

# Statement of Recommendation from the Executive Director, Heritage Victoria

Woodend Court House, VHR H1489

43 Forest Street, Woodend, Macedon Ranges Shire

Dja Dja Wurrung Country



## Executive Director recommendation

I recommend to the Heritage Council of Victoria (**Heritage Council**) that the Woodend Court House, located at 43 Forest Street, Woodend in the Victorian Heritage Register (**VHR**) be amended. The categories of registration are recommended to be Registered Place and Registered Objects Integral to a Registered Place.

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

- the objects are integral to understanding the cultural heritage significance of a registered place and are to be included in the VHR in accordance with section 49(1)(ca) of the Act
- to include additional land in the VHR (section 49(1)(d)(i) and (ii) of the Act)
- the proposed categories of works or activities which may be carried out in relation to the place for which a permit under the Act is not required will not harm the cultural heritage significance of the place under section 49(3)(a) of the Act.



**STEVEN AVERY**

**Executive Director, Heritage Victoria**

**Date of recommendation: 15 September 2025**

## 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 the end of this report.

## History

The Woodend Court House is located on Dja Dja Wurrung Country 82km south of Bendigo. From the 1830s European settlers took up land in the region and dispossessed the Dja Dja Wurrung people of their land, destroyed food and water sources and cultural sites, and introduced foreign flora, fauna and diseases.<sup>1</sup>

The Woodend Court House was erected in 1870 and was the second court building in Woodend. It was designed by Henry A. Williams who was a Clerk of Works and Draftsman in the Public Works Department under William Wardell. It was built by Grant and Johnson to a cost of £668. The earlier court building in Woodend was built in 1862 and was located south of Keating's Hotel. The new court house was a response to requests from the town for the replacement of the original court house. The 1870 court house originally comprised two rooms – the court room and the clerk's office on the eastern elevation.

The design of the Woodend Court House is typical of the Public Works Department during the period that William Wardell was Chief Architect. It is one of approximately twenty court houses built in a similar style. This standard Public Works Department design is exemplified by the central court room, with lower height wings to one or both sides which are set back from the central court room on the façade. The Woodend Court House is set apart by its asymmetrical massing of a single wing to the eastern elevation.

The original two-roomed court house is constructed of brick, which is currently overpainted, on bluestone footings with a gabled roof over the main courtroom volume. There is a protruding office on the eastern elevation with a hipped roof which was extended in 1885 with the addition of a second office to the rear of the clerk's office. The façade of the building is characterised by simple decorative brickwork around the gable and distinctive timber lattice friezes and timber brackets to the verandah. Other court houses in this style include Lilydale, Bright, and Avenel.

The interior finish of the courtroom is plastered brickwork with lines etched into the plaster to simulate the appearance of stone. The ceiling is constructed of varnished pine boards on exposed trusses. The magistrate's bench, dock, clerk's desk, witness box, and bench seat remain in the court room and there is a cast iron fender in front of the fireplace.

The clerk's office is plastered brickwork with a ceiling of varnished lining boards. The slate fireplace surround has been painted black. In the Magistrate's office the walls are again plastered brickwork while the ceiling is fibrous plaster.

The last court of petty sessions was held there in 1964 and the last coroner's court hearing in the 1970s. The building has since been occupied by the Woodend and District Heritage Society. In 2006, an extension was added to the rear of the building.

