

Statement of Recommendation from the Executive Director, Heritage Victoria

Vault, PROV H2450

111 Sturt Street Southbank, Melbourne City

Wurundjeri Country



Executive Director recommendation

Under section 37 of the *Heritage Act 2017* ('the Act') I recommend to the Heritage Council of Victoria (Heritage Council) that Vault, located at 111 Sturt Street, Southbank is of State-level cultural heritage significance and should be included in the Victorian Heritage Register (VHR) in the category of Registered Object.

In accordance with section 38 of the Act I include in this recommendation categories of works or activities which may be carried out in relation to the object without the need for a permit under Part 5 of the Act.

I suggest that the Heritage Council determine that:

- Vault is of State-level cultural heritage significance and is to be included in the VHR in accordance with section 49(1)(a) of the Act
- the proposed categories of works or activities which may be carried out in relation to the object for which a permit under the Act is not required will not harm the cultural heritage significance of the object under section 49(3)(a) of the Act.



STEVEN AVERY
Executive Director, Heritage Victoria

Date of recommendation: 13 May 2024

Art in public places and the VHR

Most sculptures included in the VHR are traditional forms of statuary or monuments. Many are part of larger registrations of parks, gardens and cemeteries and date from the nineteenth century, following long-established modes of expression. Sculptures in public places created in the latter decades of the twentieth century are underrepresented in the VHR. Although some examples are found at registered places, Inge King's *Forward Surge* (H2378) is the only example from the second half of the twentieth century included in the VHR in its own right. This recommendation addresses the underrepresentation of sculpture and art created for public spaces in the latter decades of the twentieth century in the VHR.

The process from here

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

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

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

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

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

The Heritage Council is an independent statutory body. It is responsible for making the final determination to include or not include the place 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. The Heritage Council must conduct a hearing if the submission is made by a person or body with a real or substantial interest in the place or object. 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, 42A, 42B, 42C, 42D 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 Act. These relate to advising the Executive Director in writing of any works or activities that are being carried out, proposed or planned for the place 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.

Description

The following is a description of Vault at the time of the site inspection by Heritage Victoria in February 2024

Vault is located on Wurundjeri Country on the corner of Dodds Street and Grant Street Southbank in central Melbourne. It sits on an area of open, flat land on the northeast corner of a site shared with the Australian Centre for Contemporary Art (ACCA) and a prominent red ventilation stack for the Burnley Tunnel. Vault (also popularly known by the name Yellow Peril) is a large abstract sculpture by Ron Robertson-Swann produced in 1979-80. It is fabricated from welded steel and consists of a series of bright yellow angular plates that appear to be balanced against one another. Its geometric planes create a series of overhangs and recesses that invite exploration by the viewer. It is substantial in size, measuring approximately 5 metres high and weighing 40 tonnes, and is a prominent feature of the Southbank streetscape.

Description images



Vault, viewed from the northeast.



Vault, viewed from the east.



Vault viewed from the southeast.



Vault, viewed from the south.



Vault, viewed from the west.



Vault, in context, viewed from the northeast.

History

The city square

Towards the end of the 1950s, an area on Swanston Street opposite the Melbourne Town Hall, was identified for a city square. From the late 1960s, plans for the square were formalised and in 1975 a design competition was launched. Architectural practice Denton Corker Marshall was successful. A large, colourful, abstract sculpture was central to Denton Corker Marshall's plans. It was envisioned that the sculpture could provide a focal point and complement the 'clean, contemporary lines of their proposed square'.¹ This reflected a worldwide trend to commission contemporary abstract sculptures for squares and plazas. In mid-1977, efforts got underway to identify a sculptor for the project. The artist was to be Australian and 'representative of the 1970s'.² Denton Corker Marshall proposed a limited competition between three notable contemporary sculptors: Ron Robertson-Swann, Clive Murray-White, and David Wilson. Submissions were formally invited in February 1978. In May of that year, Robertson-Swann's proposal was selected.

Design and approval

When the proposed design was unveiled to assembled Councillors in late 1978, debate began. Some councillors appeared 'anxious to outdo the other with a disparaging description'.³ Councillor Don Osborne was vociferous in his criticism, and soon proposed that the council rescind its approval of the sculpture.⁴ He promoted his views in the *Sun* newspaper in colourful terms. Councillor Irvin Rockman, then Lord Mayor, chastised other councillors for their conservatism in the *Age* and *Herald*.⁵ The Australian Guild of Realist Artists and Victorian Artists Society shared critical views of the proposed sculpture, framing the debate as a battle between 'traditional' and 'modern' art. The sculpture was again debated at council meetings in February and March 1979, where it was described in derogatory terms as looking like 'abandoned farm machinery' or 'left-over air conditioning equipment'.⁶ Nonetheless, the proposal was approved, and Denton Corker Marshall was instructed to proceed. Over these months of debate, the controversy had consistently appeared on the front page of major Victorian newspapers. Members of the public joined the debate via the letter pages of major newspapers, with artists, critics, educators and gallery owners coming to the defence of Robertson-Swann.

Fabrication

In early 1979, development work on the sculpture commenced, during which Robertson-Swann worked closely with engineering firm Woolacott Hale Corlett & Jumikis on approaches to fabrication. Stanley Welding and Fabrications Ltd fabricated the sculpture.⁷ On 1 May 1980, installation of the sculpture in the square began. It was painted its distinctive yellow on 10-11 May 1980.

