Statement of Recommendation from the Executive Director, Heritage Victoria

Baarmutha Hydraulic Sluicing Area

Buckland Gap Road, Beechworth, Indigo Shire

VICTORIA State Government

HERITAGE VICTORIA

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 Baarmutha Hydraulic Sluicing Area, located at Buckland Gap Road, Beechworth is of State-level cultural heritage significance and should be included in the Victorian Heritage Register (**VHR**) in the categories of Registered Place and Registered Archaeological 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 Baarmutha Hydraulic Sluicing Area 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
- 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)(a) of the Act.

STEVEN AVERY
Executive Director, Heritage Victoria

Date of recommendation: 19 May 2025

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 (**ED**) 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, 46A 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, object or land in the VHR or amend a place, object or land 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, object or land. 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, objects and land (sections 42, 42A, 42B, 42C, 42D and 43)

The owner of a place, object or land which is the subject of a recommendation to the Heritage Council has certain obligations under the Act. These relate to advising the ED in writing of any works or activities that are being carried out, proposed or planned for the place, object or land.

The owner also has an obligation to provide a copy of this statement of recommendation to any potential purchasers of the place, object or land before entering into a contract.

5. Further information

The relevant sections of the Act are provided at the end of this report.

Description

The following is a description of the Baarmutha Hydraulic Sluicing Area at the time of the site visit in October 2024

The Baarmutha Hydraulic Sluicing Area is a landscape of long-term historical alluvial mining activity in the valley of Three Mile Creek at Baarmutha, about 5 kilometres south-west of Beechworth. The proposed extent covers an area of approximately 140 hectares and includes sluicing voids or cavities, remnant pillars of unworked ground, sludge dams, water races, tail races, small dams and pebble dumps. The sluicing area begins near the junction of Three Mile and Six Mile Creeks and extends west along Three Mile Creek for approximately 6.5 kilometres.

The largest sluicing void covers an area of 118 hectares and is up to 10 metres deep (Figure 1). It features steep to vertical working faces, which are higher at the eastern end of the void. Much of the void floor is occupied by linear mounds of gravels washed out by sluicers and stacked on site (Figure 2). The sluiced area is heavily overgrown with native forest regrowth and access to the place, even by foot, is difficult in many areas (Figure 3).

Remains of at least four sludge dams are also preserved along Three Mile Creek, constructed in the early twentieth century (Figures 4-6). Embankments range from 0.5 metres to 5 metres in height and the surface area of the dams covers 1-2 hectares. The dams filled with sludge during the mining period and are now flat terraces on the valley floor. The sludge consists of laminated deposits of fine-grained, size-sorted silts. The lowest sludge dam of John Pund at Three Mile is adjacent to Voigts Road and appears as an extensive flat-topped mound of earth 5.2 metres high and 1.8 hectares in area.

Description images

Figure 1. Edge of sluicing void near Six Mile Creek Road, 5-10 metres high (Peter Davies 2024)

Figure 2. Pebble dump below edge of sluicing cut, near Six Mile Creek Road (Peter Davies 2024)

Figure 3. Overgrown tail race along valley floor of Three Mile Creek (Peter Davies 2024)

Figure 4. Wall of sludge dam on Three Mile Creek, adjacent to Voigts Rd (Peter Davies 2024)

Figure 5. Stone-cut tail race in Three Mile Creek adjacent to sludge dam (Peter Davies 2024)

Figure 6. Surface of sludge dam on Three Mile Creek at Baarmutha (Peter Davies 2024)

Figure 7. Newey Lane at Baarmutha facing west, showing cleared farmland on the left and regrowth forest along Three Mile Creek on the right (Peter Davies 2024)

Figure 8. Tail race on Three Mile Creek (Peter Davies 2024)

Figure 9. Remnant pillar of unworked ground on Three Mile Creek (Peter Davies 2024)

Figure 10. Ship's tank for domestic water storage along Three Mile Creek (Peter Davies 2024). This type of tank is also known as a Braby Tank.

