*. 2021.

⁶ Bernard Barrett. *The inner suburbs; the evolution of an industrial area*. 1971.

bluestone construction contrasts with much of the timber cottage construction of this period. The uniform 33 feet (10 metre) frontages for this portion of Nicholson Street are visible on the plan of Sir Charles Nicholson's property.

These two residences do not appear on Hodgkinson's 1858 map of existing buildings, so were built after 1858, but prior to the conclusion of Nicholson's subdivision dealings in 1870. The MMBW map of 1901 shows the two completed buildings.

Selected bibliography

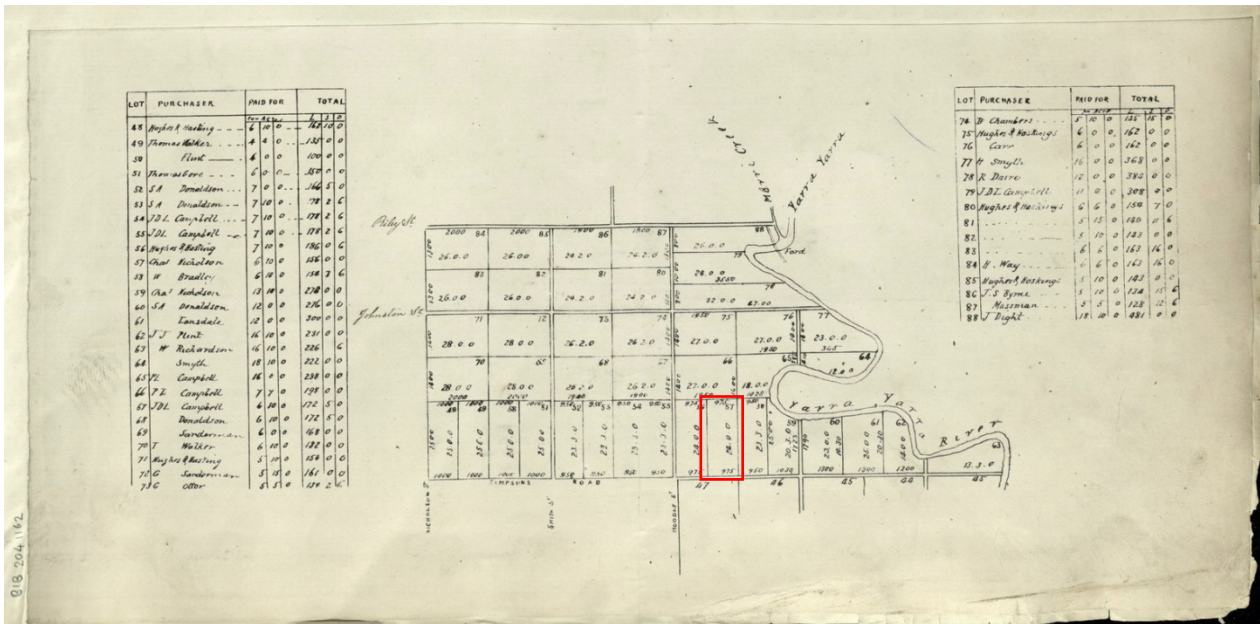
Andrew Ward & Associates. *Collingwood Conservation Study Volume 1*. 1989.

Australian Dictionary of Biography. *Sir Charles Nicholson*. 2006.

