

# Statement of Recommendation from the Executive Director, Heritage Victoria

Loch Ard Shipwreck Landscape, PROV H2458

Great Ocean Road, Port Campbell, Corangamite Shire

Eastern Maar 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 the Loch Ard Shipwreck Landscape, located at Great Ocean Road, Port Campbell is of State-level cultural heritage significance and should be included in the Victorian Heritage Register (VHR) in the category of Registered Place.

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 place without the need for a permit under Part 5 of the Act.

I suggest that the Heritage Council determine that:

- the Loch Ard Shipwreck Landscape 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
- that the proposed categories of works or activities which may be carried out in relation to the place for which a permit under the Act is not required will not harm the cultural heritage significance of the place under section 49(3) of the Act.



**STEVEN AVERY**  
Executive Director, Heritage Victoria

**Date of recommendation: 15 January 2024**

## Landscapes and the VHR

The Australian Government's *State of the Environment Report* (2021) recognises that landscapes are currently underrepresented in statutory heritage lists across Australia. As the report states:

*'Much of the significance of cultural heritage exists at the landscape scale, and many heritage values are best recognised at this level – for example, the Indigenous relationship to Country, the dynamic interplay between human activity and the natural environment. Such an approach provides benefits for cultural heritage conservation that far outweigh, and cannot be reproduced by, the benefits of conserving individual heritage items, even collectively (Brown & Vileikis 2020, McConnell & Brown 2020, Vines 2020). Statutory protection for heritage has traditionally focused on smaller, tangible place-based heritage places, with frequent provision for small heritage areas, generally as precincts for historic heritage.'*<sup>1</sup>

Although there are a range of landscapes already included in the VHR (including archaeological places, parks and gardens), it is a form of heritage place that can be considered underrepresented in the VHR. Heritage Victoria is currently enriching the VHR to better represent Victoria's diverse heritage and history, including underrepresented heritage types such as landscapes. This recommendation forms part of that program.

<sup>1</sup> *Australia: State of the Environment*, 2021 <[soe.dceew.gov.au/heritage/management/management-approaches](https://soe.dceew.gov.au/heritage/management/management-approaches)>.

## 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 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 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.

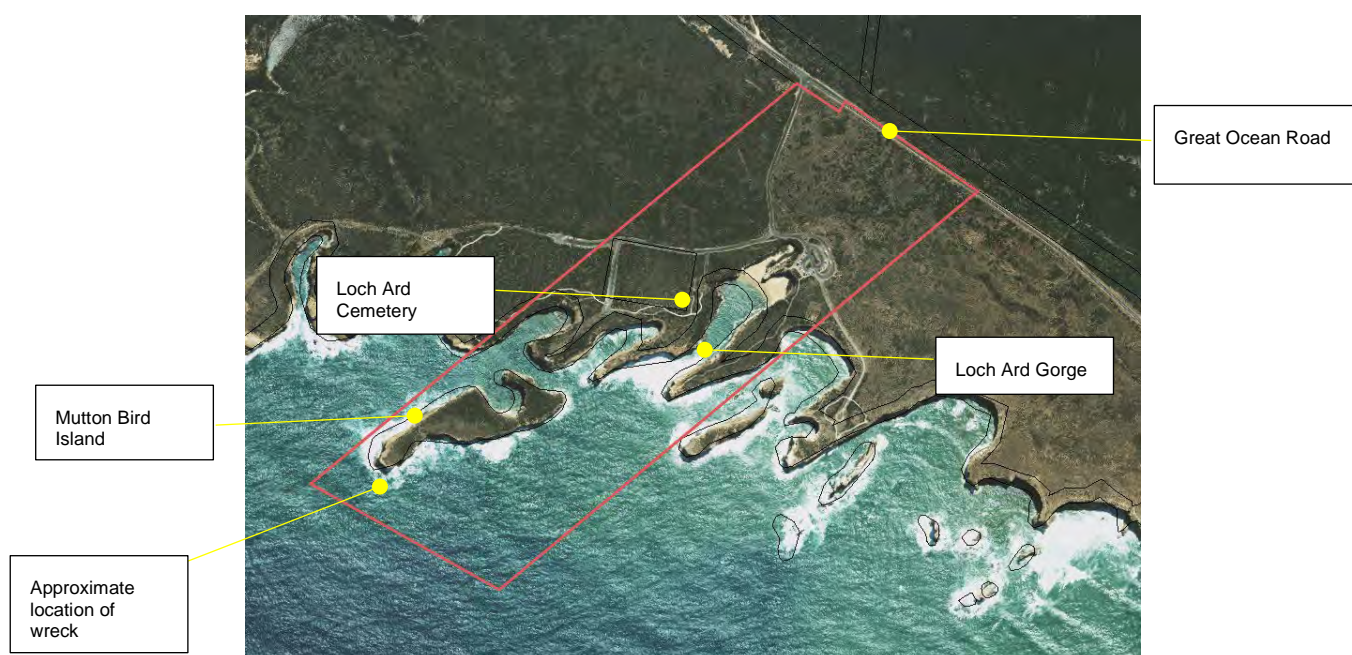


## Description

The following is a description of the Loch Ard Shipwreck Landscape at the time of the site inspection by Heritage Victoria in August 2023.

The Loch Ard Shipwreck Landscape is located on Victoria's southwest coast near Port Campbell and forms part of the Port Campbell National Park and the Twelve Apostles Marine National Park. The coastal landscape in this area is part of the traditional country of the Kirrae Wurrung, which stretches west of the Gellibrand River to Warrnambool. The Kirrae Wurrung are part of the Eastern Maar.

The Loch Ard Gorge area is accessed via the Great Ocean Road VHR (H2261) and is an immensely popular scenic stop for visitors. The area proposed for inclusion in the VHR comprises land and seascape associated with the wreck of *Loch Ard* in 1891, including the wreck site off the seaward side of Mutton Bird Island, and Loch Ard Gorge. The landscape is characterised by limestone rock stacks, sheer cliffs, undulating coastal plateau and scrubby vegetation. The area also includes the Loch Ard Cemetery, which contains headstones and graves associated with the wreck. Roadways, car parks, paths and lookouts are other elements of the place.



### Loch Ard Cemetery

The cemetery reserve is a rectangular block located to the west of the Loch Ard Gorge, partly marked by a low-rise stone wall. The cemetery reserve is much larger than the area that contains graves. The cemetery comprises several graves ranging from 1878 to the late 1980s. Four of these graves belong to victims of the *Loch Ard* shipwreck: Rebecca and Ruby Carmichael, Arthur Mitchell and Reginald Jones. These graves are enclosed by later cement kerbing and are either filled with cement infills or slabs. The cemetery also includes a memorial erected in 1978 for the centenary of the wreck (revised 1998). The remaining graves belong to the cemetery trustees and their families and residents of the local area.