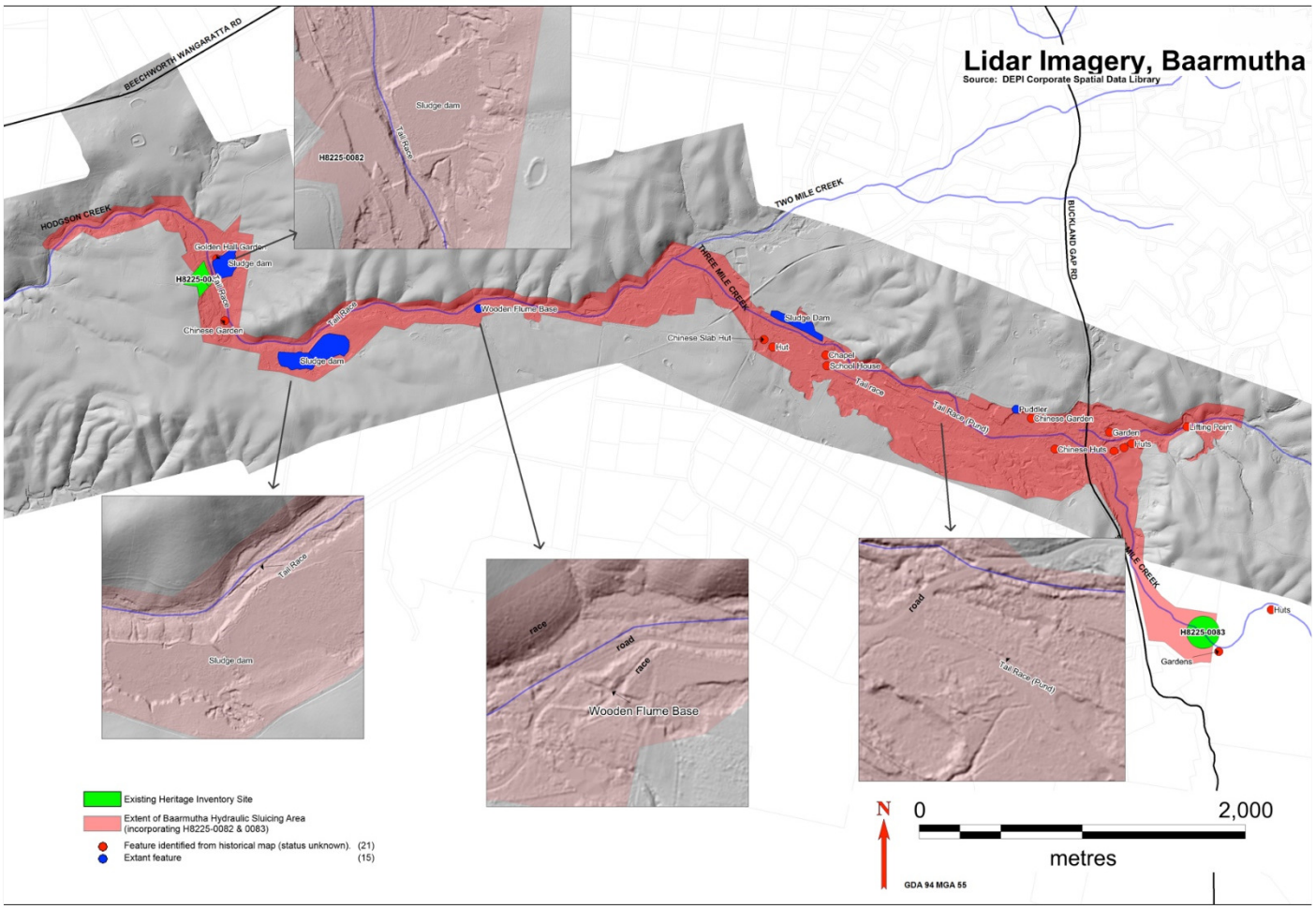

Figure 14. LiDAR image of Baarmutha sluicing area marked with position of features

