

**Forward Surge Sculpture
100 St Kilda Road, Melbourne**

**Heritage Council Registrations Committee
Hearing date: Friday 2 March 2018**

DECISION OF THE HERITAGE COUNCIL

After considering a recommendation and the submissions and conducting a hearing into those submissions, pursuant to Section 42(1)(a) of the *Heritage Act 1995* the Heritage Council has determined that the Place is of State-level cultural heritage significance and should be included as a place in the Victorian Heritage Register.

Heritage Council Registrations Committee

**Lucinda Peterson (Chair)
Megan Goulding
Maggi Solly**

Decision Date: 31 May 2018

APPEARANCES

The Executive Director, Heritage Victoria ('the Executive Director')

Submissions were received from the Executive Director. Mr Geoff Austin, Manager – Heritage Register and Permits, appeared and made verbal submissions on behalf of the Executive Director. Ms Jenny Dickens, Heritage Officer (Materials Conservation), was also present and available to take questions.

The Victorian Arts Centre Trust ('VACT')

VACT was represented by Mr Dominic Scally of Best Hooper Lawyers. VACT's written submissions included statements of evidence from Mr Mark Stephenson of Trethowan Architecture.

Mr Scally appeared, made verbal submissions and called Mr Stephenson to give expert evidence.

The National Trust of Australia (Victoria) ['the Trust']

The Trust was represented by Ms Felicity Watson, Advocacy Manager, and Ms Jessica Hood, Community Advocate – Environmental Heritage. Ms Watson appeared and made verbal submissions.

INTRODUCTION/BACKGROUND

The Place

- 1 On 22 September 2017, the Executive Director made a recommendation ('the Recommendation') that the Forward Surge Sculpture be included as a place in the Victorian Heritage Register ('the Register').
- 2 The recommended extent of registration includes the sculpture, concrete plinth, land, landscape features and other features (together, 'the Place'), shown hatched on Diagram 2378¹ and encompassing parts of Crown Allotments 3C, 13F, 2047, 2341 and 2342, City of South Melbourne, Parish and Melbourne South.
- 3 The Place is located at 100 St Kilda Road, between Hamer Hall and the Theatres Building, both of which are included within the registered extent for the Victorian Arts Centre (H1500).
- 4 The following 'History Summary' of the Place is taken from page 5 of the Recommendation:

'Forward Surge was installed on the Victorian Arts Centre Lawn in 1981. Sculptor Inge King made the maquette before receiving the commission to enlarge it from the architect, Roy Grounds, in 1973. Inge King had at that time reached the full maturity of her creative powers and Forward Surge is widely considered her most important work. She always envisaged that the work would suit a public plaza and, when the work was commissioned, the Victorian Arts Centre Lawn proved to be an ideal location that matched the intentions of the artist and architect. Hamer Hall is located on the site of the former site Snowden Park. The City of Melbourne permitted the loss of this park providing an equivalent "verdant space" was created to replace it. The Arts Centre Lawn was created to fulfil this condition.'

- 5 The following 'Description Summary' of the Place is taken from page 5 of the Recommendation:

'Forward Surge is an imposing work of sculpture on a monumental scale. It consists of four reinforced, hollow steel 'waves' which are painted black. The work rises 5.16 metres above ground and each of the four steel 'waves' or elements measures 7 metres across and weighs approximately six tonnes. It is an entirely abstract sculpture where the artist has created a series of waves rolling towards the city that would also encourage people to physically move about the space, exploring and engaging with the work at a bodily level. The sculpture was also designed to be appreciated from a moving car. The 'waves' are set into a concrete plinth covered with earth and bluestone pavers; the paved area measures 15.14 x 13.68 metres. The paved bluestone base is surrounded by the extensive, green Arts Centre Lawn with Hamer Hall at the northern end and the Theatres Building at the southern. The eastern boundary of the site is St Kilda Road and the western is the edge of the bridge over Sturt Street. The lawn covers part of the roof of the Arts Centre and the bridge over City Road, Sturt Street and Southgate Avenue. Because of the height of the bridge and the necessarily shallow depth of soil, grass was the only possible planting for most of the area, except for

¹ Provided on page 28 of this document

the northern edge next to Hamer Hall where taller trees can be planted in the deeper soil.'

- 6 The Committee notes that the above 'History Summary' and 'Description Summary' are part of a proposed Statement of Cultural Heritage Significance in the Recommendation. They are provided for information purposes only.

Nomination

- 7 The Executive Director accepted a nomination from the Trust's Public Art Committee to include the Place in the Register on 22 February 2016 ('the Nomination'). The nominated extent comprised what the Executive Director described as:

'The classification covers the artwork including its concrete foundations (see extent diagram below). The work rises 5.16 metres above ground and each of the four steel 'blades' or elements measures 7 metres across. They are set into concrete foundations covered with bluestone pavers; the upper surface area of the base measures 15.14 x 13.68 metres. Each of the four steel blades weighs approximately six tonnes. As Forward Surge is the primary feature of the lawn that separates Hamer Hall from the Theatres Building, its curtilage should be understood to include the entire lawns bounded to the east by a covered walkway and to the west by a low wall and hedge.'

Recommendation of the Executive Director

- 8 The Executive Director recommended on 22 September 2017 to include the Place in the Register.
- 9 The Recommendation acknowledged that elements of the Place overlapped with the existing registration for St Kilda Road (H2359), but that neither *Forward Surge* nor the Arts Centre Lawn are specified within the extent of registration.
- 10 The Recommendation further acknowledged the relationship and proximity of the Place to the existing registration for the Victorian Arts Centre (H1500), which encompasses both Hamer Hall and the Theatres Building. However, it was noted that the buildings were registered under the *Historic Buildings Act 1981* and did not include any land, and therefore:

'The recommended registration of Forward Surge and the Arts Centre Lawn would be the first parcel of land in the Arts Centre Precinct to be included in the Victorian Heritage Register.'

