

Statement of recommendation from the Executive Director, Heritage Victoria to the Heritage Council of Victoria



Name: Moe Court House
Address: 59-61 Lloyd Street, Moe
Local Government Authority: Latrobe City Council
Provisional VHR No. PROV VHR H2432



2022, Moe Court House view of rear (south)

Executive Director recommendation

Under Part 3, Division 3 of the *Heritage Act 2017* I recommend to the Heritage Council of Victoria that the Moe Court House, 59-61 Lloyd Street, Moe, should be included in the Victorian Heritage Register (VHR).

STEVEN AVERY
Executive Director, Heritage Victoria
DATE OF RECOMMENDATION: 12 September 2022



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Heritage Council determination

The Executive Director, Heritage Victoria, recommends that the Heritage Council include the Moe Court House, 59-61 Lloyd Street, Moe, in the Victorian Heritage Register (VHR) in accordance with section 49 of the *Heritage Act 2017* (the Act) by determining that:

- The Moe Court House is of State-level cultural heritage significance and should be included in the VHR in the category of registered place in accordance with section 49(1)(a) of the Act.
- That the proposed categories of works or activities which may be carried out in relation to the Moe Court House for which a permit under the Act is not required will not harm the cultural heritage significance of the place under section 49 (3) of the Act.



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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 with a real and substantial interest in the place or object can make a 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 of Victoria's website:

<https://heritagecouncil.vic.gov.au/registrations-reviews/executive-director-recommendations/>

3. Heritage Council determination (sections 46 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 or object in the VHR, or amend a place or object 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. 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 and objects (sections 42 and 43)

The owner of a place or object which is the subject of a recommendation to the Heritage Council has certain obligations under the *Heritage Act 2017*. These relate to advising the Executive Director, Heritage Victoria in writing of any works or activities that are being carried out, proposed or planned for the place or object.

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

5. Further information

The relevant sections of the Act are provided at Appendix 1.



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Description

The following is a description of the Moe Court House at the time of the site inspection in July 2022.

Exterior

The Moe Court House is a substantial brick and reinforced concrete building. It occupies a site along the town's main street with rear access via a laneway. The building presents to the street as a two-storey structure and is laid out on a stepped rectilinear plan creating a variation in heights, roofline and elevational treatments. All elevations are asymmetrical, with contrasting details and fenestration within a broadly consistent materiality of stark beige-coloured face brickwork, off-form reinforced concrete (with formwork imprints variously horizontal or vertical), metal tray deck roofing and sashless windows.

Directly above the principal (north) façade, fronting Lloyd Street, a prominent rectilinear space projects forward expressed as a massive off-form concrete volume that frames a full-height window wall. The metal lettering along the base of the concrete frame, states the words *Moe Courthouse*.

The rear (south) elevation is dominated by a three-storeyed portion to the left side, dominated in turn by a huge box-like volume that contains the rooftop plant room. An elongated pair of concrete columns support the plant room and flank two overscaled vertical air-conditioning ducts, which extend down from the floor of the plant room and return to enter the building at ground level (with a smaller metal duct that extends horizontally to service the first floor). To the right side, a large, angled metal chute extends down from the first floor to a brick plinth at ground level, painted blue. The second stairwell, which projects out from the rear elevation, is similarly detailed with a curved end, splayed roofline and rain spout with rain-chain.

Interior

Internally the building encapsulates a double-height lobby space at ground floor, a partial second storey (containing the typing pool) with a plant room that creates a third floor at the rear. The interiors are highly intact to the era of construction. The front foyer, public waiting area and rear staff foyer all have dark brown quarry tiled floors, while toilet areas have a terrazzo finish, and the remainder of the rooms have low-pile carpeting. Original red carpet is evident in the typing pool. The three courtrooms and foyer have slatted ceilings with expressed shadow lines matching the end wall of the courtrooms.

There are exposed steel-pipe roof trusses (painted pink) and over-scaled metal air-conditioning ducts (painted off-white) in the public waiting area, general office, typing pool and staff room. The typing pool has rows of built-in bench units along the east and west windows, with laminate benchtops supported on curving metal pipe brackets. The two stairwells retain the original metal pipe balustrades variously painted white or blue/green. The staff room has a configuration of partition walls (which do not extend to the ceiling level) that define the kitchenette, locker room and sick room areas.

There is built-in furniture original to the 1970s fitout, including judges' benches and witness boxes which use the same slatted timber used for the ceilings and feature walls. In the main foyer there is a 1980s design Telecom Gold Phone with a brown plastic privacy hood.

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Moe Court House, front façade, July 2022.



2022, view of north (street) elevation, from NE



2022, view of north (street) elevation, from NW



2022, view of west (side) elevation, from NW



2022, view of rear (south) elevation, from SW

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2022, detail of rear (south) elevation, showing ducts



2022, view of rear (south) elevation, from SE



2022, view of public waiting area, looking SW



2022, view of public waiting area, looking NW

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2022, one of the two smaller courtrooms



2022, the larger of the three courtrooms

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2022, typical magistrate's office (note concrete wall)



2022, view across the typing pool at first floor level



2022, view of the south (rear) staircase



2022, view of the staff room at first floor level



2022, 1980s design Telecom Gold Phone with Privacy Hood in Main Foyer

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History

Court houses in Victoria

In the latter half of the nineteenth century, many towns and suburbs in Victoria were provided with purpose-built court houses. In regional Victoria this was evident in large towns including Ballarat, Bendigo, Mildura, Warrnambool and Traralgon, as well as smaller towns such as Ararat, Beechworth, Bairnsdale, Buninyong, Daylesford, Gisborne, Hamilton, Kilmore and Stawell. Many remained in use during the twentieth century, and some are still in use to the present day. During the 1920s and 1930s, new courthouses were constructed in a few larger regional towns, most notably the major complexes at Wangaratta (1938) and Geelong (1938) each with three courtrooms. This era also saw several court houses built in Melbourne in architecturally progressive styles, including the Chelsea Court House (1928-29) (VHR H0804) and Camberwell Court House and Police Station (1938-39) (VHR H1194).

From the 1950s, a series of new court houses were constructed in Melbourne and regional Victoria as the population grew after World War II. Eastern Victoria, for example, experienced economic growth due to the expansion of power stations in the Latrobe Valley and the booming timber industry of East Gippsland. New court houses were built in Moe (1955), Morwell (1956) and Orbost (1958). All were modest in scale, built to a standard gable-roofed design developed by the Public Works Department (PWD). New court houses to standard PWD designs were also built at Robinvale (1959), Broadford (1961), Hopetoun (1962), Pakenham (1963), Horsham (1967), Colac (1969) as well as many more in the Melbourne metropolitan area.

By the 1970s there was a crisis in the court system. Legal commentators observed that many courts had 'old-fashioned facilities', were 'grossly overcrowded' and declared an 'urgent need for more courts'.¹ The early 1970s saw the construction of larger facilities and a departure from standardised court designs. Notably more individualised architectural designs were pursued. This is evident in the larger two-storey court houses at Preston (1973-74), Prahran (1976-77), Heidelberg (1977-78), Werribee (1977-78), Moe (1977-79) and Broadmeadows (1983-85). Some of the smaller courthouses adopted the Brutalist idiom (Preston, Prahran, and Heidelberg). Of the larger court houses Werribee did not adopt the Brutalist style, but Broadmeadows did, the latter having a typing pool.

