



Underwater Cultural Heritage Guidance for Offshore Developments

The *Underwater Cultural Heritage Act 2018* (Underwater Heritage Act) protects shipwrecks, sunken aircraft and their associated artefacts, that occurred 75 or more years ago, regardless of whether their precise location is known. Other types of underwater heritage, and more recent shipwrecks or aircraft, may be protected through an individual declaration under the Underwater Heritage Act. Some underwater heritage sites also have a protected zone around them that prohibits certain activities.

The jurisdiction of the Underwater Heritage Act is not limited to Commonwealth marine areas as defined by the *Environment Protection and Biodiversity Conservation Act 1999*; it applies to waters, including coastal waters, beyond the seaward limits of the Australian States and also includes the harbors and estuarine waters of the Northern Territory.

The requirements of the Underwater Heritage Act must be considered when applying for any State, Territory or Commonwealth planning approval for actions or developments in all coastal and offshore waters.



What are my responsibilities?

When undertaking actions in the marine environment, proponents and their contractors must adhere to all requirements of the Underwater Heritage Act including:

- do not disturb underwater heritage during the course of a proposed action without a permit;
- observe the requirements of protected zones and obtain a permit to enter a zone if its required; and
- provide a notification of the discovery of any suspected underwater heritage identified during the course of the proposed action within 21 days of the discovery.

Any actions involving contact with the seabed, or activities in close proximity to the seabed, have the potential to impact underwater heritage. Other activities may include the risk of causing indirect impacts to underwater heritage.

It is strongly recommended that professional advice is sought and risk mitigation strategies developed to prevent committing an offence.

Permit applications and notifications of discoveries can be made through the Australasian Underwater Cultural Heritage Database at:

<https://dmzapp17p.ris.environment.gov.au/shipwreck/public/wreck/search.do>

Photo credits: (top) SS *Lady Darling* (1880) © NSW Office of the Environment and Heritage (bottom) Search for AHS *Centaur* (1943) © Queensland Government.

How can I assess the risk?

The best way to assess and mitigate the risk of disturbing or damaging underwater heritage is to determine what heritage exists in the affected area. Depending on the type of underwater heritage, the remains may be visible on the sea-floor, protrude above the water near shore or could be partly or fully buried.

Appropriate strategies to identify and assess impacts on underwater heritage could include:

- desktop studies to identify known or potential underwater heritage locations including consulting the Australasian Underwater Cultural Heritage Database at: www.environment.gov.au/heritage/underwater-heritage/auchd
- using remote sensing techniques such as magnetometer, side scan sonar, sub-bottom profiling and multi-beam sonar surveys;
- physical assessment of any site to ascertain if it is underwater heritage, and if so, the extent of the site;
- consideration of safety issues relating to chemicals, toxic material and un-exploded ordinance;
- assessment of the potential direct or indirect impacts on underwater heritage sites that may be posed by the proposed activity; and
- modeling possible indirect impacts such as water movement, sedimentation associated with dredging, spoil disposal or oil contamination.

What risk mitigation measures could I take?

If underwater heritage is identified in the vicinity of a proposed action and can be directly or indirectly impacted, the proponent must undertake measures to protect them. A risk mitigation plan is a useful tool to guide the measures to be taken.

Practical measures could include:

- establishing protective buffer zones during actions;
- real time monitoring of activities;
- site stabilisation measures; and
- chemical, electrochemical and physical monitoring before, during and after the action to gauge the effectiveness of mitigation measures.



Photo: Search for AHS *Centaur* © Queensland Government.

What can I do if impacts are unavoidable?

In the rare case that a direct impact cannot be avoided, a permit may be issued that includes conditions to lessen the impact and help protect the heritage values.

Practical measures for sites directly impacted may include:

- site survey, recording and documentation;
- in-situ preservation and interpretation of underwater heritage by incorporating it into a development proposal;
- archaeological excavation including methodology that is compliant with the Annex Rules of the UNESCO 2001 Convention on the Protection of the Underwater Cultural Heritage;
- moving or conducting in-situ reburial of underwater heritage;
- chemical, electrochemical and physical monitoring before, during and after the action to gauge the effectiveness of mitigation measures; and
- selective recovery and conservation of the underwater heritage.

Who can advise me?

There are specialist government staff located at State, Territory or Commonwealth heritage agencies who can assist you with advice.

Your enquiries should be sent to the following email address and it will be directed to the person best able to provide assistance:

UnderwaterHeritage@environment.gov.au

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