Process following the Recommendation of the Executive Director

- 11 After the Recommendation of 22 September 2017, notice was published in accordance with s.35 of the *Heritage Act 1995* ('the Act') for a period of 60 days and one (1) submission was received pursuant to s.38(1)(a) of the Act.
- 12 The submission was received from the VACT, agreeing in principle to the Executive Director's findings in relation to the cultural heritage significance of the Place. However, the submission objected to the Executive Director's recommendation to include *Forward Surge* and the Arts Centre Lawn in the Register as a new registration, rather than amending the existing registration for Arts Centre Melbourne (H1500) to include the Place within its extent.
- 13 In accordance with s.41(6)(a) of the Act, a hearing was required to be held.

- 14 In accordance with s.46(6) of the Act, the Heritage Council Registrations Committee ('the Committee') was constituted to consider the Recommendation and submission received in response to it and to make a determination, as delegated by the Heritage Council under s.12 of the Act. The Committee then invited further written submissions under s.40(2)(a) of the Act and a hearing was scheduled for 2 March 2018 ('the hearing').

PRELIMINARY, PROCEDURAL AND OTHER MATTERS

Operation of transitional provisions of the Heritage Act 2017 ('the New Act')

- 15 The Committee noted the repeal of the Act, and the commencement of the New Act. The Committee noted that the Recommendation falls within the scope of transitional provisions set out at s.265(1) and (2) of the New Act. The Committee has therefore proceeded on the basis that, despite the repeal of the Act, the Act continues to apply to this Recommendation, and the Heritage Council's associated hearing and determination, as if the Act had not been repealed.

Site inspection

- 16 On 2 March 2018, the Committee made an unaccompanied site inspection of the Place attended by the Heritage Council Hearings Coordinator.

Conflicts of interest

- 17 The Committee was satisfied that there were no relevant conflicts of interests.

Future use and development of the Place

- 18 All parties were reminded that, pursuant to s.42 of the Act, it is not within the Committee's remit to consider future development proposals, or pre-empt any decisions regarding future permits. Rather, it is the role of the Committee to determine whether or not the Place, and all structures included in the recommended registration extent, are of cultural heritage significance to the State of Victoria.

Request for further information

- 19 Prior to the hearing, the Executive Director requested digital high-resolution copies of historical plans included in Mr Stephenson's Statement of Expert Evidence. This request was allowed by the Committee, and the high-resolution images provided by Mr Stephenson were circulated to all hearing parties.

New material

- 20 At the hearing, Mr Stephenson supplied A1 hard copies of the historic plans, high-resolution copies of which had been circulated to all hearing parties.² It was, however, noted by the Executive Director that these hard copy plans tabled at the hearing showed additional details not included in the digital copies previously circulated to other parties. The Committee therefore considered the hard copy plans to contain new material. The Committee allowed the hard copy plans to be admitted for consideration after seeking the views of the Executive Director and the Trust, and no objections were made. The Committee considered that the plans provided a more comprehensive understanding of the construction details of *Forward Surge*, and its physical proximity to Hamer Hall and the Theatres Building.

² As discussed at paragraph 9

- 21 In its verbal submissions, the VACT sought to rely on the definition of a “building”, as defined by recent case law. This information had not been provided in the VACT’s earlier hearing submissions and was therefore considered by the Committee to be new material. The Committee admitted the new material for consideration after seeking the views of the Executive Director and the Trust, and no objections were made.

ISSUES

- 22 The following section is not intended to be a complete record of submissions that were made to the Committee. It is a summary of what the Committee considers to be the key issues, followed by an explanation of the position the Committee takes on each issue.
- 23 Any reference to Criteria refers to the *Heritage Council Criteria for Assessment of Places of Cultural Heritage Significance* (see **Attachment 1**).
- 24 It is noted that a significant degree of common ground was found between the submissions of all hearing parties, particularly in relation to the cultural heritage significance of the Place to the State of Victoria.
- 25 The key points of difference between the hearing parties was disagreement as to whether or not the Place was already included in the Register within the registered extent of the Victorian Arts Centre (H1500); whether or not the significance of the Place extended beyond its association with the Victorian Arts Centre complex and merited its own separate registration; and whether or not the Recommendation ought to be abandoned in favour of reviewing and amending the registration for the Victorian Arts Centre (H1500).

Criterion D – Importance in demonstrating the principal characteristics of a class of cultural places or environments

- 26 All parties agreed that the Place demonstrates importance in demonstrating the principal characteristic of a class of cultural places and objects, and that Criterion D is met at State level.

Submissions and evidence

- 27 The Executive Director submitted that the Place satisfies Criterion D for the following reasons, as set out on page 8 of the Recommendation:
- “Forward Surge is one of the most outstanding examples in Victoria of a large-scale late modernist public sculpture.
 - The popularity of Forward Surge demonstrates how abstract public art can be accepted by the wider community, and how modernism has become part of mainstream culture in Victoria.
 - Forward Surge demonstrates how a large-scale public sculpture of the 1970s that effectively addressed a particular site, has become part of the landscape of the site and successfully ‘activated’ or changed that site. Forward Surge and the surrounding Arts Centre Lawn have become an integral part of the Victorian Arts Centre precinct and visually link the two main performance spaces.”
- 28 The VACT and the Trust agreed with the findings of the Executive Director in relation to Criterion D.

Discussion and conclusion

- 29 The Committee agrees with the Executive Director in relation to Criteria D, and finds that Criterion D is satisfied at State level in relation to the Place.

Criterion E – Importance in exhibiting particular aesthetic characteristics

- 30 All parties agreed that the Place demonstrates importance in exhibiting particular aesthetic characteristics, and that Criterion E is met at State level

Submissions and evidence

- 31 The Executive Director submitted that the Place satisfies Criterion E for the following reasons, as set out on page 9 of the Recommendation:
- *“Forward Surge is appreciated by the wider community and has been photographed many times both by recognised photographers such as Mark Strizic and Rennie Ellis, as well as by members of the public. It is advertised as being a suitable site for wedding photography, appears in travel guides and published walking tours and features in high-school art text books.*
 - *Forward Surge is acknowledged as being of exceptional merit in Victoria because there is significant critical recognition of Forward Surge in many academic publications. It is discussed at length and illustrated in all texts on the artist as well as texts on Australian public sculpture and in selected international surveys of public art. It [sic] been the subject of two major monographs (Trimble, 1996, and Grishin, 2014) and numerous exhibition catalogues and theses.*
 - *Forward Surge is valued by other sculptors and has inspired contemporary artists. For example, Emily Floyd referenced Forward Surge in her large-scale commission, Public Art Strategy, 2008, Eastlink Sculpture Park.*
 - *Inge King’s work is represented in all major public collections in Australia as well as in private collections throughout the country and in the UK, Europe and the USA.”*
- 32 The VACT and the Trust agreed with the findings of the Executive Director in relation to Criterion E.