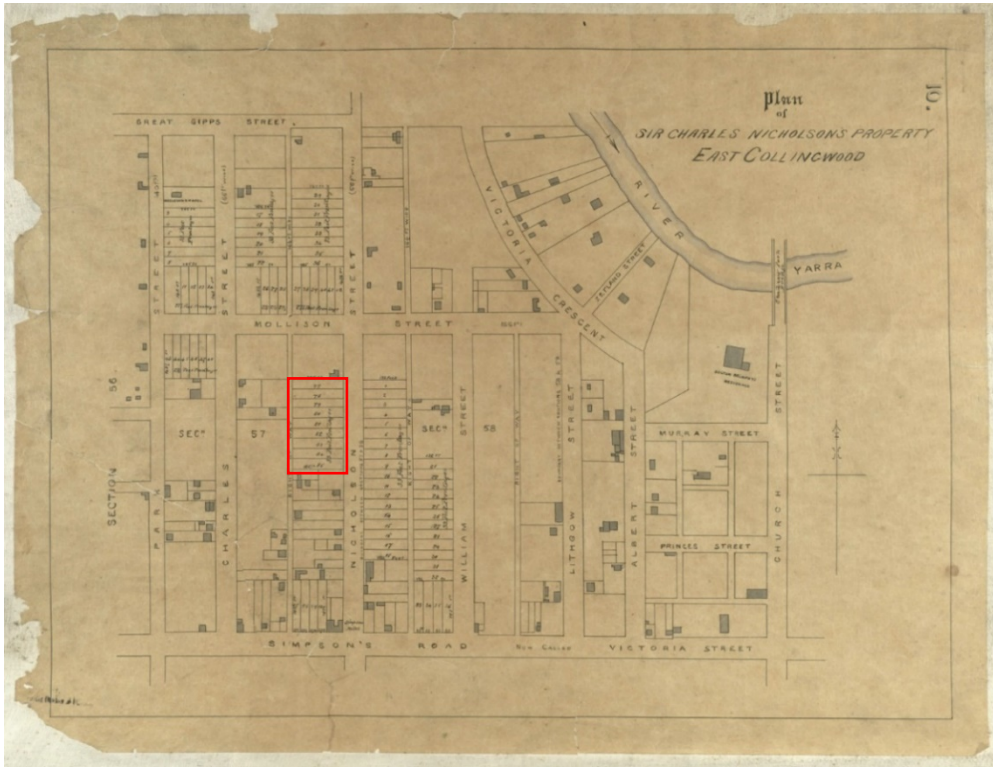
Bernard Barrett. *The inner suburbs; the evolution of an industrial area*. 1971.

Karen T. Cummings. *Streets Parks and Lanes of Collingwood Abbotsford Clifton Hill & Collingwood*. 2021.

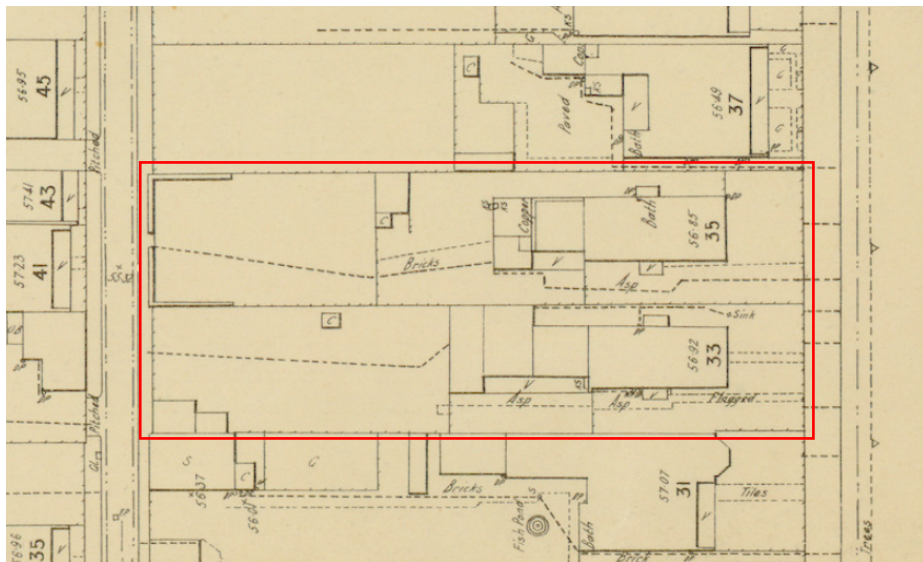
Historical images



188-?. Map of part of Parish of Collingwood and Fitzroy with list of purchasers, portion 57 outlined. Source: SLV.