Installation and reaction

Later that month, Queen Elizabeth formally opened the new square. The sculpture differed from traditional sculptures commissioned for public places in almost every way. Max Delaney, artistic director of ACCA, has commented that 'it was a much larger sculpture than we'd ever experienced, it was designed so members of the community could walk through, within and around'.⁸ Its bright yellow colour became its distinguishing feature, and following its unveiling, Councillor Osborne and others began referring to it as 'Yellow Peril' – a derogatory term used to refer to Asian migrants to Australia.⁹ Moves were soon underway to have it moved from the square, and again, vigorous public debate ensued. Some were suspicious of the \$70,000 paid for the work.¹⁰ Others supported the sculpture for ably responding to the brief, exposing the public to contemporary art and for 'the sheer fun of the thing'.¹¹ The sculpture was the subject of a five-hour debate at a Council meeting in July 1980, during which the council ultimately voted to move it.¹² Extensive statewide media coverage followed, as did protests, petitions and campaigns defending the sculpture. Delaney has observed that 'it became a staple of the front pages of Melbourne's newspapers for six months or so...it kept cartoonists employed for

¹ Geoff Wallis, *Peril in the Square: The Sculpture That Challenged a City*, Briar Hill, Vic: Indra Pub, 2004, p. 12.

² Wallis, p. 15.

³ Wallis, p. 24.

⁴ Wallis, p. 26.

⁵ Wallis, p. 31.

⁶ Wallis, p. 29.

⁷ Wallis, pp. 36-7.

⁸ Max Delaney quoted in Kerrie O'Brien, 'Four Decades on, the controversial Vault has won hearts', *the Age*, 28 July 2020.

⁹ Wallis, p. 48.

¹⁰ Jeff Sparrow and Jill Sparrow, *Radical Melbourne 2: The Enemy Within*, Carlton North, Vic: Vulgar Press, 2004, p. 201.

¹¹ Journalist Keith Dunstan quoted in *Radical Melbourne 2*, p. 201.

¹² Sparrow, p. 202.

months'.¹³ In mid-1981, Norm Gallagher and the Builders Labourers Federation announced they would impose a ban on dismantling the sculpture.¹⁴ Tony Ellwood, Director of the NGV, has noted that 'few Australian works of art have generated as much debate as that which surrounded the unveiling of Robertson-Swann's monumental, steel, sculptural assemblage'.¹⁵ Writing in the *Sydney Morning Herald*, Ray Edgar reflected that 'in the cultural philistinism it unearthed, Vault is Melbourne's Blue Poles, its Sydney Opera House.'¹⁶

Subsequent locations

In July 1981, Vault, as it was then known, was relocated to Batman Park on the northern bank of the Yarra River in a much less visible and frequented location. It was regularly vandalised and suffered from neglect. In the late 1990s, plans were underway for the construction of the Australian Centre for Contemporary Art (ACCA) and it was felt Vault would be a good addition to the gallery forecourt. Vault remained in Batman Park until 2002 when it was dismantled and re-erected in its new location with the support of the artist. It remains in this location.

Recognition and influence

Recognition of Vault has grown and solidified in the ensuing decades. Delaney has observed that 'Vault is like a weathervane for the way people express views about the shape of the city, our values as a community and our vision for the future...it's been widely influential and the subject of numerous homages.'¹⁷ *The Survey of Post-War Built Heritage in Victoria* prepared for Heritage Victoria in 2008 identified Vault as 'Victoria's most famous and controversial piece of public art.'¹⁸ In 2017, it was identified in the *Southbank and Fishermans Bend Heritage Review* prepared by Biosis for the City of Melbourne, and subsequently a heritage overlay was applied. It has become a recurring motif in the work of artists, architects and designers, and references to the work are found in Ashton Raggatt McDougall's redesign for Storey Hall at RMIT and multiple other proposed works by the practice, the entrance to Monash Art Design and Architecture designed by Lyons Architecture, Denton Corker Marshall's design for the Melbourne International Gateway on CityLink, artist Emily Floyd's sculpture *Public Art Strategy* commissioned for the Eastlink Freeway and designs for Melbourne City Council's revamped tram stops produced in 2012.¹⁹ It is featured in an installation video work *Yellow Peril* by Eugenia Lim and a poem by Angela Brennan.

Ron Robertson-Swann

Ron Robertson-Swann is a Sydney-based sculptor best known for his abstract metal sculptures. He undertook studies at both the National Art School, Sydney, and St Martins School of Art, London where he also worked as an assistant to sculptor Henry Moore. Robertson-Swann's approach differed to Moore's largely figurative bronze work, and was influenced by Anthony Caro, known for his use of geometric forms and use of steel.²⁰ His first solo exhibition was held in 1968; numerous solo exhibitions both in Australia and internationally followed. He was amongst the young and emerging artists included in the renowned exhibition 'The Field' held at the National Gallery of Victoria and Art Gallery of New South Wales in 1968. He has completed several major public commissions, including a work for the Queensland Cultural Centre, though Vault remains the work for which he is best known.²¹ He has received awards including the Transfield Art Prize, Comalco Invitational Sculpture Award, Mildura Purchase Prize, the Bathurst Prize and the Alice Prize. He is also an educator and was Head of Sculpture at the Canberra School of Art and National Art School. He was a founding member of the Visual Arts Board of the Australia Council.²²

¹³ O'Brien.

¹⁴ Susan Malloy, 'The Moving Story of a Grand Folly', *The Bulletin*, 23 October 1984.

¹⁵ Tony Ellwood in O'Brien.

¹⁶ Ray Edgar, 'From Yellow Peril to pure gold. 40 years on, Vault has been vindicated', *Sydney Morning Herald*, 26 March 2018.

