

# Statement of Recommendation from the Executive Director, Heritage Victoria

Halstead VHR H0450

23 Bambra Road Caulfield North, Glen Eira City

Bunurong Country



## Executive Director recommendation

I recommend to the Heritage Council of Victoria (Heritage Council) that Halstead, located at 23 Bambra Road, Caulfield North, Glen Eira City in the Victorian Heritage Register (VHR) be amended.

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).
- that the proposed categories of works or activities which may be carried out in relation to Halstead for which a permit under the Act is not required (specific permit exemptions) will not harm the cultural heritage significance of the place in accordance with section 38 of the Act.



**STEVEN AVERY**  
Executive Director, Heritage Victoria  
Date of recommendation: 3 December 2024

## 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 hold a hearing in relation to the submission. The Heritage Council must conduct a hearing if the 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 Appendix 1.

## Background to recommendation of additional land

### Currently registered land

Halstead was included in the Historic Buildings Register (HBR) in 1979. At that time, the Historic Buildings Preservation Council (HBPC) was limited in its capacity to recommend the inclusion of land as part of a registration. Under the *Historic Buildings Act 1974* only 'buildings' could be registered, not land. The definition of 'building' in that Act included 'a building work or object or any part thereof or appurtenances thereto'.

In the case of Halstead, it appears that the HBPC recommended the registration of a limited part of the front garden on the grounds that it constituted a 'work or object or appurtenance' to the building Halstead. Under amendments to the Act in subsequent years, which became part of the *Historic Buildings Act 1981*, the registration of buildings and land became possible. From the 1980s and 90s the Heritage Council of Victoria has registered 'places' with land, not just buildings.

### Current practice

For over 30 years, the Heritage Council and its predecessors, has consistently included land in registrations of places. In the case of residences, it has been and is standard practice to include settings, typically gardens, driveways, paths and the like. Although these elements may not be of State-level significance in their own right, the design and construction of a residence and garden together inform the State-level significance of a 'place'.

### Nominations of additional land

Any person at any time may nominate additional land to be included to a registered place.

The Executive Director has 'added land' to over 100 registered places in the VHR in recent years in order to protect their cultural heritage values and ensure their conservation and understanding. In the case of residences, front gardens allow the approach and façade of the house to be uninterrupted and appreciated. Stables allow the history of a house to be better understood, speaking to the necessity of horse travel prior to rail and vehicle travel.

### Interim Protection Orders over additional land

Any person at any time may request an interim protection order over additional land at a registered place.

The Executive Director or the Heritage Council may make an Interim Protection Order (IPO) in relation to a place or object if, in the opinion of the Heritage Council or the Executive Director, it is necessary or desirable to do so for the purposes of this Act. An IPO was issued for Halstead on 8 November 2024.

### Nomination of additional land at Halstead

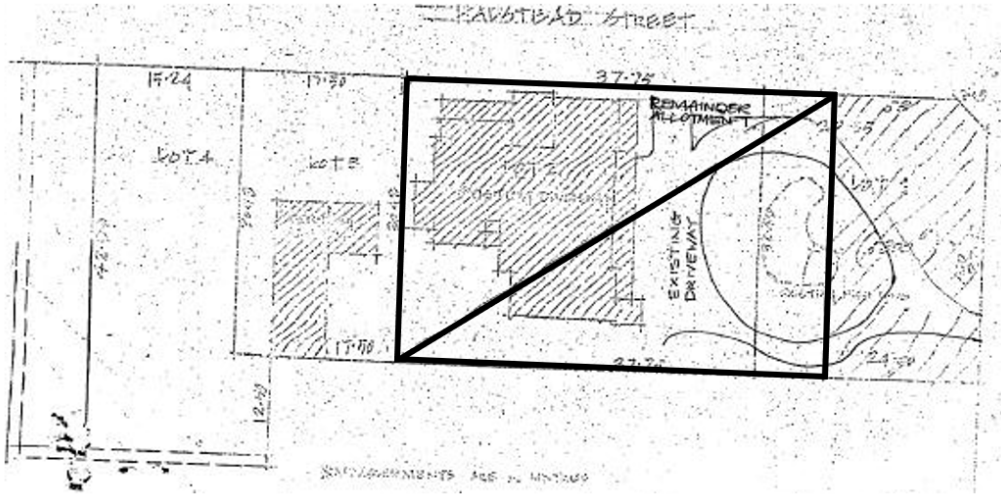
This Statement of recommendation has been made in response to a nomination of additional land made under s.27B and accepted by the Executive Director on 23 September 2024. This sought to include additional land at Halstead to ensure that the entire front garden and the stables building at the rear of the house, are included in the registered place.



## Explanatory diagrams

The extent determined in 1979 is: Historic Building No. 450 'Halstead', Halstead Street, Caulfield (to the extent of the total exterior of the house and tower, and land to the extent of the total house allotment).

The 1979 extent was accompanied by the diagram below.



Registration diagram 1979 (extent of land in black)

These diagrams explain the 1979 extent of land being 'the total house allotment' in relation to the current land parcels, fabric and Interim Protection Order (IPO) extent.

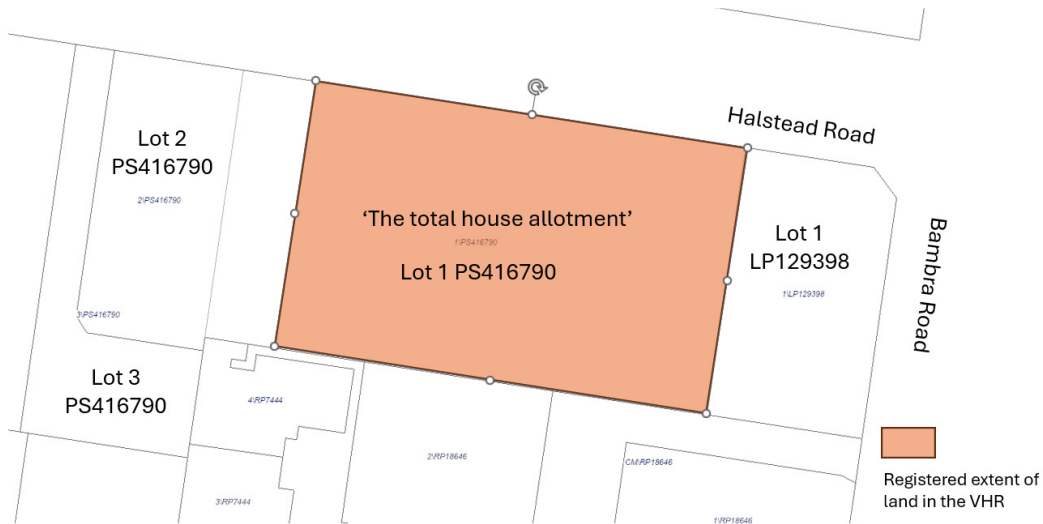


Diagram showing VHR extent and current land parcels



Diagram showing registered extent (in orange) superimposed over aerial photo.