## Selected bibliography

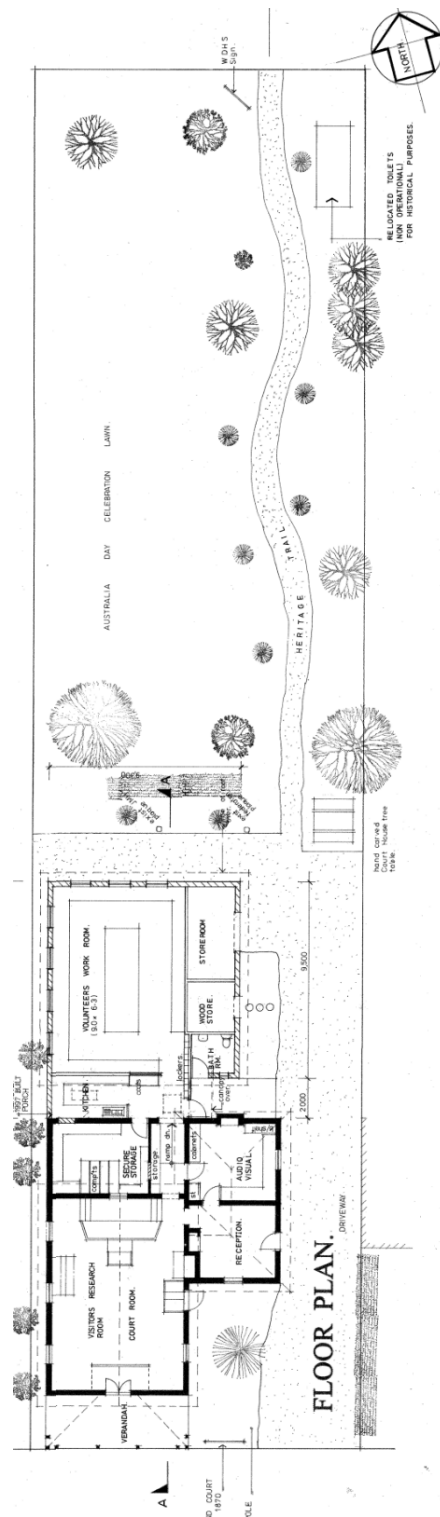
Bruce Trethowan, *The Public Works Department of Victoria – 1851-1900*, 1975.

Diahnn McIntosh & Frances O'Neill, *Court Houses in Victoria: a survey*, 1991.

*Macedon Ranges Cultural Heritage and Landscape Study*, 1994.

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<sup>1</sup> For more information about the history of First Nations people in this region see the [Victorian Goldfields World Heritage Bid website](#) [accessed 2 September 2025].



2005, site plan and internal layout showing the 2006 extension to the rear of the building, Source: Hermes.



*2023. Woodend Court House*



*1991. Woodend Court House prior to 2006 extension being built.*



*1991. Woodend Court House prior to 2006 extension.*



*2008. Woodend Court House with 2006 extension visible.*



*2008. Woodend Court House façade.*

## Further information

### Traditional Owner Information

The Woodend Court House is located on the land of the Dja Dja Wurrung people.

Under the *Aboriginal Heritage Act 2006*, the Registered Aboriginal Party for this land is the Dja Dja Wurrung Clans 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.

On 28 March 2013, the Victorian Government and the Dja Dja Wurrung people entered into a Recognition and Settlement Agreement under the *Traditional Owner Settlement Act*.

The recognition and settlement agreement between the Dja Dja Wurrung and the Victorian Government does not pertain to this place.

### Victorian Aboriginal Heritage Register

The place with objects integral is in an area of Aboriginal cultural heritage sensitivity associated with the Five Mile Creek. (September 2025)

### Integrity

The integrity of the place with objects integral is very good. The cultural heritage values of the Woodend Court House can be easily read in the extant fabric.

The Woodend Court House is still legible as a court house. The use of the building by the Woodend & District Heritage Society has required minimal change to the fabric. The extant court room objects integral assist the interior space to be read as a late nineteenth-century court room.

(September 2025)

### Intactness

The intactness of the place with objects integral is very good.

The place is largely intact, including original court room furniture.

(September 2025)

### Condition

The condition of the Woodend Court House is very good.

There are no visible problems with the condition of the building and it appears to be well maintained.

(September 2025)

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 cultural heritage significance of the Woodend Court House was recognised when it was included in the Register of Government Buildings in 1988. Its State-level cultural heritage significance was confirmed in 1998 when it was transferred into the Victorian Heritage Register.

### Amendment application

On 19 August 2025 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) of the Act 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 land proposed for inclusion both is currently and has been used in conjunction with the place for over 150 years.
- It is the historic land parcel, being the original land parcel reserved for the court house.

The Executive Director is of the view that:

- The current extent is limited to the footprint of the court house building, and is insufficient to protect, conserve and allow for a proper understanding of the place.
- 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.
- Including an area of land around the place will enable features that could potentially impact the conservation of the building, such as drainage and paving to be managed under an approvals process.
- Inclusion of an area around the building provides a setting for the place.
- The area includes later additions that contribute to an understanding of how the place has developed over time.