¹⁷ O'Brien.

¹⁸ Heritage Alliance, *Survey of Post-War Built Heritage in Victoria: Stage One*, 2008.

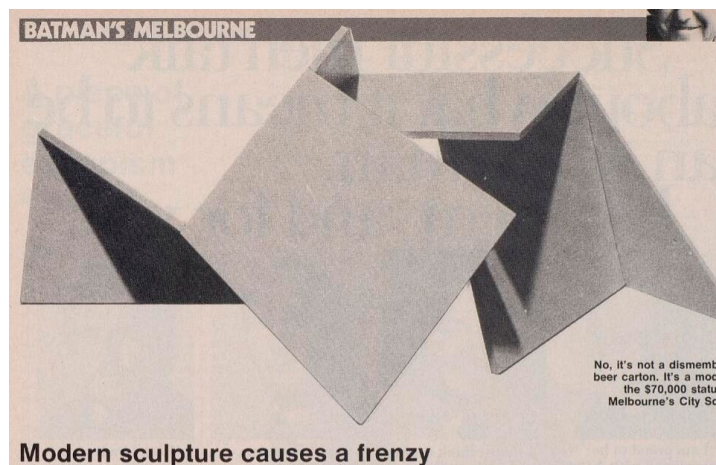
¹⁹ 'From Yellow Peril to pure gold'; 'Hidden Vault: Tributes to 'Yellow Peril' sculpture found in public places across Melbourne', *ABC News*, 5 April 2016, <www.abc.net.au/news/2016-04-05/vault-yellow-peril-sculpture-tributes-scattered-across-melbourne/7248702>.

²⁰ Wallis, p. 39.

²¹ 'Ron Robertson-Swann', *Art Gallery NSW*.

²² 'Ron Robertson-Swann', *Australian Galleries*, <australiangalleries.com.au/artists/ron-robertson-swann/>.

Historical images



March 1979, plans for the sculpture as reported in national media.
Source: *The Bulletin*



1980, the sculpture in its original location, viewed from the south.
Source: 'Peril in the Square' by Geoff Wallis. Photograph by the author.

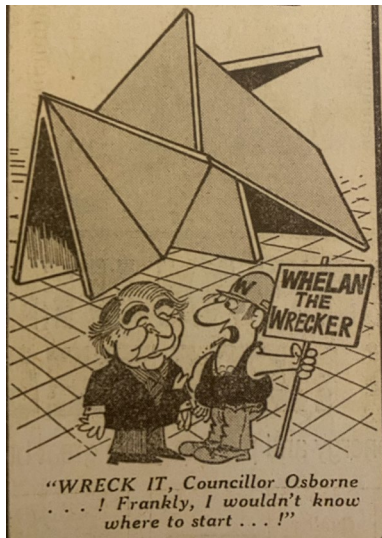


c1980, the sculpture in its original location in the Melbourne City Square.

Source: acca.melbourne/education/resources/public-art/melbourne-public-art-trail/1-ron-robertson-swann-Vault-1980/



c1980, the sculpture in its original location.
Source: *The Age*



1980, the debate about the sculpture's relocation as captured by The Herald cartoonist Weg.
Source: Peril in the Square.



1980, the Sun.
Source: Peril in the Square



1983, Vault after its relocation to Batman Park.
Source: National Archives of Australia



c2002, Vault being dismantled before relocation to Southbank.
Source: The Age

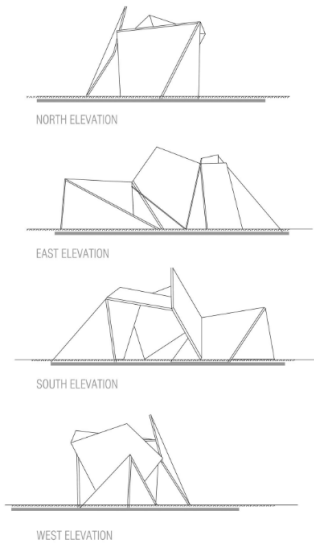
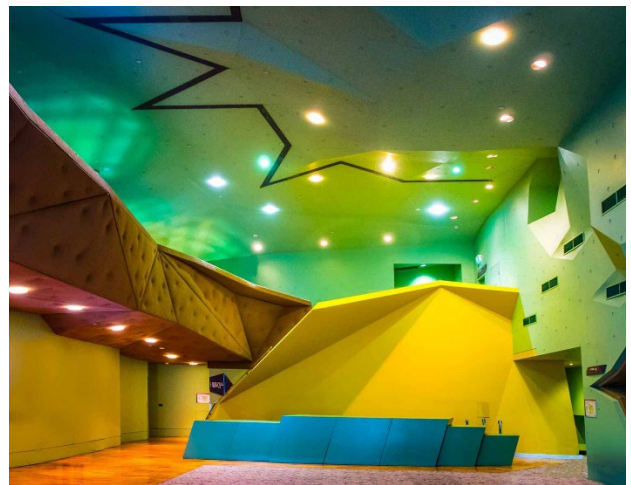


Diagram produced as part of the 2002 relocation from Batman Park to the ACCA forecourt.

Robertson Swann with Vault in its current location.
Source: Colour Society of Australia, coloursociety.org.au/event-4516803

Source: Roger Beeston architects
<www.rbaarchitects.com.au/projects/the-Vault-sculpture>



2016, References to Vault in Melbourne tram stop treatment.
Source: ABC News

2023, Interiors inspired by Vault in ARM-designed Storey Hall.