Discussion and conclusion

- 33 The Committee agrees with the Executive Director in relation to Criteria E, and finds that Criterion E is satisfied at State level in relation to the Place.

Criterion F – Importance in demonstrating a high degree of creative or technical achievement at a particular period

- 34 All parties agreed that the Place demonstrates importance in demonstrating a high degree of creative or technical achievement at a particular period, and that Criterion F is met at State level.

Submissions and evidence

35 The Executive Director submitted that the Place satisfies Criterion F for the following reasons, as set out on page 10 of the Recommendation:

- *“Inge King worked closely with the fabricators to ensure her artistic aims were preserved in the final work. This is a creative achievement of a high degree as evidenced by the critical acclaim of Forward Surge within the visual art community.*
- *There were engineering and fabrication challenges to specify, construct and install Forward Surge. While J.K. Fasham and their contractors had past experience with sculpture fabrication, the size and number of components of Forward Surge created their own challenges. These challenges were solved very successfully. The sculpture demonstrates technical achievement at a State level.”*

36 The VACT and the Trust agreed with the findings of the Executive Director in relation to Criterion F.

Discussion and conclusion

37 The Committee agrees with the Executive Director in relation to Criteria F, and finds that Criterion F is satisfied at State level in relation to the Place.

Criterion H – Special association with the life or works of a person, or group of persons, of importance in Victoria’s history

38 All parties agreed that the Place demonstrates special association with the life or works of a person, or group of persons, of importance in Victoria’s history, being the sculptor Inge King and architect Roy Grounds.

Submissions and evidence

39 The Executive Director submitted that the Place satisfies Criterion H for the following reasons, as set out on page 11 of the Recommendation:

- *“Forward Surge has a direct association with Inge King who is one of Victoria’s most celebrated and critically respected sculptors [...]*
- *Forward Surge has a direct association with Roy Grounds who is considered to be one of the most important architects of his generation and one of Victoria’s most well-known and influential modern architects [...]*
- *Forward Surge is still in its original location on the Arts Centre Lawn as designed by Roy Grounds. Together, Forward Surge and the Arts Centre Lawn are the critical third component of the Arts Centre, the other two components of which are Hamer Hall and the Theatres Building. This enables Forward Surge to be easily appreciated as an integral part of the architecture of Roy Grounds’ Arts Centre.”*

40 The VACT and the Trust agreed with the findings of the Executive Director in relation to Criterion H.

Discussion and conclusion

41 The Committee agrees with the Executive Director in relation to Criteria H, and finds that Criterion H is satisfied at State level in relation to the Place.

Existing registration H1500 (Victorian Arts Centre)

- 42 Registration H1500 (Victorian Arts Centre) is central to the below discussion. Registration H1500 comprises two buildings: Hamer Hall and the Theatres Building.
- 43 The Place is located between Hamer Hall and the Theatres Building.
- 44 Registration H1500 (Victorian Arts Centre) entered the Victorian Heritage Register from the Government Buildings Register, following the introduction of the Act. Buildings originally registered in the Government Buildings Register under the *Historic Buildings Act 1974* were not able to be registered with accompanying land. Many early registrations included in the Register, such as H1500 (Victorian Arts Centre), have not been amended to include surrounding land.

Submissions and evidence

- 45 The VACT submitted that the Place is located within the registered extent of existing registration H1500 (Victorian Arts Centre), and is therefore already included in the Register. In support of this view, the VACT cited the Hermes map for H1500, which appears to encompass the Place within the extent of registration.

- 46 The VACT further cited the existing Permit Exemptions for H1500, which allow for:

“Relocation, removal and installation of external sculptures (except Inge King’s Forward Surge or Clement Meadmore’s Whirling Dervish).”

The VACT put forward the view that the above reference to the Forward Surge in a Permit Exemption for H1500, and the indication that the sculpture would be subject to the permit process under the Act, demonstrates that the sculpture is included within the extent of registration for H1500.

- 47 The VACT additionally submitted that the full extent of the Place, including the Arts Centre Lawn and *Forward Surge*, were sited on top of complex underground structures connected to the Theatres Building, and therefore, could not be considered as “land”. Rather, the Place ought to be considered as part of the Theatres Building.
- 48 The Executive Director submitted that while the Place “may well be” included within the extent of registration for H1500 (Victorian Arts Centre), there is not enough evidence at hand to confidently arrive at that conclusion.
- 49 The Executive Director submitted that while the Hermes map for registration H1500 appears to include the Place within the extent of registration, the Hermes map is not to be confused with a gazetted and endorsed extent of registration. The Executive Director clarified that the Hermes map indicates the location of H1500 for the purpose of the local planning scheme, but that no gazetted and endorsed extent of registration for H1500 exists for the purpose of the *Heritage Act 2017* and its antecedents.
- 50 The Executive Director submitted that this is a common issue for buildings originally registered in the Government Buildings Register under the *Historic Buildings Act 1974*, and that many early registrations are now being reviewed by Heritage Victoria to identify land and curtilage in order to provide clarity for owners, managers and the Executive Director.

- 51 The Executive Director agreed that the reference to *Forward Surge* in existing Permit Exemptions for H1500 suggests that the sculpture is included within its extent of registration. However, the Executive Director submitted that the relevant Permit Exemption was added in 2006 in response to a specific development proposal, and does not constitute an amendment to, or endorsement of, the extent of registration H1500.
- 52 The Executive Director rejected the submissions of the VACT in relation to the Place's structural relationship with the Theatres Building. The Executive Director put forward the view that the Place cannot be considered to be structurally connected to the Theatres Building, as the sculpture is bolted to a separate, shallow plinth. It is the opinion of the Executive Director that the sculpture could be removed and relocated without causing any structural impact on what is located beneath it.
- 53 The Trust submitted that it did not believe the Place to be registered at the time of nominating it for inclusion in the Register. However, the Trust submitted that it was amenable to the submissions of both the VACT and the Executive Director, and deferred to the expertise of the Committee in ascertaining whether or not the Place is indeed included within the extent of registration H1500.

