

What is the *HMVS Cerberus*?

The iron clad turret ship *HMVS Cerberus* operated between 1867 and 1926, and is an important example of innovative mid-19th century naval technology,

As the flagship of Victoria's early colonial navy, it represents the period where coastal defences against enemy invasion were a serious concern.

The *Cerberus* was scuttled as a breakwater in 1926 about 200 metres from the shore in Half Moon Bay at Black Rock. It is now owned by the City of Bayside. Its iconic outline has become a well-known feature of the Black Rock seascape

The *Cerberus* is listed in the National Heritage List under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* and included as an Historic Shipwreck in the Victorian Heritage Register under the State *Heritage Act 2017*.

Why did the City of Bayside apply for a permit under the *Heritage Act 1995*?

In 1993 and 1994 intense storms caused catastrophic collapses of the hull, under the influence of the great weight of the turrets, armoured breastwork, and guns. The deck of the wreck became partially submerged but the iconic shape and profile of the vessel is still intact.

In 2005 Heritage Victoria issued a permit to allow the four 18-ton guns to be removed from the wreck and placed on the seabed to reduce the weight on the deteriorating hull. Heritage Victoria also placed zinc anodes on the site to slow corrosion. The iron hull is in an advanced stage of deterioration and continues to degrade.

Despite warning signs, the placement of exclusion zones, and attempts at preventing access through deck openings, members of the public still regularly access the wreck. In 2010 a snorkeler died in the confines of the wreck.

On 25 October 2017, City of Bayside applied to the Executive Director of Heritage Victoria for a permit under the *Heritage Act 1995* to use a concrete infill to support the armoured breastwork and turrets of the wreck.

The City of Bayside favoured the use of the infill option because it mitigates the public safety risk presented by the wreck while at the same time stabilising the wreck and preventing further collapse. This approach was supported by the Commonwealth Department of the Environment and Energy.

How was the permit application assessed?

Although not required to do under the *Heritage Act*, in this instance, because of the high level of public interest in the wreck of the *Cerberus*, the Executive Director of Heritage Victoria decided to advertise the permit application and invited public submissions before making a determination.

A public notice was placed in *The Age* on 23 April 2018 and advertised on Heritage Victoria's website with an opportunity to provide submissions within 28 days.

Prior to advertising the City of Bayside developed a heritage impact statement available to submitters providing information on the proposal and an assessment of options to stabilise the wreck.

When determining the permit application, the Executive Director of Heritage Victoria considered a range of matters including the extent to which the application, if approved, would affect the cultural heritage significance of the wreck, public safety considerations and submissions made in the advertisement period.

How many submissions were received?

A total of 93 submissions were received.

Key issues raised in submissions included the irreversible nature of concrete infill and the need to consider the use of polyurethane foam as an alternative to concrete.

The City of Bayside responded to the issues raised by submitters prior to the Executive Director of Heritage Victoria making a determination on the permit application.

Why was the permit issued?

On 18 July 2018 the Executive Director of Heritage Victoria issued a permit to the City of Bayside allowing for the use of a marine concrete infill to support the hull and breastwork of the Cerberus based primarily on public safety considerations.

The irreversibility of the use of a concrete infill is acknowledged and a condition has been included on the permit requiring a detailed photographic and video survey of the interior elements of the wreck to ensure that a record is available to the public.

The permit also requires:

- The development and implementation of a heritage interpretation program.
- Ongoing cathodic protection of the wreck and guns to support the long-term preservation of the wreck.
- The commissioning of a feasibility study to explore reinstating public access and returning the removed guns to their original position on the wreck.

What other options were considered?

Options considered by the applicant included the use of cement stabilised sand, epoxy grout and polyurethane foam instead of concrete.

The City of Bayside undertook thorough investigations into the use of a polyurethane foam as proposed in many of the submissions. This option was not supported based on cost, environmental risk, and that polyurethane foam has not previously been tested on shipwrecks or similar contexts. Further the use of polyurethane foam would not adequately address public safety concerns or prevent the collapse of the wreck.

Is a separate approval required by the Commonwealth Government?

The Cerberus is included on the National Heritage List managed by the Commonwealth Government. The permit application has been assessed by the Commonwealth Department of Environment and Energy as not requiring an approval under the *Environment Protection and Biodiversity Conservation Act 1999*.

Can the permit be appealed?

Under the *Heritage Act 1995* and *Heritage Act 2017*, the Executive Director of Heritage Victoria is responsible for issuing permits for shipwrecks and other underwater heritage. There is no statutory review process or ability for the Heritage Council of Victoria or Minister for Planning to intervene.