Source: Photographer, Kath Gilles,
www.caulfieldphoto.org/blog/august-2024-paul-robinson-trophy



2016, *References to Vault Melbourne Gateway* by Denton, Corker Marshall.
Source: ABC News



2006, *Public Art Strategy* by Emily Floyd
Source: Anna Schwartz Gallery

Selected bibliography

- 'Hidden Vault: Tributes to 'Yellow Peril' sculpture found in public places across Melbourne', ABC News, 5 April 2016, www.abc.net.au/news/2016-04-05/vault-yellow-peril-sculpture-tributes-scattered-across-melbourne/7248702.
- Edgar, Ray. 'From Yellow Peril to pure gold. 40 years on, Vault has been vindicated', *Sydney Morning Herald*, 26 March 2018.
- Malloy, Susan. 'The Moving Story of a Grand Folly', *The Bulletin*, 23 October 1984.
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Consultation and interviews

Thank you to Ron Robertson-Swann and Eddie Butler-Bowden of Melbourne City Council for their assistance in preparing this recommendation.

Further information

Traditional Owner Information

The object is located on the traditional land of the Wurundjeri people. Under the *Aboriginal Heritage Act 2006*, the Registered Aboriginal Party for this land is the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation.

Native Title

Native title is the recognition in Australian law that Aboriginal and Torres Strait Islander people continue to hold rights and interests in land and water.

In 2010, acknowledging the difficult nature of having native title determined under the *Native Title Act 1993 (Cth)*, the Victorian Government developed an alternate system for recognising the rights of Victorian traditional owners. The *Traditional Owner Settlement Act 2010 (Vic)* allows the government and traditional owner groups to make agreements that recognise traditional owners' relationship to land and provide certain rights in respect to Crown land.

As of May 2024, no Native Title determination or Recognition and Settlement Agreement affects the land on which the object is located.

Victorian Aboriginal Heritage Register

The object is not included in the Victorian Aboriginal Heritage Register and is not within an area of Aboriginal cultural heritage sensitivity.

Integrity

The integrity of Vault is excellent. The cultural heritage values can be clearly read in the physical fabric. It presents today as it did when fabricated and erected.

(May 2024)

Intactness

The intactness of the object is very good.

Vault was dismantled and re-erected on both occasions it was moved. Although this necessitated some changes to its physical fabric, much of its original fabric remains. It is regularly re-painted to manage graffiti and maintain its appearance.

(May 2024)

Condition

The condition of Vault is excellent. It has been fabricated from materials that are suited to its outdoor location and lends itself to regular maintenance and upkeep.

Heritage Overlay	The sculpture is included in the Heritage Overlay of the local planning scheme as HO1225 as 'Vault sculpture corner Grant Street and Dodds Street, Southbank'
Other Overlays	This location is also subject to a Design and Development Overlay (DDO60-A4B), Parking Overlay (PO1) and a City Link Project Overlay (CLPO).
Other Listings	The object is included in the City Collection of the City of Melbourne. There are no other listings for the object.
Other Names	Yellow Peril, The Thing, Steel-henge
Date of construction/creation	1979-80
Architect//Builder/Designer/Maker	Ron Robertson-Swann (sculptor)

Statutory requirements under section 40

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

The Executive Director recommends that Vault is included in the VHR.

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

Number: H2450

Category: Registered Object

Name: Vault

Location: 111 Sturt Street Southbank

Municipality: Melbourne City

Proposed extent of registration

The Executive Director recommends that the extent of registration for the Vault be gazetted as:

All of the object known as Vault.

Rationale for the extent of registration

The recommended extent of registration comprises all of the object known as Vault. It is considered that being a sculpture, the most appropriate category of registration is 'Registered object'. Although it was conceived of as a site-specific work for the City Square, it has not been located there since 1981 and is now at its third location. As such, it is not tied to a specific location and would not benefit from inclusion in the VHR as a registered place. Although its current location is appropriate, if Vault is to be relocated in the future, this will require an approval from Heritage Victoria.

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

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

Following is the Executive Director's assessment of Vault against the tests set out in [The Victorian Heritage Register Criteria and Thresholds Guidelines \(2022\)](#). 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 Criterion A

No.	Test	Yes/No	Reason
A1)	Does the place/object have a clear association with an event, phase, period, process, function, movement, custom or way of life in Victoria's cultural history?	Yes	The object has a clear association with the pattern of commissioning and creating art for public places in Victoria.
A2)	Is the event, phase, period, process, function, movement, custom or way of life of historical importance, having made a strong or influential contribution to Victoria?	Yes	This pattern is of historical importance having made a strong and influential contribution to Victoria. Art of various types – including statuary, murals and sculpture – is a prominent feature of the built environment across Victoria. It demonstrates changing artistic tastes as well as broader social and political concerns.
A3)	Is there evidence of the association to the event, phase, period, process, function, movement, custom or way of life in Victoria's cultural history?	Yes	There is evidence of the association between the object and this historical pattern. It is one of Victoria's most well-known examples and is substantial and striking. Its commissioning, installation and the events that followed are thoroughly documented.

If A1, A2 and A3 are **all** satisfied, then Criterion A is likely to be relevant (but not necessarily at the State level)

Executive Director's Response:	Yes	Criterion A is likely to be relevant.
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Step 2 State-level test for Criterion A

No.	Test	Yes/No	Reason
SA1)	Does the place/object allow the clear association with the event, phase, period, process, function, movement, custom or way of life of historical importance to be understood better than most other places or objects in Victoria with substantially the same association?	Yes	The object allows the association with the pattern of commissioning and creating art for public places in Victoria to be better understood than most other places with similar associations. It is one of Victoria's most well-renowned and controversial examples. It generated an unprecedented public debate about the role of contemporary and abstract art.

