

Heritage Council Regulatory Committee

Flinders Telegraph Cable Complex and Pier (H2413)

The Esplanade, Flinders, Mornington Peninsula Shire

‘On the papers’ consideration

Members – The Hon. Simon R Molesworth AO KC (Chair), Dr Karen Murphy,
Mr David Hogg

DETERMINATION OF THE HERITAGE COUNCIL

Inclusion in the Victorian Heritage Register – After considering the Executive Director’s recommendation and all submissions received, and after conducting an ‘on the papers’ consideration of the matter, and conducting an onsite inspection of the Pier and its surrounding locale, the Heritage Council has determined, pursuant to section 49(1)(a) of the *Heritage Act 2017*, that Flinders Telegraph Cable Complex and Pier, located at The Esplanade, Flinders is of State-level cultural heritage significance and is to be included in the Victorian Heritage Register.

Simon Molesworth AO KC (Chair)
Karen Murphy
David Hogg

Decision Date – 14 October 2022

ACKNOWLEDGEMENT

As a peak heritage body, we acknowledge the Traditional Owners of the Country that we call Victoria, as the original custodians of Victoria's land and waters, and acknowledge the importance and significance of Aboriginal cultural heritage in Victoria. We honour Elders past and present whose knowledge and wisdom has ensured the continuation of Aboriginal culture and traditional practices.

APPEARANCES / HEARING SUBMISSIONS

EXECUTIVE DIRECTOR, HERITAGE VICTORIA ('THE EXECUTIVE DIRECTOR')

A written hearing submission was received from the Executive Director, Heritage Victoria ('the Executive Director')

INTRODUCTION/BACKGROUND

THE PLACE

1. On 16 March 2022, the Executive Director made a recommendation ('the Recommendation') to the Heritage Council pursuant to Part 3, Division 3 of the Heritage Act 2017 ('the Act') that Flinders Telegraph Cable Complex and Pier, located at The Esplanade, Flinders, Mornington Peninsula Shire ('the Place') should be included in the Victorian Heritage Register ('the Register')
2. The Place is described on page 4 of the Recommendation as follows:

"The following is a description of the Flinders Telegraph Cable Complex and Pier at the time of the site inspections by Heritage Victoria staff in December 2021 and January / February 2022. It consists of four main areas.

- *The reserve at the top of the cliff which was the site of the former cable station.*
- *The area half way up the cliff which was the site of Happy Valley - the former cable station staff residences and workshops.*
- *The foreshore which was the site of cable and fishing and recreation infrastructure including sheds.*
- *The pier and part of Kennon Cove.*

Objects integral to the registered place are also proposed for inclusion.

Reserve

The reserve is a triangular mown grass area bordered by The Esplanade on two sides, and with a bitumen carpark and mesh fence at the front on the eastern side. This gives a good view across Kennon Cove.

*The stone footings of the former cable station are visible in a number of places across the reserve. Some older plantings on the site may date from its use as a cable station. These include a Norfolk Island Pine, a Norfolk Island Hibiscus and what appears to be a Cordyline (possibly *Cordyline australis*). Other Norfolk Island Pine specimens appear to be more recent.*

The reserve also contains three memorials on the northern side:

- *George Bass & Matthew Flinders Monument. This is a squat bluestone and cement pyramid with a marble plaque on the north west side and a modern cast bronze plaque on the south east side.*
- *Flinders War Memorial. This is constructed as a double-sided stone seat with a convex top rail. The facings and seats are made from Harcourt granite surrounded by large smooth, evenly sized, waterworn stones collected locally by the community. The steps are bluestone surrounded by concrete. There is a historic cast copper plaque on the west side and a modern plaque on the east side.*
- *Flinders & District World War Two Memorial. This 2017 memorial is also made in the shape of a seat but is only half the size of the Flinders War Memorial and does not have any seats. It is made of granite and bluestone.*

Happy Valley area

This location is halfway up the cliff and is reached by a path with a timber deck and handrails installed in the 1990s. The area is heavily overgrown. Areas of

relatively flat ground or terracing are visible in parts of the slopes of the former Happy Valley area. In one part of the site, the alignment of what may have been the former path up the slope is discernible.

Foreshore

There are five small sheds on the foreshore:

- *Former Jetty Cargo Shed (VHR H0906). Described in its registration documentation.*
- *Fishing shed. This shed is painted cream on the outside with green doors and trim, and a green corrugated steel roof. Some weatherboards on the inside are painted with a pink wash and others are unpainted. The timber doors on three sides, two of which are sliding, appear to be original. Its plinth is made from concrete with a stone facing in a 'crazy' pattern. The shed appears to have been moved to its current site from another location. On top of the new plinth is a narrow beam of coarse concrete. The external bottom timber member of the shed has been placed over this.*
- *Winch shed and boat ramp. The walls of this shed are modern concrete bricks. The visible floor also appears modern, but the concrete plinth underneath appears to be older and may be the remains of one of the cable test houses.*
- *Cable memorial. This is a large rock with a bronze plaque installed to the south of the Winch Shed. It commemorates the laying of the 1869 telegraph cable and was dedicated in 1993. There is a timber picnic table and benches nearby.*
- *Sea Pilot shed – A small, modern steel shed on a modern concrete plinth located behind the Cargo Shed*

Bitumen car parks and drains, seats and picnic benches are present. One of the picnic bench sets has a plaque commemorating the Pioneers of Commercial Fishing. There is a channel between the boat ramp and the fishing shed used for launching boats.