Diagram showing registered extent (in orange) and IPO extent (in blue).

## Land parcel reference summary

### Under consideration

Land parcel	Status	Reference name in this report
<i>The area of land identified in the MMBW plan of 1911</i>		
Lot 1 PS416790	Currently in VHR	House block and western part of front garden
Lot 1 LP129398	Under IPO	Eastern part of front garden along Bambra Road
Lot 1 PS416790 West	Under IPO	Stable block

### Not under consideration

Land parcel	Status	Reference name in this report
<i>For location orientation only</i>		
Lot 2 PS416790	NA	Tennis court block
Lot 3 PS416790	NA	Modern town house with entry from 63 Halstead Street

## Description

The following is a description of Halstead (the area covered by the registration and the IPO at the time of the site inspection by Heritage Victoria in November 2023. The interior of the place is not included in the registration.

### *The place*

Halstead comprises a mid-Victorian era single storey villa residence, front garden with established trees, rear stable building and modern swimming pool on the corner of Bamba Road and Halstead Street. The primary entrance is from Bamba Road via a driveway through the front garden which culminates in a turning circle in front of the house. A pond with surrounding foliage is located within the turning circle.

### *Main residence*

The main residence comprises an entry foyer, seven bedrooms, three bathrooms, a dining room, living room, sitting room, two studies, and kitchen. The house has an external-facing slate roof and faces east towards Bamba Road. A cast iron verandah spans the full width of the building, including the two pavilion wings either side. A substantial three-storey tower with its Mansard roof, dormer windows and cast-iron balustraded 'widow's walk' projects from the northern wing. A modern double garage is attached to the south side of the southern pavilion. The interiors of the residence have been altered.

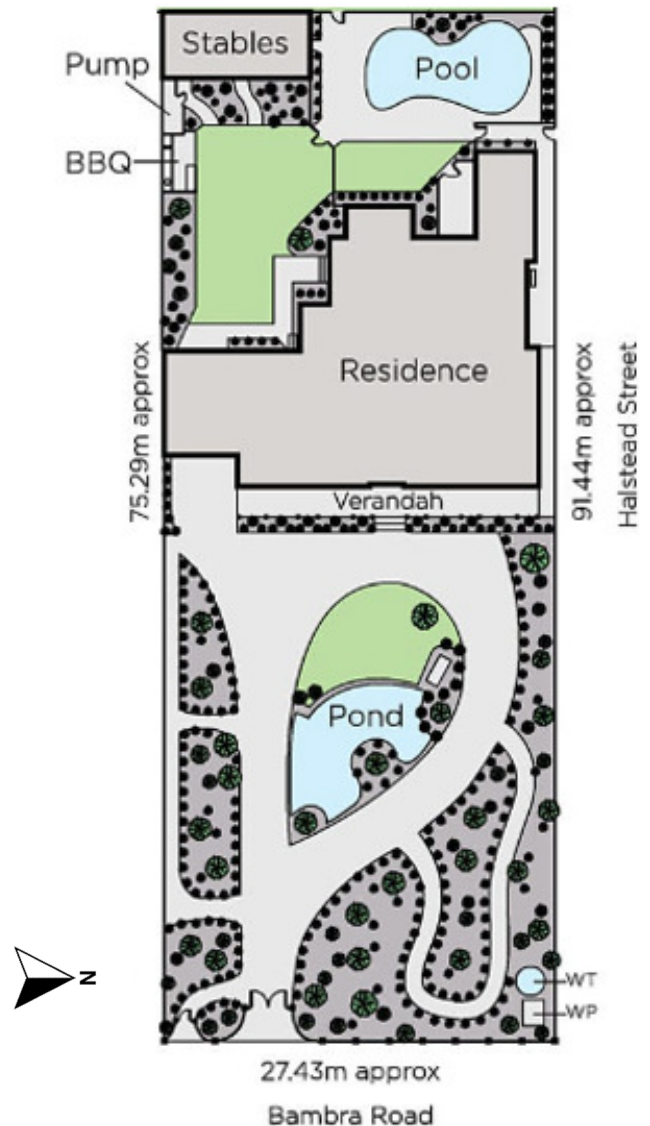
At the rear of the residence is a back lawn area with beds of small shrubs and hedges.

### *Stables*

The stables are a two-storey building with polychromatic brickwork and a slate roof. The interiors have been altered, and dormer windows added as part of a conversion to a self-contained apartment.

### *Swimming pool*

The swimming pool is kidney-shaped and located to the north of the stable building behind a see-through safety fence.



December 2021, site plan from realestate.com



## Description images



*Corner of Bambra Road and Halstead Street. November 2024.*



*Main entry to the property from Bambra Road. November 2024.*





*View from east side of Bambra Road. November 2024.*





*Eastern (front) elevation of residence showing top of turning circle and mature trees. realestate.com*



*View up southern loop of front driveway to residence. Heritage Victoria 2023.*



*View up northern loop front driveway to residence. Heritage Victoria 2023.*





*View from Bambra Road into garden. Heritage Victoria 2023.*



*View from residence towards the centre of the turning circle. Heritage Victoria 2023.*



*Northern elevation of stables building. realestate.com*





*Western elevation of the stables. The tennis court is not in the area for consideration. realestate.com*



*Interior of stables, ground floor. realestate.com*

## History

### Caulfield

The area now known Glen Eira was first inhabited by the Bunurong people. Today their land extends from the Werribee River to Westernport and further east and includes part of Melbourne and some of its suburbs, including Caulfield. European settlement and pastoral use of land in the Caulfield area dates from the 1840s. At that time, stockmen rested their cattle at Caulfield en route from Gippsland to Melbourne, along a stock route that was gradually replaced by Dandenong Road. In 1857 Caulfield was proclaimed a Road District (see map below). In 1871 Caulfield became a shire, and then a city in 1913. Today it is part of the City of Glen Eira local government area.



c. 1860s, *Plan of the Caulfield Road District*, Sydney W. Smith. State Library of Victoria. Later railway lines drawn in red. Halstead identified for indicative purposes only and not to scale.