## Statutory requirements under section 40

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

The Executive Director recommends that the registration of the Woodend Court House in the VHR is amended.

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

**Number:** H1489

**Category:** Registered Place and Registered Object Integral to a Registered Place.

**Name:** Woodend Court House

**Location:** 43 Forest Street, Woodend

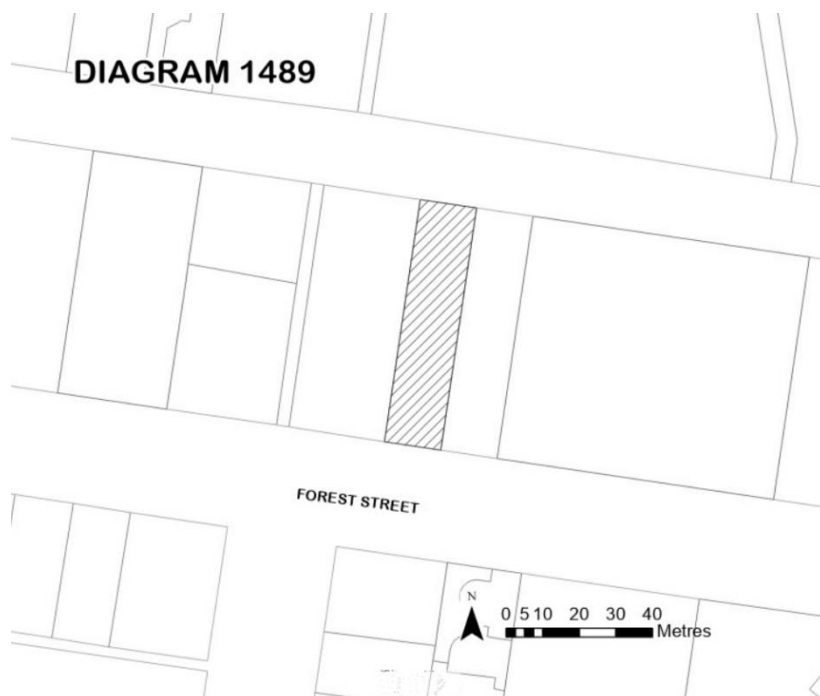
**Municipality:** Macedon Ranges Shire

### Proposed extent of registration

The Executive Director recommends that the extent of registration for the Woodend Court House be gazetted as:

All of the place hatched on Diagram 1489 encompassing all of Crown Allotment 7 Section 2A Township of Woodend Parish of Woodend, and the following objects integral:

1. Dock (1)
2. Magistrate's bench (1)
3. Clerk's desk (1)
4. Witness box (1)
5. Bench seat (1)
6. Washstand (1)
7. Cast iron fender (1)



## Non-statutory information about the proposed extent of registration

### 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 proposed extent of registration

The recommended extent of registration comprises all elements and features of State-level cultural heritage significance, including the court house building, the later extension and the original land parcel reserved for the court house.

The recommended extent of the registration is the same as the nominated extent of registration.

It should be noted that everything included in the proposed extent of registration including all of the object, the land, all landscape features, plantings, all buildings (exteriors, interiors and fixtures), and all objects integral to the understanding of the cultural heritage significance of the place is proposed for inclusion in the VHR. A permit or permit exemption from Heritage Victoria is required for any works within the proposed extent of registration, apart from those identified in the categories of works or activities in this recommendation.

# Objects integral

## Definition

In the context of a registered place, an ‘object integral’ is:

- a key part of the place; and
- contributes to our understanding of the place’s State-level cultural heritage significance.

An object integral does not have to be of State-level significance in its own right. A more detailed definition can be found in the Heritage Council’s [Policy: objects integral to a registered place](#).

It should be noted that fixtures (such as window frames or decorative masonry) automatically form part of the registered place and are therefore protected under the Act.

## Background

The objects proposed for inclusion are those that were used as court room furniture during the court’s period of operation from 1870 to the 1970s.