Pier and part of Kennon Cove

Flinders Pier is approximately 325m long and 3.6m wide. The longer timber section contains four lower landings and a jetty head at the end, perpendicular to the pier. A concrete section is attached to the landward section of the north side of the timber pier. This is approximately 190m long and 4.5m wide. Vehicles can travel on the concrete section, and it contains a turning bay and lower landing. Tubular steel handrails and ladders are also present.

The pier materials are timber, steel and concrete. The piles and crossheads are made from hardwood timber or painted steel. The timber section of the pier has a timber deck and beams. The steel piles carry a cast concrete deck.

The pier extends into Kennon Cove which is a shallow sandy bay which gradually deepens. There appears to be a number of permanent boat moorings attached to the seafloor around the pier.

*Flinders Pier is located within extensive undersea seagrass meadows that are home to large colonies of the Common or Weedy seadragon (*Phyllopteryx taeniolatus*). The dominant seagrass species in the Kennon Cove area is *Amphibolis antarctica* or Sea nymph. A recent study noted that seadragons generally live in and around *A. antarctica* seagrass rather than in the other*

seagrass species present¹ Seadragons are also found under the pier where little seagrass grows (due to lack of light) and in other areas. The generally calm waters of Kennon Cove are a suitable seadragon habitat because they are easily washed away by strong currents.

Objects integral

These objects include fragments of submarine cable excavated from Kennon Cove and other artefacts relating to the Former Jetty Cargo Shed (VHR H0906), cable station and residences. All are on display in the cargo shed on the foreshore.

There are three objects in the fishing shed which are not considered to be objects integral to the place.

- *A timber trolley with hard rubber wheels made by Perrot and Adams. This could not have been used on the historic tramway formerly on the pier because it does not have flanged wheels and appears smaller than the tramway trolleys in historic images.*
- *Two cast iron items used to support canoes which appear to be parts of a slipway pulley system.”*

3. The following historical summary is taken from pages 8 and 9 of the Recommendation:

“Flinders Pier

The Flinders Pier was constructed in 1864 to transport cargo between Flinders and Melbourne and for boat mooring and fishing. Until the construction of more roads, it was the main means of transport between Flinders and Melbourne and has been used for recreational and commercial boating and fishing throughout its life. It was also used to bring staff, materials and equipment to the Telegraph Cable Station. When the first telegraph cable was installed, Kennon Cove was considered to be an ideal location for a submarine cable because it was sheltered and shallow with a sandy and gently sloping sea bed.

Many small sheds not related to the cable station have been constructed and removed from the site from 1864, including the cargo shed (VHR H0906) which was constructed in ca.1871. For many years there was a goods/refreshments shed at the landward end of the pier. More than one building appears to have performed this role. Fishermen’s houses and sheds were also constructed all along the foreshore at various times.

The fishermen’s permissive occupancies were progressively cancelled following the 1931 reservation for public purposes of the foreshore land between Dudley Street and the Flinders Pier. They were all gone by 1949. During World War II, the remaining structures were removed from the beach and pier area. The entrance to the pier was sandbagged and barbed wire was spread along the beach. After the war, the cargo shed was installed in its current position and the fishing shed (which may be the former 1913 goods and refreshments shed) was installed on the south side of the pier. A light was installed at the end of the pier to keep ships away from the cable.

...

Flinders cable installation

The first submarine cable connecting Tasmania to mainland Australia was installed in 1859 between Low Head in Tasmania and Cape Otway Lightstation (VHR H1222), via King Island. It was abandoned after less than two years due to frequent cable breakages. The Victorian and Tasmanian governments continued to work towards creating a submarine cable link between the two states, and in 1867 they contracted the TC&MC [Telegraph Construction & Maintenance Company] to install a new cable.

In 1869, the TC&MC ship SS Investigator assisted by the Navy Ship Pharos laid a submarine cable from Low Head in Tasmania to Flinders. The installers faced and overcame many difficulties while laying the cable. Around two hundred miles (322 km) of cable were laid between Tasmania and Flinders. The last 12 miles (19 km) of cable at each shore end were more heavily armoured. The whole cable weighed 498 tons (453 tonnes). The cable was laid directly on the ocean floor. When it reached shallower water, deep trenches were dug in the sand to protect it from passing ships. Subsequently, concrete lined tunnels were used to bring the cable to the surface. The successful installation of the 1869 cable was greeted by a flurry of celebratory telegrams between the mayors of all Australian capital cities.

The cable was armoured to prevent breakage by being wrapped in layers of wire and was insulated with gutta-percha. This is a natural polymer somewhat similar to latex rubber but more rigid. Later technology included heavier armouring and innovations to strengthen the signal, but gutta-percha continued to be used to insulate submarine cables until it was replaced with polyethylene in the 1940s.

TC&MC is most likely to have laid the next two cables at Flinders in 1885 and 1898 because they laid all the cables for EEA&TC [Eastern Extension Australasia and China Telegraph Company Limited]. In 1909 Siemens Brothers of London was contracted by the Commonwealth Post Master General to lay two cables. These were known as the east and west cables and allowed cable traffic to move in two directions for the first time. All the cables appear to have been laid on the south side of the pier because historic images show cable test houses in this location; but this has not been confirmed.”