Court houses in Moe

By 1880 a Police Court and Court of Petty Sessions was in operation at Moe. From 1883 court sittings took place in the new Shire of Narracan Hall. This venue continued to be used as a court into the twentieth century. In 1955 the Borough of Moe separated from the Shire of Narracan, and in 1956 the PWD called tenders for a modest timber-framed court house at Moe. The resulting building served the Shire's needs until the late 1970s, when a new Moe Court House was proposed.

The new Moe Court House was designed in 1977 by Alan Yorke, Senior Project Architect, PWD. Yorke also designed the Jika Jika High Security Unit at Pentridge Prison which won several awards in 1979 including an Excellence in Concrete award from the Concrete Institute of Australia, and an RAIA Merit Award in the New Buildings category. The contract documentation at Moe was done by Melbourne-based firm Peter Tsitas & Associates Pty Ltd. Migrating from Greece in 1948, Tsitas studied architecture at the University of Melbourne and registered as an architect in 1960. The Moe Court House was constructed between 1978 and 1979 by the Morwell building firm WG Campbell Constructions Pty Ltd supervised by Frank Wu, PWD, a Hong Kong citizen who graduated from the University of Melbourne in 1972. The building was officially opened in November 1979 by the Attorney General of Victoria, the Honourable Haddon Storey, QC.

The Moe Court House was designed as a large regional complex. It had three courtrooms, rather than the usual two, and a spacious public waiting area. On the upper floor a large open-plan typing pool space accommodated 24 typists and there were generous staff amenities areas. The construction of the Moe Court House coincided with

¹ Mark Baker, 'Chaos in the Court', *Age*, 25 March 1975, p.7.



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advances in computers, fax and photocopying technologies.² By 1985 Victoria's central computerised case management system 'Courtlink' revolutionised legal record-keeping by allowing data entry from any court in the state. Courtlink was piloted at the court complexes at Broadmeadows (for metropolitan Victoria) and Moe (for regional Victoria). The typing pool at Moe quickly became the 'State Typing Pool' for the whole of the magistrates' court system Victoria, where data from hard copy documents was typed into Courtlink.³ The location of the court and typing pool at Moe provided much needed jobs in Gippsland as the coal mining economy was waning. The typing pool was predominantly staffed by women some working until the court's closure in 2014.

² Elizabeth Wade, 'Clerks of Courts: Power and Change in the Victorian Magistrates' Courts, 1948 - 1989', PhD thesis, Victoria University, 2021, p. 118-119.

³ Arie Frieberg, Stuart Ross and David Tait, 'Change and Stability in Sentencing: A Victorian Study', The University of Melbourne 1996, Appendix 2.1, p. 1.

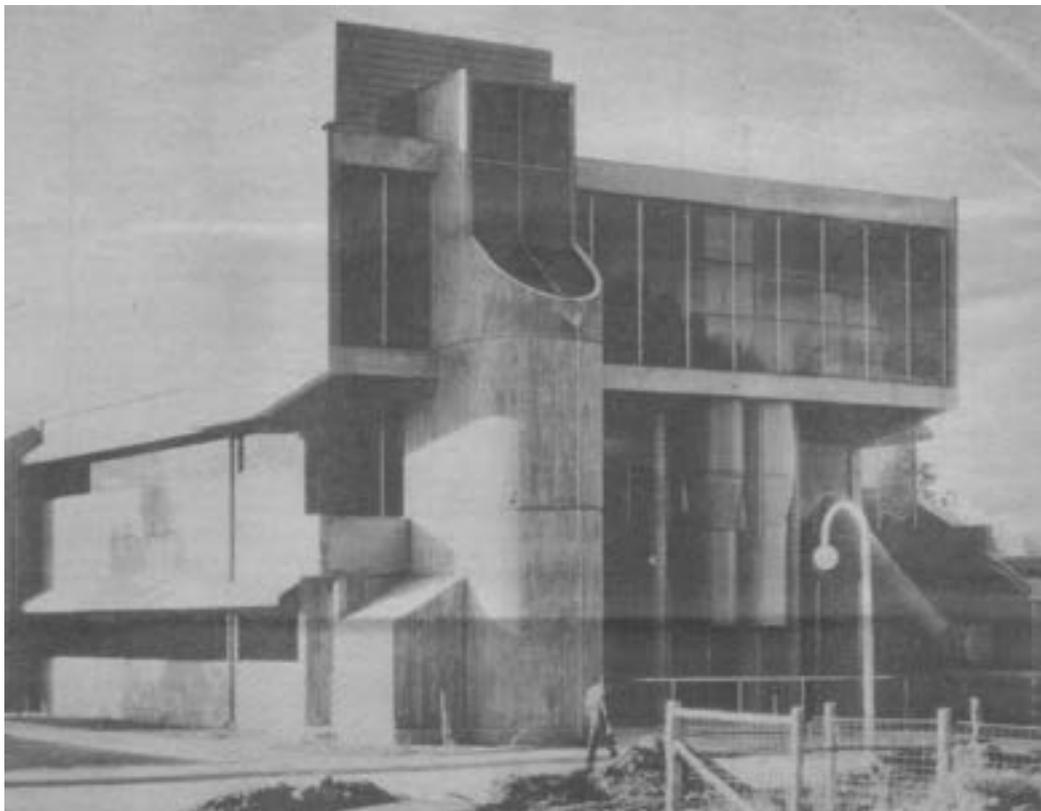
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The Brutalist style

The Moe Court House was designed in the Brutalist architectural style. Typically, Brutalist buildings were assertive, and featured powerful, blocky forms and were honest in their use of materials and form of construction. Brutalist architecture first appeared in Australia in the 1960s. It was a robust and highly adaptable style suited to institutional buildings, and the first examples appeared at university campuses. In Victoria, influential architects Kevin Borland, Graeme Gunn, Evan Walker and Daryl Jackson adopted the style from the late 1960s for major commissions. Borland and Jackson produced the notable Brutalist design for the Harold Holt Memorial Swimming Centre (VHR H0069) constructed in 1969. During the early 1970s, Brutalism became the style of choice for the union movement as evidenced by the Plumbers and Gasfitters Union Building (VHR H2307) and Clyde Cameron College (VHR H2192). Brutalism was also influential within the PWD. Although the popularity of Brutalism diminished through the 1980s, it is now considered a key architectural style of the twentieth century. Brutalist buildings have received some criticism for lacking warmth and humanity, which contributed to the more playful approaches in postmodernist architectural approaches.