If SA1 is satisfied, then Criterion A is likely to be relevant at the State level

Executive Director's Response:	Yes	Criterion A is likely to be relevant 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 Criterion B

No.	Test	Yes/No	Reason
B1)	Does the place/object have a clear association with an event, phase, period, process, function, movement, custom or way of life of importance in Victoria's cultural history?	Yes	The object has a clear association with the pattern of commissioning and creating art for public places in Victoria, as above.
B2)	Is there evidence of the association to the historical phases etc identified at B1)?	Yes	There is evidence of the association between the object and this pattern, as above.
B3)	Is there evidence that place/object is rare or uncommon, <u>or</u> has rare or uncommon features?	No	Vault is uncommon because of the controversy surrounding its reception. It also has physical characteristics not widely seen in sculptures in public places in Victoria. However, these characteristics are better recognised under different criteria.

If B1, B2 AND B3 are satisfied, then Criterion B is likely to be relevant (but not necessarily at the State level)

Executive Director's Response:	No	Criterion B is not likely to be relevant.
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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 Criterion C

No.	Test	Yes/No	Reason
C1)	Does physical fabric and/or documentary evidence and/or associated oral history or cultural narratives relating to the place/object indicate a likelihood that the place/object contains evidence of cultural heritage significance that is not currently visible and/or well understood or available from other sources?	No	The: 1) physical fabric and 2) documentary evidence and 3) associated oral history or cultural narratives. relating to the Vault do not indicate a likelihood that the object contains evidence of cultural heritage significance that is not currently visible and/or well understood or available from other sources.
C2)	And, from what we know of the place/object, is the physical evidence likely to be of an integrity and/or condition that it could yield information through detailed investigation?	N/A	The integrity and condition of the object may be good, but it is unlikely to yield information through investigation that is not currently visible and/or well understood or available from other sources (see C1).

If **both C1 AND C2** are satisfied, then **Criterion C** is likely to be relevant (but not necessarily at the State level)

Executive Director's Response: No Criterion C is not likely to be relevant.

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

Step 1 Test for Criterion D

No.	Test	Yes/No	Reason
D1)	Is the place/object one of a class of places/objects that has a clear association with an event, phase, period, process, function, movement, custom or way of life in Victoria's history?	Yes	Vault belongs to the class of public sculpture, which has clear historical associations with the commissioning and creation of art for public places in Victoria, as above.
D2)	Is the event, phase, period, process, function, movement, custom or way of life of historical importance, having made a strong or influential contribution to Victoria?	Yes	The commissioning art for public places is of historical important to Victoria, as above.
D3)	Are the principal characteristics of the class evident in the physical fabric of the place/object?	Yes	The principal characteristics of the class are evident in the physical fabric of the object. Sculptures commissioned for public places take a great variety of forms, from nineteenth-century statuary and monuments in parks and gardens, to restrained sculptures integrated into the landscaping of modernist buildings, and post-modern 'highway art'. They generally have in common that they are in public locations that invite viewing and interaction with the public. They are often prominent features in the landscape.

If **D1, D2 AND D3** are satisfied, then **Criterion D** is likely to be relevant (but not necessarily at the State level)

Executive Director's Response: Yes Criterion D is likely to be relevant.

Step 2 State-level test for Criterion D

No.	Test	Yes/No	Reason
SD1)	Is the place/object a notable (fine, influential or pivotal) example of the class in Victoria?	Yes	Vault is a notable example of the class of public sculpture. It is a fine, influential and pivotal example. It has the characteristics of the class and clearly presents them in a way that enables the class to be well understood. It represents a departure from traditional forms of public sculpture, the restrained abstract works of the post-World War II modernist sculptors and the organic, figurative work also popular in the mid-twentieth century. It is an influential example, having been subsequently referenced in multiple

artworks, sculptures and works of architecture and design in Victoria.

If SD1 is satisfied, then Criterion D is likely to be relevant at the State level

Executive Director's Response:	Yes	Criterion D is likely to be relevant at the State level.
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CRITERION E: Importance in exhibiting particular aesthetic characteristics.

Step 1 Test for Criterion E

No.	Test	Yes/No	Reason
E1)	Does the physical fabric of the place/object clearly exhibit particular aesthetic characteristics?	Yes	The physical fabric of the object clearly exhibits aesthetic characteristics particular to geometric abstraction. These characteristics are seen in the sculpture's form, composition and distinctive colour.

If E1 is satisfied, then Criterion E is likely to be relevant (but not necessarily at the State level)

Executive Director's Response:	Yes	Criterion E is likely to be relevant.
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Step 2 State-level test for Criterion E

No.	Test	Yes/No	Reason
SE1)	Are the aesthetic characteristics 'beyond the ordinary' or are outstanding as demonstrated by: <ul style="list-style-type: none">Evidence from within the relevant discipline (architecture, art, design or equivalent); and/orCritical recognition of the aesthetic characteristics of the place/object within a relevant art, design, architectural or related discipline within Victoria; and/orWide public acknowledgement of exceptional aesthetic qualities of the place/object in Victoria expressed in publications, print or digital media, painting, sculpture, songs, poetry, literature, or other media?	Yes	There is evidence that the aesthetic characteristics of the object are 'beyond the ordinary' or are outstanding. Vault's distinctive and striking form, composition, scale and colour have a high degree of public recognition and acknowledgement. At the time of its creation, it also received critical recognition as an important sculptural work of the era and was defended in those terms. This recognition has been sustained and it has come to be celebrated as a key example of abstract sculpture within Victoria. It has been recognised by numerous artists, designers and architects via visual references to its colour and form.