### Loch Ard Gorge

The Loch Ard Gorge is a dramatic geological formation formed by the weathering and erosion of the soft sedimentary limestone cliffs of the Port Campbell region. The deep ravine contains a sandy beach at the base enclosed by sheer limestone cliffs. Due to the extreme weather conditions of the area, the form of the gorge, including the bordering sea cliffs, is subject to constant change, and there is a significant risk posed by erosion and cliff collapse. The gorge contains caves associated with the survivors of the wreck.

## Shipwreck site

The shipwreck site is located to the southwest of Mutton Bird Island, approximately 800 metres away from Loch Ard Gorge. Mutton Bird Island is a prominent limestone rock stack approximately 30 metres from shore.

## Description images



*2023. Loch Ard Gorge, viewed from the southeast.*



*2023, view of the entrance to Loch Ard Gorge.*





*2023. Mutton Bird Island. Viewed from the northeast.*



*2023, typical view of vegetation on clifftops.*



2019, left, graves of Arthur Mitchell and Reginald Jones, victims of the Loch Ard shipwreck; centre, brass plaque installed in 1978 and revised in 1998 commemorating those who died in the wreck; right, Carmichael family headstone. Surrounding vegetation has been cut back since this time.



2023. The grave of Mrs Rebecca Carmichael and Raby (Rebecca) Carmichael, with later cement infills and kerbing. The headstone also acknowledges the other five members of the Carmichael family who perished in the wreck and whose bodies could not be recovered.



2023. Low stone wall (possibly mid-twentieth century), which encloses part of the cemetery reserve.





*2023. Graves of Arthur Mitchell and Reginald Jones, victims of the Loch Ard shipwreck. The graves feature late cement kerbing and concrete slab.*



## History

### The Kirrae Wurrung

The Kirrae Wurrung (also Girai Wurrung and Keerray Woorroong) have resided in the area from the Gellibrand River in the east to Hopkins River in the west and inland to Mount Emu for many thousands of years. Kirrae Wurrung Country includes diverse landscape types, including the clifftop heathland of the Loch Ard Gorge area. There are multiple Aboriginal cultural heritage places associated with the Kirrae Wurrung occupation of the coast in the vicinity of Loch Ard Gorge. The squatting invasion of Kirrae Wurrung land began in the late 1830s and throughout the 1840s, Kirrae Wurrung people fought for their land and experienced significant violence and retaliation.<sup>2</sup> Many Kirrae Wurrung people relocated to Framlingham Station near Warrnambool in the 1860s.

### The Shipwreck Coast

The treacherous coastline between Warrnambool and Cape Otway brought many ships aground in the nineteenth century. The chief precautionary measure to prevent shipwrecks was the construction of a light station at Cape Otway (VHR H1222) in 1846-48. Although Cape Otway provided a crucial navigational aid, this stretch of coast continued to pose a significant danger to ships. Bass Strait was the main approach to eastern Australia and ships were forced to sail close to the coast as they attempted to 'thread the eye of the needle' between Cape Otway and King Island – a distance of only 80 kilometres. Strong currents, low clouds, high winds, sudden storms, lack of safe anchorages and numerous submerged rock reefs posed a major risk to sailing ships in particular.<sup>3</sup>

The number of wrecks also correlated with the increase in shipping in the area from the mid-nineteenth century. Passenger ships travelling on this route from Europe to Melbourne and beyond increased markedly with the gold rush from the 1850s and as Victoria's role in global trade expanded. Shipping disasters impacted the public consciousness, and the 'awful prospect of shipwrecks loomed large in the minds of immigrants' in particular.<sup>4</sup> By number of wrecks, the western coastline of Victoria can be considered the most dangerous stretch of coastline in Australia. Well-known wrecks include *Schomberg* (1855), *Loch Ard* (1878), *Fiji* (1891), *Newfield* (1892) and the *Falls of Halladale* (1908). More people died as a result of the *Loch Ard* disaster than any other shipwreck along the coastline of Victoria.

### Loch Ard

The *Loch Ard* was a three-masted iron sailing ship of 1624 tons. It was owned by the General Shipping Company of Glasgow and was built in the same city by Barclay Curdie & Company in 1873. Prior to its final voyage in 1878, the ship had sailed to Australia several times. In 1878, *Loch Ard* was en route to Melbourne from Gravesend, England, carrying 54 passengers and crew and 2375 tons of mixed cargo, which included a consignment of showcase pieces from the Minton potteries in England for the Melbourne International Exhibition. The captain was George Gibb (1849-78).

### The wrecking of Loch Ard

During the early hours of 1 June 1878, in foggy weather and with a south-westerly wind, the Cape Otway light was sighted but was not where Captain Gibbs expected it to be. Shortly after, cliffs were sighted, and attempts were made to slow the ship and correct its course. The ship ran aground on rocks near the southwest end of Mutton Bird Island and quickly began taking on water with waves breaking over the deck. When lifeboats were launched, they struck the side of the ship and were capsized.<sup>5</sup> The 19-year-old passenger Eva Carmichael (1860-1934) and midshipman Tom Pearce (1859-1908) survived the shipwreck. All other crew and passengers, including Carmichael's parents and five siblings, died.

Pearce later reported that he had managed to cling to a lifeboat and was eventually washed into the gorge and toward the beach at the base of the cliffs. Carmichael, who was wearing a life belt, reported that she clung to a chicken coop and then a broken spar before attempting to swim to shore. She captured the attention of Pearce, who then assisted her to

<sup>2</sup> Ian D Clark, *Scars in the Landscape: a register of massacre sites in western Victorian, 1803, 1859*, AIATSIS, 1995, p. 125.

<sup>3</sup> Leonie Foster, *The Wild Coast Wrecks*, Heritage Victoria, 1996, p. 5.

<sup>4</sup> Roslyn Russell, *High Seas and High Teas: Voyaging to Australia*, NLA Publishing, p. 180; Ross Anderson and Anne Cahir, *Surf Coast Wrecks: Historic Shipwrecks between Point Lonsdale and Cape Otway 1853-1940*, Heritage Victoria, p. 13.

<sup>5</sup> Foster, p. 19.

shore.<sup>6</sup> In her narrative of the wreck, Carmichael estimated she had spent five hours in the water in cold conditions. It was rare for women to survive shipwrecks in this era, which likely added to the media's interest in her story.

## Carmichael and Pearce

Both Carmichael and Pearce took refuge in caves in the gorge, which has been named after the shipwreck ever since. Pearce managed to scale a cliff and was found by George Ford, an employee of nearby Glenample Homestead (VHR H0392). Ford raised the alarm at Glenample Homestead, where a party then set out for the wreck site. Carmichael was taken to Glenample Homestead while Ford rode to Camperdown to alert authorities to the wreck.

There was particular interest in Carmichael and her recovery and praise for Pearce's efforts.<sup>7</sup> The shipwreck event attracted immense media interest and was frequently featured in newspapers for many months. This was likely in part due to the loss of life, the drama of the event and also because of a purported romance between the survivors. Despite the romanticisation of her story, Carmichael was praised by some journalists for her 'coolness and courage'<sup>8</sup> as well as her knowledge of ships' rigging and interest in nautical navigation. She also criticised the lack of life belts on board the ship and their poor condition.<sup>9</sup>

On 19 June 1878, the Governor of Victoria presented Pearce with a gold watch and chain in acknowledgement of his bravery in the aftermath of the wreck. On 20 June, Sir Redmond Barry presented Pearce with the Royal Humane Society's medal at Melbourne Town Hall. Carmichael stayed at Glenample Homestead for several weeks before eventually returning to Ireland 3 months later.