Between 1853 and 1888. Plan of Sir Charles Nicholson's property, East Collingwood. 33 feet frontages to Nicholson Street highlighted in red. Source: SLV.



1901. MMBW detail plan no. 1311, 39 & 41 Nicholson Street (formerly known as 33 & 35) are outlined in red. Source: SLV.



2026. 39 Nicholson Street façade with evidence of applied washes. Source: HV.



2026. 39 Nicholson Street southern elevation showing bluestone walls. Source: HV.



2026. Residence and extensions viewed from the rear. Source: HV.



2026. Subject land (rear garden). Source: HV.

Further information

Registered Aboriginal Party information

The Residence at 39 Nicholson Street, Abbotsford is located on Wurundjeri Country.

Under the *Aboriginal Heritage Act 2006*, the Registered Aboriginal Party for this land is the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation.

Victorian Aboriginal Heritage Register

The place is not in an area of Aboriginal cultural heritage sensitivity.

(May 2026)

Integrity

The integrity of the place is excellent. The cultural heritage values of the place can be easily read in the extant fabric.

The external appearance allows the place to be interpreted as an early Gothic-influenced residence in Abbotsford.

(May 2026)

Intactness

The intactness of the place is very good.

The place has been altered internally to accommodate continued use as a private residence.

(May 2026)

Condition

The condition of the place is very good.

The place is in reasonable and sound condition for the age of the residence.

(May 2026)

Note: The condition of a place or object does not influence the assessment of its cultural heritage significance. A place or object may be in very poor condition and still be of very high cultural heritage significance. Alternatively, a place or object may be in excellent condition but be of low cultural heritage significance.

Amendment recommendation

State-level cultural heritage significance of the place

The State-level cultural heritage significance of the Residence at 39 Nicholson Street was recognised in 1974 by its inclusion in the Register of Historic Buildings.

Amendment application

On 20 April 2026 the Executive Director made and accepted an application to amend the registration of the place to ensure it is consistent with current practices under the Act.

Assessment of additional land and summary of significance

The information below is provided under s.40(3A)(c)(i)(ii) and s.40(4)(c)(i)(ii) as part of the Executive Director's Statement of recommendation.

The Executive Director recommends that the Heritage Council amend this registration because it is his view that:

- The State-level cultural heritage significance of the place would be substantially less if the additional land or any part of the additional land which is or has been used in conjunction with the place were developed [s.40(3A)(c)(i)].
- The additional land surrounds the place and is important to the protection or conservation of the place; or contributes to the understanding of the place [s.40(3A)(c)(ii)].

The Executive Director notes that:

- The current extent is limited to the fabric of the building, and is insufficient to protect, conserve and allow for a proper understanding of the place.
- The land proposed for inclusion both is currently and has been used in conjunction with the place since 1858 which is over 160 years.

The Executive Director is of the view that:

- If any of the additional land proposed for inclusion in the registration were developed, depending upon the nature of the proposal, there is potential for the development to impact upon the place and substantially reduce its State-level cultural heritage significance.
- The proposed inclusion of additional land, particularly around the currently registered building will enable works that could potentially impact on its conservation, such as drainage and paving, to be managed under a heritage approvals process.
- The proposed additional land allows the place's association with early subdivision and settlement on the Collingwood Flat to be better understood as the residence retains the original 33 feet (10 metre) frontage with rear lane access that was a feature of Charles Nicholson's subdivision of Nicholson Street.

Statutory requirements under section 40

Terms of the recommendation (section 40(3)(a))

Information to identify the place or object or land (section 40(3)(b))

Number: H0142

Category: Registered Place.

