



Commonwealth *Historic Shipwrecks Act 1976*

Environmental Planning Advice

The Commonwealth *Historic Shipwrecks Act 1976* protects all shipwrecks and associated relics that are 75 or more years old, regardless of whether their physical location is known. More recent shipwrecks may be declared as historic under the *Historic Shipwrecks Act* by the Minister.

The jurisdiction of the *Historic Shipwrecks Act* is not limited to Commonwealth marine areas, as defined by the *Environment Protection and Biodiversity Conservation Act 1999*. It applies to the coastal waters of the Australian States and Territories to the low water mark. The requirements of the *Historic Shipwrecks Act* must be taken into consideration when applying for any State, Territory or Commonwealth planning approval for actions or developments in these waters.

Any actions involving contact with the seabed, or operations in close proximity to the seabed, have the potential to damage, destroy or interfere with historic shipwrecks and it is strongly recommended that risk mitigation strategies should be undertaken to prevent committing an offence under the *Historic Shipwrecks Act*.

If the development will impact on a protected historic shipwreck a permit from the Minister's Delegate is required prior to any action.

Proponents and their contractors must conform to all requirements of the *Historic Shipwrecks Act* and must:

- a. not damage, destroy or interfere with any historic shipwrecks or relics that may be encountered during the course of a proposed action without a permit;
- b. not enter or conduct activities within a shipwreck protected zone without first obtaining a permit under the *Historic Shipwrecks Act*;
- c. provide the Department's Maritime Heritage Section with written notification of the discovery of any suspected shipwreck or shipwreck relics identified during the course of the proposed action including:



- i. a detailed description of the remains of the shipwreck or of the relic. This could include sonar images, electronic data and digital photographs; and
- ii. a description of the place where the shipwreck remains or relic is located that is sufficiently detailed to allow it to be identified and re-located including navigation data and datum information.



Any proposed actions involving contact with the seabed, or operations in close proximity to the seabed, that could potentially damage, destroy or interfere with historic shipwrecks or relics, should include risk mitigation strategies to ensure both located and previously un-located historic shipwrecks are not disturbed.

Operational protocols should be put in place to ensure that identified risks are appropriately dealt with and to prevent possible breaches of the Historic Shipwrecks Act.



Depending on age, design and the types of materials used in construction, the remains of a historic shipwreck may be visible on the seafloor or could be fully or partly buried.

Appropriate strategies could include desktop studies of the area to identify known or potential historic shipwreck locations, avoiding the areas surrounding known and suspected historic shipwrecks and identifying the physical remains of shipwrecks using detailed sonar, magnetometer or sub bottom profiling surveys of the areas to be impacted.

Appropriate strategies for identification of the underwater archaeology within the area should include:

- desktop studies of the area to identify known or potential historic shipwreck locations;
- remote sensing techniques such as sonar, magnetometer, sub bottom profiling surveys and multi-beam surveys;
- physical assessment of any located sites to ascertain the identity of the wrecks, extent of their debris field and condition of wreck sites;
- assessment of significance of each located site for use in consideration of mitigation measures;
- assessment of the direct impact of works on the archaeological deposits and their identified cultural heritage values;
- modelling of in direct effects on water movement and sedimentation , including plume associated with dredging, on underwater cultural heritage and

If **no shipwrecks** are identified in the preliminary identification phase, the Developer would **not be required** to undertake mitigation measures that may include an archaeological excavation prior to the commencement of development works

Mitigation measures

To damage, destroy or interfere with a site a permit is required under the *Historic Shipwrecks Act 1976*. The assessment of a site's significance directly informs the mitigation measures required of a Developer.



Practical measures for sites **indirectly** impacted should include:

- establishing a buffer zone during works;
- site stabilisation measures; and
- a program of chemical/electrochemical and physical monitoring before, during and after works that documents the effectiveness of safeguards and mitigation measures.

Practical measures for sites **directly** impacted include:

- details of an excavation methodology that is compliant with the rules of the UNESCO 2001 *Convention for the Protection of the Underwater Cultural Heritage Annex*;
- a program of chemical/electrochemical and physical monitoring before, during and after works that documents the effectiveness of safeguards and mitigation measures; and
- details on how shipwrecks and associated artefacts will post excavation be stabilised and how recovered material will be conserved and collection managed.

Maritime Heritage Section

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