Following the wreck of the *Loch Ard*, the Department of Ports and Harbours made available rocket equipment and life-saving apparatus at Port Campbell and Princetown.<sup>10</sup> The rocket equipment at Port Campbell would later be used in the dramatic rescue that followed the wreck of the *Fiji* in 1891.

## Cargo and salvage

In the days after the wreck, cargo, objects and debris were washed ashore onto the gorge. When news of the wreck reached Warrnambool, customs officers were dispatched to take charge of any cargo. In the coming days, the location was thronged with journalists, sightseers, customs officers and looters. One reporter remarked 'that the ship became a total wreck is not to be wondered at when the locality has been once visited.'<sup>11</sup>

One of the objects salvaged was the Minton peacock (VHR H2132, currently on display at the Flagstaff Hill Museum). Frederick Horatio Bruford, a Customs Officer and keen artist, made several sketches of the scene from the gorge while investigating the shipwreck and incorporated them into a painting (see below).

The remnants of *Loch Ard* and its cargo were auctioned in Melbourne on 11 June 1878 and were successfully bid on by three Geelong men: Haworth, Miller and Matthews. However, much of the cargo salvaged onshore was damaged or washed away by storms shortly after their successful bidding. Several attempts were made in the following months to recover *Loch Ard* and its cargo, but to no avail.<sup>12</sup> It was not until 1967 that the wreck site of *Loch Ard* was relocated.

## Cemetery establishment and development

In the days following the wreck, the bodies of passengers Mrs Rebecca Carmichael (Eva's mother), Raby Carmichael (Eva's sister), Reginald Jones and Arthur Mitchell were recovered. Timbers recovered from the wreckage were used for their coffins, and graves dug on the clifftop to the west of the gorge.<sup>13</sup> Although more bodies were sighted from the shore, they could not be recovered. In 1879, a headstone was erected over the Carmichael grave. An 1895 photograph also shows individual grave markers for Mitchell and Jones. In 1889, the burial area was gazetted as a cemetery and came to

<sup>6</sup> Richard Bennett, *A narrative of the wreck of the ship Loch Ard, near the Sherbrook River, east of Warrnambool, on the morning of the 1st June, 1878*, 1890 (reprinted 1995), p. 12.

<sup>7</sup> *Argus*, 4 June 1878, p. 5.

<sup>8</sup> *Argus*, 7 June 1878, p. 6.

<sup>9</sup> *Argus*, 7 June 1878 p. 6.

<sup>10</sup> Foster, p. 19.

<sup>11</sup> *Argus*, 5 June 1878, p. 5.

<sup>12</sup> J Looney, *The Loch Ard Disaster*, pp. 29-33.

<sup>13</sup> *A Narrative of the Wreck of the Loch*, p. 5.

be used for burials for the surrounding area.<sup>14</sup> In January 1897, a bushfire destroyed much of the cemetery's timber structures, including all fencing, the wooden cross over Mitchell's grave and the wood slab over Jones's. The stone memorials survived the fire, and restoration works followed.<sup>15</sup> Burials at the cemetery continued through the twentieth century but tapered off when it was closed. The area was declared a National Park in the 1960s and the National Parks Service (now Parks Victoria) assumed responsibility for the cemetery.

## Shipwreck site

In 1967, the site of the wreck of the *Loch Ard* was located by divers near Mutton Bird Island. The discovery was widely reported and drew the attention of other divers. The wreck was subsequently illegally blasted, and a large quantity of material was removed. The Federal Police intervened following reports of illegally salvaged goods being sold. The police carried out raids and issued fines to divers involved in illegal salvaging activities. However, over the next 20 years, recreational divers continued to raise large quantities of cargo and ship's fittings. A large quantity of the objects have not been recovered.<sup>16</sup> The centenary of the wreck in 1978 was widely acknowledged in Victoria with publications and exhibitions. As part of the centenary events, two anchors were recovered by a consortium of diving groups. In 1982, *Loch Ard* was gazetted as a historic shipwreck under the *Commonwealth Historic Shipwrecks Act 1976*.

The *Loch Ard* remains one of Victoria's most well-known shipwrecks. The significant loss of life and compelling story of the survivors have contributed to its longevity and level of recognition. Loch Ard Gorge is one of the most popular stops on the Great Ocean Road, and the ability to interpret and experience the wreck story at this location, in both built and landscape elements, contributes to this.

## Historical images



C. 1870s. The image shows the ship 'Loch Ard'. Source: VPRS 8357/P0001/73, Photograph [005]

<sup>14</sup> Victoria Government Gazette, 20 September 1889, p 3144.

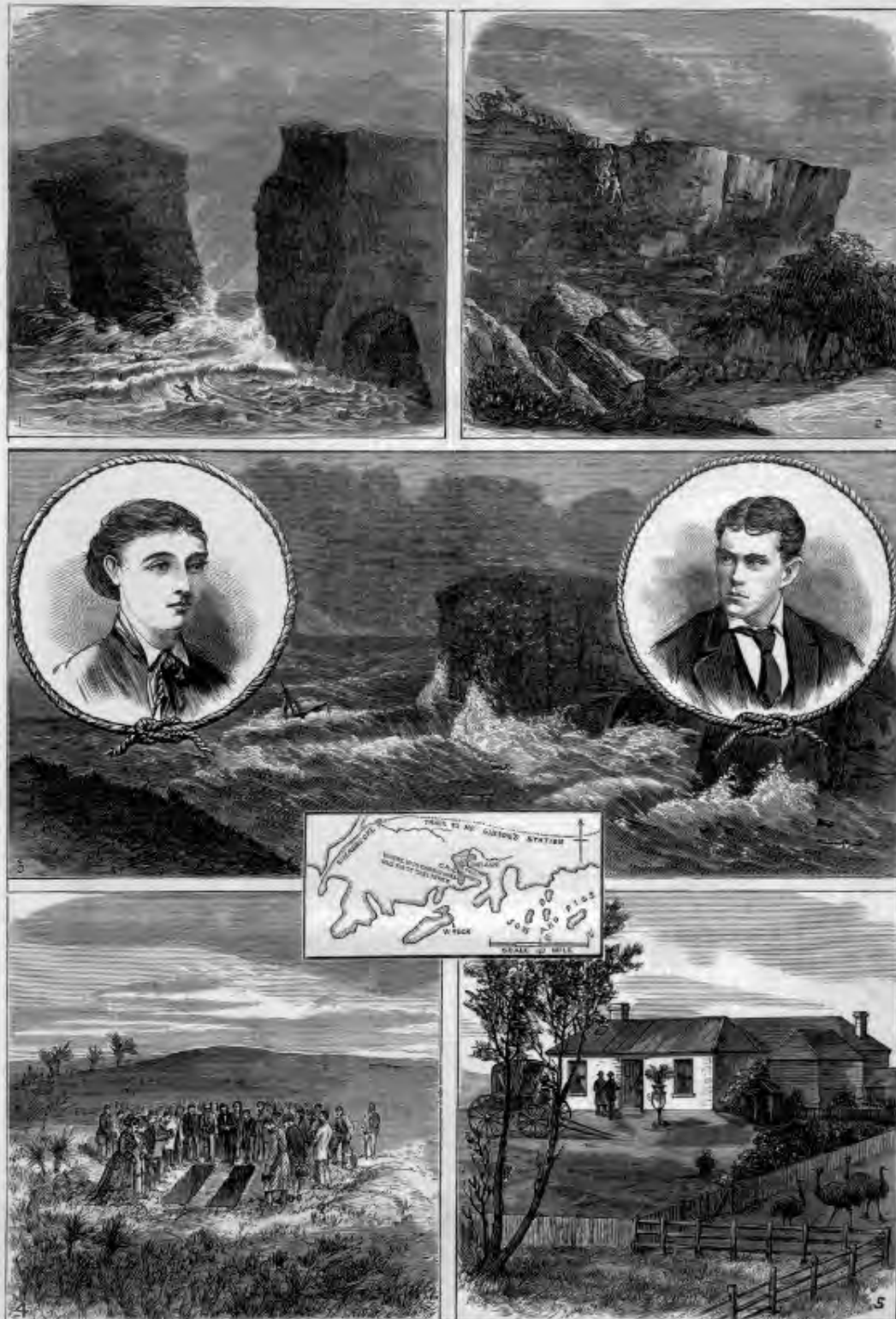
<sup>15</sup> *The Age*, 13 January 1897, p6.