If SE1 is satisfied, then Criterion E is likely to be relevant at the State level

Executive Director's Response:	Yes	Criterion E is likely to be relevant at the State level.
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CRITERION F: Importance in demonstrating a high degree of creative or technical achievement at a particular period.

Step 1 Test for Criterion F

No.	Test	Yes/No	Reason
F1)	Does the place/object contain physical evidence that clearly demonstrates creative or technical achievement for the time in which it was created?	No	Vault does not contain physical evidence that clearly demonstrates creative or technical achievement for the time in which it was created. It utilised established fabrication processes in its use of welded steel and established movements within the field of sculpture. It is a notable and celebrated artistic work, and these attributes are best recognised via criteria D and E.
F2)	Does the physical evidence demonstrate a high degree of integrity?	NA	Although the object has a high degree of integrity, that is not evidence of creative or technical achievement as above.

If both F1 and F2 are satisfied, then Criterion F is likely to be relevant (but not necessarily at the State level)

Executive Director's Response:	No	Criterion F is not likely to be relevant.
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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 Criterion G

No.	Test	Yes/No	Reason
G1)	Does the place/object demonstrate social value to a community or cultural group in the present day in the context of its cultural heritage significance? Evidence must be provided for all three facets of social value listed here:		
i)	Existence of a community or cultural group; <u>and</u>	No	Great affection is held for the sculpture by a diverse range of individuals associated with, or interested in, fields like the visual arts, architecture, urban planning, history, and design. However, a specific community is not considered to be associated with the sculpture. It has received critical acclaim and proved to be influential, but these characteristics are better captured under different criteria.
ii)	Existence of a strong attachment of a community or cultural group to the place or object; <u>and</u>	N/A	
iii)	Existence of a time depth to that attachment.	N/A	

If all facets of G1 are satisfied, then Criterion G is likely to be relevant (but not necessarily at the State level)

Executive Director's Response:	No	Criterion G is not likely to be relevant.
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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 Criterion H

No.	Test	Yes/No	Reason
H1)	Does the place/object have a direct association with a person, or group of persons who has made a strong or influential contribution in their field of endeavour?	Yes	H1(i) There is a direct association between Vault and its creator, Ron Robertson Swann. H1(ii) Robertson-Swann has made a strong or influential contribution in their field of visual art.
H2)	Is there evidence of the association between the place/object and the person(s)?	Yes	There is evidence of the association between Vault and its creator, Ron Robertson-Swann.
H3)	Does the association relate: • directly to achievements of the person(s); <u>and</u> • to an enduring and/or close interaction between the person(s) and the place/object?	Yes	H3(i) The association between Vault and Robertson-Swann relates directly to his achievements as a sculptor and visual artist of renown. H3(ii) The association relates to a close and enduring interaction between the Robertson-Swann and Vault. The interaction is close as Robertson-Swann was the creator of sculpture, engaged with public debate surrounding it and has been involved in its two relocations. He continues to be interviewed about Vault and the controversy that followed and spoke at the sculpture's unveiling in its current location.

If all facets of H1, H2 AND H3 are satisfied, then Criterion H is likely to be relevant (but not necessarily at the State level)

Executive Director's Response:	Yes	Criterion H is likely to be relevant.
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Step 2 State-level test for Criterion H

No.	Test	Yes/No	Reason
SH1)	Are the life or works of the person/persons important to Victoria's history?	No	The life or works of Robertson-Swann are important in Victoria's history, but this importance is largely associated with Vault. Robertson-Swann is more readily associated with New South Wales than he is Victoria. It is proposed that the importance of his role in Victoria's history via the creation of Vault is recognised via Criterion D.
SH2)	Does this place/object allow the association between the person or group of persons and their importance in Victoria's history to be readily appreciated better than most other places or objects in Victoria?	N/A	

If SH1 and SH2 are satisfied, then Criterion H is likely to be relevant at the State level

Executive Director's Response:	No	Criterion H is not likely to be relevant at the State level.
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Comparisons

These places/objects were selected as comparators to the Vault because they are indicative of the relevant examples already included in the VHR. In addition to the examples included below, there are numerous examples of traditional forms of sculpture (such as statuary and monuments) that are included in the VHR in their own right or as part of registered places. The VHR generally includes examples of sculptures found in the public realm, rather than sculptures located in galleries or collections.

Post-1950 sculptures in the VHR

FORWARD SURGE

100 ST KILDA ROAD SOUTHBANK

VHR H2378

Forward Surge is a monumental sculpture by renowned Australian sculptor Inge King (1915-2016) set on the Arts Centre lawn. It was installed in 1981, though its design can be traced back to early 1970s. It is of cultural heritage significance to Victoria and was included in the VHR in 2018. It is an outstanding late modernist public sculpture in Victoria and has become a landmark in Melbourne. It is the most important creative achievement of King's.