History

Gold discovery in Victoria

Gold was first discovered at several locations in Victoria during 1851, igniting one of the great nineteenth century gold rushes. People flocked to Victoria from around the world, with the population of the colony increasing from 77,000 to 540,000 in the decade to 1861. As the initial rush matured into a substantial mining industry, gold transformed Victoria into one of the richest places in the British Empire. Gold stimulated political reforms including universal male suffrage and the secret ballot. It also paved the way for widespread home ownership and underpinned the birth of the union movement. Few miners made fortunes, but most found the social and economic opportunity they craved. Victorian mines eventually produced around 78 million ounces of gold (approximately 2500 tons), representing two per cent of all the gold ever mined globally. The gold rush was one of the most important events in Australian history.

Gold mining techniques

The gold rush in Victoria was based on two main types of gold sources in Victoria: quartz reefs and alluvial deposits. Quartz reefs are ore bodies hosting gold-quartz mineral veins deposited several hundred million years ago. Alluvial deposits comprise gold-bearing sands and gravels eroded into creeks and gullies from exposed quartz reefs. Most alluvial deposits in Victoria and around the world are geologically shallow, found within the top 20 metres or so of the ground surface. Victoria was unusual for also having 'deep lead' alluvial deposits where ancient rivers were capped by layers of basalt or sediment from later volcanic or depositional activity. Deep leads are generally more than 30 metres below ground level.

Alluvial mining

Alluvial gold in creeks and gullies was the easiest to find and recover, and formed the basis for early production on most goldfields during the 1850s. Miners used pans, cradles, rockers and puddling mills to separate gold from the washdirt. These techniques needed large volumes of water, and miners often went to great lengths to secure adequate supplies. Ground and hydraulic sluicing extended these methods from the mid-1850s onwards. In ground sluicing, miners diverted a flow of water over a working face to loosen the overburden and wash the dirt into long timber boxes lined with ripples to recover the tiny gold flakes. Hydraulic sluicing directed a flow of water into pipes that narrowed to a nozzle, with the high-pressure water blasting the washdirt into boxes to retr ieve the gold. Dredges worked directly in riverbeds and adjacent floodplains and used buckets on conveyor belts to lift the gravels and process them on a floating barge.

Deep lead alluvial mines processed the deposits in similar ways to shallow alluvial workings, using cradles, shakers and puddling mills. Miners first had to gain access to the gravels at depth and raise them to the surface. Where gravels had been consolidated into 'cements' they required crushing in stamp batteries before washing. Deep alluvial mining thus required the kinds of technology and equipment generally found in quartz mines to initially access and recover the deposits.

All kinds of alluvial mining produced vast quantities of semi-liquid waste or sludge, most of which remains deposited across the Victorian goldfields and downstream rivers today.

There are five key types of alluvial mining:

1. *Shallow workings*: shafts up to 10 metres deep, often surrounded by piles of mullock or waste rock. Often close together, these workings characterise the small claim sizes of the early gold rush period. There may be puddling troughs nearby for treating heavy clays.
2. *Deep leads*: shafts more than 30 metres deep and potentially 100s of metres below the surface, with a single large mullock heap and potentially footings from winding engines and other surface equipment.
3. *Ground sluicing*: voids created by directing streams of water over the ground. Characterised by low cliffs (<5 m), ditches and dams, and large piles of cobbles on the base of the void.
4. *Hydraulic sluicing*: voids created by high-pressure hosing to undermine hillsides; characterised by high, steep cliffs (>5 m) and large piles of cobbles on the base of the void, accompanying ditches and dams from the water supply system.
5. *Dredging*: uneven, hummocky ground with no or poor topsoil.

Reef mining

Quartz reef mining involved the extraction of gold-bearing ore via shafts and tunnels and hauling it to the surface for processing. This involved the extensive use of boilers, steam engines, winders, and other machinery to dislodge the ore and to move personnel and mined material from the ore body to the surface.