4. While the above material is not endorsed by the Heritage Council and does not form part of the Register, it forms part of the Recommendation and has been considered by the Committee in making its determination. It sets out the basis of claimed significance for those administering the Act and participating in its processes.

RECOMMENDATION OF THE EXECUTIVE DIRECTOR

5. On 16 March 2022, the Executive Director recommended that the Place, and objects integral to the cultural heritage significance of the Place, be included in the Register pursuant to section 37(1)(a) of the Act.

PROCESS FOLLOWING THE RECOMMENDATION OF THE EXECUTIVE DIRECTOR

6. After the Recommendation, notice was published on Friday 19 March 2022 in accordance with section 41 of the Act for a period of 60 days.
7. During the public advertisement of the Recommendation, ninety-nine (99) submissions were received pursuant to section 44 of the Act (‘the section 44

submissions'), including from Parks Victoria and Mornington Peninsula Shire Council, each land managers in relation to the Place. No objections to the proposed inclusion of the Place in the Register, *per se*, were lodged, but some submissions were received in relation to the Criteria, recommended permit exemptions, and the recommended extent of registration.

8. Pursuant to section 46 of the Act, a hearing was scheduled to be held and a Heritage Council Regulatory Committee ('the Committee') was duly constituted to consider the Recommendation and submissions received in response.

AN 'ON THE PAPERS' CONSIDERATION OF THE RECOMMENDATION AND SUBMISSIONS RECEIVED

9. On 9 June 2021 all prospective hearing participants were invited to provide their views as to whether or not a hearing otherwise scheduled to be held in relation to the matter could proceed 'on the papers', without the need for a public hearing. The Committee sought responses from prospective participants in relation to this question by no later than midday Monday 20 June 2022. A date for written hearing submissions, in any case, was provided in the same correspondence. Written submissions were invited from all participants, and further information was provided about the 'on the papers' hearing process.
10. No objections to the proposed 'on the papers' consideration were received, and the Committee subsequently confirmed with submitters and interested parties that the Recommendation, and submissions received in relation to it, would be considered by way of an 'on the papers' consideration or 'on the papers' hearing ('the Hearing'). Submission dates were subsequently confirmed.

PRELIMINARY, PROCEDURAL AND OTHER MATTERS

CONFLICTS OF INTEREST

11. The Chair invited Committee members to consider whether written declarations or otherwise were required to be made in relation to any matters that may potentially give rise to an actual or apprehended conflict of interest. All members were satisfied that there were no relevant conflicts of interests and made no such declarations.

FUTURE USE, MAINTENANCE AND DEVELOPMENT OF THE PLACE

12. It is not the role of the Committee to consider future proposals or to pre-empt any decisions regarding future permits under the Act. Pursuant to section 49(1) of the Act, the role of the Committee is to determine whether or not the Place, or part of it, is of State-level cultural heritage significance and is, or is not, to be included in the Register.

PROCESS FOLLOWING RECEIPT OF SUBMISSIONS IN RELATION TO THE PLACE

SITE INSPECTION

13. On 9 August 2022, the Committee undertook a site inspection of publicly accessible areas of the Place, accompanied by the Heritage Council Hearings Manager. No submissions were sought, made, or received at the time of the site inspection.

ISSUES

14. 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 that the Committee takes on each key issue.
15. Any reference to the Criteria or to a particular Criterion refers to the *Heritage Council Criteria for Assessment of Places of Cultural Heritage Significance* (updated by the Heritage Council on 4 April 2019) ['Criteria for Assessment']. Please refer to **Attachment 1**.
16. The Committee has referred to the assessment framework and 'steps' in *The Victorian Heritage Register Criteria and Threshold Guidelines* (updated by the Heritage Council on 3 December 2020) ['the Guidelines'] in considering the issues before it. Any reference to 'the Guidelines', 'steps 1 and 2' or 'threshold for inclusion' refers to the Guidelines.

SUMMARY OF ISSUES

17. The Executive Director recommended that the Place be included in the Register as a place of State-level cultural heritage significance in relation to Criteria A, C and G. The proposed extent of registration for the Place included: 'all of the place shown hatched on **Attachment 2**, being Diagram 2413 encompassing all of Allotment 16B Parish of Flinders, and the parts of Allotment 29A Section A Township of Flinders, Lot 16A Township of Flinders, and part of the road reserve of The Esplanade'. The Executive Director also recommended that objects integral to the cultural heritage significance of the Place be listed in the inventory of non-fixed objects integral to the Place held by the Executive Director. Pursuant to section 38 of the Act, the Executive Director recommended categories of works or activities for inclusion with the registration which may be carried out in relation to the Place for which a permit under Section 5 of the Act is not required ('permit exemptions').
18. Ninety-nine submissions were received pursuant to section 44 of the Act in relation to the Place, of which ninety-eight supported the Recommendation. One submission, made by Parks Victoria, neither supported nor objected to the Recommendation.
19. The ninety-eight submissions supporting the Recommendation were made by 87 individuals and the following organisations:
 - Save Flinders Pier organisation and Save Flinders Pier petition
 - Flinders Cricket Club
 - Flinders District Historical Society (FDHS)
 - Flinders Golf Club
 - Flinders Community Association
 - Flinders Yacht Club
 - Flinders District Lions Club Inc
 - Mornington Peninsula Shire Council (MPSC)
 - National Trust of Australia (Victoria)
 - Save Westernport Inc.