### Villas and mansions

During the 1850s the discovery of gold brought great wealth to Melbourne, and Caulfield became a wealthy locality on the periphery of an expanding Melbourne. Caulfield North in particular became a desirable residential location. A number of large villas and mansions were built on substantial acreages by Melbourne's gentry until the financial crash of the 1890s. Surviving examples include Halstead (c.1857) (VHR , Rosecraddock (c. 1857) (VHR H0589), Nithsdale (1858) (HO73), Kynaston (1888-89) (HO11), Rosemont (1868) (HO124), Clarence Lodge (HO212), as well as ornate boom era examples such as Labassa (1873, 1890) (VHR H0135) and Myoora (1886-87) (VHRH0490).<sup>1</sup>

Historians of Caulfield have called this period in the suburb's development the 'Mansion Era'.<sup>2</sup> At this time, grand residences were developed in Caulfield, and across Melbourne, with generous garden settings that spoke to the prosperity, gentility and good taste of their owners. Halstead, a detached villa with stables and garden, was built c.1857 by wealthy pastoralist, James Dickson, on the outskirts of Melbourne, then a 10km journey by horse. Villas and mansions

<sup>1</sup> For an account of the development of Caulfield North, see Extent, *Caulfield North Heritage Review*, Volume 1, Prepared for City of Glen Eira (July 2023).

<sup>2</sup> Peter Murray and John Wells, *From sand, swamp and heath: A history of Caulfield*, City of Caulfield, 1980, p. 152.

were often developed with towers, like the substantial three-storey structure at Halstead, which symbolised the owners' wealth and status. Stables were necessary because of the reliance on horse travel, and gardens afforded privacy and shade within a larger acreage cleared for agriculture and grazing.

Despite a halt in development during the depression years of the 1890s, growth in Caulfield resumed during the first few decades of the early twentieth century. This period saw the subdivision of mansion estates into smaller allotments for further residential development, the expansion of the tramway system in the 1910s and improved highways by the interwar period. By the 1930s, Caulfield had transformed into a middle-class suburb characterised by freestanding houses designed in a mixture of Victorian, Federation and Interwar styles, and an increasing number of flats were being constructed.<sup>3</sup>

## Halstead

### *Nineteenth century*

Today Halstead (VHR H0450) is believed to be the oldest extant residence in Caulfield. The villa dates from at least 1857 and was owned and occupied by Dr James Dickson a wealthy pastoralist and property owner with large stations in the eastern colonies of Australia, including South Australia and the Riverina.<sup>4</sup> It appears that Halstead was Dickson's Melbourne residence. In 1858 the Halstead Estate comprised a brick residence on 14 acres of land, including 10 acres of pasture and 4 acres under cultivation. The house had six rooms with kitchen, servants' rooms, stables and outbuildings. Dickson's neighbour was James Bevan who built the substantial two-storey residence 'Grosmont' directly to the south of Halstead in the early 1860s (demolished 1933).

James Dickson lived at Halstead until his death in 1880 when his son George Dickson became the owner. George also owned Uabba and Maahope Stations in the Lachlan District of NSW and Uranaway Station in South Australia.<sup>5</sup> In 1885 Ellen Dickson, James' widow, was listed in the rate book as the owner of Halstead. She died there in 1893.<sup>6</sup> By the early 1890s Halstead had been subdivided and the house block comprised two acres of land and a nine-roomed residence. By the late 1890s, George Dickson was again named as the owner in the rate books, the house having a series of tenants in that and the next decade.<sup>7</sup> A 1905 MMBW Plan show Halstead with its long verandah facing Bambra Road. There is a large front garden area, a building variously described in the 1970s as either servants' quarters or a services wing, and rear stables (see below).

### *Twentieth century*

In 1910 further subdivisions of Halstead were advertised for sale. The blocks comprised 54 'fine villa sites' and 'the recently renovated Halstead residence'.<sup>8</sup> In 1911 Mr and Mrs SJ Plain purchased the residential block which had been reduced to 0.57 acres [0.23ha].<sup>9</sup> A 1911 MMBW plan shows the residence within the boundaries of the subdivided block, with the newly made Halstead Street to the north from which the stables, comprised of three adjoining structures, could be accessed. After Mr and Mrs Ercil Plain purchased the residence, the servants' quarters/services wing was converted to a billiards rooms and attached to the house, which is shown on the 1911 MMBW plan.

After the death of Mr and Mrs Plain, the property passed to their daughter Mrs Ercil White (nee Plain). In 1977 after her death, it was sold to three development companies: Resco Nominees, Pty Ltd, Kathandra Pty Ltd, Camarda Pty Ltd. The occupying tenant was architect Vladimir Chernov. In 1978 Halstead was nominated for the Historic Buildings Register and was included in 1979.

<sup>3</sup> Extent, *Caulfield North Heritage Review*.

<sup>4</sup> 'News of the Day', *Age*, 31 Dec 1880, p.2. Carlotta Kellaway, *Research into 'Halstead' 23 Bambra Road, Caulfield*, National Trust of Australia (Victoria) 15 May 1978; Peter Murray and John Wells, *From sand, swamp and heath: A history of Caulfield*, City of Caulfield, 1980, p. 107.

<sup>5</sup> *Pastoral Times*, (NSW) 3 June 1882, p.2

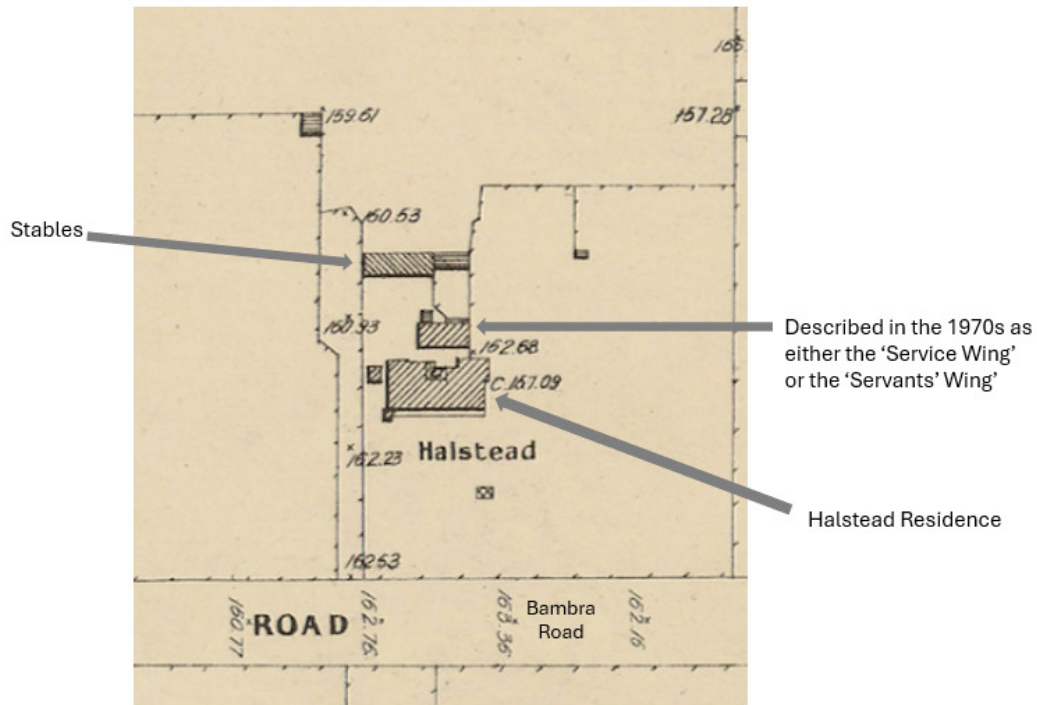
<sup>6</sup> Carlotta Kellaway, *Research into 'Halstead'*; 'Family Notices', *Argus*, Tue 17 Oct 1893, p.1.