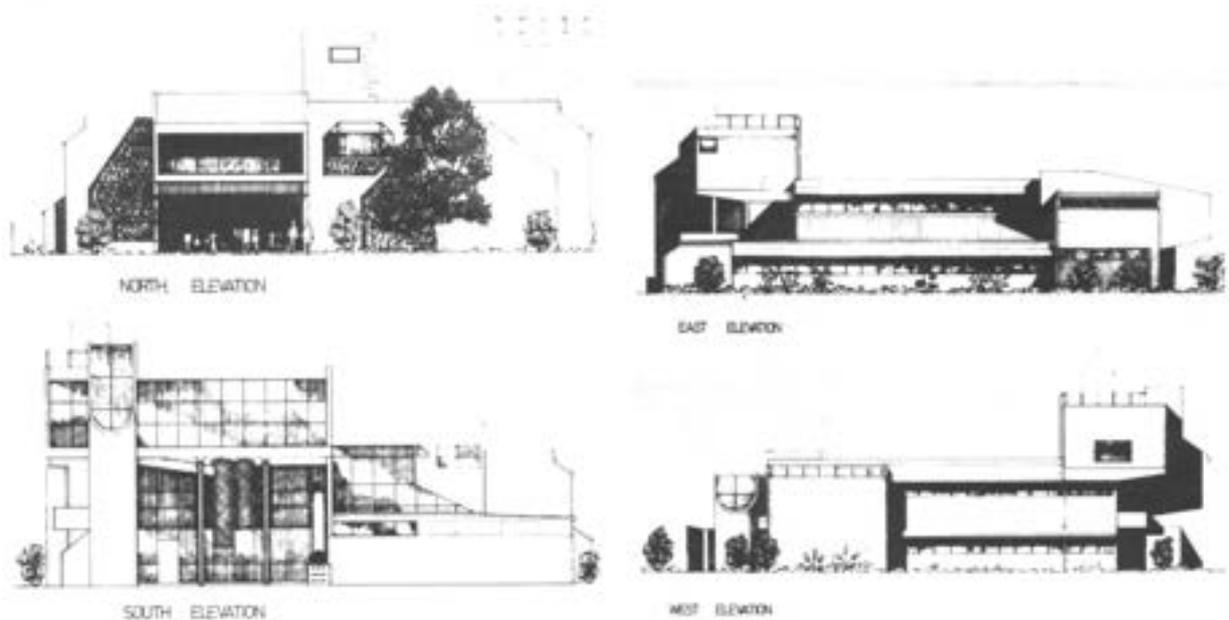
Critical Reception

The Moe Court House generated discussion in architectural circles. In December 1979, it was the subject of a four-page article in the journal of the RAlA (Victorian chapter). In 1980, the building was reviewed by the *Age* newspaper's architecture critic Norman Day, who referred to it as 'playful and amusing architecture for a stern legal function'. He wrote that 'architect Yorke has given us much more than we ordinarily expect from the Government Architect's office. His design is gutsy and aggressive...' (*Age*, 22 January 1980, p.2). In 1980 the building was shortlisted for a Victorian Institute of Architects Award in the New Buildings category. The Moe Court House remained in operation for over three decades until 2014 when its functions moved to Morwell, where a new judicial complex was erected in 2007. The Moe Court House is currently unoccupied (2022).



The rear of the building, as virtually completed in 1979
Source: Architect Victoria, December 1979

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Excerpt of drawings, showing elevations to all four sides
Source: *Architect Victoria*, December 1979



Photograph showing front façade in 1982
Source: Series B583, 13/1982, National Archives of Australia

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Selected bibliography

Government publications

- “Orders in council (Series 1976-77)”, *Victoria Government Gazette*, No 44, 8 June 1977, p.1556.
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- Phaidon Editors, *Atlas of Brutalist Architecture*, Phaidon Press Ltd, 2020
- Philip Goad, *Judging Architecture. Issues, Divisions, Triumphs: Victorian Architecture Awards, 1929-2002*, Melbourne: RAA Victoria, 2003, p.293.
- Philip Goad & Hannah Lewi, *Australian Modern*, Hawthorn: Thames & Hudson Pty Ltd, 2019, p.28.
- Elizabeth Wade, ‘Clerks of Courts: Power and Change in the Victorian Magistrates’ Courts, 1948 - 1989’, PhD thesis, Victoria University, 2021.

Heritage Citations, Assessments and Reports

- Context Pty Ltd, *Latrobe City Heritage Study: Volume 3, Heritage Place & Precinct Citations*, 2008.
- Heritage Alliance, *Survey of Post-War Built Heritage in Victoria: Stage One*, 2008.

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Further information

Relevant Authority	Latrobe City Council
Heritage Overlay	Individual HO43 [no internal alteration controls or external paint controls]
Other Overlays	There are no other overlays for this place.
Other Listings	There are no other listings for this place.
Other Names	Moe Magistrates' Court

Traditional Owner Information

The Moe Court House is located on the traditional land of the Gunaikurnai people. The Registered Aboriginal Party under the *Aboriginal Heritage Act 2006* for this place is the Gunaikurnai Land and Waters Aboriginal Corporation (GLaWAC).

Victorian Aboriginal Heritage Register

The Moe Court House is not included in the Victorian Aboriginal Heritage Register nor is it in an area of Aboriginal cultural heritage sensitivity.

Integrity

The integrity of the place is excellent. The cultural heritage values of the place can be read in the extant fabric. Operating as a court house and typing pool for over thirty years, the original functions of the spaces can still be readily interpreted: waiting room, interview rooms, court rooms, office areas, etc. (July 2022)

Intactness

The intactness of the place is excellent. The exterior of the building is substantially intact to the late 1970s, including original signage above the main entry. The building's setting is also notably intact to that period, retaining original paving, garden beds and lamp posts. Alterations to the setting are minor, such as the removal of an L-shaped bench seat to the left side of the entrance and a low signboard on the street boundary, and replacement of an original freestanding rubbish bin.

The interior is also substantially intact, retaining original wall finishes, floor tiling and some carpet. Kitchen and bathroom fitouts also appear to be original throughout the building. The most obvious alteration to the interior is some stud-framed partition walls in the typing pool area, defining smaller office spaces within the open-planned area. This alteration is minor. There is built-in furniture original to the 1970s fitout, including judges' benches and witness boxes which use the same slatted timber used for the ceilings and feature walls. (July 2022).

Condition

The condition of the place is very good. The exterior and interior both appear in sound condition, although there have been some issues with leaking roofs since the building ceased regular use in 2014. Water penetration is evident in some deterioration of ceiling linings, and it has also necessitated the removal of carpet from the staff room. The former garden bed, which extends along the window side of the staff room, is currently filled with water due to blocked drainage. (July 2022).

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

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Statutory requirements under section 40.

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

The Executive Director, Heritage Victoria recommends that the Moe Court House is included in the VHR in the category of registered place.

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

Name: Moe Court House

Address: 59-61 Lloyd Street, Moe

Proposed extent of registration

All of the place shown hatched on Diagram 2432 encompassing Allotment 13, Section 11 Township of Moe and Allotment 14 Section 11 Township of Moe.



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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 registration is the cadastral blocks on which the building is located. This area includes the building as well as the landscaped setting and carparking areas. The registration also includes all fixtures attached to the building at the time of registration including original built-in furniture including judges' benches and witness boxes, and the 1980s design Telecom Gold Phone with brown plastic privacy hood, which are fixed to the interior of the place.

It should be noted that everything within the proposed extent of registration including all the land, all soft and hard landscape features, plantings, lamp posts and all of the building (exterior and interior) 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.

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Reasons for the recommendation, including an assessment of the State-level cultural heritage significance of place/object (section 40(3)(c))

Following is the Executive Director's assessment of the Moe Court House against the tests set out in The Victorian Heritage Register Criteria and Thresholds Guidelines. A place or object must be found by the Heritage Council to meet Step 2 of at least one criterion to meet the State level threshold for inclusion in the VHR.

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

Step 1: Test for satisfying Criterion A

The place/object has a *CLEAR ASSOCIATION* with an event, phase, period, process, function, movement, custom or way of life in Victoria's cultural history.

plus

The association of the place/object to the event, phase, etc *IS EVIDENT* in the physical fabric of the place/object and/or in documentary resources or oral history.

plus

The *EVENT, PHASE, etc* is of *HISTORICAL IMPORTANCE*, having made a strong or influential contribution to Victoria.