Name: Residence

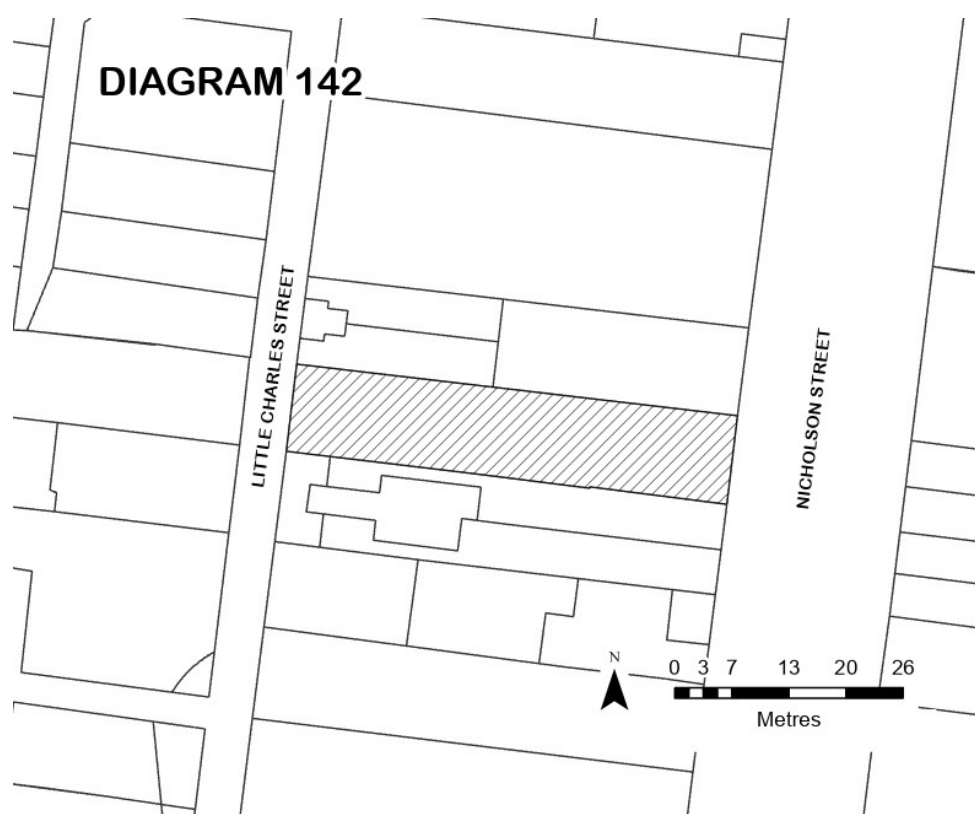
Location: 39 Nicholson Street, Abbotsford

Municipality: Yarra City Council

Proposed extent of registration

The Executive Director recommends that the extent of registration for the Residence at 39 Nicholson Street be gazetted as:

All of the place shown hatched on Diagram 142 encompassing all of Lot 1 on Title Plan 901477.



Summary of cultural heritage significance (section 40(4))

Statement of significance

The Residence at 39 Nicholson Street, Abbotsford is located on Wurundjeri country.

What is significant?

The Residence at 39 Nicholson Street, Abbotsford erected between 1858-1869 on land subdivided by speculator, Charles Nicholson. The house is constructed of squared rubble basalt with stucco facade, slate roof, Gothic barge boards and an unusual projecting stair enclosure in an eclectic design which combines Gothic with Italianate elements.

How is it significant?

The Residence at 39 Nicholson Street, Abbotsford satisfies the following criteria for inclusion in the Victorian Heritage Register:

Criterion A

Importance to the course, or pattern, of Victoria's cultural history.

Criterion D

Importance in demonstrating the principal characteristics of a class of cultural places and objects

Why is it significant?