<sup>7</sup> Carlotta Kellaway, *Research into 'Halstead'*; Andrew Ward, 'Halstead' Citation, *City of Glen Eira Heritage Management Plan*, Volume 3, 1996, unpaginated.

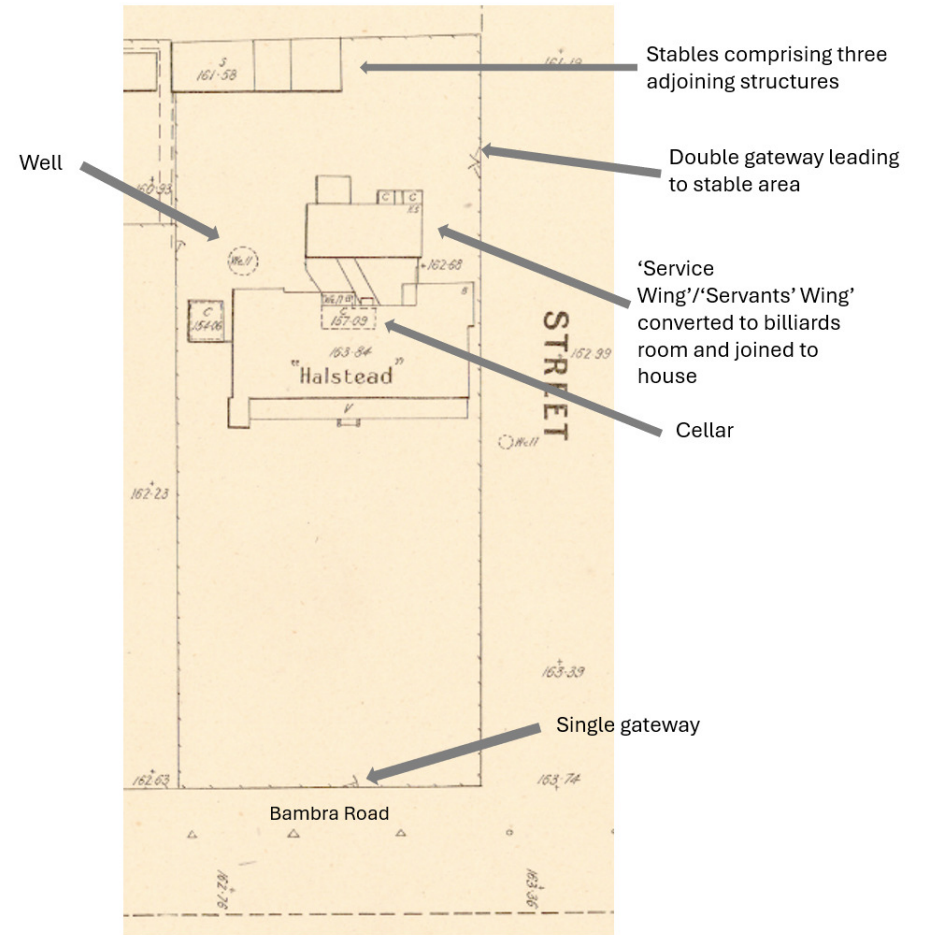
<sup>8</sup> *Argus*, 23 Apr 1910, p. 3.

<sup>9</sup> This is the extent currently under consideration, being the land in the VHR and that covered by the IPO (Lot 1 PS416790, the stable lot, and Lot 1 LP129398, the eastern section of the front garden).