## Inventory of objects integral

The objects integral to this place are described in more detail in the Objects Integral Inventory VHR H1489 at the end of this report. They consist of the following items:

1. Dock (1)
2. Magistrate’s bench (1)
3. Clerk’s desk (1)
4. Witness box (1)
5. Bench seat (1)
6. Washstand (1)
7. Cast iron fender (1)

## Assessment of whether the objects are integral to understanding the cultural heritage significance of a registered place (40(3A)(b))

The Heritage Council’s [Policy: objects integral to a registered place](#) notes that for the purposes of the Act, an object will be considered integral to a place if it satisfied the following tests:

1.	Does the object/s form a key part of that place, being a component in its design, operation or use that contributes importantly to a richer and more complete understanding of its historical, cultural, technical, aesthetic and/or social meaning at a State level?	Yes	The court room furniture was a key part of the place’s operation and use when it was a functioning court house. It allows the use of the court room to be understood, contributing to a more complete understanding of the Woodend Court House’s historical associations with maintaining law and order at a State level.
2.	Can the contribution be substantiated through physical, documentary or oral evidence?	Yes	The contribution can be substantiated through both physical and oral evidence. The furniture has been at the court house since the building was constructed in 1870.
Executive Director’s Response		The objects can be considered integral to the place	

### **Summary of how the objects are integral to understanding the cultural heritage significance of the place (40(4)(b))**

The objects integral at the Woodend Court House have been at the place for over 150 years and allow the court room to be interpreted as a late nineteenth-century court room. The arrangement of these items within the room allows the historical court room functions to be understood.

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

### Statement of significance

The Woodend Court House is located on Dja Dja Wurrung Country.

#### What is significant?

The Woodend Court House, erected in 1870, was designed by H.A. Williams of the Public Works Department and built by Grant and Johnson. The original two-roomed court house was constructed of brick on bluestone footings, with a gabled slate roof and timber verandah to Forest Street. The building was extended in 1885 by the addition of a second office to the eastern elevation. The following objects integral are located in the court room:

1. Dock (1)
2. Magistrate's bench (1)
3. Clerk's desk (1)
4. Witness box (1)
5. Bench seat (1)
6. Washstand (1)
7. Cast iron fender (1)

#### How is it significant?

The Woodend Court House is of historic and architectural significance to the State of Victoria. It satisfies the following criterion 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 Woodend Court House is historically significant for its association with legal processes in Victoria from 1870 to the 1970s. It has been used by the Court of Petty Sessions/Magistrates' Court, Children's Court, Licensing Bench/Licensing Court and Coroners Court. The Woodend Court House demonstrates the development of legal institutions across Victoria from the nineteenth century onwards. The Woodend Court House also has a collection of late nineteenth-century court room furnishings that demonstrate the building's use. [Criterion A]

The Woodend Court House is architecturally significant as a substantially intact example of a nineteenth-century court house designed by the Public Works Department (PWD) in a conservative classical style with a timber verandah. The original two roomed courthouse is constructed of brick to a simple, well-proportioned design with refined details, including a pediment picked out in decorative brickwork. The facade of the building is characterised by the distinctive timber lattice friezes and timber brackets to the verandah. [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 with objects integral 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](#).

#### Specific Permit Exemptions

The works and activities listed below under the heading 'Exempt works and activities' are not considered to cause harm to the cultural heritage significance of the Woodend Court House. These are subject to the following guidelines and conditions:

## Guidelines for specific permit exemptions

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 Act 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.

## General conditions for specific permit exemptions


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

- All internal works to the 2006 extension at the rear of the court house.


## Objects Integral Inventory VHR H1489 (September 2025)

Held by the Executive Director, listing fixed and non-fixed objects integral to the place


Object number, name, & date:	1. Dock
Current location:	Visitor's research room/former court room
Image	 <p>2025. Prisoner's Dock. Source: Woodend &amp; District Heritage Society</p>
Item Description	Timber prisoner's dock designed by the Public Works Department.
Condition (if known)	Good condition.


Object number, name, & date:	2. Magistrate's bench
Current location:	Visitor's research room/former court room
Image	


	<i>2025. Magistrate's bench. Source: Woodend &amp; District Heritage Society</i>
Item Description	Timber magistrate's bench with leather/vinyl inlay to the writing slope. Located at the front of the courtroom.
Condition (if known)	Good condition. Minimal signs of peeling to leather inlay.