Executive Director's Response

The Moe Court House has historical associations with the administration of the legal system in Victoria.

This association is of historical importance to Victoria and is evident in the physical fabric of the place and documentary evidence. The administration of the legal system has made a strong and influential contribution to Victoria.

Step 1 of Criterion A is likely to be satisfied.

Step 2: State Level significance test for Criterion A

The place/object allows the clear association with the event, phase etc. of historical importance to be *UNDERSTOOD BETTER THAN MOST OTHER PLACES OR OBJECTS IN VICTORIA WITH SUBSTANTIALLY THE SAME ASSOCIATION.*

Executive Director's Response

The Moe Court House is one of many court houses across Victoria and one of hundreds of places and objects with an association with the administration of the legal system in Victoria

This place has many comparators with substantially the same associations. This place is not considered to have historical associations that are understood better than any other place with the same associations.

Criterion A is not likely to be satisfied at the State level.

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CRITERION B: Possession of uncommon, rare or endangered aspects of Victoria's cultural history.

Step 1: Test for Satisfying Criterion B

The place/object has a *clear ASSOCIATION* with an event, phase, period, process, function, movement, custom or way of life of importance in Victoria's cultural history.

plus

The association of the place/object to the event, phase, etc *IS EVIDENT* in the physical fabric of the place/object and/or in documentary resources or oral history.

plus

R1: The place/object is *RARE OR UNCOMMON*, being one of a small number of places/objects remaining that demonstrates the important event, phase etc.

or

R2: The place/object is *RARE OR UNCOMMON*, containing unusual features of note that were not widely replicated

or

R3: The existence of the *class* of place/object that demonstrates the important event, phase etc is *ENDANGERED* to the point of rarity due to threats and pressures on such places/objects.

Executive Director's Response

The Moe Court House has historical associations with the administration of the legal system.

This association is of importance in Victoria's cultural history and is evident in the physical fabric of the place (as one of the class 'court houses') and documentary evidence.

R1: This place cannot be considered rare or uncommon, as one of a small number of places/objects remaining that demonstrates the administration of the legal system. Court houses from many eras are ubiquitous across Victoria as are other places and objects that demonstrate the administration of the legal system.

R2: The place is not rare or uncommon because it contains unusual features of note that were not widely replicated. See Criterion D for a consideration of the features at the place.

R3: The existence of the class is not endangered to the point of rarity due to threats and pressures on such places/objects. Examples from the class 'court houses' are ubiquitous across Victoria and not endangered, neither are places and objects that demonstrate the administration of the legal system.

Step 1 of Criterion B is not likely to be satisfied.

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CRITERION C: Potential to yield information that will contribute to an understanding of Victoria's cultural history.

Step 1: Test for Satisfying Criterion C

<p>The:</p> <ul style="list-style-type: none">• visible physical fabric; &/or• documentary evidence; &/or• oral history, <p>relating to the place/object indicates a likelihood that the place/object contains <i>PHYSICAL EVIDENCE</i> of <i>historical interest</i> that is <i>NOT CURRENTLY VISIBLE OR UNDERSTOOD</i>.</p> <p><i>plus</i></p> <p>From what we know of the place/object, the physical evidence is likely to be of an <i>INTEGRITY</i> and/or <i>CONDITION</i> that it <i>COULD YIELD INFORMATION</i> through detailed investigation.</p>
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Executive Director's Response

It is unlikely that the Moe Courthouse contains physical evidence of historical interest that is not currently visible or understood. Its form, function and historical interest are evident in the fabric of the place, and it is well documented. It is unlikely the place contains physical evidence of historical interest that is not currently visible or understood.

Step 1 of Criterion C is not likely to be satisfied.

CRITERION D: Importance in demonstrating the principal characteristics of a class of cultural places and objects.

Step 1: Test for Satisfying Criterion D

<p>The place/object is one of a <i>CLASS</i> of places/objects that has a <i>clear ASSOCIATION</i> with an event, phase, period, process, function, movement, important person(s), custom or way of life in Victoria's history.</p> <p><i>plus</i></p> <p>The <i>EVENT, PHASE, etc</i> is of <i>HISTORICAL IMPORTANCE</i>, having made a strong or influential contribution to Victoria.</p> <p><i>plus</i></p> <p>The principal characteristics of the class are <i>EVIDENT</i> in the physical fabric of the place/object.</p>
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Executive Director's Response

1) The Moe Court House is in the class of place 'late twentieth-century court houses'. This class has a clear association with the administration of the legal system, a process which has made a strong and influential contribution to Victoria. The principal characteristics of the class are evident in the fabric of the building, namely:

- Its form as a large regional hub
- Three court rooms with built-in judges' benches and witness boxes
- Large public waiting room
- Typing pool
- Office space including areas for public interface
- Judge's rooms with secure private access
- Interview rooms
- Staff amenities
- Monumental architectural expression, as traditionally deemed appropriate to its serious function.

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2) The Moe Court House is in the class of place which demonstrates the Brutalist architectural style. This has made a strong and influential contribution to Victoria and the principal characteristics of the class are evident in the fabric of the building, namely the:

- Large scale and stark fortress-like character
- Strong sculptural expression including curved elements and projecting bays, planes, masses and asymmetrical forms
- Bold diagonal elements including jagged rooflines, splayed corners and sloping masses
- Large expanses of unbroken wall surface, typically in off-form concrete and/or face brickwork
- Large expanses of industrial-style glazing
- Conspicuous articulation of services such as air-conditioning ducts.

Step 1 of Criterion D is likely to be satisfied.

Step 2: State Level Significance Test Criterion D

The place/object is a NOTABLE EXAMPLE of the class in Victoria (refer to Reference Tool D).

Executive Director's Response

Late twentieth-century court houses

The Moe Court House is a notable (fine) example of a late twentieth-century court house in Victoria. It demonstrates a large range of characteristics of the class in a manner that is historically relevant to that era. In particular, its form reflects a move towards the centralisation and regionalisation of courts and their administration from the 1970s. It was one of the larger courthouses built in Victoria in the second half of the twentieth century and may be the largest constructed outside of Melbourne during that period. It has a generous public waiting room and three courtrooms rather than two, which is unusual for a court outside Melbourne. Its typing pool demonstrates how Victoria's court system (like other government authorities and businesses) implemented central administrative systems which took advantage of new data management technologies afforded by computers, faxes and digitisation from the 1970s. The Moe Court House is also highly intact to the era in which it was built.

Brutalist buildings

The Moe Court House is a notable (fine) example of a building in the Brutalist architectural style in Victoria. The building is highly intact and demonstrates a large range of characteristics of the style to a high quality and to a degree that makes it a quintessentially Brutalist building. It has some distinctive but less frequently seen characteristics such as the fixed metal sunshades, concrete spouts with 'rain chains' and, most notably of all, a conspicuous articulation of services that extends to a bold external expression of overscaled air-conditioning ducts (often seen in contemporaneous interior spaces but rarely externally) and a boldly-expressed angled waste disposal chute.

The Moe Court House is also a highly intact example and displays characteristics that are mostly unchanged from its period of completion in 1979. Compared to historical photographs, the building's exterior seems virtually unaltered (including original signage over the main entrance) and even retains original elements of its setting such as paved pathways, formed garden beds and distinctive J-shaped lamp posts with spherical glass luminaires. The interior spaces retain significantly intact walls of face brick and off-form concrete, slat ceilings and feature walls, cathedral ceilings with exposed painted steel trusses and air-conditioning ducts, quarry tiled floors. Such intact Brutalist-era interiors are unusual in Victoria.