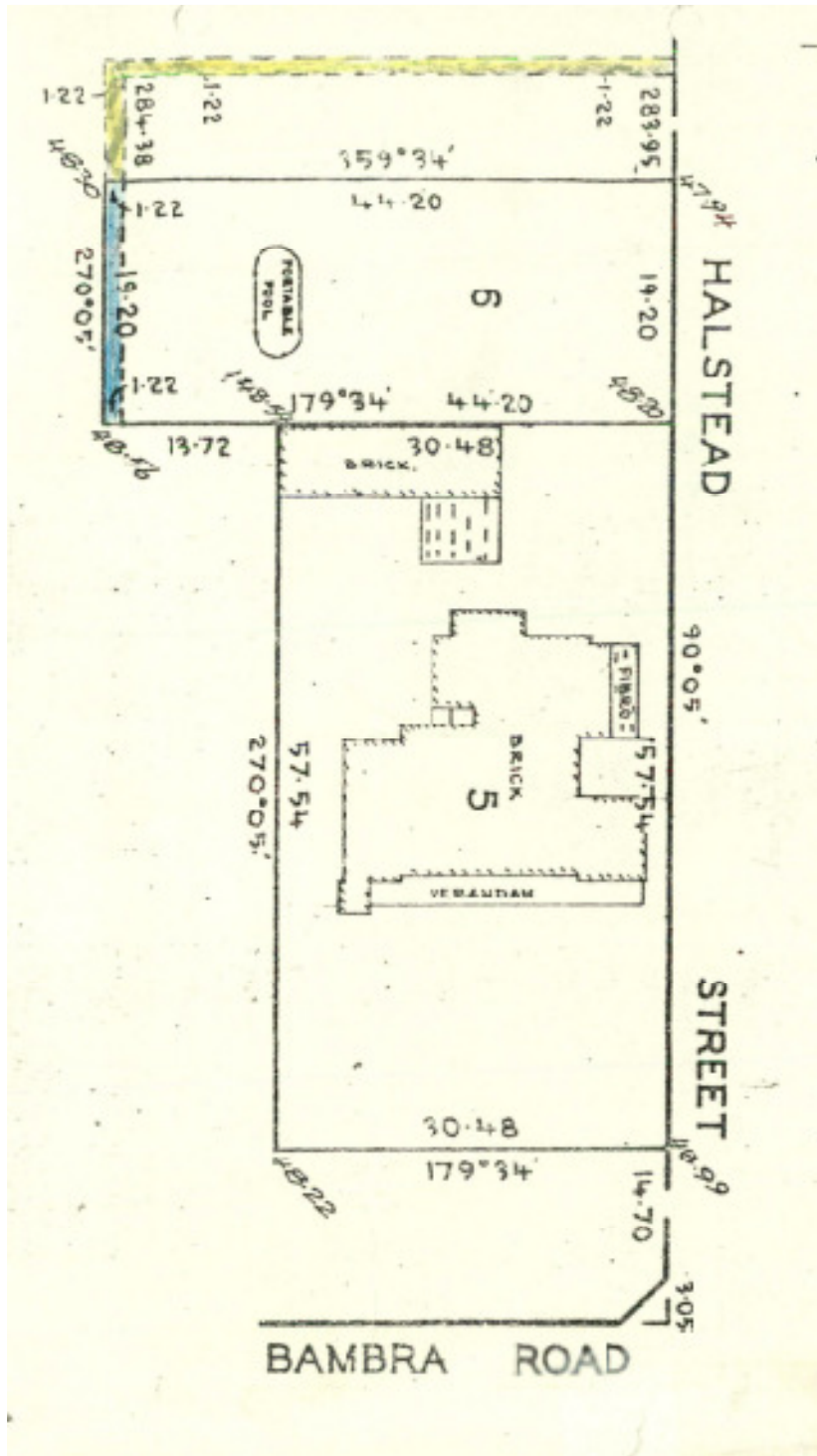


Melbourne and Metropolitan Board of Works plan, 1905, no.80, Caulfield, State Library of Victoria



Halstead after subdivision, 1911, Melbourne and Metropolitan Board of Works (Detail Plan No. 2045) Town of Caulfield. State Library of Victoria.





Title Plan (1982). Heritage Victoria.

## Historical images



*Residence and garden c.1890. [Glen Eira Historical Society](#).*

*Photograph of Halstead featuring the front façade of the house, the western part of the garden, with mature tree and plantings.*

*The woman in the photo is possibly Ellen Dickson widow of James Dickson (died 1880) who built Halstead.*



*c.1972, Photographs of Halstead, [Glen Eira Historical Society](#)*

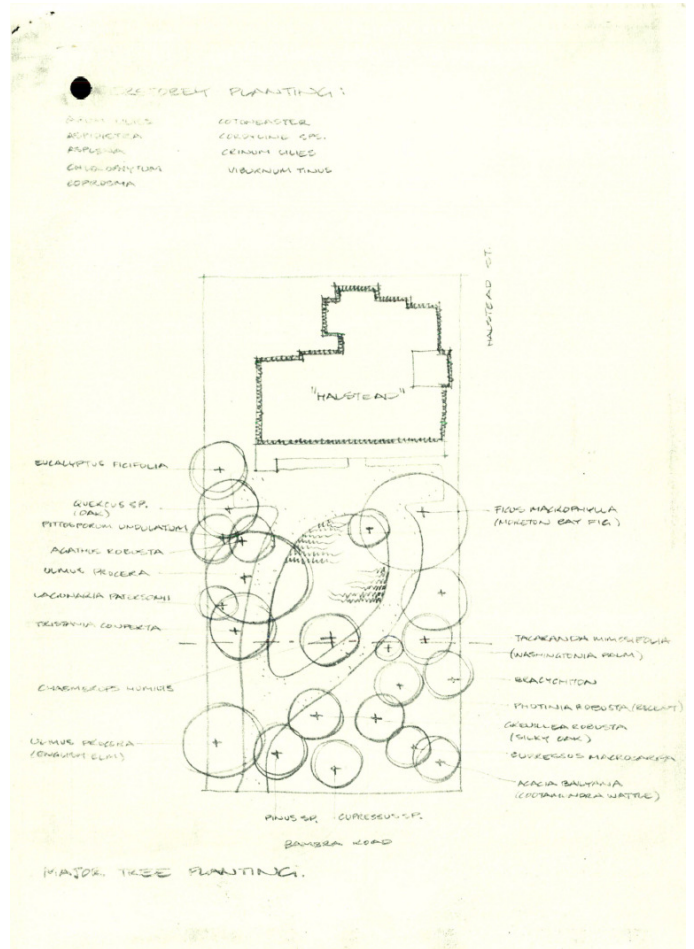


*c.1978, view from Bambra Road up driveway and front garden towards residence.*





c.1978, view from tower across front garden to Bambra Road.



December 1978, site plan with detail of front garden. Heritage Victoria.