Discussion and conclusion

- 54 The Committee notes the above submissions and acknowledges the confusion felt by parties in relation to the Place's status of registration.
- 55 The Committee accepts that the reference to *Forward Surge* in existing Permit Exemptions for registration H1500 indicates that the Place may be included within the registered extent of H1500 (Victorian Arts Centre). However, the Committee also accepts the view of the Executive Director that there is not enough available evidence at hand to confidently arrive at this conclusion. Importantly, the Committee notes that the Statement of Significance for H1500 does not make any reference to the *Forward Surge* or its relative significance or contribution to the Victorian Arts Centre.
- 56 The Committee is not persuaded by the submission of the VACT that the Place ought to be considered part of the Theatre Building's building structure, rather than 'land'. Though sympathetic to the VACT's rationale in this respect, the Committee notes that at no point in the course of written or verbal submissions was the VACT able to conclusively demonstrate the existence of a structural interrelationship between the Theatres Building and the Place. In the absence of decisive evidence, the Committee is not able to accept the VACT's position in this respect, and considers the default classification of the space between Hamer Hall and the Theatres Building to be 'land'.
- 57 The Committee is familiar with the challenges of determining the extent of early registrations originating from the Government Buildings Register and *Historic Buildings Act 1974* and acknowledges that it is an ongoing issue that requires clarification for owners and managers of registered places. Several previous decisions of the Heritage Council relate to this issue, and clearly establish the required process for registering additional land to a place included in the Register, pursuant to s.27 of the Act.³ The Committee notes that no such amendment has previously been made to registration H1500.

³ For example, see *Decision of the Heritage Council: Primary School no.275*, dated 15 March 2018; *Decision of the Heritage Council: Former Invergowrie Lodge*, dated 23 June 2017.

- 58 The Committee has therefore proceeded on the basis that the Place cannot be reliably confirmed to already be included in the Register within the extent of registration H1500 (Victorian Arts Centre).

Statement of Cultural Heritage Significance

Submissions and evidence

- 59 The Executive Director submitted the cultural heritage significance of the Place is such that it merits inclusion in the Register in its own right, separate to the existing registration H1500 (Victorian Arts Centre).
- 60 The Executive Director submitted the view that while the Place's association with the Victorian Arts Centre precinct is important and intrinsic to its context and understanding, the Place would meet the threshold for State-level significance independently, as Criteria F and H would be satisfied regardless of location.
- 61 The VACT disagreed with the submissions of the Executive Director in relation to the Statement of Cultural Heritage Significance ('Statement of Significance'). Although the VACT did not, over the course of the hearing, articulate any objection to the Executive Director's findings in relation to the specific Criteria, the VACT submitted that the cultural heritage significance of the place is best understood within the context of the Arts Centre precinct.
- 62 In his expert evidence, Mr Stephenson considered that Criteria D, E and H (the latter in relation to the association of the Victorian Arts Centre with Roy Grounds) would be satisfied by registration H1500, adequately demonstrating the intertwined relationship between *Forward Surge* and the Victorian Arts Centre Complex.
- 63 It was the view of the VACT that the proposed Statement of Significance included in the Recommendation, and intended to accompany a separate registration, gave undue "elevation" to the significance of the Place within the context of the Victorian Arts Centre precinct, and that it may give rise to a view that the Place is of "equal" significance to Hamer Hall and the Theatres Building, which the VACT did not consider to be appropriate.
- 64 The VACT, instead, proposed an alternative paragraph summarising the cultural heritage significance of the place, with a view to inserting it into the Statement of Significance for Registration H1500 (Victorian Arts Centre). The proposed paragraph is taken from page 15 of the Statement of Expert Evidence prepared by Mr Stephenson:

“‘Forward Surge’, a monumental public sculpture made by renowned Australian sculptor Inge King (1915-2016) comprising four upright curved steel ‘blades’ that appear to roll northwards, visually links the two main performance spaces in the ‘Victorian Arts Centre’ complex. The lawn provides a ‘verdant space’ and a setting for both the ‘Forward Surge’ sculpture and public use. Together, ‘Forward Surge’ and the lawn contribute to the presentation of the Theatre Building and Hamer Hall as distinct monumental and geometric inspired objects linked by Inge King’s striking sculptural form.”

- 65 The Trust submitted that its intention in nominating the Place for inclusion in the Register was to seek a satisfactory level of detail in relation to the cultural heritage significance of the Place, and clarity in guiding its future management. The Trust put forward the view that the Statement of Significance proposed by the Executive Director provided more clarity and a more robust framework for the management of the Place, than the proposal put forward by the VACT.

- 66 The Trust further submitted that as an amendment to registration H1500 was not something the Committee had the power to consider as part of this of this matter, the proposal put forward by the VACT to insert a paragraph into the Statement of Significance for registration H1500 was not viable and ought to be dismissed.

Discussion and conclusion

- 67 Having regard to the material and evidence before it, the Committee is of the view that Criteria D, E, F and H are met at State level, and that the Statement of Significance proposed by the Executive Director for the Place is appropriate and provides a satisfactory level of detail and clarity in relation to the cultural heritage significance of the Place.
- 68 The Committee is of the view that the alternative paragraph proposed by the VACT does not sufficiently encapsulate the cultural heritage significance of the Place in relation to Criteria D, E, F and H in terms of its intrinsic significance, beyond its relationship with the Victorian Arts Centre precinct.
- 69 While theoretically the Statement of Significance for registration H1500 (Victorian Arts Centre) could be expanded to include *Forward Surge* and the Arts Centre Lawn, the Committee notes and accepts the Trust's submission that the Committee is not empowered pursuant to the Act to, in the course of this proceeding, consider or incite a review of the registration of any place other than *Forward Surge* and the Arts Centre Lawn, together being the Place that is the subject of the Recommendation. This is discussed in further detail at paragraphs 91-99 below.
- 70 The Committee determines to accept and adopt the Statement of Significance as proposed by the Recommendation (**Attachment 2**).