<sup>16</sup> Heritage Victoria, Hermes record for Shipwreck No S417.





*1878, Attempted recovery of bodies from the wreck of Loch Ard.  
Source: Australasian Sketcher, 3 August 1878.*



SKETCHES AT THE SCENE OF THE WRECK.  
 1.—THE RESCUE OF MISS CATHERINE. 2.—ARRIVING MISS CATHERINE UP THE CLIFFS. 3.—POSITION OF THE WRECK. 4.—GRAVES OF THE LOST.  
 PORTRAIT OF MISS CATHERINE. PORTRAIT OF MR. THOMAS FRANCIS.  
 5.—MR. GIBSON'S RESIDENCE, GLENPEIRAH, QUARTY OF THE COAST.

1878, *Sketches at the scene of the wreck,*  
 Source: Illustrated Australian News, July 8 1878





1895. Loch Ard Cemetery in 1895. The image shows the gravestones of Loch Ard shipwreck victims (from left to right): Arthur Mitchell, Reginald Jones, Rebecca and Raby Carmichael. Timber picket fencing is visible in both the foreground and behind the gravestones.  
Source: Item No 8674, Flagstaff Hill Maritime Museum and Village.



c1878. Details of the scene of the wreck of the Loch Ard shows the objects being washed ashore. The painting was by Frederick Horatio Bruford, who was a Customs Officer and did a detailed study of the shipwreck scene.  
Source: Warrnambool Art Gallery





1948. The parish plan of Waarre shows the coastline of Loch Ard Gorge. The approximate outline of the Cemetery is also indicated with an arrow. The shipwreck site is indicated with a cross on the bottom left.  
Source: PROV, VPRS 16171/P1/10, Waarre-2(Psh) LOImp3690.pdf.



The cemetery in 1962.  
Source: Walkabout, 1 September 1962.



*Dawn at Loch Ard Gorge at a centenary event on 3 June 1978.  
Source: Report of the Loch Ard Centenary Commemoration Committee, 1978.*

## Selected bibliography

2019, Loch Ard Cemetery Index, accessed 1 August 2023,

<https://webarchive.nla.gov.au/awa/20190303051226/http://ianmarr.net.au/LOCHARD.HTM>

Bennett, Richard., *A narrative of the wreck of the ship Loch Ard, near the Sherbrook River, east of Warrnambool, on the morning of the 1st June, 1878*, 1890 (reprinted 1995).

Foster, L. (1996) *The Wild Coast Wrecks*. Heritage Victoria.

Hamilton History Centre. (2009, October 27). *Loch Ard cemetery index - Archived website - Trove*. <https://webarchive.nla.gov.au/awa/20190303051226/ianmarr.net.au/LOCHARD.HTM>

Heritage Victoria, Hermes record for Shipwreck No S417.

Loney, J.K. (1993). *The Loch Ard disaster*. Marine History Publications.

Russell, Roslyn. *High Seas and High Teas: Voyaging to Australia*, NLA Publishing, Victoria Government Gazette, as cited.

Victoria Heritage Database. (2010). Database report- Loch Ard Peacock (VHR H2132). <https://vhd.heritagecouncil.vic.gov.au/places/113397/download-report>

Weatherill, D. (2009, May). *Loch Ard (Prinetown) Cemetery Trust. Australian cemeteries*. <https://www.australiancemeteries.com.au/vic/corangamite/lochard.htm>



## Further information

<b>Heritage Overlay</b>	There is no Heritage Overlay for the place.
<b>Other Overlays</b>	Bushfire Management Overlay
<b>Other Listings</b>	There are no other listings for the place.
<b>Other Names</b>	Loch Ard Gorge, Loch Ard Shipwreck
<b>Date of construction/creation</b>	1878 (Loch Ard Cemetery)
<b>Architect//Builder/Designer/Maker</b>	There is no known maker for the headstones.

## Traditional Owner Information

The place is located on the traditional land of the Kirrae Wurrung. Under the *Aboriginal Heritage Act 2006*, the Registered Aboriginal Party for this land is the Eastern Maar Aboriginal Corporation.

## Victorian Aboriginal Heritage Register

The place is in an area of Aboriginal cultural heritage sensitivity. There are registered places within the proposed extent of registration.

## Integrity

The integrity of the place is very good. The land and seascape are largely similar to 1878 when the wreck occurred. It is easy to interpret the event in the terrestrial and marine landscape and the built fabric of the headstones.

(November 2023)

## Intactness

The intactness of the place is good. The burials remain in the place and the Carmichael headstone is original.

A bushfire damaged the cemetery in the early twentieth century. A marble headstone marking the burials of Reginald Jones and Arthur Mitchell is not original. The surrounding cemetery has expanded over time to include additional burials.

(November 2023)

## Condition

The condition of the place is fair. The landform of the place is subject to constant change due to extreme weather conditions. The headstones exhibit some deterioration.

(November 2023)

Note: The condition of a place or object does not influence the assessment of its cultural heritage significance. A place or object may be in very poor condition and still be of very high cultural heritage significance. Or a place or object may be in excellent condition but be of low cultural heritage significance.

## Statutory requirements under section 40

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

The Executive Director recommends that the Loch Ard Shipwreck Landscape is included in the VHR.