Fixtures and fittings from the era of construction include original red carpet to the typing pool area. There is built-in furniture original to the 1970s fitout, including judges' benches and witness boxes which use the same slatted timber used for the ceilings and feature walls.

Step 2 of Criterion D is likely to be satisfied.

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CRITERION E: Importance in exhibiting particular aesthetic characteristics.

Step 1: Test for Satisfying Criterion E

The *PHYSICAL FABRIC* of the place/object clearly exhibits particular aesthetic characteristics.

Executive Director's Response

The physical fabric of the Moe Court House exhibits particular aesthetic characteristics associated with the Brutalist architectural style, including stark volumetric articulation, a jagged skillion roofline, expanses of face brickwork and off-form concrete, and the sculptural expression of elements such as projecting rooms, balconies, bay windows and stairwells.

Step 1 of Criterion E is likely to be satisfied.

Step 2: State Level Significance Test for Criterion E

The aesthetic characteristics are *APPRECIATED OR VALUED* by the wider community, or an appropriately related discipline as evidenced, for example, by:

- *critical recognition* of the aesthetic characteristics of the place/object within a relevant art, design, architectural or related discipline as an outstanding example within Victoria; or
- wide public *acknowledgement of exceptional merit* in Victoria in medium such as songs, poetry, literature, painting, sculpture, publications, print media etc.

Executive Director's Response

The Moe Court House generated limited press attention at the time of completion, namely a four-page illustrated article in the RAIA (Victorian chapter) newsletter, and a somewhat mixed review in the *Age* newspaper by architect and critic Norman Day. The building was not published in the national architectural press and, while nominated as a candidate for the 1980 Victorian Architectural Awards, it did not win.

The building has generated some further attention in recent decades. In 2008, it was identified and assessed as a heritage place in the *Latrobe City Heritage Study* and was consequently flagged as a place of potential state significance in Heritage Alliance's *Survey of Post-War Built Heritage in Victoria*. In the introduction to the book *Victorian Modern* (2012), co-author Hannah Lewi mentioned the building in passing as a typical example of an "unloved and obsolete" modernist building located in regional Australia.

Although the aesthetic characteristics of the building have generated a certain amount of attention, both at the time of construction and more recently, this falls short of the extent of "critical recognition ... as an outstanding example within Victoria", and/or "wide public acknowledgement of exceptional merit" that would typically be expected when applying Criterion E as the state level (see **Exclusion Guidelines for Criterion E**).

Step 2 of Criterion E is not likely to be satisfied.

Statement of recommendation from the Executive Director, Heritage Victoria to the Heritage Council of Victoria

CRITERION F: Importance in demonstrating a high degree of creative or technical achievement at a particular period.

Step 1: Test for Satisfying Criterion F

The place/object contains *PHYSICAL EVIDENCE* that clearly demonstrates creative or technical *ACHIEVEMENT* for the time in which it was created.
plus
The physical evidence demonstrates a *HIGH DEGREE OF INTEGRITY*.

Executive Director's Response

Designed in early 1977 and erected in 1978-79, the Moe Court House cannot be considered as a particularly early example of the Brutalist architectural style in Victoria, which emerged very gradually during the 1960s before becoming more widespread from the early 1970s. As such, it cannot be considered to represent a high degree of creative achievement. Likewise, the construction methods that have been adopted (such as the use of off-form concrete) were already well established by that time, and thus do not constitute technical achievement.

Step 1 of Criterion F is not likely to be satisfied.

CRITERION G: Strong or special association with a particular present-day community or cultural group for social, cultural or spiritual reasons.

Step 1: Test for Satisfying Criterion G

Evidence exists of a community or cultural group.
(A community or cultural group is a group of people who share a common interest, including an experience, purpose, belief system, culture, ethnicity or values.)
plus
Evidence exists of a strong attachment between the *COMMUNITY OR CULTURAL GROUP* and the place/object in the present-day context.
plus
Evidence exists of a time depth to that attachment.

Executive Director's Response

Research has not identified any community or cultural group that claims a strong attachment to this building.

Step 1 of Criterion G is not likely to be satisfied.

Statement of recommendation from the Executive Director, Heritage Victoria to the Heritage Council of Victoria

CRITERION H: Special association with the life or works of a person, or group of persons, of importance in Victoria's history.

Step 1: Test for Satisfying Criterion H

The place/object has a *DIRECT ASSOCIATION* with a person or group of persons who have made a strong or influential *CONTRIBUTION* to the course of Victoria's history.

plus

The *ASSOCIATION* of the place/object to the person(s) *IS EVIDENT* in the physical fabric of the place/object and/or in documentary resources and/or oral history.

plus

The *ASSOCIATION*:

- directly relates to *ACHIEVEMENTS* of the person(s) at, or relating to, the place/object; or
- relates to an *enduring and/or close INTERACTION* between the person(s) and the place/object.

Executive Director's Response

The Moe Court House has a direct association with the architectural staff of the PWD, who were responsible for its design and supervision, and also with the firm of Peter Tsitas & Associates, who prepared the contract documentation. While the associations with Tsitas, a Melbourne-based practitioner, are of limited interest in a statewide context, the architectural staff of the PWD would certainly be considered as a group of persons who have made a strong influential contribution to the course of Victoria's history.

Step 1 of Criterion H is likely to be satisfied.

Step 2: State Level Significance Test for Criterion H

The place/object allows the clear association with the person or group of persons to be *READILY APPRECIATED BETTER THAN MOST OTHER PLACES OR OBJECTS IN VICTORIA*.

Executive Director's Response

The PWD was active in Victoria for over a century, from its foundation in 1855 until it was superseded in 1987 by the new Ministry of Housing & Construction. During that time, the department was responsible for countless state government projects, including most of the court houses across Victoria. As such, it cannot be argued that this particular place has associations with the PWD more readily appreciated better than most other places in Victoria.

Criterion H is not likely to be satisfied at the State level.

Statement of recommendation from the Executive Director, Heritage Victoria to the Heritage Council of Victoria

Comparisons

Brutalist Buildings in the Victorian Heritage Register (VHR)

There are several buildings in the VHR which draw on the Brutalist architectural style

Harold Holt Memorial Swimming Centre, Glen Iris (VHR H0069)

The Harold Holt Memorial Swimming Centre (1969) by Kevin Borland and Daryl Jackson is architecturally significant being amongst the most notable, expressive, early and intact examples of the Brutalist movement that emerged in Victoria in the late-1960s. It represents the aesthetic, as well as ethical imperatives of the Brutalist style. The bold articulation of forms in textured off-form concrete and concrete blocks and glass, provides a sculptural imagery which is fundamental to Brutalist architecture. The heavy forms are balanced with focused transparency through the site, achieved by extensive use of natural lighting and the careful planning of the interior spaces



Plumbers and Gasfitters Union Building, Carlton (VHR H2307)

The Plumbers and Gasfitters Union Building was constructed in 1969-71 and is of architectural and historical significance to the State of Victoria. It is a highly distinctive building designed by Graeme Gunn and is one of the earliest and finest examples of the Brutalist style in Victoria. It is notable for its use of bold forms constructed in off-form concrete and its tough exterior. The treatment of the concrete shows an honest use of construction materials characteristic of Brutalism, while its obvious circulation patterns, as evident in the dominant front staircase, is also an important Brutalist characteristic. It is a major work of Gunn's, who has remained highly influential in the architectural profession.