Overlapping registrations

Submissions and evidence

- 71 A key focus of the VACT's submissions concentrated on the regulatory burden that it would be faced with as a management authority, should the Place be included in the Register as a separate registration, rather than being absorbed into the extent of existing registration H1500 (Victorian Arts Centre).
- 72 As discussed above, the VACT submitted the view that the significance of the Place relied on its surrounding context within the Victorian Arts Centre precinct, and that creating a separate registration for the Place would complicate and confuse the permit application process. As such, the VACT submitted that the establishment of an overlapping registration in this instance would be inappropriate.
- 73 In his expert evidence, Mr Stephenson considered that a dual registration on the Victorian Arts Centre site would unduly separate Hamer Hall and the Theatres Building from *Forward Surge* and the Arts Centre Lawn, rather than producing a framework that would allow for them to be considered and managed together. It was Mr Stephenson's opinion that a dual registration would create an extra regulatory layer, and that any future proposals requiring permits under the Act would require two separate permit applications.
- 74 The Executive Director submitted that overlapping and "cut-out" registrations were common in the Register, and that these variations are not considered to cause undue difficulties for permit applicants or Heritage Victoria as they assess them. The Executive Director submitted that these

variations occur when a place, though associated with, and located within close proximity to, existing registrations, is considered to be independently significant and would merit registration in its own right.

- 75 The Executive Director provided comparable examples of overlapping registrations, including:
- Boroondara Cemetery (H0049) which overlaps with registrations for the Springthorpe Memorial (H0522) and the Cussens Memorial (H2036);
 - The Monster Meeting Site (H2368) which overlaps with the registration for the Castlemaine Diggings National Heritage Park (H2047); and
 - St Vincents Place (H1921) which overlaps with the registration for Rochester Terrace (H0813).
- 76 The Executive Director submitted comparable examples of “cut-out” registrations, whereby registrations sit alongside and abut each other but do not overlap, including:
- The Melbourne Cricket Ground (H1928), which is “cut-out” of the registration for Yarra Park (H2251); and
 - The Sidney Myer Music Bowl (H1772), the Melbourne Observatory (H1087), the Government House Complex (H1620), the Melbourne University Boat Club Shed (H0682) and the Royal Botanic Gardens (H1459), which are all “cut-out” from the registration for the Domain Parklands (H2304).
- 77 The Executive Director noted that the proposed extent of registration for the Place also overlapped with the registered extent of St Kilda Road (H2359).

Discussion and conclusion

- 78 The Committee acknowledges the concerns of the VACT in relation to the prospective management of two separate registrations. However, the Committee notes that no evidence demonstrating the difficulty or complexity of managing overlapping or “cut-out” registrations was tendered by any party in the course of the hearing.
- 79 Having regard to the examples of overlapping and “cut-out” registrations provided by the Executive Director, the Committee notes that overlapping and “cut-out” registrations are common in the Register, and are appropriate in certain contexts. The Committee is of the view that this may be particularly so in instances where prominent or “iconic” places associate and interrelate with each other, as adequately demonstrated by the example of Domain Parklands (H2304) and its many nearby “cut-out” registrations.
- 80 While it is conceivable that a registration could be designed to incorporate the entire complex (being Hamer Hall, the Theatres Building, *Forward Surge*, and the Arts Centre Lawn), supported by a Statement of Significance that fully recognises the contribution of elements within the precinct, the Committee accepts that it is not empowered pursuant to the Act to, in the course of this proceeding, consider or incite a review of the registration of any place other than *Forward Surge* and the Arts Centre Lawn, together being the Place that is the subject of the Recommendation, as discussed at paragraph 69, and further explained at paragraphs 91-99 below.
- 81 The Committee is satisfied that the Place, which interrelates and is associated with registration H1500 (Victorian Arts Centre), is also significant at State level in its own right, and in this context is one such example where a separate registration is considered to be appropriate.

Proposed Permit Policy and Proposed Permit Exemptions

- 82 The Executive Director included a Proposed Permit Policy and Proposed Permit Exemptions for the Place in the Recommendation.

Submissions and evidence

- 83 Parties generally agreed that that the Proposed Permit Policy and Proposed Permit Exemptions included in the Recommendation were appropriate.
- 84 The Trust expressed its support for the Proposed Permit Policy and Proposed Permit Exemptions and submitted that the policies proposed by the Recommendation provided the clear and robust management framework it sought in nominating the Place for inclusion in Register.
- 85 The VACT, however, expressed some uncertainty in relation to the Proposed Permit Policy, particularly in relation to the levels of cultural heritage significance outlined on page 13 of the Recommendation. Specifically, the VACT expressed concern that there could be confusion regarding the status and management of features of the Place identified as being of primary cultural heritage significance, such as the underground concrete plinth and fixings, and features considered to be of contributory significance, such as the raised concrete garden beds that may be considered part of the buildings already registered as H1500.
- 86 The VACT submitted that the Proposed Permit Policy in this respect, did not provide adequate clarity as to whether or not these features were also protected by registration H1500. The VACT submitted that, as the authority responsible for the management of the Victorian Arts Centre precinct, applying for and obtaining permits for works to these areas would require a complicated “dual process”, and that this lack of clarity posed the danger of errors being made in relation to the management of the Place in future.

Discussion and conclusion

- 87 The Committee notes the general agreement of all parties in relation to the Proposed Permit Policy and Proposed Permit Exemptions
- 88 The Committee agrees that policies included in the Recommendation provide a relatively clear and robust framework for the management of the Place.
- 89 The Committee does, however, acknowledge the uncertainty expressed by the VACT in relation to the possibility of overlapping registrations, and the potential for confusion in relation to the permit application process. These considerations have not, however, persuaded the Committee that the policies proposed by the Executive Director are in any way inappropriate, nor that any amendments to the policies set out in the Recommendation are required. Rather, it is the opinion of the Committee that this uncertainty is the result of the lack of clarity surrounding the registered extent of H1500 (Victorian Arts Centre), which has been discussed at paragraphs 42-58.
- 90 The Committee determines to accept without change the Proposed Permit Exemptions recommended by the Executive Director, excepting amendments made to references to the Act (repealed) to reflect the commencement of the New Act (**Attachment 3**).