- National Trust of Australia (Victoria) – Mornington Peninsula Branch
- 20.** Broadly, it was the position of Parks Victoria that certain modifications to the Permit Exemptions for the Place, as proposed by the Recommendation, were required. FDHS additionally requested modifications to the proposed Permit Exemptions. This issue is summarised and discussed further below.
- 21.** Some submissions were received, including from FDHS, Mrs Susan Grant and the MPSC, in relation to whether or not the Place should be included in the Register in relation to Criteria B, E and H. Those Criteria are discussed further below.

CRITERIA A, C AND G

Summary of submissions and evidence

- 22.** In assessing the Place in relation to Criteria A, C and G, the Executive Director concluded that the Place satisfied all three criteria at State-level.
- 23.** No submissions were received that objected to the inclusion of the Place in the Register in relation to either of Criteria A, C or G.

Discussion and Conclusion

- 24.** The Committee accepts the analysis of the Executive Director and is satisfied based on the information before it that the Place satisfies the relevant State-level threshold in relation to each of Criteria A, C and G.

CRITERION B – POSSESSION OF UNCOMMON, RARE OR ENDANGERED ASPECTS OF VICTORIA’S CULTURAL HISTORY

Summary of submissions and evidence

- 25.** In assessing the Place in relation to Criterion B the Executive Director found that, while the place demonstrates a clear association with the first successful telegraphic connection between Tasmania and the Mainland, it cannot be considered to be rare. This is because the Place is one of three submarine telegraph stations in Victoria, constructed during a period when only one was needed (1869-1936). It was therefore the recommendation of the Executive Director that the Place did not satisfy Criterion B at State-level.
- 26.** MPSC disagreed with the Recommendation in relation to Criterion B, and submitted that the Place satisfies Criterion B at State-level as it represents “a rare aspect of Victoria’s cultural history, being potentially the only substantially surviving nineteenth century timber ocean wharf in Victoria.” MPSC pointed to the presence of engraved Roman numerals on timber piers at the Place in support of its intactness, and additionally submitted that the place’s rarity was augmented by its location within an ocean, rather than a bay.
- 27.** In a hearing submission, the Executive Director disagreed with the submissions of MPSC in relation to Criterion B, noting the presence of multiple qualifiers in MPSC’s position. The Executive Director referred to the Guidelines, which state that “a class should be readily discernible as a sub-category of a broad place type and should not be narrowed by multiple qualifiers.” To this end, the Executive Director did not accept that the Place could be specifically distinguished as an “ocean wharf”, given its location at the junction of a bay (Western Port) and the ocean (Bass Strait), and noted the absence of any evidence demonstrating substantial differences in the design of ocean and bay piers.

28. The Executive Director additionally disagreed with MPSC as to the Place's degree of "nineteenth century intactness", noting that the Place has since been significantly rebuilt to a new design (as confirmed by material supplied by Parks Victoria in its submission), including the substantial additions of an angled breakwater added in the 1950s, and a large concrete section added in 2011. The Executive Director noted that, in terms of design, the intactness of the Place compared poorly with other nineteenth century timber piers in Victoria, including those at Kerferd Road (VHR H1534) and Queenscliff (VHR 1515). The Executive Director additionally submitted that the practice of engraving timber piers with Roman numerals is longstanding, and does not confirm that timber piers exhibiting these numbers date from the nineteenth century.
29. Ultimately, in response to MPSC's submission in relation to Criterion B, it was the view of the Executive Director that the Place cannot be considered to be rare or uncommon, given the Place's previous redesign and additions, the general uniformity of bay and ocean piers, and the presence of other surviving nineteenth century timber piers, many of which exhibit a superior degree of intactness.

Discussion and conclusion

30. The Committee acknowledges the material supplied by participants, and notes the presence of multiple qualifiers in MPSC's position in relation to Criterion B. The Committee accepts the uniformity in design of ocean and bay piers based on the analysis of the Executive Director, and further agrees that the rarity of the Place cannot be considered to be heightened by its potential classification as an "ocean wharf".
31. The Committee is further satisfied that the Place has undergone significant redesign and additions, as confirmed by material provided by Parks Victoria, since its construction in the nineteenth century. While the Committee notes that it is common for the materials of timber piers to be replaced over time due to the effects of the aggressive marine environment, the Committee is satisfied that the Place has been significantly altered in both materials used (i.e. the addition of concrete) and design, particularly when compared to other nineteenth century timber piers in Victoria.
32. Despite the above, and accepting that the Place represents one of three telegraph stations constructed when only one was needed, the Committee is hesitant to discount the Place's potential to be considered 'uncommon'. The Committee considers the Place to be an important and unusual example of a telegraph station complex. Whilst it stands apart from the other two similar complexes located within Victoria, as insufficient evidence supporting the Place's rarity was provided in the submissions, the Committee considers itself unable to categorically conclude that the "uniqueness" of the Place satisfies Criterion B at State-level.
33. The Committee finds, on the basis of the information before it, that Criterion B is not satisfied at the State level in relation to the Place.