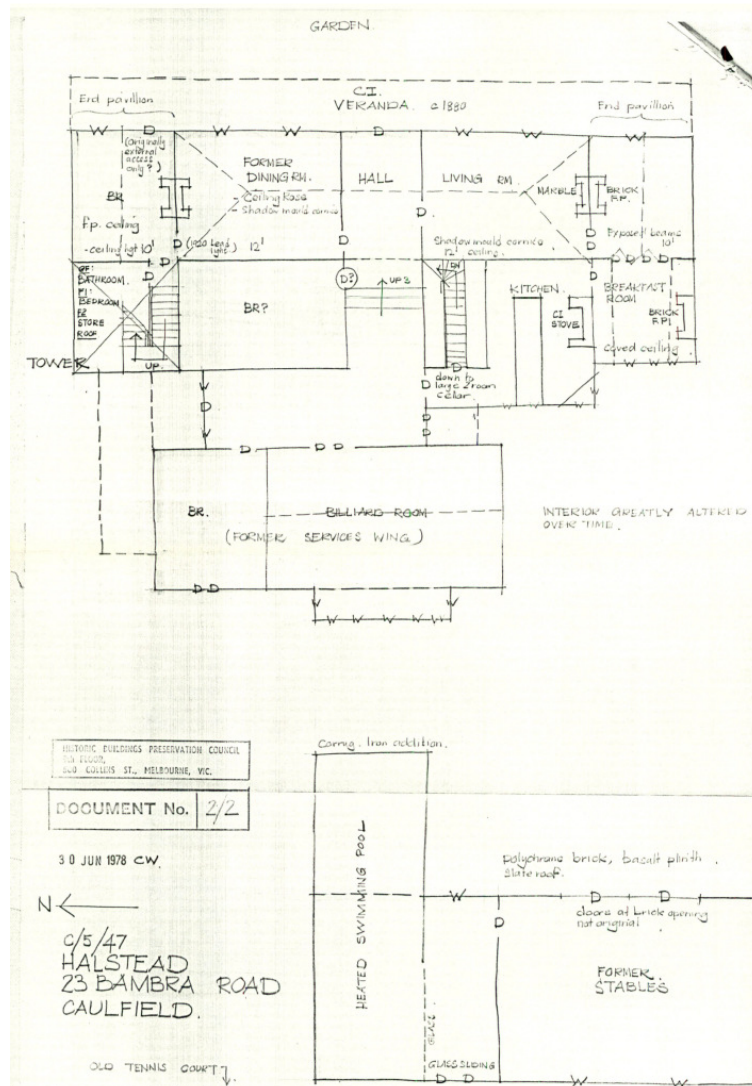


*c. 1978, view from tower towards stables, which then consisted of three adjoining structures. Note that the east-west wing along Halstead Street had not been built.*



*c. 1980s, corner of Bambra and Halstead Street. Heritage Victoria.*





1987, Floorplan of the Halstead residence. Heritage Victoria.

## Selected bibliography

Extent, *Caulfield North Heritage Review*, Volume 1, Prepared for City of Glen Eira (July 2023).

Carlotta Kellaway, Research into 'Halstead' 23 Bambra Road, Caulfield, National Trust of Australia (Victoria) 15 May 1978.

Peter Murray and John Wells, *From sand, swamp and heath: A history of Caulfield*, City of Caulfield, 1980.

Andrew Ward, 'Halstead' Citation, *City of Glen Eira Heritage Management Plan*, Volume 3, 1996, unpaginated.

Peter Watts, 'Halstead' Research Notes, prepared for the National Trust of Australia (Victoria) 8 December 1978.

## Further information

### Traditional Owner Information

The place is located on the traditional land of the Bunurong people. Under the *Aboriginal Heritage Act 2006*, the Registered Aboriginal Party for this land is the Bunurong Land Council Aboriginal Corporation.

### Native Title

Native title is the recognition in Australian law that some Aboriginal and Torres Strait Islander people continue to hold rights and interests in land and water. Native title is not granted by governments. It is recognised through a determination made by the Federal Court of Australia under the *Native Title Act 1993* (Cth).

In 2010, acknowledging the difficult nature of having native title determined under the Native Title Act, the Victorian Government developed an alternate system for recognising the rights of Victorian traditional owners. The *Traditional Owner Settlement Act 2010* (Vic) allows the government and traditional owner groups to make agreements that recognise traditional owners' relationship to land and provide them with certain rights on Crown land.

There are no Native Title or Traditional Owner Settlement agreements that affect this place.

### Victorian Aboriginal Heritage Register

The place is located within a large area of Aboriginal cultural heritage sensitivity.

### Integrity

The integrity of the exterior of the place is good. The cultural heritage values of Halstead are easily read in the extant fabric. No comment on the integrity of the interiors is offered because they are not included in the registration.

(November 2023)

### Intactness

The intactness of the place is fair. The residence, stables and grounds have been subject to alterations since the early twentieth century. No comment on the intactness of the interiors is offered because they are not included in the registration.

(November 2023)

### Condition

The condition of Halstead is very good. The place is well maintained.

(November 2023)

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.

## 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 is of the view that if any of the 1910 subdivision (shown in the MMBW plan) were developed, depending upon the nature of the proposal, there is potential for the development to impact upon Halstead, and substantially reduce the State-level cultural heritage significance of the place.

- The land proposed for inclusion both is and has been used in conjunction with Halstead for over 165 years.
- In the context of other nineteenth-century villas with registered land in the VHR, this is an outlier because its current extent of registration does not cover the entire garden area nor stables.
- The current extent:
  - 'chops' in two the mature front garden and driveway
  - excludes the front part of the mature garden along Bambra Road
  - does not allow for a continuous physical connection between the main entrance on Bambra Road and the house
  - excludes the historic stable building.

### Eastern part of front garden

In 1979, the restriction of the *Historic Buildings Act 1974* to 'buildings' resulted in nineteenth-century mansions being registered without land and/or their garden settings and driveways. Since c.1981 a different approach has been taken by the Historic Buildings Council and its successors which is reflected in later legislation (ie. the *Heritage Act 1995* and *Heritage Act 2017*) which registers 'places' not just buildings.

Gardens are an important part of the design and setting of historic buildings. From the 1850s owners of larger residences in Melbourne, like Halstead, typically developed gardens around their houses. Such leafy settings offered privacy, shade and pleasant places to walk and sit, and for children to play in. Larger gardens on substantial blocks were markers of status and wealth. They spoke to the good taste of prosperous owners who had sufficient wealth to develop private grounds for the enjoyment of family and guests.

The garden at Halstead is not of State-level significance in its own right being a twentieth-century creation with a few established trees such as an English Oak and Queensland Kauri. Its value lies in the setting and context it provides for the historic house. If a new building was constructed on the eastern part of the front garden, it has the potential to have a substantial impact on the cultural heritage significance of Halstead.

The view of the Halstead residence from Bambra Road is already somewhat obscured by the garden. This is not unusual in the case of historic villas on larger blocks with established gardens. But this does not mean that the street view of the Halstead residence should instead be obscured by a modern building, such as a townhouse. Any development would require the removal of trees and vegetation from the mature garden setting of the house. This would dramatically alter the historic setting.

The eastern part of the front garden has been subdivided off and has its own title. This means that the owner has an entitlement to build upon the subdivided but undeveloped Lot 1 of LP 129398 fronting Bambra Road. The inclusion of this land as part of the registered place is considered necessary to manage the impact that the construction of a new building, such as a dwelling, or works such as land clearing and landscaping may have on Halstead.

Depending upon siting and form, a new building(s) would potentially interrupt the primary view of the place from the street, and from the entrance area at the front gates. In the context of a historic home in a generous garden setting, a modern building and landscape treatment has the potential to compromise the integrity of the place. On a corner block,

the visual impact of a development could be considerable depending on the proposed siting, scale, form, materials, height, colours, finishes and landscaping. Aside from the impact on street views, the view from the verandah and tower of Halstead across the garden towards Bambra Road, may be substantially diminished by a new building and landscape treatment.

While accepting that an owner of Lot 1 has an entitlement to build on Lot 1, the location of any new building on this additional land, together with its height, bulk, form and materials; the extent of vegetation clearing; choice of boundary fencing; and landscape treatment could substantially lessen the State-level cultural heritage significance of the adjoining Halstead.