Once recovered, the ore was fed into the mortar box of a stamp battery and crushed into a sandy slurry, then forced onto amalgamating tables covered with copper sheets coated with mercury. The fine gold particles adhered to the mercury and water carried away the sand and minerals. The gold-mercury amalgam was then heated and smelted to refine the gold. The diverse and complex ores of the Victorian goldfields meant each mine had to adjust its processing techniques to extract as much gold as possible.

There are two key types of quartz reef mining:

- *Shaft and adit mining*: reefs are accessed through vertical shafts or horizontal tunnels (adits) from the surface, with horizontal drives into the ore body. Surface evidence may include the opening to the shaft or adit, large mullock piles, machinery foundations and tailings (waste produced after processing). This is the most common form of quartz reef mining in Victoria.
- *Open cut mining*: reefs are close to the ground surface and accessed directly. Surface evidence includes large voids, large mullock piles, machinery foundations, and tailings (waste produced after processing).

Beechworth goldfield

Prospectors found payable gold on tributaries of the Ovens River in February 1852 and within a year there were up to 8,000 diggers on the Ovens goldfield with administration centred on the town of Beechworth. The population of the goldfield increased to 12,000 in the late 1850s but declined thereafter. Substantial alluvial rushes in the district also occurred at Upper Nine Mile Creek (now Stanley), Lower Nine Mile Creek (now Yackandandah), Three Mile Creek (Baarmutha) and Reedy Creek. Further upstream along the Ovens River, gold mining also occurred at Myrtleford, Buckland, Bright, Wandiligong and Harrietville.

History of Three Mile Creek, Baarmutha

The Three Mile Creek goldfield at Baarmutha was worked by alluvial miners from 1852 until c.1950. The name 'Barmootha' was originally an Indigenous term for the place of several creeks (Woods 1985). The initial rush of miners worked the banks of the creek and gullies by the simple methods of potholing, pan and cradle, long toms, ground sluicing and puddling. The fine grains and flakes of gold that characterised the Beechworth goldfield were distinct from the nuggetty gold of central Victoria. This meant that miners needed large volumes of water to separate gold from the washdirt. Miners at Baarmutha initially paid carters to haul their washdirt to the nearest creek gully for washing, but water merchants soon constructed channels, or races, to deliver water to the miners' claims, charging them for the water they provided. The population of the valley peaked in 1857, when more than 5,000 people were recorded in the census at Two Mile, Three Mile and Six Mile Creeks. As the easily accessible gold ran out, however, numbers dwindled and by the early 1860s the area was worked by a small number of Chinese miners.

John Martin Dietrich Pund was a sailmaker from Hamburg in Germany who arrived at Beechworth in 1854. Initially he was active at the Yackandandah (Lower Nine Mile Creek), Woolshed and Stanley (Upper Nine Mile Creek) diggings. He recognised the potential of the Three Mile Creek diggings if he could secure a reliable supply of water to the area. In 1865 he applied for a water right licence (No.58) and within five years he had constructed 19 kilometres of water race from Upper Nine Mile Creek to Three Mile Creek. This was the beginning of a successful sluicing company known as Pund & Co, which dominated the valley and produced many thousands of ounces of gold over the following 50 years.

Pund went into partnership with Ah Sam in several mining ventures (Hilderbrand 2011:334) and employed up to 20 men. The improved water supply from Pund's race and others into the valley meant that Three Mile Creek quickly became known as a 'sluicers' paradise'. Long, fully boxed tail races, some more than one kilometre in length, ran down the valley and emptied into Hodgson Creek and down to the floodplain at Tarrawingee along the Ovens River. Pund later claimed to have installed 3400 metres of sluice boxes on Three Mile Creek (Board 1887). To realise his dreams fully, Pund became naturalised in 1873 so he could legally purchase land. He eventually became a substantial landholder in the district.

Ground or box sluicing relied on a channel of water directed over a working face, with timber sluice boxes set into a tail race lined with ripples to catch the tiny flakes of gold. A section of wooden fluming over a water race from c.1899 remains intact. There is no evidence that quicksilver (mercury) was used to amalgamate gold in these operations at Baarmutha. Teams of men shovelled washdirt into the boxes and forked out the cobbles and large gravels into stacks on site, while allowing finer sediment to wash through and into the creek downstream.