Post-1950 sculptures that are part of a place included in the VHR

THE OLYMPIC PYLON at

10-30 OLYMPIC BOULEVARD MELBOURNE

Part of the registration of the Olympic Swimming Stadium VHR H1977

The Olympic Pylon was commissioned by the architects (Peter McIntyre, Kevin Borland and John and Phyllis Murphy) from Arthur Boyd. It is a tall ceramic sculpture made of 260 terracotta bricks, in total about 10.6m high. A commission for a major piece of sculpture was extremely rare in the 1950s, but it was seen by the architects as an important aspect of their overall design - a simple vertical contrast to the diagonals of the seating. There was little public reaction to the completed work. The Olympic Pylon is somewhat figurative in nature with a theme of water and two diving figures. Arthur Boyd is one of Australia's most important artists but the Olympic Pylon is his only piece of public sculpture, though smaller ceramic sculptures by him are held in a number of galleries in Victoria.



SHELL MACE

1 SPRING STREET MELBOURNE

Part of the registration of Shell House VHR H2365

The main entry plaza of Shell House contains a dominant structural and sculptural building pier and a specially commissioned sculpture, 'Shell Mace' by American sculptor and architect, Charles O Perry (1989). The sculpture is recognised as a significant element of Shell House, which was included in the VHR in 2017.



FOUNTAIN

1-4 NICHOLSON STREET AND 510-532 ALBERT STREET EAST MELBOURNE

Part of the registration of ICI House VHR H0786

Sculptor Gerald Lewers designed the fountain in the forecourt of ICI House on the corner of Nicholson Street and Albert Street in Melbourne as an integral part of the building's landscaping. Lewers also designed the landscaped forecourts on the Nicholson Street and Albert Street frontages.



VICTORIA COAT OF ARMS

180 ST KILDA ROAD SOUTHBANK

Part of the registration of the National Gallery of Victoria.

Norma Redpath OBE (1928-2013) studied in both Melbourne and Italy and received many commissions for from 1951 onwards. Her coat of arms above the main entrance of the National Gallery of Victoria (NGV) was one of the key artworks commissioned during the building's design and construction. It is recognised as a significant feature of the place.



Post-1950 twentieth-century art in public locations in the VHR

KEITH HARING MURAL

35 JOHNSTON STREET COLLINGWOOD

VHR H2055

The Keith Haring Mural is a large mural painted onto a cement panel located on the bottom half of the red brick wall at the eastern end of the former Collingwood Technical School. It was painted by Keith Haring, a renowned New York-based artist who visited Melbourne between February and March 1984. The only surviving example of his work in Victoria. It is an energetic and highly visible artwork.



HOSIES HOTEL MURAL

1-5 ELIZABETH STREET MELBOURNE

VHR H2094

Hosie's Hotel Mural, at the corner of Elizabeth and Flinders Street, was created in 1955. Richard Beck (1912-1985), a British and German-trained graphic designer and one of the leading modernist graphic designers in Melbourne at the time, was commissioned to create a mural for the new Hosie's Hotel. The City of Melbourne was attempting to present itself to the world as a modern, contemporary city at the time of the 1956 Olympic Games. The re-building of Hosie's Hotel was an expression of a desire to provide modern hotel accommodation and the inclusion of the mural in the overall design of the building demonstrates the desire to appear modern. The Hosie's Hotel Mural is of aesthetic significance as one of the few large-scale abstract works on public display in Melbourne.



HISTORY OF TRANSPORT MURAL

DIRECT FACTORY OUTLET, SOUTHERN CROSS RAILWAY STATION, SPENCER STREET DOCKLANDS

VHR H1936

The 36.6 metre long and 7.32 metre high History of Transport mural featured across the main concourse of the Spencer Street railway station, depicting the first century of transport in Victoria (1835-1935), was commissioned by the State Government in 1973. Painted by State Artist, Harold Freedman (1915-99), and two assistants, the work was completed in January 1978.



Summary of Comparisons

The majority of sculptures included in the VHR are traditional forms of statuary or monuments. Many are from the nineteenth century and follow long-established modes of expression. There are very few examples of sculpture from the second half of the twentieth century. Sculpture of the latter decades of the twentieth century, and public art of the era more broadly, are underrepresented in the VHR. Although some examples are found at registered places, Inge King's *Forward Surge* (H2378) is the only example from the second half of the twentieth century included in the VHR in its own right. *Vault* enjoys a potentially greater level of public recognition and is distinguished by the level of public dialogue it prompted at the time of its creation. It also ably demonstrates the progression in approaches to art commissioned for public places in the latter decades of the twentieth century and the influence of geometric abstraction. Appreciation of the sculpture has grown with time and it has achieved a special level of recognition within architecture, design, and the arts being frequently referenced.

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

Statement of significance

What is significant?

Vault is a large, abstract sculpture by Ron Robertson-Swann created in 1979-80. It is fabricated from welded steel and is characterised by its substantial scale, angular plates and bright yellow colour.

How is it significant?

Vault is of historical and aesthetic significance to the State of Victoria. It satisfies the following criterion for inclusion in the Victorian Heritage Register:

Criterion A

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

Criterion D

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

Criterion E

Importance in exhibiting particular aesthetic characteristics.

Why is it significant?