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

**Number:** PROV H2458

**Category:** Registered place

**Name:** Loch Ard Shipwreck Landscape

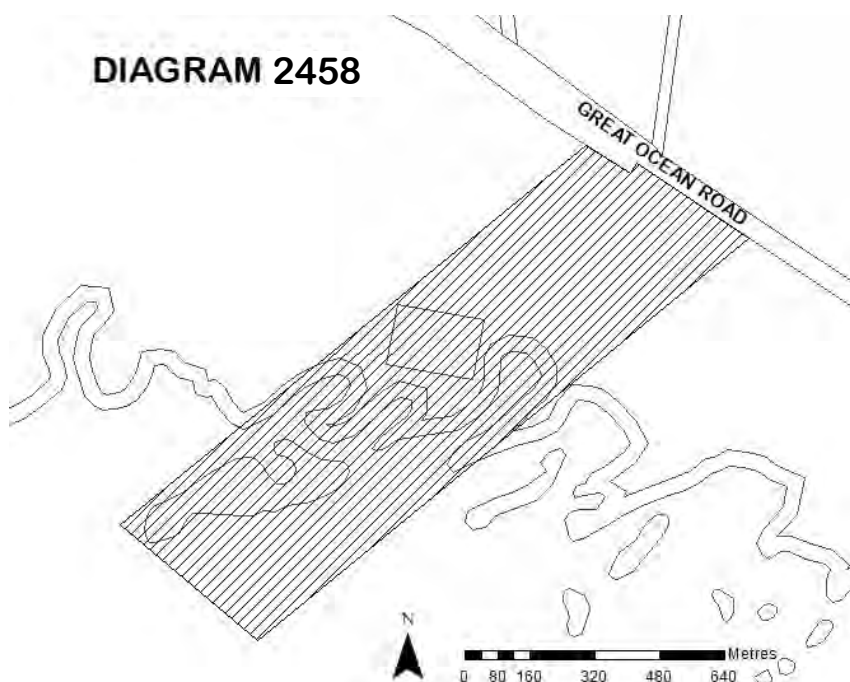
**Location:** Great Ocean Road, Port Campbell

**Municipality:** Corangamite Shire

### Proposed extent of registration

The Executive Director recommends that the extent of registration for the Loch Ard Shipwreck Landscape be gazetted as:

All of the place shown hatched on Diagram 2458 encompassing all of Crown Allotment 2006 Parish of Waarre and Crown Allotment 13B Section A Parish of Waarre and parts of Crown Allotment 13C Section A Parish of Waarre and Crown allotment 2031 Parish of Waarre, measuring 1.25km from the Road reserve of the Great Ocean Road and encompassing Mutton Bird Island, the Loch Ard Cemetery, Loch Ard Gorge and surrounding waters.



## Aerial Photo of the Place Showing Proposed extent of registration



Note: This aerial view provides a visual representation of the place. It is not a precise representation of the recommended extent of registration. Due to distortions associated with aerial photography some elements of the place may appear as though they are outside the extent of registration.

## Rationale for the extent of registration

### Nominations

In October 2023 the Executive Director, Heritage Victoria, nominated the above area for inclusion in the VHR. The recommended extent of the registration is the same as the nominated extent.

### Extent of registration

The recommended extent of registration comprises an area of land and seascape that enables the event of the *Loch Ard* wreck to be interpreted. It includes the area that is central to the wreck, the rescue and its aftermath. This includes the site of the wreck off Mutton Bird Island, the gorge, the beach and the cemetery which contains graves and headstones associated with the wreck.

It should be noted that everything included in the proposed extent of registration, including all of the land, landscape features, headstones and any archaeological features, will be included in the VHR. A permit or permit exemption from Heritage Victoria is required for any works within the proposed extent of registration, apart from those identified in the categories of works or activities in this recommendation.

### Existing registration of the wreck

It is noted that the wreck itself is already included in the VHR as S259 (all shipwrecks over 75 years of age are automatically included in the VHR). It is protected via the *Heritage Act 2017* and the *Underwater Cultural Heritage Act 2018* (Cth). Although it is proposed that the site of the wreck is included within the extent of registration, the wreckage itself will continue to be managed via these existing provisions.

### Objects

There are numerous objects that have been recovered from the wreck of *Loch Ard*. They comprise objects from the vessel itself, as well as examples of its cargo. Some are in museums and the Heritage Victoria collection; others are held in private collections. These objects are protected under the above provisions and are not proposed for inclusion with the registration of the Loch Ard Shipwreck Landscape.



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

Following is the Executive Director's assessment of Loch Ard Shipwreck Landscape 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 place has a clear association with the wreck of the sailing ship <i>Loch Ard</i> off the coast of western Victoria near Port Campbell in 1878. It is the location of the wreck and the events that followed.
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	The wreck of <i>Loch Ard</i> is of historical importance as one of Victoria's most well-known shipwrecks and worst maritime disasters. The event is emblematic of an era when shipwrecks were regular and much-feared occurrences.
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 place and the event in the rocky coastal location where the ship was wrecked, the gorge survivors were washed into and the beach where wreckage collected. The conditions that led to the wreck and shaped subsequent events are evident in the marine and terrestrial landscape, including in Mutton Bird Island and Loch Ard Gorge. It is also evident in the graves, headstones and in plentiful documentary evidence.

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.
--------------------------------	-----	---------------------------------------

#### 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 place is key to understanding the story of the wreck of the <i>Loch Ard</i> and its aftermath. The other significant place associated with the wreck, Glenample Homestead (VHR H0392), is already included in the VHR. Many objects from <i>Loch Ard</i> have been recovered, including the Loch Ard Peacock (VHR H2132), but they do not demonstrate the events of the wreck itself as clearly as the Loch Ard Shipwreck Landscape.

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.
--------------------------------	-----	--

## 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 place has a clear association with the wreck of <i>Loch Ard</i> , an important event in Victoria's history.
B2)	Is there evidence of the association to the historical phases etc identified at B1)?	Yes	There is evidence of the event in the graves and headstones, and the land and seascape they are a part of. There is also documentary evidence of the association between the place and the event.
B3)	Is there evidence that place/object is rare or uncommon, <u>or</u> has rare or uncommon features?	Yes	<p>B3(i) There is <u>no</u> evidence that the place is rare or uncommon.</p> <p>As a location associated with a shipwreck, the place is not uncommon. There were frequent shipwrecks off the Victorian coast, particularly in the nineteenth century, and there are many places with associations with wrecks.</p> <p>B3(ii) There <u>is</u> evidence that the place has rare or uncommon features. These include:</p> <ul style="list-style-type: none"><li>• A grave at the site of a shipwreck (rather than in an established cemetery).</li><li>• A memorial erected at the site of the wreck shortly after it occurred. Many monuments have been erected in Victoria to commemorate shipwrecks. Many are erected some distance from the wreck site (for example, in a public park) and others are were erected many years after the event.</li></ul>

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:	Yes	Criterion B is likely to be relevant.
--------------------------------	-----	---------------------------------------

### Step 2 State-level test for Criterion B

No.	Test	Yes/No	Reason
SB1)	Is the place/object rare or uncommon, being one of a small number of places/objects remaining	No	As the location of a dramatic event, it follows that the Loch Ard Shipwreck Landscape is one of few places that demonstrate the event. It is singular in this regard.

that demonstrates the event, phase, etc identified at B1)?