In 1874 Pund bought out Ah Gee's mining leases and dam and several other leases at Three Mile Creek. He used Ah Gee's dam for water storage until it filled with sludge and then built another reservoir upstream. Pund also obtained another water right licence (No.442) in 1881 to bring 950,000 gallons (3.5 ML) from the Upper Nine Mile Creek. This was one of several races that captured large volumes of water from tributaries of the Kiewa River and diverted them into the

catchment of the Ovens River. By this stage Pund's sluicing works were yielding upwards of 1000 ounces of gold per quarter (Mining Surveyor March 1883:28).

Pund was not the only sluice miner at Baarmutha. By the mid-1880s there were at least 17 water right licences held in the Three Mile Creek catchment, in addition to numerous unrecorded water privileges retained by holders of miner's rights. Miners along the creek were licensed to capture and divert, in total, up to 47 million litres of water per day (Davies et al. 2019).

Pund also entered a partnership with John Alston Wallace in another Three Mile Creek claim. Wallace was a giant figure of mining in north-eastern Victoria. Born in Scotland in 1824, he migrated to Australia in 1852 and struck a rich claim at the Spring Creek (Beechworth) diggings (Woods 1976). A man of enormous energy and enterprise, Wallace used the profits to open stores and hotels and became a highly successful businessman. By the 1860s he was a shareholder in some of the largest sluicing claims in the district. He also invested in and developed mines at Stanley, Bright, Chiltern, Rutherglen, Bethanga, Harrietville, Myrtleford and beyond, and represented the North-Eastern Province in the Legislative Council from 1871 until his death in 1901.

In 1895 Pund and Wallace joined forces with William Telford's United Sluicing Company. Telford was another water monopoliser who was also Chairman of Directors of the Rocky Mountain Extended Sluicing Company. This company sluiced the void that was later turned into Lake Sambell at Beechworth. The trio took over water right licence No.626, surrendered by Shand and Hambleton, which delivered 400,000 gallons (1.8 ML) per day from Upper Nine Mile Creek to Three Mile Creek. These amalgamations meant that the water races controlled by Pund & Co were now the major channels supplying the diggings at Three Mile Creek. John Pund's water race system extended for up to 28 kilometres, diverting water out of the Upper Nine Mile Creek, across the headwaters of Spring Creek and into Three Mile Creek (Davies et al. 2016).

John Pund continued cutting new races in the 1890s to supply his expanding claims at Three Mile Creek. By this stage he held leases and miner's rights over 60 acres of auriferous land (Board 1887:3). He also sold water to other miners at Three Mile Creek at the rate of 19 shillings per week in the late 1890s.

Pund & Co continued working the Three Mile and Six Mile Creek diggings during the early twentieth century, averaging 1000 ounces of gold per year (Lloyd 2006:156). John Pund died in 1915 aged 81. His obituary described him as:

> *Being possessed of a master mind and tireless energy, Mr Pund soon became a mine owner, and as years rolled on he bought up and controlled almost the whole of the alluvial mining ground at the Three Mile and up the gully at the head of Buckland Gap [Six Mile]. He also possessed valuable water rights. Two or three years ago he expended a considerable sum in the purchase of several miles of large iron pipes to convey his race water from the hills to his claims at Three Mile. Wonderfully optimistic, energetic and resourceful, the late Mr Pund always saw success ahead of him, and few men have had more successes than came his way. He was a generous employer, who took a most kindly interest in his employees, many of whom spent all their working years in his employ* (*Ovens and Murray Advertiser* 24 July 1915:3c).