CRITERION E – IMPORTANCE IN EXHIBITING PARTICULAR AESTHETIC CHARACTERISTICS

Summary of submissions and evidence

34. In assessing the Place in relation to Criterion E, the Executive Director found that elements of the Place exhibit landscape-related aesthetic characteristics which

may satisfy Step 1 of Criterion E. However, despite acknowledging the appreciation of the local community for the Place, as demonstrated in several artworks and photographs of the area since European settlement, and critical recognition of the architecture of Chris Cowper, the Executive Director found that the aesthetics of the Place do not demonstrate exceptional merit, and nor is the Flinders Memorial cited in authoritative reference publications associated with Cowper. It was therefore the recommendation of the Executive Director that the Place does not satisfy Criterion E at State-level.

35. MPSC disagreed with the Recommendation, stating that: “The views across to Phillip Island, Western Port Bay and the Bass Straight coastline, are among the most dramatic of the Mornington Peninsula”, and that “the timber fabric of the pier, Wharf sheds, landscaping and planted trees, and the monuments in the upper terrace, complement this aesthetic, although it is marred to some extent by the modern concrete additions to the pier.”
36. Several other submitters made additional submissions relating to the beauty of the seadragons, site and pier.
37. In response to such submissions, the Executive Director submitted that while the Place is attractive and dramatic, it is only one of several places in Victoria with attractive and dramatic coastal views. The Executive Director further submitted that the views at the Place cannot be said to have received the State-wide critical recognition or wide public acclaim required to satisfy Criterion E at State-level, and additionally noted that the views in question are not proposed for inclusion within the extent of registration.

Discussion and conclusion

38. The Committee notes the submissions in relation to the aesthetic values of the Place, and accepts that views evident at the place are dramatic and attractive. The Committee particularly notes the distinctive curved roof of the shed, and accepts that the Place satisfies Step 1 of Criterion E.
39. However, the Committee accepts the position of the Executive Director that there are many coves in Victoria with dramatic coastal settings, many of which include attractive piers around Port Phillip and Western Port Bays. The Committee further accepts that while a general appreciation of the Place’s aesthetic value is present, as demonstrated through the generation of several paintings and photographs, this may be said of countless other Victorian coastal settings.
40. The Committee particularly notes the absence of evidence in submissions demonstrating the critical recognition or wide public acclaim required to satisfy Step 2 of Criterion E at State-level. One example of a landscape included in the Register under Criterion E can be found in Hanging Rock [VHR H2339], which satisfies Criterion E as a notable tourist destination stretching back to the 1860s, and for its inspiration for innumerable written and artistic responses – including writing, film and music – dating back to the 1850s. In such a case, State-wide, and even nation-wide, recognition is clearly evident. Despite the existence of photographs and paintings of the Place and its views, the Committee concludes that no material referred to in submissions can be said to demonstrate the critical acclaim or State-wide appreciation required to satisfy Step 2 of Criterion E.
41. The Committee, would, however like to acknowledge the significant degree of community appreciation for the Place’s beauty as clearly evidenced in submissions, and agrees with the Executive Director that this appreciation contributes to the State-level cultural heritage significance of the Place. However, the Committee accepts the position of the Executive Director that this community

appreciation is best understood in accordance with Criterion G, and not Criterion E.

42. The Committee therefore finds, on the basis of the information before it, that Criterion E is not satisfied at the 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

Summary of submissions and evidence

43. In assessing the Place in relation to Criterion H the Executive Director found that, while the Place has a demonstrable association with Melbourne architect Chris Cowper, and English broadcaster, biologist, natural historian and author Sir David Attenborough, the achievements and careers of both figures are better understood within the context of other places and locations. The Executive Director therefore recommended that Criterion H is not satisfied at State-level.
44. FDHS and Mrs Susan Grant both submitted that the pier meets Criterion H for its association with Dr James William Barrett. FDHS submitted that Dr Barrett’s contribution to Victoria and his association with the erection of memorials is evident at the Place, but conceded that his interactions with the Bass and Flinders Monument, or the World War I Monument “are not as readily demonstrated.” Mrs Grant submitted that Dr Barrett’s chairmanship of the Victorian National Parks Association and the Victorian Historical Memorials Committee led to the State-wide erection of simple, rustic stone cairns commemorating explorers, and that the Place demonstrates an example of this movement.
45. In response to these submissions, the Executive Director thanked FDHS and Mrs Grant for bringing this information to light, but ultimately formed the view that Dr Barrett is best known for his influential contribution to the profession of Ophthalmology in Victoria, as well as to the University of Melbourne. The Executive Director noted that Dr Barrett was involved with approximately twenty-six other organisations in various roles, meaning that he is likely to be associated with a great number of places throughout the State of Victoria. It was therefore the submission of the Executive Director that the monuments associated with the Place do not enable Dr Barrett’s achievements to be understood better than many other places.
46. The Executive Director did, however, accept the importance of the movement to construct memorials to commemorate explorers throughout Victoria, and that the monuments at the Place may demonstrate early examples of this movement. Although the Executive Director concluded that this information ultimately does not warrant the Place’s inclusion in the Register under any other Criteria (i.e. Criterion D), the Executive Director indicated that an amendment to the ‘History’ section of the Registration would be considered to reflect this information, should the Committee resolve to include the Place in the Register.