<b>SB2)</b>	Is the place/object rare or uncommon, containing unusual features, and these features are of note and these features were not widely replicated in Victoria?	Yes	<p>The Loch Ard Shipwreck Landscape is rare or uncommon for:</p> <ol style="list-style-type: none"><li>containing unusual features; and</li><li>these features are of note; and</li><li>these features were not widely replicated in Victoria:</li></ol> <p>There are few examples in Victoria of the type of gravesite and headstones found at the Loch Ard Cemetery. Bodies could often not be recovered from wrecks, and when they could, they were often interred in an established public cemetery. A mass grave of shipwreck victims, buried at the site of a wreck, is unusual.</p> <p>The headstone is also unusual as a contemporaneous monument erected to commemorate a shipwreck at the location where it occurred. Many other shipwreck monuments are established in places like public parks, some distance from the wreck site. Others were erected many years after the event.</p> <p>These features are of note because they very clearly demonstrate the risks posed by shipwrecks and rescues, and their impact on Victorian communities, within the landscape in which they occurred.</p>
<b>SB3)</b>	Is the existence of the class place/object that demonstrates the historical phases at B1) endangered to the point of rarity due to threats and pressures on such places/objects in Victoria?	No	<p>The Loch Ard Shipwreck Landscape is of the class of cultural landscape. This class has a clear association with the historical event outlined at B1.</p> <p>As a class, cultural landscapes, including those associated with shipwrecks, are not endangered to the point of rarity.</p>

If **any one** of SB1, SB2 OR SB3 is satisfied, then Criterion B is likely to be relevant at the State level

Executive Director's Response:	Yes	Criterion B is likely to be relevant at the State level.
--------------------------------	-----	--

## 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
<b>C1)</b>	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	No	<p>The:</p> <ol style="list-style-type: none"><li>physical fabric and</li><li>documentary evidence and</li><li>associated oral history or cultural narratives.</li></ol> <p>relating to the Loch Ard Shipwreck Landscape do not indicate a likelihood that the place contains evidence of cultural heritage significance that is not currently visible</p>



	not currently visible and/or well understood or available from other sources?		and/or well understood or available from other sources. The event of the shipwreck is well documented. Although there are burials at the place, this is common to all cemeteries and burial sites and cannot be considered evidence of cultural heritage significance.
<b>C2)</b>	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 place 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
<b>D1)</b>	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	The Loch Ard Shipwreck Landscape belongs to the class of cultural landscape. This class is diverse and has associations with various phases and events in Victoria's history. In the Executive Director's view, the heritage values of the place are better captured under Criterion A and B.

## CRITERION E: Importance in exhibiting particular aesthetic characteristics.

### Step 1 Test for Criterion E

No.	Test	Yes/No	Reason
<b>E1)</b>	Does the physical fabric of the place/object clearly exhibit particular aesthetic characteristics?	Yes	The physical fabric of the place clearly exhibits aesthetic characteristics particular to Victoria's south-west coastline. This is demonstrated in the sheer cliffs, rocky reefs, beach and caves found at this place and others like it.

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.
--------------------------------	-----	---------------------------------------

## Step 2 State-level test for Criterion E

No.	Test	Yes/No	Reason
SE1)	<p>Are the aesthetic characteristics 'beyond the ordinary' or are outstanding as demonstrated by:</p> <ul style="list-style-type: none"> <li>Evidence from within the relevant discipline (architecture, art, design or equivalent); and/or</li> <li>Critical recognition of the aesthetic characteristics of the place/object within a relevant art, design, architectural or related discipline within Victoria; and/or</li> <li>Wide 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?</li> </ul>	No	This location is recognised for the picturesque and dramatic aesthetic qualities of the landscape. However, these qualities are not confined to the Loch Ard Shipwreck Landscape and can be found at many points along the Great Ocean Road.

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

Executive Director's Response:	No	Criterion E is likely to be relevant at the State level.
--------------------------------	----	--

## 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	The Loch Ard Shipwreck Landscape does not contain physical evidence that clearly demonstrates creative or technical achievement for the time in which it was created.
F2)	Does the physical evidence demonstrate a high degree of integrity?	NA	The physical evidence at the place demonstrates a high degree of integrity. However, there is no creative or technical achievement as above (F1).

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.
--------------------------------	----	---

## 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
<b>G1)</b>	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>	Yes	There is evidence that the place is a popular destination in the present day for people from Victoria and further afield. There is also evidence that the place holds particular importance for local communities in townships like Port Campbell.
ii)	Existence of a strong attachment of a community or cultural group to the place or object; <u>and</u>	Yes	Although the place is a very popular tourist destination, this can be said of many places in Victoria, and there is not evidence that there is a strong or special attachment to the place that differentiates it from other tourist destinations in the State.  There may be a stronger attachment to the place from people in the local community who have long established ties to the place and may, for instance, have family members buried in the cemetery or be descendants of those associated with the wreck.
iii)	Existence of a time depth to that attachment.	Yes	There is evidence of the attachment dating to the event of the wreck and the establishment of the cemetery.

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:	Yes	Criterion G is likely to be relevant.
--------------------------------	-----	---------------------------------------

### Step 2 State-level test for Criterion G

No.	Test	Yes/No	Reason
<b>SG1)</b>	Is there evidence that the social value resonates across the broader Victorian community as part of a story that contributes to Victoria's identity?	Yes	SG1(i) The social value of the Loch Ard Shipwreck Landscape is part of a story in Victoria that contributes to Victoria's identity.
		No	SG1(ii) There is no evidence that the social value of the Loch Ard Shipwreck Landscape resonates across the broader Victorian community. The place may resonate strongly with some descendants of those with close associations with the wreck and the cemetery and with individuals with a keen interest in its history. However,



there is no evidence that its social value resonates across the state.

If **all facets** of SG1 are satisfied, then Criterion G is likely to be relevant at the State level

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

## 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 Loch Ard Shipwreck Landscape and key individuals involved in the wreck and rescue, including Eva Carmichael, Tom Pearce, George Ford and Hugh and Lavinia Gibson of Glenample Homestead.  H1(ii) These individuals made a strong or influential contribution to the course of events.
H2)	Is there evidence of the association between the place/object and the person(s)?	Yes	There is evidence of the association between the Loch Ard Shipwreck Landscape and these individuals.
H3)	Does the association relate: <ul style="list-style-type: none"><li>• directly to achievements of the person(s); <u>and</u></li><li>• to an enduring and/or close interaction between the person(s) and the place/object?</li></ul>	Yes	H3(i) The association between the Loch Ard Shipwreck Landscape and the wreck and rescue relates directly to their achievements.  H3(ii) The association relates to a close interaction between the persons and the place.