The ED considers that additional measures are required not to prohibit development on Lot 1, but to ensure that the location, bulk, form or appearance of a proposed building will not adversely affect the significance of Halstead and that any proposed works (such as landscaping) are complementary to the significance, character and appearance of the adjoining registered heritage place.

Registration would mean the permit controls are in place to manage change(s) with regard to the cultural heritage significance of the place. A permit approvals process which is consistent across the entirety of the front garden would provide certainty for all parties. Inclusion of the eastern part of the front garden will also enable works that could potentially impact positively on the conservation of the whole garden, such as drainage, paving and landscaping to be managed under an approvals process.

For these reasons it is submitted that the inclusion of eastern part of the front garden is necessary because it is important to protect and conserve the registered place and contributes to the understanding of the place. The current extent of registration is considered insufficient to allow for a proper understanding of Halstead as a nineteenth-century villa in a garden setting.

### **Rear stables and land**

In 1979, the HBPC often focused on the registration of buildings of State-level architectural significance, rather than outbuildings, and there was no consistent practice regarding structures like stables and outbuildings. From the 1980s, and particularly following the enactment of the *Heritage Act 1995*, the focus on 'places' of State-level cultural heritage means significance is considered beyond the principal building of architectural interest. The current Act ensures that all historic features that inform significance can be included – the house, stables, servants' quarters, shearers sheds and the like.

In 2024, the Executive Director considers stables as integral to the history and fabric of nineteenth-century residences. During the 1850s, 60s and 70s, horse transport was the only way that people and goods could reach the outskirts of Melbourne, which included Caulfield some 10km away. It took until 1879 for a railway station to be built at Caulfield. Prior to the advent of railways and into the early twentieth century, horses were vital to growth of Melbourne's suburbs. Villa houses of wealthier families typically built stables to accommodate their horses as well as those of guests. Historic stables have not always been retained at Melbourne's villas and mansions.

It is the view of the Executive Director 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. Depending upon siting and form, development of the historic stables has the potential to compromise the integrity of the place. The stables and the parcel of land extending to the original 'horse entry gates' contributes to the understanding of Halstead. This land also provides additional curtilage for the residence.



## Statutory requirements under section 40

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

The Executive Director recommends that the registration of Halstead in the VHR is amended.

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

**Number:** VHR H0450

**Category:** Registered Place.

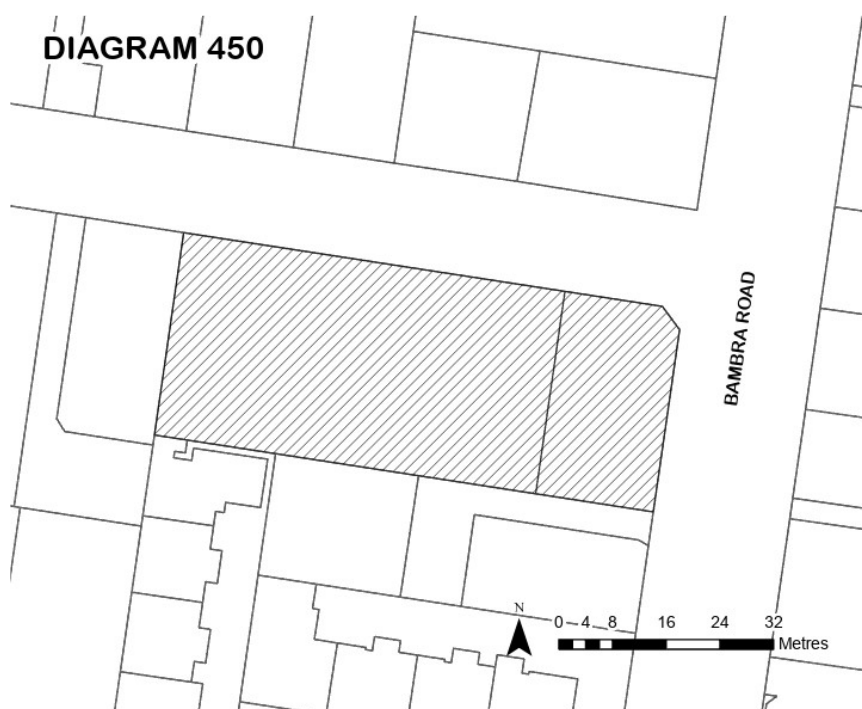
**Name:** Halstead

**Location:** 23 Bambra Road Caulfield North

**Municipality:** Glen Eira

### Proposed extent of registration

The Executive Director recommends that the extent of registration for Halstead be gazetted as: All of the place shown hatched on Diagram 450 encompassing all of Lot 1 on Lodged Plan 129398 and Lot 1 on Plan of Subdivision 416790 but excluding the interior of the dwelling known as Halstead and the interior of the stables building.



## Aerial Photo of the Place Showing Proposed extent of registration



Note: This aerial view provides a visual representation of the place. It is not a precise representation of the recommended extent of registration. Due to distortions associated with aerial photography some elements of the place may appear as though they are outside the extent of registration.

### Rationale for the extent of registration

The recommended extent of land is the property identified as 'Halstead' on the 1911 MMBW plan. The registration applies to all fabric at the place, including buildings, vegetation and landscaping. The interiors of the house and stables are excluded because of their loss of intactness.

A permit or permit exemption from Heritage Victoria is required for any works within the proposed extent of registration, apart from specific permit exemptions identified in the categories of works or activities in this recommendation. There is a list of specific permit exemptions later in this report.

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

### Statement of significance

#### What is significant?

Halstead, a single-storey villa residence with imposing three storey tower dating from at least 1857 including its garden setting and stables building.

#### How is it significant?

The Halstead is of architectural significance to the State of Victoria. It satisfies the following criteria for inclusion in the Victorian Heritage Register:

##### Criterion D

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

#### Why is it significant?

Halstead is a notable example of a fine mid-nineteenth century villa residence from c.1857 with pavilion wings and substantial three storey tower with Mansard roof, dormer windows and cast-iron balustraded 'widow's walk'. Built for wealthy pastoralist and station owner James Dickson and remaining in his family until the early twentieth century, it is believed to be the oldest standing residence in Caulfield. The construction of grand villas on the outskirts of Melbourne by wealthy settlers and their families, reflects the growing prosperity of the colony after the gold rush. [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/object type in a manner which respects its cultural heritage significance.

### Permit Exemptions

#### General Exemptions

General exemptions apply to all places and objects included in the Victorian Heritage Register (VHR). General exemptions have been designed to allow everyday activities, maintenance and changes to your property, which don't 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 of Heritage Victoria 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 of Heritage Victoria 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](#).