Discussion and conclusion

47. The Committee notes the material submitted in relation to Criterion H, and accepts the findings of the Recommendation in relation to the Place’s associations with Chris Cowper and Sir David Attenborough.
48. The Committee notes the information provided by FDHS and Mrs Grant in their submissions, and accepts the existence of a connection between Dr James

William Barrett and the Place. However, the Committee further accepts the view of the Executive Director that Dr Barrett is best known for his achievements in the field of Ophthalmology and his contributions to the University of Melbourne, and that his notable achievements are not able to be clearly understood within the context of the Place and its fabric. The Committee further notes Dr Barrett's prolific involvement with community boards and organisations, including the Victorian National Parks Association and the Victorian Historical Memorials Committee, and agrees that the variety of his activities would indicate his association with numerous places throughout Victoria. The Committee therefore accepts the position of the Executive Director in relation to Criterion H.

49. The Committee finds, on the basis of the information before it, that Criterion H is not satisfied at the State level in relation to the Place.

EXTENT OF REGISTRATION

Summary of submissions and evidence

50. The recommended extent of registration for the Place is the same as the extent of registration nominated by the Executive Director in March 2022, and differs from the nominated extent of registration accepted on 12 August 2021, which did not include the seabed around the Pier. The recommended extent includes the following :
- Northern boundary – 110m from the northern edge of the timber pier
 - Eastern boundary – 90m from the eastern edge of the timber pier
 - Southern boundary - 100m from the southern edge of the timber pier
 - Western boundary – Crown land boundary to The Esplanade then 15m north of that boundary along the curved alignment of The Esplanade.
51. The Executive Director's rationale for the recommended extent of registration is given on page 31 of the Recommendation.
52. The proposed extent of registration was generally supported by submitters. The submission of MPSC discusses the extent of registration but does not suggest changes to the extent recommended by the Executive Director.
53. Mr John Lawson submitted that "the Flinders Telegraph Cable Complex and Pier should be viewed in the wider context of protection for the coastal section of the southern Mornington Peninsula, special features of which generations of the community, visitors and the three levels of Government have long valued and recognised."
54. The Executive Director submitted that it was not possible to provide a detailed response to Mr Lawson's submission, because "it is the Flinders Telegraph Cable Complex and Pier that is the subject of the nomination and assessment."

Discussion and conclusion

55. The Committee notes the general support for the proposed extent of registration as indicated in submissions.
56. The Committee notes Mr Lawson's submission in relation to the proposed extent of registration, and the Executive Director's response to it. The Committee further notes that its consideration of this matter must be confined to the Place and its

recommended extent of registration, which has been assessed against the Guidelines.

57. With reference to **Attachment 2**, the Committee notes that the shape of the pier in Diagram 2413 may be that of the pier and former breakwater prior to the demolition of the breakwater in 1999. The Committee otherwise agrees with the recommended extent of registration for the Place and records its determination as to the extent of registration of the Place in **Attachment 2**.

CATEGORIES OF WORKS OR ACTIVITIES FOR INCLUSION WITH THE REGISTRATION WHICH MAY BE CARRIED OUT IN RELATION TO THE PLACE FOR WHICH A PERMIT UNDER SECTION 5 OF THE ACT IS NOT REQUIRED ('PERMIT EXEMPTIONS')

Summary of submissions and evidence

58. In making its submission in relation to the Recommendation, Parks Victoria suggested modifications to the recommended permit exemptions for the Place.
59. The requested modifications related to the ongoing operation and maintenance of the pier, such as repair works and activities, public safety measures, pest control, and maintenance to the existing mooring tackle and anchors. Parks Victoria additionally questioned the requirement, as recommended by the Executive Director, for an independent marine biologist and materials specialist in relation to a range of works and activities, and submitted that the marine values of the Place are already subject to the provisions of other legislation.
60. The Executive Director considered the submissions made by Parks Victoria and provided a response in the form of a written hearing submission. The Executive Director agreed to many of the proposed modifications, and included the updated recommended permit exemptions in its hearing submission. The updated recommended permit exemptions additionally accommodated concerns raised in FDHS's submission relating to the impacts of exempt works and activities on the timber component of the pier and the marine environment.
61. In the hearing submission, the Executive Director clarified the proposed requirement for advice from an independent marine biologist and materials specialist in relation to certain activities, stating: "the intention of the requirement... [is] to facilitate closer examination of the impact to the significance of the place of current and proposed repair and maintenance materials and methods; and if necessary, identify less toxic or disruptive alternatives."
62. While the Executive Director agreed that the marine ecology of the Place is already protected by other pieces of legislation, the Executive Director submitted that given that the public's interactions with weedy seadragons has been assessed as contributing to the cultural heritage significance of the place in accordance with Criterion G, protection under the *Heritage Act 2017* was required to ensure that all maintenance and repair methods are designed to minimise any disruption to the seadragon population, and the public's access to it.

Discussion and conclusion

63. The Committee is satisfied based on the information before it that the permit exemptions, as amended by the Executive Director in written hearing submissions in response in particular to the submissions of Parks Victoria, are apt for the protection and conservation of the Place.