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.
--------------------------------	-----	---------------------------------------

### 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 those individuals involved in the wreck and the rescue were immensely important during the event itself. Some played an important role in their communities and in the region. It could not be said though that they have made an important contribution to Victoria's history more broadly.
SH2)	Does this place/object allow the association between the person or group of persons and their	N/A	This location may allow the contribution of these individuals to be understood, however, as above, their life

importance in Victoria's history to be readily appreciated better than most other places or objects in Victoria?

and works could not be considered to be important to Victoria's history.

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.

## Comparisons

These places and objects were selected as comparators to the Loch Ard Shipwreck Landscape because they are useful in comparing the place to landscapes already included in the VHR. Examples have been chosen that relate to dramatic events in Victoria's history. Examples of shipwreck monuments and gravesites across Victoria have been selected to provide context for the proposed rarity of Loch Ard Cemetery. Most of these are not included in the VHR (though some are within larger registered places). The place is also compared to places and objects linked with the wreck of the *Loch Ard* that are already included in the VHR.

## Landscapes included in the VHR

### STRINGYBARK CREEK SITE

#### STRINGYBARK CREEK ROAD AND TATONG-TOLMIE ROAD, ARCHERTON

##### H2205

Stringybark Creek was the location where three police officers were shot and killed by Ned Kelly on 26 October 1878. Following the deaths of the Mansfield police officers Lonigan, Scanlan and Kennedy, the Kelly Gang became the most wanted outlaws in Australia in the late nineteenth century. The shootings at Stringybark Creek precipitated the events of the Kelly Outbreak, which reached a climax at Glenrowan in June 1880. The Stringybark Creek site is historically significant as the place where an encounter between the Kelly Gang and the police took place which resulted in the death of three police officers, and the gang being declared outlaws.



### BUCKLAND RIVER CROSSING

#### BUCKLAND VALLEY ROAD, BUCKLAND

##### H2431

The Buckland River Crossing is historically significant as the culmination point of one of the worst race riots in Victoria's colonial history: the Buckland Valley Riot. On 4 July 1857 a hostile group of European miners violently chased Chinese miners from their camp down the Buckland Valley. The Buckland River Crossing being the river and surrounding landscape where the Buckland Valley Riot of 1857 culminated is included in the VHR.



## MONSTER MEETING SITE

### GOLDEN POINT ROAD, GOLDEN POINT

H2368

The Monster Meeting Site is historically significant as the location of the first organised mass protest meeting objecting to the gold licencing system in Colonial Victoria. It was also the first time workers had stood united in protest against the government. This meeting was the precursor to the Red Ribbon Rebellion (1853) and the Eureka Stockade (1854) which led to the introduction of the more democratic Miners Right. The site itself consists of grassed land across a shallow rise, which falls away towards Forest and Wattle Creeks.



## Shipwreck gravesites, headstones and monuments

### S. S. GLENELG GRAVE (not in VHR)

#### BAIRNSDALE CEMETERY, FORGE CREEK ROAD, BAIRNSDALE

This headstone in the Bairnsdale Cemetery commemorates the five unidentified people who died in the wreck of the steamer S. S. *Glenelg*. The S. S. *Glenelg* sank in March 1900 with the loss of 38 lives. The headstone was erected from funds donated by the Bairnsdale community.



### SIERRA NEVADA (not in VHR)

#### SORRENTO CEMETERY, NORMANBY ROAD, SORRENTO

This small cairn in Sorrento Cemetery is dedicated to the loss of 23 sailors in the wreck of *Sierra Nevada* near the entrance to Port Phillip Bay in 1900. 11 recovered bodies are buried in a grave in a cemetery.





### **QUEENIE MONUMENT**

#### **WILLIAMSTOWN CEMETERY, CHAMPION ROAD, WILLIAMSTOWN**

The monument with a column and urn was erected in memory of the loss of seven lives in the sinking of the yacht *Queenie* in Port Phillip Bay in 1899. It is located within Williamstown Cemetery which is included in the VHR (H1837) but is not individually identified within the extent of registration.



### **MONUMENTAL CITY MONUMENT (included in VHR as part of the registered place)**

#### **GABO ISLAND (VHR H1843)**

This monument on Gabo Island near Mallacoota commemorates the victims lost from the "*Monumental City*" which was wrecked on Tullaberga Island in 1853. Thirty-seven lives were lost in the disaster, of whom 35 were passengers including its owner, and it led to the building of the Gabo Island lighthouse.



### **FALLS OF HALLADALE CENTENARY MONUMENT (not in VHR)**

A plaque dating from 2008 commemorates the centenary of the sinking of the *Falls of Halladale*. The vessel lay in a small bay just to the west of Peterborough with its sails set, and provided a spectacle for sightseers. No lives were lost.



## Places and objects associated with Loch Ard included in the VHR

### LOCH ARD PEACOCK, VHR H2132

#### 89 MERRI ST WARRNAMBOOL

The Loch Ard Peacock is of historical significance as the most notable artefact to be salvaged from the 1878 'Loch Ard' Shipwreck which is recognised as one of Victoria's and Australia's worst shipwreck tragedies. The Minton peacock was the largest and grandest of the items in the Loch Ard's cargo which were destined for display at the Melbourne International Exhibition of 1880-81.



### GLENAMPLE HOMESTEAD, VHR H0392

#### 8616 GREAT OCEAN ROAD PRINCETOWN

Glenample Homestead is of historical significance for its unique association with the disastrous wreck of the clipper *Loch Ard* through the projection of Glenample and Hugh and Lavinia Gibson into national prominence for the role played by the couple and their homestead in the sheltering of the only two survivors of the wreck. Glenample's co-owner Peter McArthur was also a significant figure in the rescue and salvage operations and the burial of the dead. Glenample Homestead is also of architectural significance for the accomplished use of locally-quarried limestone in its construction and for its unaffected Georgian vernacular form.



## Summary of Comparisons

There are several landscapes that are the location of dramatic events in Victoria's history included in the VHR. The most comparable are listed above. They have much in common with the Loch Ard Shipwreck Landscape. They have a high degree of integrity having changed little since the events occurred. With all examples, the event itself is largely interpreted in the landscape, and its features and forms. The Loch Ard Shipwreck Landscape compares well to these examples and in addition has important contemporaneous built elements that assist in understanding the historical associations.

There are many gravesites, headstones and monuments associated with shipwrecks in Victoria. A selection are included above. They are indicative of several trends – the practice of interring recovered bodies in established cemeteries, the tendency to erect monuments in locations far from where the shipwreck had occurred and the practice of erecting monuments on an anniversary many years after the event itself. The graves and headstones within the Loch Ard Shipwreck Landscape are distinct from these examples. They are comparable to the headstone and gravesite found at the location of the wreck of *Fiji*, which has also been recommended for inclusion in the VHR.

The inclusion of the Loch Ard Peacock and Glenample Homestead in the VHR highlights the importance of the event in Victoria's history. The location of the wreck and many of the events that followed is an integral part of the story of the *Loch Ard* and complements the place and object already included.