Footscray Psychiatric Centre, Footscray (VHR H2395)

The Footscray Psychiatric Centre is architecturally significant as a notable example of a community mental health facility. It was purpose built to perform this function and demonstrates the principal characteristics of the class through its size, siting and internal layout. It is also architecturally significant for its dramatic Brutalist design which exhibits the principal characteristics of the style, including use of textured concrete, exterior expression of interior features and highlighting of building services and paths of travel. It is noteworthy for its particularly monolithic interpretation of the style. It is an important example of the use of the Brutalist style in Victoria and a key example of the employment of the style by the Victorian Public Works Department for a major institutional work.



Statement of recommendation from the Executive Director, Heritage Victoria to the Heritage Council of Victoria

Former Clyde Cameron College, Wodonga (VHR H2192)

The Former Clyde Cameron College was constructed in 1976–77 as a residential training college for trade unions and is of architectural and historical significance to the State of Victoria. It is an important work by architect Kevin Borland. It is a highly creative and largely intact example of the late twentieth century Brutalist style. The design illustrates key elements of the Brutalist ethos of honest use of materials with the use of unpainted off-form concrete showing formwork patterns, concrete blockwork, heavy timber trusses, and exposed services. The building was designed to showcase the skills of the designers, builders and individual trades.



Also see:

Former Hoyts Cinema Centre, 134-144 Bourke Street Melbourne, Melbourne City (VHR H2335)

Court Houses in the Victorian Heritage Register (VHR)

As of August 2022, there are more than 60 court houses included in the VHR.

- all were constructed prior to 1939
- most are in regional Victoria
- 14 are in Melbourne
- the majority date from 1850s to 1875
- 6 date from the twentieth century.

Court houses in the VHR constructed during the twentieth century

Date	Place	VHR Number
1911-13	Melbourne Magistrates' Court (Russell Street)	VHR H1010
1926	Federal Court of Australia (Little Bourke Street)	VHR H1476
1927	Wonthaggi Court House	VHR H0974
1928	South Melbourne Court House & Police Station	VHR H1486
1928-29	Chelsea Court House	VHR H0804
1938-39	Camberwell Court House & Police Station	VHR H1194

Statement of recommendation from the Executive Director, Heritage Victoria to the Heritage Council of Victoria

Bairnsdale Court House (VHR H1462)

The Bairnsdale Court House (1893) is historically significant as an early Victorian example of the quest for an 'Australian' architectural style. It is notable for exhibiting a high degree of extravagance and optimism and use of distinctively Australian decorative elements by depicting native flora and fauna alongside traditional symbols of inherited British justice. Bairnsdale Court House is aesthetically significant for successfully demonstrating an innovative and unusual combination of historical and architectural features, blending Art Nouveau, Romanesque, Medieval and Australian motifs and styles.



Chelsea Court House (VHR H0804)

The Chelsea Court House (1928-29) is of architectural and historical significance as one of a group of five similar neo-classical court houses of the 1920s and 30s that did not follow traditional typological models. It is an outstanding example because of the scale and flair with which it was executed. It retains a high degree of integrity and many decorative features. The façade is a sophisticated neo-classical composition. It was designed under the supervision of the prominent PWD architect E Evan Smith, who won a RAIA Street architecture medal in 1930 for the Emily Macpherson College of Domestic Economy.



Camberwell Court House & Police Station (VHR H1194)

Designed by Percy Everett, PWD architect and built 1938-39, this place is of architectural significance to the State of Victoria as a fine and intact example of a building complex in the Moderne style, and is an early and outstanding example of the style. The Camberwell Complex was influential in the development of the Moderne style in Victoria. Later examples by Everett include the Shepparton Court House, the Sandringham Court House, the William Angliss School and Public Offices in Ballarat, all of which employ similar stylistic elements to those utilised by the Camberwell complex.



Statement of recommendation from the Executive Director, Heritage Victoria to the Heritage Council of Victoria

Summary of Comparisons

Brutalist architecture in the VHR

There are several places in the VHR that are significant at the State level as examples of the Brutalist idiom. Two are considered to be especially significant as notably early manifestations from the late 1960s: the Harold Holt Memorial Swimming Centre (1968-69) and the Plumbers & Gasfitters Union Building (1969-71). The other two date from mid-1970s, by which time Brutalism had become more widely adopted and experienced what might be considered as its heyday. The Brutalist buildings in the VHR are also considered to be of architectural significance for other reasons. The Harold Holt Swimming Pool, the Plumber & Gasfitters Union Building and the Clyde Cameron College are all considered important major works of their respective architects, and the Footscray Psychiatric Centre as an important postwar design of the PWD. Clyde Cameron College is also considered to be of architectural significance as an early example of fast-tracked construction.

All but the Footscray Psychiatric Centre were widely published at the time of construction and have since been subject to critical recognition and wide public acknowledgement of merit. The Harold Holt Swimming Centre and the Plumber & Gasfitters Union Building both received citations in the RAIA (Victorian chapter) architectural awards soon after completion. The Plumbers & Gasfitters Union Building and the Clyde Cameron College (which was nominated for, but never won, a contemporaneous award) and each received the chapter's 25 Year Award for Enduring Architecture. By contrast, the Footscray Psychiatric Centre never garnered any attention in the contemporary architectural press, nor did it receive awards. However, it was (along with the Plumbers & Gasfitters Union Building) one of the few buildings in Victoria selected for inclusion in a recent global survey, entitled *Atlas of Brutalist Architecture* (2020).

The Brutalist buildings in the VHR have another aspect in common: their respective Statements of Significance do not draw particular attention to the Brutalist qualities of the interior spaces. The Plumbers & Gasfitters Union Building, is known to have had a relatively conventional interior fitout beyond its entrance lobby, while the Footscray Psychiatric Hospital tended to be similarly utilitarian throughout, with only a few Brutalist concessions to the interior such as exposed concrete columns and slat-like ceiling linings. The Harold Holt Pool and Clyde Cameron College are noted to have a few typically Brutalist details within, such as off-form concrete balustrades with pipe railings, and exposed trusses and air-conditioning ducts. The interiors of both buildings, however, have been altered over the years, with the latter adapted to a radically different use as a hospital.

As a manifestation of the mature Brutalist mode, Moe Court House shares all of the general defining stylistic characteristics of the other examples in the VHR, such as the use of off-form concrete, industrial-style glazing and a bold expression of angled and projecting masses. It also includes some trademark elements that are evident in some but not all of the other examples, such as the jagged roofline, boldly articulated stairwells, projecting rooms and bay windows, cranked glazing, sashless windows and circular concrete columns. In addition, the Moe building has a few particularly distinctive Brutalist features that are not seen in any of the examples in the VHR, such as the blank expanses of face brickwork, fixed metal sunshades, concrete spouts with rain chains, and, most notably of all, the conspicuous external articulation of services (ie, the massive air-conditioning ducts and angled wastepaper chute at the rear).

What also sets the Moe building apart from others in the VHR is its varied and substantially intact interior: walls of face brick and off-form concrete, slatted ceilings (with matching feature walls in courtrooms), cathedral ceilings with clerestory windows, exposed trusses and air-conditioning ducts, quarry tiled floors (plus some original carpeting), metal pipe balustrades. There is built-in furniture original to the 1970s fitout, including judges' benches and witness boxes which use the same slatted timber used for the ceilings and feature walls

While the Moe Court House may not be an early manifestation of Brutalism in Victoria, it can be considered one of the state's most quintessential manifestations, in that it incorporates virtually every defining characteristic of the style, including some that are not evident on other registered examples. Its substantially intact interior also represents an important surviving example in comparison to other Brutalist buildings in the VHR.