64. The Committee, in particular, notes the detailed consideration made by the Executive Director of the cultural heritage, conservation and protection considerations related to sea vegetation and the presence of the weedy seadragon at the Place. The Committee accepts the position of the Executive Director that it is appropriate to establish permit exemptions and associated conditions designed to ensure that the public's interaction with the weedy seadragon may be protected and continued, given the Place's satisfaction of Criterion G in connection with these activities.
65. The Committee has listed the categories of works and activities that may be carried out in relation to the Place without the need for a permit under the Act at **Attachment 3**.

CONCLUSION

66. After considering the Executive Director's recommendation and all submissions received, and after conducting a hearing 'on the papers' into the matter, the Heritage Council has determined, pursuant to sections 49(1)(a) and 49(1)(e) of the *Heritage Act 2017*, that Flinders Telegraph Cable Complex and Pier at The Esplanade, Flinders is of cultural heritage significance to the State of Victoria and is to be included in the Heritage Register as a Registered Place, and that objects integral to understanding the cultural heritage significance of the place, as listed on page 5 of the Executive Director's recommendation, are of State-level cultural heritage significance and are to be included in the Heritage Register.

ATTACHMENT 1

HERITAGE COUNCIL CRITERIA FOR ASSESSMENT OF PLACES OF CULTURAL HERITAGE SIGNIFICANCE

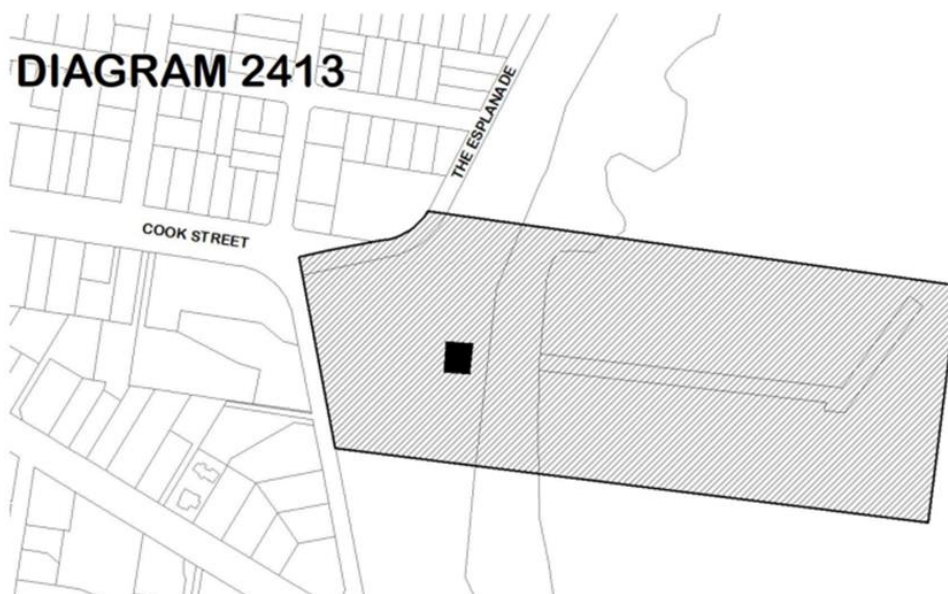
CRITERION A	Importance to the course, or pattern, of Victoria's cultural history
CRITERION B	Possession of uncommon, rare or endangered aspects of Victoria's cultural history.
CRITERION C	Potential to yield information that will contribute to an understanding of Victoria's cultural history.
CRITERION 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 present-day community or cultural group for social, cultural or spiritual reasons.
CRITERION H	Special association with the life or works of a person, or group of persons, of importance in Victoria's history.

These were updated by the Heritage Council at its meeting on 4 April 2019, and replace the previous criteria adopted by the Heritage Council on 6 December 2012

ATTACHMENT 2

EXTENT OF REGISTRATION

All of the place shown hatched on Diagram 2413 encompassing all of Allotment 16B Parish of Flinders, and the parts of Allotment 29A Section A Township of Flinders, Lot 16A Township of Flinders, and part of the road reserve of The Esplanade.



ATTACHMENT 3

CATEGORIES OF WORKS OR ACTIVITIES WHICH MAY BE CARRIED OUT IN RELATION TO THE PLACE FOR WHICH A PERMIT IS NOT REQUIRED PURSUANT TO SECTION 49(3) OF THE *HERITAGE ACT 2017* ('PERMIT EXEMPTIONS')

GENERAL CONDITIONS

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

Place specific advice in relation to Applications for Permits and Permit Exemptions

Appreciation of Weedy seadragons

To ensure the continued ability of the scientific community and the public to access seadragons from the pier, all repair, replacement and maintenance methodologies and materials proposed to be used on the pier, ocean and seabed should be evaluated by an independent marine biologist working with a materials specialist. The materials and methodologies should be evaluated both alone and in combination with other materials present or proposed to ensure that the study and appreciation of the seadragons is not compromised by these works. This evaluation should accompany all applications for permits and permit exemptions.

Pier and boat ramp

Timber components of the pier and boat ramp which are subject to wear, weathering and pest attack have been continuously repaired and replaced with timber since the pier was constructed. This process should be allowed to continue. Boat launching should take place away from the historic cable landing areas.

Building remains

Some of the structures on the site may be repurposed earlier structures or have been constructed on concrete pads previously used for other purposes. This eventuality should be considered when formulating works proposals.

Significant memorials and structures

The Flinders War Memorial and fishing shed should be repaired using traditional materials.