Abandonment of the Recommendation

Submissions and evidence

- 91 The VACT ultimately requested that the Recommendation to include the Place in the Register as an individual registration be abandoned in favour of reviewing the existing the registration H1500 (Victorian Arts Centre) to include the Place within its registered extent.
- 92 The VACT submitted that as the Place was already registered within the extent of H1500 at the time of its nomination, the Executive Director could not have accepted the Nomination
- 93 The Executive Director submitted, in addition to the position put forward in paragraph 48, that as the Nomination was accepted, and a Recommendation was subsequently made to the Heritage Council and publicly advertised pursuant to s.35 of the Act, there is no provision in the Act allowing the Recommendation to be abandoned.
- 94 The Executive Director did, however, accept the VACT's position that registration H1500 requires review. The Executive Director submitted that given the iconic and public nature of the Victorian Arts Centre precinct, the review process would likely be long and complex, and would require a public submissions process.
- 95 The Trust agreed that a review of registration H1500 was required, and submitted that it ought to be undertaken as soon as is practicable.

Discussion and conclusion

- 96 The Committee finds that when the Executive Director makes a recommendation to the Heritage Council in relation to a place or object pursuant to s.32 of the Act, the Committee is empowered, pursuant to s.42(1) of the Act, to make determinations in relation to the place or object that is the subject of recommendation only. The Committee is not able to consider proposed amendments to other registrations that fall outside of the recommendation made by the Executive Director. Therefore, the Committee will not consider submissions in relation the review of registration H1500 (Victorian Arts Centre).
- 97 The Committee agrees that the Act does not allow for the abandonment of the Recommendation. It is the view of the Committee that the Heritage Council's available options in response to a recommendation made by the Executive Director that a place or object should or should not be included in the Register are clear. Section 42(1) of the Act is provided below:

42. Decision of Heritage Council

(1) After considering a recommendation and any submissions and conducting any hearing into those submissions, the Heritage Council may—

(a) in the case of any recommendation, determine that a place or object or part of a place is not of cultural heritage significance and does not warrant inclusion in the Heritage Register; or

(b) if the recommendation is to include a place or object in the Heritage Register—

(i) determine that the place or object is of cultural heritage significance and should be included in the Heritage Register; or

(ii) determine that part of the place is of cultural heritage significance and should be included in the Heritage Register; or

(c) if the recommendation is that the place or object should not be included in the Heritage Register—

(i) if the Heritage Council considers that the place or object may be of cultural heritage significance, make a provisional determination to include the place or object in the Heritage Register; or

(ii) if the Heritage Council considers that part of the place may be of cultural heritage significance, make a provisional determination to include that part of the place in the Heritage Register; or

(d) in the case of any recommendation, refuse to register the place and—

(i) refer the recommendation and 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 object.*

- 98 Pursuant to s.42(1) of the Act, the Heritage Council must consider the recommendation before it. The Committee has before it a recommendation from the Executive Director to include the Place in the Register as a place of cultural heritage significance. The Committee does not have before it a recommendation from the Executive Director to amend registration H1500 (Victorian Arts Centre).

99 The Committee finds that it is not empowered under the Act to abandon the Recommendation.

Proposed extent of registration

Submissions and evidence

100 The below excerpt is taken from the ‘Written Extent of Nomination’ on page 2 of the Recommendation:

“As Forward Surge is the primary feature of the lawn that separates Hamer Hall from the Theatres Building, its curtilage should be understood to include the entire lawns bounded by the east by a covered walkway and the west by a low wall and hedge.”

101 No submissions specifically relating to the extent of registration proposed by the Recommendation were made.

Discussion and conclusion

102 Upon undertaking a site inspection, the Committee found that the most north-western corner of the proposed extent of registration extended beyond the area known as the Arts Centre Lawn, and on to Southgate Avenue several metres below.

103 The Committee does not consider it appropriate to include this portion of Southgate Avenue within the extent of registration for the Place, and has determined to amend the extent of registration accordingly (see **Attachment 4**).

CONCLUSION

104 After considering a recommendation and the submissions and conducting a hearing into those submissions, pursuant to Section 42(1)(a) of the *Heritage Act 1995* the Heritage Council has determined that the Place is of State-level cultural heritage significance and should be included as a place in the Victorian Heritage Register.

ATTACHMENT 1

HERITAGE COUNCIL CRITERIA FOR ASSESSMENT OF PLACES OF CULTURAL HERITAGE SIGNIFICANCE

CRITERION A	Importance to the course, or pattern, of Victoria's cultural history
CRITERION B	Importance to the course, or pattern, of Victoria's cultural history
CRITERION C	Potential to yield information that will contribute to an understanding of Victoria's cultural history.
CRITERION D	Importance in demonstrating the principal characteristics of a class of cultural places or environments.
CRITERION E	Importance in exhibiting particular aesthetic characteristics.
CRITERION F	Importance in demonstrating a high degree of creative or technical achievement at a particular period.
CRITERION G	Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions.
CRITERION H	Special association with the life or works of a person, or group of persons, of importance in Victoria's history.

These were adopted by the Heritage Council at its meeting on 7 August 2008, and replace the previous criteria adopted by the Heritage Council on 6 March 1997.

ATTACHMENT 2

STATEMENT OF CULTURAL HERITAGE SIGNIFICANCE

WHAT IS SIGNIFICANT?

Forward Surge, a monumental public sculpture made by renowned Australian sculptor Inge King (1915-2016) and its setting on the Arts Centre Lawn. The sculpture is made from fabricated steel, painted black, set into concrete foundations and surrounded by bluestone pavers and a large green lawn with concrete edged garden beds. The sculpture comprises four upright curved steel 'blades' that appear to roll northwards and it visually links the two main performance spaces in the Victorian Arts Centre precinct. The Arts Centre Lawn is the setting both for the sculpture and extensive public use.