Object number, name, & date:	3. Clerk's desk
Current location:	Visitor's research room/former court room
Image	 <p><i>2025. Clerk's Desk. Source: Woodend &amp; District Heritage Society</i></p>
Item Description	Timber panelled front with desk behind, leather/vinyl inlay to the writing slope. Designed by the Public Works Department, built c.1870.
Condition (if known)	Good condition. Some minor peeling of the leather/vinyl inlay.

Object number, name, & date:	4. Witness box
Current location:	Visitor's research room/former court room

Image	 <p><i>2025. Witness box. Source: Woodend &amp; District Heritage Society</i></p>
Item Description	Timber panelled box with small writing/reading slope behind. Used by witnesses. Designed by the Public Works Department, built c.1870.
Condition (if known)	Good condition.

Object number, name, & date:	5. Bench seat
Current location:	Visitor's research room/former court room
Image	 <p><i>2025. Timber bench. Source: Woodend &amp; District Heritage Society</i></p>
Item Description	Timber bench with arches and small cuts outs for the spandrel.
Condition (if known)	Good condition.

Object number, name, & date:	6. Washstand
Current location:	Visitor's research room/former court room
Image	 <p><i>2025. Washstand. Source: Woodend &amp; District Heritage Society</i></p>
Item Description	Rectangular cabinet with lid. Internally there is a circular void for a basin.
Condition (if known)	Good condition.

Object number, name, & date:	7. Cast iron fender
Current location:	Visitor's research room/former court room
Image:	No photo available.
Item Description	Cast iron fender which would have been located around the hearth of the fireplace, to stop firewood from rolling out
Condition (if known)	Good condition.

## 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 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.

## Appendix 2: Existing registration details

### Existing extent of registration

Amendment of Register of Government Buildings

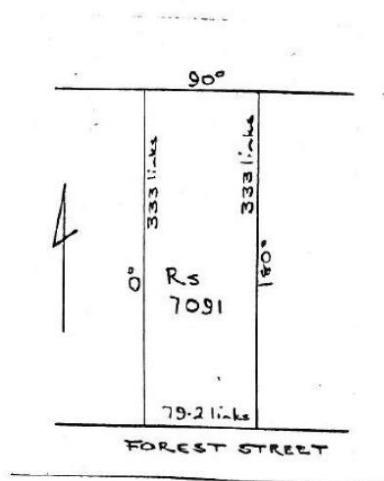
Court House, Forest Street, Woodend (the whole of the building contained in Court House Reserve Rs. 7091).

[*Victoria Government Gazette* No. G39 12 October 1988 p.3092]

Transferred to the Victorian Heritage Register 23 May 1998 (2 years after the proclamation of the Heritage Act 1995 pursuant to the transitional provisions of the Act)

### Existing extent diagram

EXTENT OF DESIGNATION  
(SUMMARY)



### Existing statement of significance

#### What is significant?

The Former Court House, erected in 1870, was the second court house to be erected in Woodend, designed by H.A. Williams of the Public Works Department and built by Grant and Johnson. The original two-roomed court house is constructed of brick (currently over-painted) on bluestone footings, and has both hipped gabled slate roofs. The building was extended in 1885 by the addition of a second office to the rear of the first office and a porch. The facade of the building is characterised by simple decorative brickwork around the gable and distinctive timber lattice friezes and timber brackets to the verandah. The interior finish of the courtroom is plastered brickwork lined out to simulate stone facing. The ceiling is constructed of varnished pine boards on exposed trusses, also varnished. The bench, dock, clerk's desk, witness box, rail, seat and washstands remain in the courtroom and there is a cast iron fender under the bench. The clerk's office is plastered brickwork with a ceiling of varnished lining boards. The slate fireplace surround has been painted black. In the Magistrate's office the walls are again plastered brickwork while the ceiling is fibrous plaster. There is a timber fireplace surround.

The last court of petty sessions was held there in 1964 and the last coroner's court hearing in the 1970s. The building has since been occupied by the Woodend and District Historical Society.

#### How is it significant?

The Former Woodend Court House is of historical and architectural significance to the State of Victoria.

#### Why is it significant?

The Former Woodend Court House is historically significant for demonstrating the spread of law and order across the state, which is indicative of the progress of Victoria's development.

The former Woodend Court House is architecturally significant as a substantially intact example of a typical nineteenth century court house in the popular timber verandahed style.

*[Online Data Upgrade Project - 2003]*

### **Existing permit policy and permit exemptions**

None.