The Residence at 39 Nicholson Street, Abbotsford is historically significant as an example of speculatively built houses erected in a style and construction technique traditionally associated with the first years of settlement in Victoria. Together with the neighbouring residence at 41 Nicholson Street, it is an unusual example of quality building development on the Collingwood flat, where construction of this period was generally not of a high standard. [Criterion A]

The Residence at 39 Nicholson Street, Abbotsford is architecturally significant as a fine and substantially intact example of Gothic-influenced residential architecture in Melbourne. The architectural values of the house are accentuated by its setting in a large garden allotment of unusual size for the area. The neighbouring residence of 41 Nicholson Street is built to the same design. [Criterion D]

Recommended permit exemptions under section 38

Introduction

A [heritage permit](#) is required for all works and activities undertaken in relation to VHR places and objects. Certain works and activities are [exempt from a heritage permit](#), if the proposed works will not harm the cultural heritage significance of the heritage place or object.

Permit Policy

It is recommended that a Conservation Management Plan is utilised to manage the place in a manner which respects its cultural heritage significance.

Permit Exemptions

General Permit Exemptions

General exemptions apply to all places and objects included in the VHR. General exemptions have been designed to allow everyday activities, maintenance and changes to your property, which do not harm its cultural heritage significance, to proceed without the need to obtain approvals under the *Heritage Act 2017*.

Places of worship: In some circumstances, you can alter a place of worship to accommodate religious practices without a permit, but you must notify the Executive Director before you start the works or activities at least 20 business days before the works or activities are to commence.

Subdivision/consolidation: Permit exemptions exist for some subdivisions and consolidations. If the subdivision or consolidation is in accordance with a planning permit granted under Part 4 of the *Planning and Environment Act 1987* and the application for the planning permit was referred to the Executive Director as a determining referral authority, a permit is not required.

Specific exemptions may also apply to your registered place or object. If applicable, these are listed below. Specific exemptions are tailored to the conservation and management needs of an individual registered place or object and set out works and activities that are exempt from the requirements of a permit. Specific exemptions prevail if they conflict with general exemptions.

Find out more about heritage permit exemptions [here](#).

Appendix 1: Important information for owners and interested parties

Heritage Council determination (section 49)

The Heritage Council is an independent statutory body that will make a determination on this recommendation under section 49 of the Act. It will consider the recommendation after a period of 60 days from the date the notice of recommendation is published on its [website](#) under section 41.

Making a submission to the Heritage Council (section 44)

Within the period of 60 days, any person or body may make a submission to the Heritage Council regarding the recommendation and request a hearing in relation to that submission. Information about making a submission and submission forms are available on the [Heritage Council's website](#). The owner can also make a submission about proposed permit exemptions (Section 40(4)(d)).

Consideration of submissions to the Heritage Council (section 46)

(1) The Heritage Council must consider—

- (a) any written submission made to it under section 44; and
- (b) any further information provided to the Heritage Council in response to a request under section 45.

Conduct of hearings by Heritage Council in relation to a recommendation (section 46A)

(1) The Heritage Council may conduct a hearing in relation to a recommendation under section 37, 38 or 39 in any circumstances that the Heritage Council considers appropriate.

(2) The Heritage Council must conduct a hearing if—

- (a) a submission made to it under section 44 includes a request for a hearing before the Heritage Council; and
- (b) the submission is made by a person or body with a real or substantial interest in the place, object or land that is the subject of the submission.

Determinations of the Heritage Council (section 49)

(1) After considering a recommendation that a place, object or land should or should not be included in the Heritage Register and any submissions in respect of the recommendation and conducting any hearing, the Heritage Council may—

- (a) determine that the place or object is of State-level cultural heritage significance and is to be included in the Heritage Register; or
- (ab) in the case of a place, determine that—
 - (i) part of the place is of State-level cultural heritage significance and is to be included in the Heritage Register; and
 - (ii) part of the place is not of State-level cultural heritage significance and is not to be included in the Heritage Register; or
- (ac) in the case of an object, determine that—
 - (i) part of the object is of State-level cultural heritage significance and is to be included in the Heritage Register; and
 - (ii) part of the object is not of State-level cultural heritage significance and is not to be included in the Heritage Register; or
- (b) determine that the place or object is not of State-level cultural heritage significance and is not to be included in the Heritage Register; or