History Summary

Forward Surge was installed on the Victorian Arts Centre Lawn in 1981. Sculptor Inge King made the maquette before receiving the commission to enlarge it from the architect, Roy Grounds, in 1973. Inge King had at that time reached the full maturity of her creative powers and *Forward Surge* is widely considered her most important work. She always envisaged that the work would suit a public plaza and, when the work was commissioned, the Victorian Arts Centre Lawn proved to be an ideal location that matched the intentions of the artist and architect. Hamer Hall is located on the site of the former site Snowden Park. The City of Melbourne permitted the loss of this park providing an equivalent "verdant space" was created to replace it. The Arts Centre Lawn was created to fulfil this condition.

Description Summary

Forward Surge is an imposing work of sculpture on a monumental scale. It consists of four reinforced, hollow steel 'waves' which are painted black. The work rises 5.16 metres above ground and each of the four steel 'waves' or elements measures 7 metres across and weighs approximately six tonnes. It is an entirely abstract sculpture where the artist has created a series of waves rolling towards the city that would also encourage people to physically move about the space, exploring and engaging with the work at a bodily level. The sculpture was also designed to be appreciated from a moving car. The 'waves' are set into a concrete plinth covered with earth and bluestone pavers; the paved area measures 15.14 x 13.68 metres. The paved bluestone base is surrounded by the extensive, green Arts Centre Lawn with Hamer Hall at the northern end and the Theatres Building at the southern. The eastern boundary of the site is St Kilda Road and the western is the edge of the bridge over Sturt Street. The lawn covers part of the roof of the Arts Centre and the bridge over City Road, Sturt Street and Southgate Avenue. Because of the height of the bridge and the necessarily shallow depth of soil, grass was the only possible planting for most of the area, except for the northern edge next to Hamer Hall where taller trees can be planted in the deeper soil.

Traditional owners/Registered Aboriginal Parties

This site is part of the traditional land of the Kulin Nation.

HOW IS IT SIGNIFICANT?

Forward Surge is of cultural, aesthetic and historical significance to the State of Victoria. It satisfies the following criteria for inclusion in the Victorian Heritage Register:

Criterion D

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

Criterion E

Importance in exhibiting particular aesthetic characteristics.

Criterion F

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

Criterion H

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

WHY IS IT SIGNIFICANT?

Forward Surge is significant at the State level for the following reasons:

Forward Surge is culturally significant as one of the most outstanding examples in Victoria of late modernist public sculpture. *Forward Surge* has become an iconic Melbourne landmark. It is culturally significant for the way it demonstrates how some modern sculpture was designed to encourage human interaction. *Forward Surge* was also designed to be viewed from a moving car. Its setting on the Arts Centre Lawn greatly contributes to the human interaction. It is culturally significant as one of Melbourne's few public art works from the 1970s that remains in situ in its original site with mostly original surrounds. [Criterion D]

Forward Surge is aesthetically significant for the way it integrates harmoniously with the built environment while its monumental, black appearance ensures that it remains an independent artwork. *Forward Surge* was selected by Arts Centre architect Roy Grounds to aesthetically link Hamer Hall and the Theatres Building.

Forward Surge is culturally significant for the way that it is widely appreciated by both the general and academic communities. It occupies a central place in Victorian cultural history. [Criterion E]

Forward Surge is technically significant because the fabrication and installation of this large and heavy public art work was a technical achievement by sculpture fabricators and installers J.K. Fasham, engineer Joe Borg and Thermal Engineering. It is also the largest (in terms of length and breadth) work made by Inge King. *Forward Surge* is creatively significant as an abstract sculpture made from multiple different elements which succeed in creating changing sensations of form, space and light as people walk through and around them. [Criterion F]

Forward Surge is historically significant because it was created by one of Victoria's most celebrated and critically respected sculptors – Inge King. *Forward Surge* is the most important creative achievement of her career and was her first significant public commission in Victoria, her home state. *Forward Surge* is historically significant because it is associated with Roy Grounds and his design of the Victorian Arts Centre. It continues the tradition of other modernist buildings where the architect commissioned artwork as an important part of the site. *Forward Surge* is historically significant because of its associations with the émigré artists who came to Australia after WWII and who collectively revitalised Victorian cultural life. It is also associated with the *Centre Five* group of modernist sculptors, one of whom was Inge King, who advocated for sculpture to be incorporated into architectural projects. [Criterion H]

ATTACHMENT 3

PERMIT POLICY

Preamble

The purpose of the Permit Policy is to assist 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.

The extent of registration of *Forward Surge* in the Victorian Heritage Register affects the whole place shown on Diagram 2378 including the sculpture, land, landscape elements and other features. Under the *Heritage Act 2017*~~1995~~ a person must not remove or demolish, damage or despoil, develop or alter or excavate, relocate or disturb the position of any part of a registered place or object without approval. It is acknowledged, however, that alterations and other works may be required to keep places and objects in good repair and adapt them for use into the future.

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, Heritage Victoria 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 *s.49(3) of the Heritage Act 2017*~~ss.42 of the Heritage Act~~) or after registration (under *s.92 of the Heritage Act 2017*~~ss.66 of the Heritage 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.

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.

Other approvals

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

Cultural heritage significance

Overview of significance

The cultural heritage significance of *Forward Surge* lies in both its appearance and location.

King intended *Forward Surge* to become the part of the Victorian Arts Centre complex that encouraged people to gather and relax in the shade of the sculpture, and on the lawn and visually orient themselves in the site. The sculpture is also highly visible to passing pedestrians. *Forward Surge* was intended to be visible from St Kilda Road, and one of Inge King's aims was to make a sculpture which could be appreciated from a moving car.

- a) All of the buildings and features listed here are of **primary cultural heritage significance** in the context of the place. A permit is required for works or alterations. See Permit Exemptions section for specific permit exempt activities:
 - *Forward Surge* sculpture, above and below ground
 - Underground concrete plinth and fixings
 - Arts Centre Lawn

- b) Buildings and features that are listed here or not listed in a) or c) are deemed to have **contributory cultural heritage significance** to the place. A permit is required for most works or alterations. See Permit Exemptions section for specific permit exempt activities:
 - Bluestone paving surrounding the sculpture
 - Retaining wall of the Arts Centre lawn at St Kilda Road
 - Raised concrete garden beds
 - Narrow garden bed to the back of the site
 - Original concrete bins

- c) The following buildings and features are of **no cultural heritage significance**. Specific permit exemptions are provided for these items:
 - Paths on the Arts Centre Lawn (where installed since implementation of the original design)
 - Plants in the four concrete garden beds on the edges of the Arts Centre Lawn (replacements of the original plantings)
 - Covered walkway
 - Sculptures on the Arts Centre Lawn (where installed since implementation of the original design)

Specific Permit policies

All the works recommended below (aside from monitoring) will require a permit or permit exemption.