## Guidelines

1. Where there is an inconsistency between permit exemptions specific to the registered place or object ('specific exemptions') established in accordance with either section 49(3) or section 92(3) of the Act and general exemptions established in accordance with section 92(1) of the Act specific exemptions will prevail to the extent of any inconsistency.
2. In specific exemptions, words have the same meaning as in the Act, unless otherwise indicated. Where there is an inconsistency between specific exemptions and the Act, the Act will prevail to the extent of any inconsistency.
3. Nothing in specific exemptions obviates the responsibility of a proponent to obtain the consent of the owner of the registered place or object, or if the registered place or object is situated on Crown Land the land manager as defined in the *Crown Land (Reserves) Act 1978*, prior to undertaking works or activities in accordance with specific exemptions.
4. If a Cultural Heritage Management Plan in accordance with the *Aboriginal Heritage Act 2006* is required for works covered by specific exemptions, specific exemptions will apply only if the Cultural Heritage Management Plan has been approved prior to works or activities commencing. Where there is an inconsistency between specific exemptions and a Cultural Heritage Management Plan for the relevant works and activities, Heritage Victoria must be contacted for advice on the appropriate approval pathway.
5. Specific exemptions do not constitute approvals, authorisations or exemptions under any other legislation, Local Government, State Government or Commonwealth Government requirements, including but not limited to the *Planning and Environment Act 1987*, the *Aboriginal Heritage Act 2006*, and the *Environment Protection and Biodiversity Conservation Act 1999* (Cth). Nothing in this declaration exempts owners or their agents from the responsibility to obtain relevant planning, building or environmental approvals from the responsible authority where applicable.
6. Care should be taken when working with heritage buildings and objects, as historic fabric may contain dangerous and poisonous materials (for example lead paint and asbestos). Appropriate personal protective equipment should be worn at all times. If you are unsure, seek advice from a qualified heritage architect, heritage consultant or local Council heritage advisor.
7. The presence of unsafe materials (for example asbestos, lead paint etc) at a registered place or object does not automatically exempt remedial works or activities in accordance with this category. Approvals under Part 5 of the *Heritage Act 2017* must be obtained to undertake works or activities that are not expressly exempted by the below specific exemptions.
8. All works should be informed by a Conservation Management Plan prepared for the place or object. The Executive Director is not bound by any Conservation Management Plan and permits still must be obtained for works suggested in any Conservation Management Plan.

## Conditions

1. All works or activities permitted under specific exemptions must be planned and carried out in a manner which prevents harm to the registered place or object. Harm includes moving, removing or damaging any part of the registered place or object that contributes to its cultural heritage significance.
2. If during the carrying out of works or activities in accordance with specific exemptions original or previously hidden or inaccessible details of the registered place are revealed relating to its cultural heritage significance, including but not limited to historical archaeological remains, such as features, deposits or artefacts, then works must cease and Heritage Victoria notified as soon as possible.
3. If during the carrying out of works or activities in accordance with specific exemptions any Aboriginal cultural heritage is discovered or exposed at any time, all works must cease and the Secretary (as defined in the *Aboriginal Heritage Act 2006*) must be contacted immediately to ascertain requirements under the *Aboriginal Heritage Act 2006*.
4. If during the carrying out of works or activities in accordance with specific exemptions any munitions or other potentially explosive artefacts are discovered, Victoria Police is to be immediately alerted and the site is to be immediately cleared of all personnel.
5. If during the carrying out of works or activities in accordance with specific exemptions any suspected human remains are found the works or activities must cease. The remains must be left in place and protected from harm or damage. Victoria Police and the State Coroner's Office must be notified immediately. If there are reasonable grounds to believe

that the remains are Aboriginal, the State Emergency Control Centre must be immediately notified on 1300 888 544, and, as required under s.17(3)(b) of the *Aboriginal Heritage Act 2006*, all details about the location and nature of the human remains must be provided to the Aboriginal Heritage Council (as defined in the *Aboriginal Heritage Act 2006*).

### **Exempt works and activities**

1. Removal and filling of the modern swimming pool to lawn level.

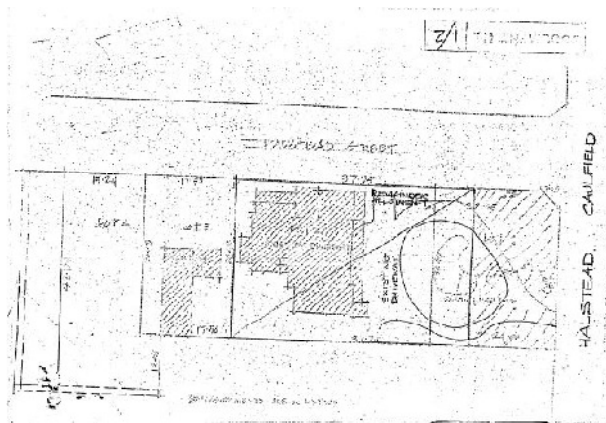
## Existing registration details

### Existing extent of registration

Historic Building No. 450 'Halstead', Halstead Street, Caulfield (to the extent of the total exterior of the house and tower, and land to the extent of the total house allotment).

[*Victoria Government Gazette* No.73 - 29 August 1979 p.2711-2712]

### Existing extent diagram



### Existing statement of significance

#### What is significant?

Halstead is believed to be the oldest standing residence in Caulfield constructed in 1857 with subsequent additions during the 19th Century. The house was built for and owned by James Dickson, a stock agent, until his death in 1880.

#### How is it significant?

Although on a much reduced parcel of land, Halstead is one of the few remaining remnants of Caulfield when it was an area of mansion houses occupied by town residing squatters, professional and business men. It is important for its place in the socio-economic history of south eastern suburban Melbourne, the inland pattern of development stretching from Malvern through Murrumbeena.

#### Why is it significant?

Architecturally the single storey building displays a history of alteration and addition. Its main front presents with a single storey cast iron veranda across the full width, including the two pavillion wings at each end.

Located towards the rear on the Halstead Street side is the substantial three storey tower with its Mansard roof and cast-iron balustrade which makes the house clearly visible from Halstead Street and Bamba Road. Because of internal alteration the importance of the building relates to the exterior only of the main house. Halstead is believed to be the oldest standing residence in the city of Caulfield.

### Existing permit policy and permit exemptions

No permit policy nor specific permit exemptions are associated with the 1979 registration.



## Appendix 1

### 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 with a real and substantial interest in the place or object 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.