- (c) in the case of a recommendation in respect of a place, determine that the place or part of the place is not to be included in the Heritage Register but—
 - (i) refer the recommendation and any submissions to the relevant planning authority or the Minister administering the Planning and Environment Act 1987 to consider the inclusion of the place or part of the place in a planning scheme in accordance with the objectives set out in section 4(1)(d) of that Act; or
 - (ii) determine that it is more appropriate for steps to be taken under the Planning and Environment Act 1987 or by any other means to protect or conserve the place or part of the place; or
 - (ca) in the case of a recommendation in respect of an object nominated under section 27A, determine that the object, or part of the object, is to be included in the Heritage Register if it is integral to understanding the cultural heritage significance of a registered place or a place the Heritage Council has determined to be included in the Heritage Register; or
 - (d) in the case of a recommendation in respect of additional land nominated under section 27B, determine that the additional land, or any part of the additional land, is to be included in the Heritage Register if—
 - (i) the State-level cultural heritage significance of the place, or part of the place, would be substantially less if the additional land or any part of the additional land which is or has been used in conjunction with the place were developed; or
 - (ii) the additional land or any part of the additional land surrounding the place, or part of the place, is important to the protection or conservation of the place or contributes to the understanding of the place.
- (2) The Heritage Council must make a determination under subsection (1)—
- (a) within 40 days after the date on which written submissions may be made under section 44; or
 - (b) if any hearing is conducted, within 90 days after the completion of the hearing.
- (3) A determination made under subsection (1)(a), (ab), (ac), (ca) or (d)—
- (a) may include categories of works or activities which may be carried out in relation to a place, object or land, or part of a place, object or land, for which a permit under this Act is not required, if the Heritage Council considers that the works or activities would not harm the cultural heritage significance of the place, object or land; and
 - (b) must include a statement of the reasons for the making of the determination.
- (4) If the Heritage Council determines to include a place, or part of a place, in the Heritage Register, the Heritage Council may also determine to include land that is not the subject of a nomination under section 27B in the Heritage Register as part of the place if—
- (a) the land is ancillary to the place; and
 - (b) the person who owns the place, or part of the place—
 - (i) is the owner of the land; and
 - (ii) consents to its inclusion.
- (5) If a member of the Heritage Council makes a submission under section 44 in respect of a recommendation, the member must not take part in the consideration or determination of the Heritage Council.
- (6) The Heritage Council must notify the Executive Director of any determination under this section as soon as practicable after the determination.

Obligations of owners (section 42, 42A, 42B, 42C, 42D)

42 Obligations of owners—to advise of works, permits etc. on foot when statement of recommendation given

- (1) The owner of a place, object or land to whom a statement of recommendation has been given must advise the Executive Director in writing of—

- (a) any works or activities that are being carried out in relation to the place, object or land at the time the statement is given; and
- (b) if the place, object or land is a place or additional land, any application for a planning permit or a building permit, or any application for an amendment to a planning permit or a building permit, that has been made in relation to the place or additional land but not determined at the time the statement is given; and
- (c) any works or activities that are proposed to be carried out in relation to the place, object or land at the time the statement is given.

(2) An advice under subsection (1) must be given within 10 days after the statement of recommendation is given under section 40.

42A Obligations of owners before determination or inclusion in the Heritage Register—to advise of permits

(1) This section applies if—

- (a) an owner of any of the following is given a statement of recommendation—
 - (i) a place or object nominated under section 27;
 - (ii) an object nominated under section 27A;
 - (iii) land nominated under section 27B; and
- (b) any of the following occurs within the statement of recommendation period in relation to the place, object or land—
 - (i) the making of an application for a planning permit or a building permit;
 - (ii) the making of an application for an amendment to a planning permit or a building permit;
 - (iii) the grant of a planning permit or building permit;
 - (iv) the grant of an amendment to a planning permit or building permit.