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

The Executive Director recommends that the Loch Ard Shipwreck Landscape be included in the VHR in the category of Registered Place.

## Statement of significance

### What is significant?

The Loch Ard Shipwreck Landscape, being the landscape, seascape and features associated with the wreck of the *Loch Ard* in 1878 and its aftermath. This includes the wreck site off Mutton Bird Island; the gorge, beach and caves; the cemetery and headstones.

### How is it significant?

The Loch Ard Shipwreck Landscape is of historical significance to the State of Victoria.

#### 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.

### Why is it significant?

The Loch Ard Shipwreck Landscape is historically significant as the site of one of Victoria's worst maritime disasters. Early on 1 June 1878, *Loch Ard* struck Mutton Bird Island in foggy weather and quickly sunk. Fifty-two of the fifty-four crew and passengers died – the greatest loss of life of any shipwreck along the Victorian coastline. The two survivors of the wreck, Eva Carmichael and Tom Pearce, were washed into the gorge and sought shelter in its caves until eventually being rescued. The significant loss of life and compelling story of the survivors contributed to immense public interest in the wreck. The events of the wreck can be clearly understood and experienced in the combination of dramatic land and seascape, and built features within the Loch Ard Gorge cemetery. The loss of *Loch Ard* remains one of Victoria's most renowned shipwrecks. The place is a popular stop on the Great Ocean Road and a testament to the continuing public interest in the shipwreck story. It is closely related to Glenample Homestead (VHR H0392) and the Loch Ard Peacock (VHR H2132), which are also included in the Victorian Heritage Register. (Criterion A)

The Loch Ard Shipwreck Landscape is rare within Victoria for its graves and headstones which were established close to the wreck site following the disaster. Similar graves and monuments were more often located in established cemeteries. Their location, on the clifftops above the gorge that was so central to the *Loch Ard* story, assists in understanding the drama of the events that unfolded during the event. The Carmichael headstone, which memorialises seven members of the same family who perished in the wreck, is a particularly evocative reminder of the dangers faced by immigrants to Australia in the period. (Criterion B)

## 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

The extent of registration for the place includes the site of the wreck of the *Loch Ard*. The wreck of the *Loch Ard* itself is already included in the VHR as S417. It is protected by the shipwreck provisions of the *Heritage Act 2017* and the *Underwater Cultural Heritage Act 2018* (Cth). Although it is included in the extent of registration for the Loch Ard Shipwreck Landscape, the wreck itself should continue to be managed via these existing provisions.

### Permit Exemptions

#### General Exemptions

General exemptions apply to all places and objects included in the VHR. General exemptions have been designed to allow everyday activities, maintenance and changes to your property, which do not harm its cultural heritage significance, to proceed without the need to obtain approvals under the Act.

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 Loch Ard Shipwreck Landscape 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 Act 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 processes of land, water and animal management that are permitted under the *Parks Victoria Act 2018* and associated regulations, policies and guidelines issued by Parks Victoria.
2. Repair and replacement of existing viewing platforms, seating and stairs provided scale, materials and location remain the same.
3. Installation of directional, interpretative and visitor information signage.
4. Installation of landslip and erosion control measures.
5. Fire suppression and firefighting activities such as fuel reduction burns and fire control line construction, provided the cemetery is protected as much as is practicable.
6. Erection of temporary fencing to secure public safety for a period of up to six months.

## Appendix 1

### Heritage Council determination (section 41)

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.

### 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.
- (2) The Heritage Council must conduct a hearing in relation to a submission if—
  - (a) the submission 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 or object that is the subject of the submission.
- (3) Despite subsection (2), the Heritage Council may conduct a hearing in relation to a submission in any other circumstances the Heritage Council considers appropriate.

### Determinations of the Heritage Council (section 49)

- (1) After considering a recommendation that a place or object should or should not be included in the Heritage Register and any submissions in respect of the recommendation and conducting any hearing into the submissions, the Heritage Council may—
  - (a) determine that the place or part of the place, or object, is of State-level cultural heritage significance and is to be included in the Heritage Register; or
  - (b) determine that the place or part of 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 is not to be included in the Heritage Register but—
    - (i) refer the recommendation and any submissions to the relevant planning authority for consideration for an amendment to a planning scheme; 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
  - (d) in the case of a recommendation in respect of additional land which has been nominated to be included in the Heritage Register as part of a registered place in accordance with section 32, determine that the land be included in the Heritage Register if—
    - (i) the State-level cultural heritage significance of the place would be substantially less if the land or any part of the land which is or has been used in conjunction with the place were developed; or
    - (ii) the land surrounding the place is important to the protection or conservation of the place or contributes to the understanding of the place; or



- (e) determine that the object 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.
- (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 into the written submissions, within 90 days after the completion of the hearing.
- (3) A determination that a place or part of a place, or object, should be included in the Heritage Register may include categories of works or activities which may be carried out in relation to the place or object 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 or object.
- (4) If the Heritage Council determines to include a place in the Heritage Register, with the consent of the owner of the place, the Heritage Council may determine to include in the Heritage Register additional land of the owner that is ancillary to the place.
- (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 of places and objects (section 42)**

- (1) The owner of a place or object 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 or object at the time the statement is given; and
  - (b) any application for a planning permit or a building permit, or for an amendment to that permit, that has been made in relation to the place 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 or object 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.
- (3) The owner of a place to whom a statement of recommendation has been given must advise the Executive Director in writing of an application, permit or amendment if, before a determination under section 49 or 52 in respect of a place—
  - (a) an application for a planning permit or a building permit or for an amendment to that permit in relation to the place is made; or
  - (b) a planning permit or building permit or an amendment to that permit in relation to the place is granted.
- (4) An advice under subsection (3) must be given within 10 days after the making of the application or the grant of the permit or amendment.
- (5) The owner of a place or object to whom a statement of recommendation has been given must advise the Executive Director in writing of the following activities or proposals if, before a determination is made under section 49 or 52 in respect of a place or object—
  - (a) any activities are carried out in relation to the place or object that could harm the place or object;
  - (b) any activities are proposed to be carried out in relation to the place or object that could harm the place or object.
- (6) An advice under subsection (5) must be given within 10 days after the owner becomes aware of the activity or the proposal, as the case requires.

- (7) If, before a determination is made under section 49 or 52 in respect of a place or object, a proposal is made to dispose of the whole or any part of the place or object, the owner of the place or object must advise the Executive Director in writing of that proposal.
- (8) An advice under subsection (7) must be given at least 10 days before entering into the contract for the disposal of the place or object.
- (9) The owner of a place or object who proposes to dispose of the whole or any part of the place or object before a determination is made under section 49 or 52 in respect of the place or object must, before entering into a contract for that disposal, give a copy of the statement of proposed contract, is to acquire the place or object or part of the place or object.

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

An owner of a place or object to whom section 42 applies must comply with that section.

Penalty: In the case of a natural person, 120 penalty units;

In the case of a body corporate, 240 penalty units.