New plantings

New plantings should be monitored to ensure that they are not impacting on the registered archaeological deposits. Examples include the young Norfolk Island Pines planted in the reserve in the vicinity of the first Cable Station.

Fire suppression and vermin control

Management authorities should be aware of the location, extent and significance of historical and archaeological places and significant plantings when developing and implementing fire suppression, firefighting and vermin control strategies. Care should

be undertaken when removing burrows for the potential impacts on the archaeological resource.

PERMIT EXEMPTIONS

General

- Minor repairs and maintenance which replaces like with like.
- Repairs and maintenance must maximise protection and retention of significant fabric and include the conservation of existing details or elements. Any repairs and maintenance must not exacerbate the decay of fabric due to chemical incompatibility of new materials, obscure fabric or limit access to such fabric for future maintenance.
- Maintenance, repair and replacement of existing external services such as public lighting, public furniture, handrails, light poles, mooring fixtures on the pier, plumbing, electrical cabling, surveillance systems, pipes or fire services which does not involve changes in location or scale, or additional trenching.
- Repair to, or removal of items such as antennae; aerials; and air conditioners and associated pipe work, ducting and wiring.
- Works or activities, including emergency stabilisation, safety fencing, and warning signs necessary to secure safety in an emergency where a structure or part of a structure has been irreparably damaged or destabilised and poses a safety risk to its users or the public. All works must minimise any impact on the timber component of the pier and the marine environment. The Executive Director, Heritage Victoria, must be notified within seven days of the commencement of these works or activities.
- Painting of previously painted external surfaces in the same colour, finish and product type provided that preparation or painting does not remove all evidence of earlier paint finishes or schemes.
- Cleaning including the removal of surface deposits by the use of low-pressure water (to maximum of 300 psi at the surface being cleaned) and neutral detergents and mild brushing and scrubbing with plastic (not wire) brushes.
- Off-site removal of surface paint and finishes from steel with high pressure water if required.
- Works to the walls and roof of the winch shed providing these do not damage the potentially historic floor.
- Use and installation of timber splicing using untreated timber replacing like with like to repair and maintain the timber pier operation and safe access.
- Repairs, maintenance and replacement to timber decking, cross heads, beams, walers, using suitable untreated timber and fastenings replacing like with like, as well as to soft fenders and other superstructure elements.

Moorings

- Repairs and maintenance to existing swing mooring tackle and anchors
- Replacement of existing swing mooring tackle and anchors with Environmentally Friendly Moorings.

Venues / public places / events

- The installation and/or erection of temporary elements associated with short term events for a maximum period of one week and no more than six times a year

provided these are not located within three metres of the canopy edge of the mature Norfolk Island Pine, the Norfolk Island Hibiscus and the Cordyline and any affected areas of the place made good to match the condition of the place prior to installation. These elements include:

- Temporary (lightweight) structures such as shelters, marquees and tents which are weighted down with sand bags or water tanks and minimise the requirement for driven metal stakes which could impact on archaeological deposits. Where pegging is not able to be avoided this is to be located to avoid archaeological deposits (i.e. not driven into if encountered).
- Marquees, tents, stages, and the like.
- Temporary security fencing, scaffolding, hoardings or surveillance systems to prevent unauthorised access or to secure public safety.
- Temporary built or mobile structures, vendor and toilet vans which are located on existing hardstand and paved/asphalted areas and pathways or on turf areas with a protective surface (board or track mats).
- Temporary infrastructure, including wayfinding/directional signage, lighting, public address systems, furniture and the like in support of events and performances which do not require fixing into the ground.
- Non-structural alterations to all existing promotional elements including billboards and flagpoles.
- Removal and replacement of information, directional and advertising signage provided the size, location and material remains the same, or if they are installed within existing signage stands.

Landscape/ outdoor areas

Hard landscaping and services

- Subsurface works to existing watering and drainage systems provided these and do not involve trenching in new locations.
- Like for like repair and maintenance of existing hard landscaping including carparks, paving, footpaths and driveways where the materials, scale, form and design is unchanged.
- Removal or replacement of external directional signage provided the size, location and material remains the same.
- Installation of physical barriers or traps to enable vegetation protection and management of vermin such as rats, mice and possums.

Fire Suppression Duties

- Fire suppression activities such as fuel reduction burns, and fire control line construction, provided all significant historical and archaeological features are appropriately recognised and protected.

Gardening, trees and plants

- The processes of gardening including mowing, pruning, mulching, fertilising, removal of dead or diseased plants, replanting of existing garden beds, disease and weed control and maintenance to care for existing plants.
- Removal of tree seedlings and suckers without the use of herbicides.
- Management and maintenance of trees including formative and remedial pruning, removal of deadwood and pest and disease control. This should be completed by a

qualified arborist for the early Norfolk Island Pine, Norfolk Island Hibiscus and Cordyline in the reserve area.

- Emergency tree works to maintain public safety provided the Executive Director, Heritage Victoria is notified within seven days of the removal or works occurring.
- Removal of environmental and noxious weeds.

Former Jetty Cargo Shed

- Former Jetty Cargo Shed (VHR H0906) is included in the VHR as a Registered Place. Refer to Former Jetty Cargo Shed (VHR H0906) for full permit exemptions. Permit applications or exemptions approved under the registration for Former Jetty Cargo Shed (VHR H0906) are permit exempt under this registration.