Statement of recommendation from the Executive Director, Heritage Victoria to the Heritage Council of Victoria

Court Houses in the VHR

While purpose-built court house facilities are well represented in the VHR, the overwhelming majority date from the nineteenth century. Of the six registered examples built in the twentieth century, five date from the inter-war era. Of these, four date from the 1920s and one from the 1930s. In the absence of any registered court house infrastructure from the postwar period, the Camberwell Court House & Police Station Complex (1938-39) stands out not only the most recent court house to be included in the VHR but also the only one designed in what can be considered a progressive modernist style, in contrast to the conservative Spanish Mission, Free Classical and Romanesque modes of the earlier examples from the 1910s and '20s.

Twentieth century court houses are underrepresented in the VHR. Examples indicative of progressive modernist architecture are even less well represented, while post-war examples remain entirely unrepresented. The Moe Court House is a fine example of its type designed in a progressive mode and represents the centralisation of the court system from the 1970s.



Statement of recommendation from the Executive Director, Heritage Victoria to the Heritage Council of Victoria

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

The Executive Director recommends that the Moe Court House be included in the VHR as a registered place.

Statement of significance

What is significant?

The Moe Court House, a Brutalist building of brick and off-form concrete construction designed by Public Works Department architect Alan Yorke in 1977 which officially opened in 1979. The building includes significant interior spaces including three court rooms; judge's rooms with secure private access; a large public waiting room with Telecom Gold Phone; interview rooms; a typing pool and staff amenities space. Significant internal features include steel-pipe roof trusses; slatted ceilings in the courtrooms and foyer; exposed duct work; metal pipe balustrades in stairwells; dark brown quarry tiled floors; built-in furniture including judges' benches and witness boxes.

How is it significant?

The Moe Court House is of architectural significance to the State of Victoria. It satisfies the following criterion 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?

The Moe Court House is significant for its importance in demonstrating a large range of the defining characteristics of Brutalist architecture in Victoria. These include its monumental scale and fortress-like character, off-form concrete, jagged roofline, industrial-style glazing and bold sculptural expression of curving elements, angled forms and projecting planes and masses. It also demonstrates less frequently seen characteristics, such as the concrete spouts with rain-chains and a conspicuous external expression of services to a degree uncommonly evident in other similar buildings. Moe Court House is a fine example of a late twentieth-century court house. It was one of the largest court houses to be built in Victoria in the second half of the twentieth century, and likely the largest to have been erected in a regional Victorian centre since the completion of grand complexes at Geelong and Wangaratta in the late 1930s. Comprising three courtrooms, a typing pool and an expansive public waiting area, it demonstrates the centralisation of court administration into large regional hubs from the 1970s. (Criterion D)

Categories of works or activities (permit exemptions) recommended under section 38 (section 40(4)(b))

Introduction

The purpose of this information is to assist owners and other interested parties when considering or making decisions regarding works to a registered place. It is recommended that any proposed works be discussed with an officer of Heritage Victoria prior to making a permit application. Discussing proposed works will assist in answering questions the owner may have and aid any decisions regarding works to the place.

It is acknowledged that alterations and other works may be required to keep places and objects in good repair and adapt them for use into the future. However, under the Act a person must not knowingly, recklessly or negligently remove, relocate or demolish, damage or despoil, develop or alter or excavate all or any part of any part of a registered place without approval. It should be noted that the definition of 'develop' in the Act includes any works on, over or under the place.

If a person wishes to undertake works or activities in relation to a registered place or registered object, they must apply to the Executive Director for a permit. The purpose of a permit is to enable appropriate change to a place and to effectively manage adverse impacts on the cultural heritage significance of a place as a consequence of change. If an owner is uncertain whether a heritage permit is required, it is recommended that Heritage Victoria be contacted.

Permits are required for anything which alters the place or object, unless a permit exemption is granted. Permit exemptions usually cover routine maintenance and upkeep issues faced by owners as well as minor works or works to the elements of the place or object that are not significant. They may include appropriate works that are specified in a conservation management plan. Permit exemptions can be granted at the time of registration (under section 38 of the Act) or after registration (under section 92 of the Act). It should be noted that the addition of new buildings to the registered place, as well as alterations to the interior and exterior of existing buildings requires a permit, unless a specific permit exemption is granted.

Disrepair of registered place or registered object

Under section 152 of the Act, the owner of a registered place or registered object must not allow that place or object to fall into disrepair.

Failure to maintain registered place or registered object

Under section 153 of the Act, the owner of a registered place or registered object must not fail to maintain that place or object to the extent that its conservation is threatened.

Conservation management plans

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

Archaeology

There is no identified archaeology of State level significance at the place. However, any works that may affect historical archaeological features, deposits or artefacts at the place is likely to require a permit, permit exemption or consent. Advice should be sought from the Archaeology Team at Heritage Victoria.

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Aboriginal cultural heritage

To establish whether this place is registered under the Aboriginal Heritage Act 2006 please contact Aboriginal Victoria. The Heritage Act 2017 and the Aboriginal Heritage Act 2006 are separate pieces of legislation. Please be aware that both Acts are required to be satisfied and satisfying the requirements of one Act may not satisfy the requirements of the other.

If any Aboriginal cultural heritage is discovered or exposed at any time it is necessary to immediately contact Aboriginal Victoria to ascertain requirements under the Aboriginal Heritage Act 2006. If works are proposed which have the potential to disturb or have an impact on Aboriginal cultural heritage it is necessary to contact Aboriginal Victoria to ascertain any requirements under the Aboriginal Heritage Act 2006.

Other approvals

Please be aware that approval from other authorities (such as local government) may be required to undertake works.

Notes

- All works should ideally be informed by a Conservation Management Plan prepared for the place. 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.
- Nothing in this determination prevents the Heritage Council from amending or rescinding all or any of the permit exemptions.
- Nothing in this determination exempts owners or their agents from the responsibility to seek relevant planning or building permits where applicable.

General Conditions

- All exempted alterations are to be planned and carried out in a manner which prevents damage to the fabric of the registered place.
- Should it become apparent during further inspection or the carrying out of works that original or previously hidden or inaccessible details of the place are revealed which relate to the significance of the place, then the exemption covering such works must cease and Heritage Victoria must be notified as soon as possible.

Permit Exemptions

The following works and activities are not considered to cause harm to the cultural heritage significance of the Moe Court House.

General

- Minor repairs and maintenance which replaces like with like. Repairs and maintenance must maximise protection and retention of significant fabric and include the conservation of existing details or elements. Any repairs and maintenance must not exacerbate the decay of fabric due to chemical incompatibility of new materials, obscure fabric or limit access to such fabric for future maintenance.
- Maintenance, repair and replacement of existing services such as plumbing, electrical cabling, surveillance systems, solar power infrastructure, pipes or fire services which does not involve changes in location or scale, or additional trenching. While this exemption is deemed to include general roof plumbing such as metal downpipes and guttering, it does not include the rain chains that link concrete spouts to the ground level.
- Repair to, or removal of, items such as antennae; aerials; bird spikes; and air conditioners and associated pipe work, ducting and wiring (except where ductwork has been expressed as an architectural feature).
- Works or activities, including emergency stabilisation, necessary to secure safety in an emergency where a structure or part of a structure has been irreparably damaged or destabilised and poses a safety risk to its users or the public. The Executive Director must be notified within seven days of the commencement of these works or activities.