(2) The owner must advise the Executive Director in writing of—

- (a) the making of an application referred to in subsection (1)(b)(i) or (ii), within 10 days of the making of the application; or
- (b) a grant referred to in subsection (1)(b)(iii) or (iv), within 10 days of the owner becoming aware of the grant.

42B Obligations of owners before determination or inclusion in the Heritage Register—to advise of activities

(1) This section applies if—

- (a) an owner of a place, object or land is given a statement of recommendation; and
- (b) within the statement of recommendation period it is proposed that activities that could harm the place, object or land be carried out.

(2) The owner, not less than 10 days before carrying out the activities, must advise the Executive Director in writing of the proposal to do so.

42C Obligations of owners before determination or inclusion in the Heritage Register—to advise of proposal to dispose

(1) This section applies if—

- (a) an owner of a place, object or land is given a statement of recommendation; and
- (b) within the statement of recommendation period a proposal is made to dispose of the whole or any part of the place, object or land.

(2) The owner, within 10 days after entering into an agreement, arrangement or understanding for the disposal of the whole or any part of the place, object or land, must advise the Executive Director in writing of the proposal to do so.

42D Obligations of owners before determination or inclusion in the Heritage Register—requirement to give statement to purchaser

(1) This section applies if—

- (a) an owner of a place, object or land is given a statement of recommendation; and
- (b) the owner proposes to dispose of the whole or any part of the place, object or land within the statement of recommendation period.

(2) Before entering into an agreement, arrangement or understanding to dispose of the whole or any part of the place, object or land during the statement of recommendation period, the owner must give a copy of the statement of recommendation to the person who, under the proposed agreement, arrangement or understanding, is to acquire the place, object or land or part of the place, object or land.

Owners of places and objects must comply with obligations (section 43)

An owner of a place, object or land who is subject to an obligation under section 42, 42A, 42B, 42C or 42D must comply with that obligation.

Penalty: In the case of a natural person, 120 penalty units;
 In the case of a body corporate, 240 penalty units.

Appendix 2: Existing registration details

Note: The statement of significance below is repeated verbatim in the registrations of 39 Nicholson Street (VHR H0142) and 41 Nicholson Street (VHR H0143). This pair of adjacent properties were included in the Historic Buildings Register in 1974. It is not proposed to amend the registration of 41 Nicholson Street (VHR H0143), nor update its statement of significance at this time, due to modernised fabric and development at 41 Nicholson Street (VHR H0143).

Existing registration details

Existing extent of registration

City of Collingwood. No. 142. Brick House, 39 Nicholson Street, Abbotsford.

[*Victoria Government Gazette* No 100 Wednesday, October 9 1974 p.3648]

Existing extent diagram

This registration was gazetted on October 9 1974 without an extent diagram.

Existing statement of significance

The residences at 39-41 Nicholson Street, Abbotsford, were erected between 1858-1869 on land subdivided by local speculator, Charles Nicholson. The houses were constructed of squared rubble basalt with stucco facade, slate roof, Gothic barge boards and an unusual projecting stair enclosure in an eclectic design which combines Gothic with Italianate elements. Both houses have been substantially altered internally, with No 39 remaining the better example, being virtually intact externally.

The residences at 39-41 Nicholson Street Abbotsford are of historical and architectural value to the State of Victoria.

The residences at 39-41 Nicholson Street Abbotsford are of historical significance as examples of speculatively-built houses erected in a style and construction technique traditionally associated with the first years of settlement in Victoria. The houses are unusual examples of quality building development on the Collingwood flat, where construction of this period was generally not of a high standard.

The residences at 39-41 Nicholson Street, Abbotsford, are of architectural significance because, although substantially modified internally, they remain largely externally intact, a rare example of Gothic-influenced residential architecture in Melbourne. The aesthetic appeal of the houses is accentuated by their setting in large garden allotments of rare size for the area.

Existing permit policy and permit exemptions

Nil.