Vault is historically significant as Victoria's most well-known and controversial example of art commissioned for a public place. Its unveiling in 1980 as part of Melbourne's new City Square spurred an extraordinary response from critics, politicians, journalists and members of the public across the State. Criticism focussed on its distinctive colour, and the sculpture came to be known by the derogatory name 'Yellow Peril'. Vault initiated an unprecedented public debate about contemporary art and its role in the public realm. It has become emblematic of both the value of contemporary and abstract art and public resistance to it. [Criterion A]

Vault is significant as a notable example of public art in Victoria. It is a fine work by renowned Australian sculptor Ron Robertson-Swann and an accomplished work of sculpture. It is a pivotal example, representing a departure from more traditional forms of sculpture commissioned for public places. It has proved to be influential, having been subsequently referenced in multiple artworks, sculptures and works of architecture and design in Victoria. [Criterion D]

Vault is significant for its distinctive aesthetic characteristics – namely its colour, scale and composition of forms. These characteristics have a high degree of public recognition and critical acclaim. Vault has come to be celebrated as an important example of abstract sculpture in Victoria. It has been recognised by numerous artists, designers and architects via references to its colour and form. [Criterion E]

Recommended permit exemptions under section 38

Introduction

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

Permit Policy

N/A

Permit Exemptions

General Exemptions

General exemptions apply to all places and objects included in the Victorian Heritage Register (VHR). General exemptions have been designed to allow everyday activities, maintenance and changes to your property, which don't harm its cultural heritage significance, to proceed without the need to obtain approvals under the Heritage Act 2017.

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

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

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

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

Specific Exemptions

The works and activities below are not considered to cause harm to the cultural heritage significance of the Vault subject to the following guidelines and conditions:

Guidelines

1. Where there is an inconsistency between permit exemptions specific to the registered place or object ('specific exemptions') established in accordance with either section 49(3) or section 92(3) of the Act and general exemptions established in accordance with section 92(1) of the Act specific exemptions will prevail to the extent of any inconsistency.
2. In specific exemptions, words have the same meaning as in the Act, unless otherwise indicated. Where there is an inconsistency between specific exemptions and the Act, the Act will prevail to the extent of any inconsistency.
3. Nothing in specific exemptions obviates the responsibility of a proponent to obtain the consent of the owner of the registered place or object, or if the registered place or object is situated on Crown Land the land manager as defined in the *Crown Land (Reserves) Act 1978*, prior to undertaking works or activities in accordance with specific exemptions.
4. If a Cultural Heritage Management Plan in accordance with the *Aboriginal Heritage Act 2006* is required for works covered by specific exemptions, specific exemptions will apply only if the Cultural Heritage Management Plan has been approved prior to works or activities commencing. Where there is an inconsistency between specific exemptions and a Cultural Heritage Management Plan for the relevant works and activities, Heritage Victoria must be contacted for advice on the appropriate approval pathway.

5. Specific exemptions do not constitute approvals, authorisations or exemptions under any other legislation, Local Government, State Government or Commonwealth Government requirements, including but not limited to the *Planning and Environment Act 1987*, the *Aboriginal Heritage Act 2006*, and the *Environment Protection and Biodiversity Conservation Act 1999* (Cth). Nothing in this declaration exempts owners or their agents from the responsibility to obtain relevant planning, building or environmental approvals from the responsible authority where applicable.
6. Care should be taken when working with heritage buildings and objects, as historic fabric may contain dangerous and poisonous materials (for example lead paint and asbestos). Appropriate personal protective equipment should be worn at all times. If you are unsure, seek advice from a qualified heritage architect, heritage consultant or local Council heritage advisor.
7. The presence of unsafe materials (for example asbestos, lead paint etc) at a registered place or object does not automatically exempt remedial works or activities in accordance with this category. Approvals under Part 5 of the *Heritage Act 2017* must be obtained to undertake works or activities that are not expressly exempted by the below specific exemptions.
8. All works should be informed by a Conservation Management Plan prepared for the place or object. The Executive Director is not bound by any Conservation Management Plan and permits still must be obtained for works suggested in any Conservation Management Plan.

Conditions

1. All works or activities permitted under specific exemptions must be planned and carried out in a manner which prevents harm to the registered place or object. Harm includes moving, removing or damaging any part of the registered place or object that contributes to its cultural heritage significance.
2. If during the carrying out of works or activities in accordance with specific exemptions original or previously hidden or inaccessible details of the registered place are revealed relating to its cultural heritage significance, including but not limited to historical archaeological remains, such as features, deposits or artefacts, then works must cease and Heritage Victoria notified as soon as possible.
3. If during the carrying out of works or activities in accordance with specific exemptions any Aboriginal cultural heritage is discovered or exposed at any time, all works must cease and the Secretary (as defined in the *Aboriginal Heritage Act 2006*) must be contacted immediately to ascertain requirements under the *Aboriginal Heritage Act 2006*.
4. If during the carrying out of works or activities in accordance with specific exemptions any munitions or other potentially explosive artefacts are discovered, Victoria Police is to be immediately alerted and the site is to be immediately cleared of all personnel.
5. If during the carrying out of works or activities in accordance with specific exemptions any suspected human remains are found the works or activities must cease. The remains must be left in place and protected from harm or damage. Victoria Police and the State Coroner's Office must be notified immediately. If there are reasonable grounds to believe that the remains are Aboriginal, the State Emergency Control Centre must be immediately notified on 1300 888 544, and, as required under s.17(3)(b) of the *Aboriginal Heritage Act 2006*, all details about the location and nature of the human remains must be provided to the Secretary (as defined in the *Aboriginal Heritage Act 2006*).

Exempt works and activities

1. All maintenance, conservation and repair works in keeping with City of Melbourne policies, guidelines, contracts and related documents.

Appendix 1

Heritage Council determination (section 49)

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

Making a submission to the Heritage Council (section 44)

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

Consideration of submissions to the Heritage Council (section 46)

(1) The Heritage Council must consider—

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

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

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

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

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

Determinations of the Heritage Council (section 49)

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

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

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

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

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

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

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

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

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

(1) This section applies if—

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

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

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

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

(1) This section applies if—

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

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

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

(1) This section applies if—

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

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

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

(1) This section applies if—

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

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

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

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

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