After his death the company was taken over by his son, Percy but in 1919 he sold his interest, and the company became GSG Amalgamated. With John Weir as its manager, the company continued operations for 29 years, using water delivered by the races and pipes that Pund & Co had installed. In the 25 years to 1944, GSG Amalgamated produced 20,298 ounces of gold (Lloyd 2006:156). By the late 1940s, sluicing at Three Mile Creek was no longer payable and operations had ceased by around 1950. The combined gold yield of Pund & Co and GSG Amalgamated between 1865 and 1948 was over 45,000 ounces of gold (1.4 tonnes).

Baarmutha and environmental law reform in Australia

Alluvial mining at Three Mile Creek, and the resulting sludge that flowed down to the Ovens floodplain at Tarrawingee, was at the heart of environmental law reform that began in the late nineteenth century. Half-hearted regulations had been in place to manage sludge on the goldfields since 1858, but it took until the *Mines Act 1904* for effective environmental legislation to be passed to control the problem. During the 1870s, Shire Councillors at Wangaratta estimated that 10,000 acres of land had been inundated by sludge from sluice mining, especially by parties at the Three Mile Creek diggings. The Tarrawingee sludge channel was constructed at government expense to try to alleviate the problem. At the 1887 Sludge Board of Enquiry, John Pund bore the brunt of complaints from farmers in the district.

The government responded to years of complaints and lobbying about sludge by passing the *Mines Act 1904*, which finally made miners responsible for the waste they produced. It also created the Sludge Abatement Board to regulate sludge on the goldfields (Lawrence and Davies 2019). The aim and long-term effect of the laws was to protect land and waterways from sludge pollution. The new legislation required sluice miners to build large settling dams to consolidate the

sediment before releasing the water back to the nearest waterway. Settling or sludge dams were the precursors of the large tailings storage facilities (TSFs) used around the world in industrial mining operations today (Hudson-Edwards 2016; Kossoff et al. 2014). John Pund built a series of sludge dams in the lower part of his claim at Three Mile Creek after being prosecuted by the Sludge Abatement Board in 1911. When Pund's leases were acquired by GSM Amalgamated in 1919, the company continued with the use of sludge settling basins in the creek until the late 1940s.

Victoria was one of the first jurisdictions in the world to require on-site tailings retention. The sludge that John Pund mobilised from his sluice pits along Three Mile Creek was an important part of the problem, while the dams he and his successors built are highly significant as an early response to the legislation.

Historical images

Figure 11. Group of miners at Three Mile Creek, early twentieth century, Robert O'Hara Burke Museum Collection, Beechworth

