

HERITAGE COUNCIL DETERMINATION

Determination Date	1 August 2024
Place/Object Name	VAULT ('the Object')
Location	111 Sturt Street Southbank, Melbourne City, Wurundjeri Country
VHR number	H2450
Category	Registered Object
Determination	Include in the Victorian Heritage Register pursuant to section 49(1)(a) of the <i>Heritage Act 2017</i> (Vic)

DETERMINATION

The Heritage Council of Victoria determined on 1 August 2024 the following:

- i) the above Object is of State-level cultural heritage significance and is to be included in the Victorian Heritage Register ('VHR') in accordance with section 49(1)(a) of the *Heritage Act 2017* (Vic) ('the Act'); and
- ii) categories of works or activities which may be carried out in relation to the Object for which a permit is not required ('permit exemptions') in accordance with **Annexure 1**.

BACKGROUND

The Vault is currently located on Wurundjeri Country on the corner of Dodds Street and Grant Street, Southbank in central Melbourne. Vault (also popularly known by the name 'Yellow Peril') is a large abstract sculpture by Ron Robertson-Swann produced in 1979-80.

In 1978, Robertson-Swann's proposal, 'The Vault', was selected in a design competition to occupy an area on Swanston Street opposite the Melbourne Town Hall, a newly designated area for a city square. Development work on the sculpture began in early 1979, and it was unveiled in 1980.

The Vault has been subject to significant controversy and debate since its inception, leading to its relocation to less visible and frequented locations, first in 1981 when it was relocated to Batman Park on the northern bank of the Yarra River. It remained in Batman Park until 2002 when it was dismantled and re-erected in its current location in Sturt Street, adjacent to the Australian Centre for Contemporary Art (ACCA).

BASIS OF RECOMMENDATION

The Executive Director prepared a detailed report describing the Object (including multiple photographs), its history, integrity, intactness and condition ('Recommendation').

The Executive Director recommended that the extent of registration comprise all of the object known as Vault. It was considered that being a sculpture, the most appropriate category of registration is 'Registered Object'. The Executive Director submitted that although the Vault was conceived 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.

The Recommendation also provided a comparative analysis which focused on seven object comparators with the Vault, indicative of relevant examples already included in the VHR. There are very few examples of sculpture from the second half of the twentieth century and that sculpture of the latter decades of the twentieth century, and public art of the era more broadly, are underrepresented in the VHR.

The Recommendation submitted that that Vault enjoys significant public recognition and 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.

The Recommendation provided a detailed assessment of the Object under the criteria and process contained in The Victorian Heritage Register Criteria and Thresholds Guidelines (2022). The conclusion made after that assessment was that three criteria were achieved at a State-level. Namely;

- 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; and
- Criterion E - Importance in exhibiting particular aesthetic characteristics.

The Recommendation was that the Object is of State-level cultural heritage significance and should be included in the VHR in accordance with section 49(1)(a) of the Act.

SUBMISSIONS

One submission was received by the Heritage Council in relation to this matter:

- Madeline Moore on behalf of the National Trust of Australia (Victoria) supported the inclusion of the Vault in the VHR and agreed with the Executive Director that the Vault merits inclusion for its aesthetic, historical, and architectural significance, it is representing a shift from traditional public sculpture to modernist abstract art. It was submitted that the Vault is notable for its unique artistic characteristics and controversial history, and it is the most famous work of Ron Robertson-Swann. The submission did not request a hearing.

COUNCIL'S FINDINGS

The Heritage Council's decision was reached having considered the information included in the Recommendation and the submission received in response to the Recommendation.

The Heritage Council accepts the Executive Director's Recommendation and the rationale provided in the Recommendation.

The Heritage Council is of the view that the Object is of State-level cultural heritage significance and should be included in the VHR in accordance with section 49(1)(a) of the Act.

The Heritage Council accepts the detailed assessment by the Executive Director which identifies the State-level significance of the Object as set out in *The Victorian Heritage Register Criteria and Thresholds Guidelines (2022)*.

Specifically, the Heritage Council agrees that the Vault meets the State-level test for Criterion A - Importance to the course, or pattern, of Victoria's cultural history. The Vault is historically significant as Victoria's most well-known and controversial public art commission and 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. The Vault has generated unprecedented public debate about the role of contemporary and abstract art.

The Heritage Council accepts that the Vault is a notable example of public art in Victoria meeting the State-level test for Criterion D - Importance in demonstrating the principal characteristics of a class of cultural places and objects. The Vault 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 and its influence is evident, having been referenced in multiple subsequent artworks and sculptures.

The Heritage Council considers that the Vault meets the State-level test for Criterion E - Importance in exhibiting particular aesthetic characteristics. The aesthetic characteristics of Vault are 'beyond the ordinary' or outstanding. The Vault's distinctive and striking form, composition, scale, and colour have received high degrees of public recognition and acknowledgement. At the time of its creation, it garnered critical recognition as an important sculptural work, and this acclaim has been sustained, celebrating it as a key example of abstract sculpture in Victoria. Numerous artists, designers, and architects have recognised Vault through visual references to its colour and form.

The Heritage Council accepts the recommended extent of registration should comprise all of the Object known as Vault. The Heritage Council agrees that the entire sculpture known as 'Vault' should be registered as a 'Registered Object.' Despite being originally designed for the City Square, it has not been located there since 1981 and is now in its third location. Therefore, it is not tied to a specific site and should not be included in the VHR as a registered 'place'.

The proposed categories of works or activities which may be carried out in relation to the Object for which a permit is not required (specific permit exemptions) would not harm the cultural heritage significance of the Object. The Heritage Council is satisfied that other appropriate measures exist to safeguard the colour of Vault, one of its significant attributes.



Professor Philip Goad
Chair, Heritage Council of Victoria

ANNEXURE 1 – PERMIT EXEMPTIONS

The categories of works or activities which may be carried out in relation to the Object for which a permit is not required ('permit exemptions') to be included, pursuant to section 49(3)(a) of the *Heritage Act 2017 (Vic)* as follows:

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.