Location policy

The sculpture should remain on its current, original site. Full public access to the sculpture should be maintained. Any works to the areas around the sculpture should ensure that the work remains fully accessible to the public. It is acceptable to put unobtrusive skateboard stops at the base of the 'waves' for public safety reasons.

The Arts Centre Lawn should be maintained as a grassy lawn. Consideration should be given to replacing the current palms (*Livistona australis*) with Eucalypts given that Inge King saw these trees as an important setting for her work. It is recognised that the original Spotted Gum trees (*Corymbia maculata*) may grow too large

for the site, however a smaller species of Eucalyptus may be able to be used. No weed or vermin control chemicals are to be applied to the sculpture.

If there is ever a proposal to remove, replace or alter the walkway, any new structure should allow an uninterrupted view of *Forward Surge* from St Kilda Road.

Maintenance policy

The sculpture should be regularly maintained both above and below ground to stop corrosion of the metal and retain the sharp edges of the work. As part of a maintenance program, an engineer may need to document and monitor the structural condition of the whole work including the underground components and fastenings. The coatings should be regularly inspected by a conservator to ensure that they are functional both above and below ground and are not allowing water to enter the hollow sculpture.

A black semi-gloss paint should be used over corrosion inhibiting coatings in order to maintain the original appearance. It is recognised that the technology of painted coatings will change over time. As King was more concerned with the appearance than the materials of the coatings, different types of coatings and inhibitors may be acceptable. Where possible, the stable layers of original paint should be retained on the work as evidence of its history; provided that the edges of the original paint can be smoothed so as to maintain the overall smooth semi-gloss appearance of the sculpture. Where possible, the existing layers should be maintained. If the paint layers must be removed for preservation reasons, samples of the paint should be kept in the Arts Centre collection. Repeated sandblasting will damage the smooth surface of the steel and should not be allowed. Caustic or solvent based paint strippers are acceptable.

Inge King's daughters, Joanna Tanaka-King and Angela Hey may be able to provide further information about the artist's intent and aims.

PERMIT EXEMPTIONS (UNDER SECTION ~~49(3)~~42 OF THE ~~HERITAGE ACT~~HERITAGE ACT 2017)

It should be noted that Permit Exemptions can be granted at the time of registration (~~s.49(3) of the Heritage Act 2017~~ ~~s.42(4) of the Heritage Act~~). Permit Exemptions can also be applied for and granted after registration (under ~~under s.92 of the Heritage Act 2017~~~~ss.66 of the Heritage Act~~).

General Condition 1

All exempted alterations are to be planned and carried out in a manner which prevents damage to the fabric of the registered place or object.

General Condition 2

Should it become apparent during further inspection or the carrying out of works that original or previously hidden or inaccessible details of the place or object are revealed which relate to the significance of the place or object, then the exemption covering such works shall cease and Heritage Victoria shall be notified as soon as possible.

General Condition 3

All works should ideally be informed by Conservation Management Plans 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.

General Condition 4

Nothing in this determination prevents the Heritage Council from amending or rescinding all or any of the permit exemptions.

General Condition 5

Nothing in this determination exempts owners or their agents from the responsibility to seek relevant planning or building permits from the relevant responsible authority, where applicable.

Specific Permit Exemptions

- Touch-up painting of un-corroded areas of the sculpture only, using semi-gloss black paint, provided that preparation or painting does not remove large amounts of original paint.

General Exemptions:

- Maintenance and replacement of plumbing and electrical services near the sculpture providing that the original formation of the sculpture and its bluestone base remains unaltered, and does not have a detrimental impact on its cultural heritage significance.

Public Safety and Security:

- The erection of temporary security fencing, scaffolding, hoardings or surveillance systems to prevent unauthorised access or secure public safety which will not adversely affect significant fabric of the place provided that temporary structures are removed within 30 days of erection.
- Emergency building stabilisation (including propping) necessary to secure safety where a site feature has been irreparably damaged or destabilised and represents a safety risk.

Note: Urgent or emergency site works are to be undertaken by an appropriately qualified specialist such as a structural engineer, or other heritage professional.

Signage and Site Interpretation:

- No signage or interpretation may be fixed to *Forward Surge*.
- Signage and site interpretation activities provided the signs located and be of a suitable size so as not to obscure any views of or cause any damage to significant fabric of the place.
- The erection of non-illuminated signage to ensure public safety or to assist in the interpretation of the heritage significance of the place or object and which will not adversely affect significant fabric including landscape features of the place or obstruct significant views of the sculpture.

Landscape Exemptions

- Works to pathways that are not part of the original design, and do not affect the cultural heritage significance of the sculpture and the Arts Centre Lawn.
- Minor repairs and maintenance to hard landscape elements, structures, steps, paths, steps and gutters, drainage and irrigation systems, edging, fences and gates but not the bluestone paving surrounding *Forward Surge*.
- The process of gardening, including mowing, hedge clipping, bedding displays, removal of dead shrubs and replanting the same species or cultivar, disease and weed control, and maintenance to care for existing plants.
- The removal or pruning of dead or dangerous trees to maintain safety.
- Subsurface works involving the installation, removal or replacement of watering and drainage systems in accordance with AS4970 and on the condition that works do not impact on the bluestone paving, concrete garden beds or underground concrete plinth.
- Vegetation protection and management of possums and vermin.

ATTACHMENT 4

EXTENT OF REGISTRATION

All of the place shown hatched on Diagram 2378 encompassing parts of Crown Allotments 3C, 13F, 2047, 2341 and 2342, City of South Melbourne, Parish of Melbourne South.

The extent of registration of *Forward Surge* in the Victorian Heritage Register affects the whole place shown on Diagram 2378 including the sculpture, land, landscape elements and other features.