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- Painting of previously painted external and internal surfaces in the same colour, finish and product type provided that preparation or painting does not remove all evidence of earlier paint finishes or schemes. This exemption does not apply to areas which are currently unpainted.
- Removal of graffiti from window glazing and previously painted external surfaces.
- Removal of non-original signage including lettering on windows and glazed doors, self-adhesive stickers, “parking-related signage (on external walls, columns and lampposts), fire service signage (including fire exits, fire exit evacuation diagrams and fire extinguisher/fire hydrant signs) and printed paper signs. This exemption does not apply to the original external signage on the front of the building, stating MOE COURTHOUSE.
- All usual domestic cleaning, plus cleaning to maintain exterior including the removal of surface deposits using low-pressure water, neutral detergents and brushing and scrubbing with plastic (not wire) brushes.
- Maintenance and repairs to roof to prevent water ingress. This includes localised replacement of roofing material where the external appearance from ground level remains the same.

Interiors

- Works to maintain or upgrade existing toilet facilities (for public, staff and judges) and staff kitchenette including installing new appliances, joinery, re-tiling and the like. This exemption does not include apply to the kitchen in the staff room at the first floor level.
- Removal of non-original stud partition walls at the typing pool level.
- Like for like replacement of carpets.
- Like for like replacement of panels in suspended ceilings.
- Like for like replacement of plastic diffusers to recessed fluorescent lighting trays.
- Removal, replacement or installation of new hooks, brackets and the like for mounting signage or artworks (except for those interior walls with original face brick or off-form concrete finish).
- Maintenance, repair and like for like replacement of existing light fixtures in existing locations.
- Installation, removal or replacement of existing electrical wiring, providing it is concealed.
- Removal of plastic wall-mounted conduits for electrical wiring
- Removal or replacement of light switches or power outlets.
- Removal of ceiling-mounted television sets and other non-original audio-visual equipment from courtrooms.
- Removal of wall-mounted display boards, whiteboards, pin-boards and the like.
- Removal or replacement of smoke/fire detectors, alarms and the like, of same size and in existing locations.
- Repair, removal or replacement of existing ventilation, cooling and heating systems provided that the plant is concealed, and that the work is done in a manner which does not alter building fabric. This exemption does not apply to air-conditioning ducts that have been deliberately exposed and expressed as an architectural feature.
- Installation, removal or replacement of insulation in the roof space.

Landscape/outdoor areas

Hard landscaping and services

- Subsurface works to watering, utilities and drainage systems provided existing lawns, gardens and hard landscaping, including paving, are to be returned to the original configuration and appearance on completion of works.
- Like for like repair and maintenance of existing hard landscaping including paving and garden bed edging where the materials, scale, form and design is unchanged.
- Like for like repair and maintenance of car parking areas (asphalt or concrete surfacing, concrete kerbing, etc) where the materials, scale, form and design is unchanged.
- Like for like repair and maintenance of freestanding lampposts at front and rear of building, including like for like replacement of spherical white glass luminaires.
- Installation of physical barriers or traps to enable vegetation protection and management of vermin such as



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rats, mice and possums.

- Removal, replacement or relocation of non-original freestanding rubbish bin in forecourt.

Gardening, trees and plants

- The processes of gardening including mowing, pruning, mulching, fertilising, removal of dead or diseased plants (excluding trees), replanting of existing garden beds, disease and weed control and maintenance to care for plants.
- Removal of tree seedlings and suckers without the use of herbicides.
- Management and maintenance of trees including formative and remedial pruning, removal of deadwood and pest and disease control.
- Emergency tree works where it is necessary to maintain safety or protect property.
- Removal of environmental and noxious weeds.

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Appendix 1

Heritage Council of Victoria determination (section 41)

The Heritage Council of Victoria 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.

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.
- (2) The Heritage Council must conduct a hearing in relation to a submission if—
 - (a) the submission 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 or object that is the subject of the submission.
- (3) Despite subsection (2), the Heritage Council may conduct a hearing in relation to a submission in any other circumstances the Heritage Council considers appropriate.

Determinations of the Heritage Council (section 49)

- (1) After considering a recommendation that a place or object should or should not be included in the Heritage Register and any submissions in respect of the recommendation and conducting any hearing into the submissions, the Heritage Council may—
 - (a) determine that the place or part of the place, or object, is of State-level cultural heritage significance and is to be included in the Heritage Register; or
 - (b) determine that the place or part of 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 is not to be included in the Heritage Register but—
 - (i) refer the recommendation and any submissions to the relevant planning authority for consideration for an amendment to a planning scheme; 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
 - (d) in the case of a recommendation in respect of additional land which has been nominated to be included in the Heritage Register as part of a registered place in accordance with section 32, determine that the land be included in the Heritage Register if—
 - (i) the State-level cultural heritage significance of the place would be substantially less if the land or any part of the land which is or has been used in conjunction with the place were developed; or

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- (ii) the land surrounding the place is important to the protection or conservation of the place or contributes to the understanding of the place; or
- (e) determine that the object 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.
- (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 into the written submissions, within 90 days after the completion of the hearing.
- (3) A determination that a place or part of a place, or object, should be included in the Heritage Register may include categories of works or activities which may be carried out in relation to the place or object 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 or object.
- (4) If the Heritage Council determines to include a place in the Heritage Register, with the consent of the owner of the place, the Heritage Council may determine to include in the Heritage Register additional land of the owner that is ancillary to the place.
- (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 of places and objects (section 42)

- (1) The owner of a place or object 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 or object at the time the statement is given; and
 - (b) any application for a planning permit or a building permit, or for an amendment to that permit, that has been made in relation to the place 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 or object 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.
- (3) The owner of a place to whom a statement of recommendation has been given must advise the Executive Director in writing of an application, permit or amendment if, before a determination under section 49 or 52 in respect of a place—
 - (a) an application for a planning permit or a building permit or for an amendment to that permit in relation to the place is made; or
 - (b) a planning permit or building permit or an amendment to that permit in relation to the place is granted.
- (4) An advice under subsection (3) must be given within 10 days after the making of the application or the grant of the permit or amendment.
- (5) The owner of a place or object to whom a statement of recommendation has been given must advise the Executive Director in writing of the following activities or proposals if, before a determination is made under section 49 or 52 in respect of a place or object—
 - (a) any activities are carried out in relation to the place or object that could harm the place or object;
 - (b) any activities are proposed to be carried out in relation to the place or object that could harm the place or object.
- (6) An advice under subsection (5) must be given within 10 days after the owner becomes aware of the activity or the proposal, as the case requires.
- (7) If, before a determination is made under section 49 or 52 in respect of a place or object, a proposal is made to dispose of the whole or any part of the place or object, the owner of the place or object must advise the Executive Director in writing of that proposal.



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- (8) An advice under subsection (7) must be given at least 10 days before entering into the contract for the disposal of the place or object.
- (9) The owner of a place or object who proposes to dispose of the whole or any part of the place or object before a determination is made under section 49 or 52 in respect of the place or object must, before entering into a contract for that disposal, give a copy of the statement of proposed contract, is to acquire the place or object or part of the place or object.

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

An owner of a place or object to whom section 42 applies must comply with that section.

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