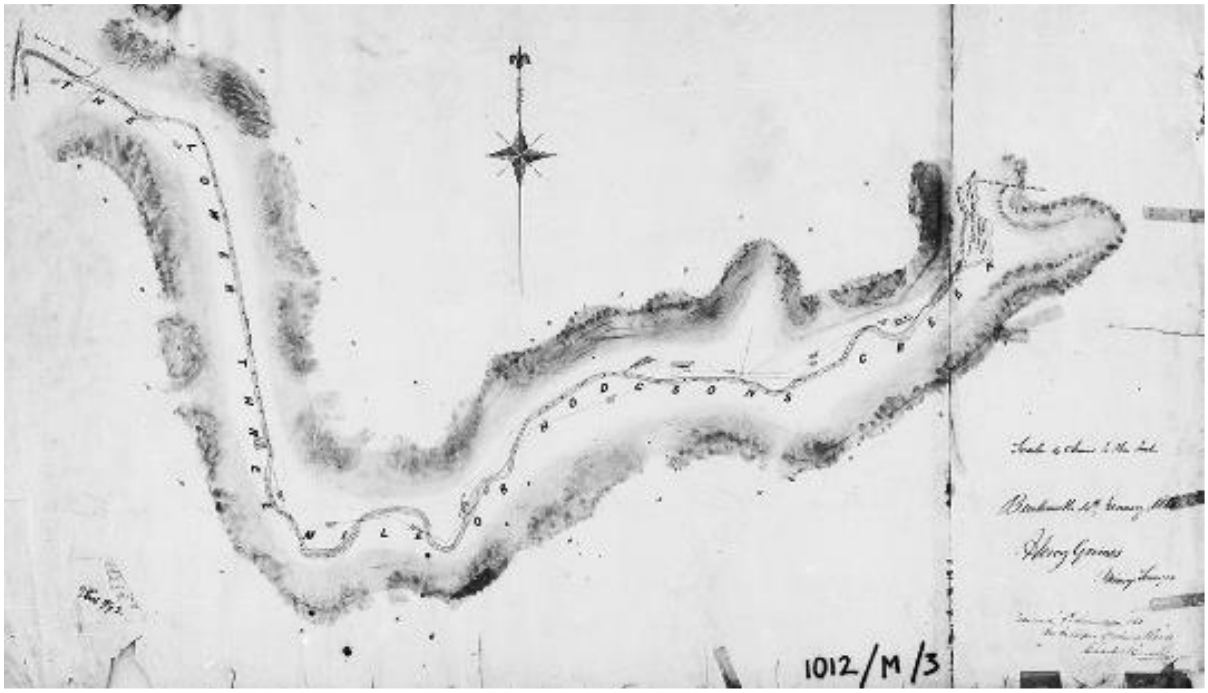

Figure 12. Portion of Map of Three Mile Creek, prepared by Henry Grimes, Mining Surveyor, Beechworth, 4 January 1861

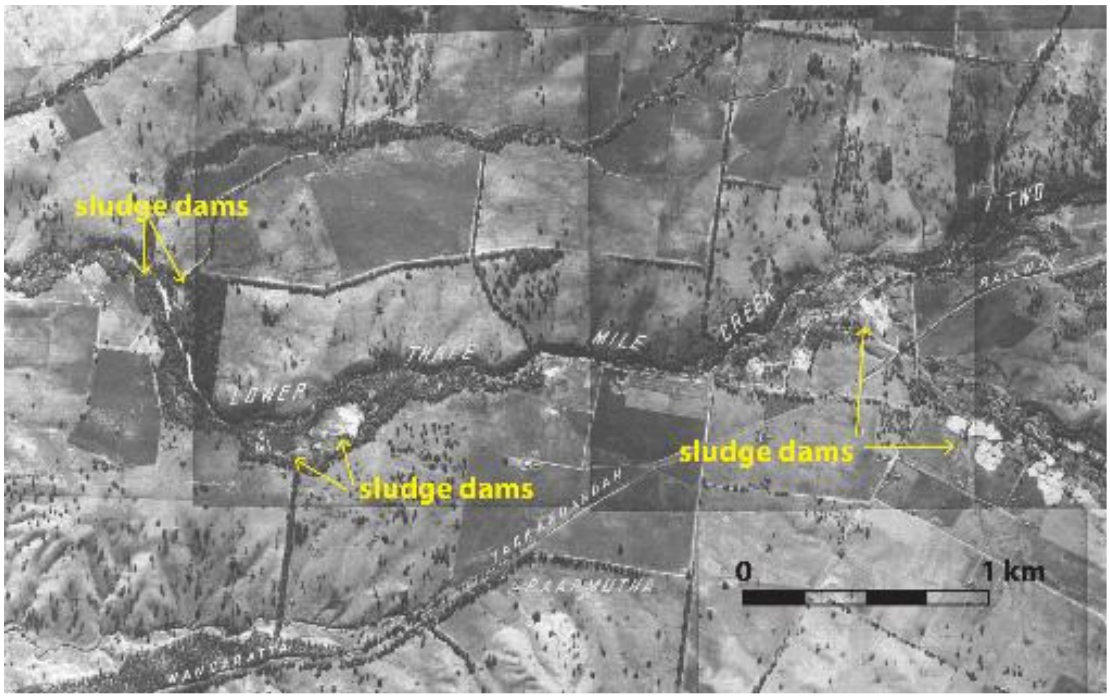

Figure 13. Aerial photo of Three Mile Creek at Baarmutha from 1940s showing sludge dams (mapshare.vic.gov.au/webmap/historical-photomaps/)

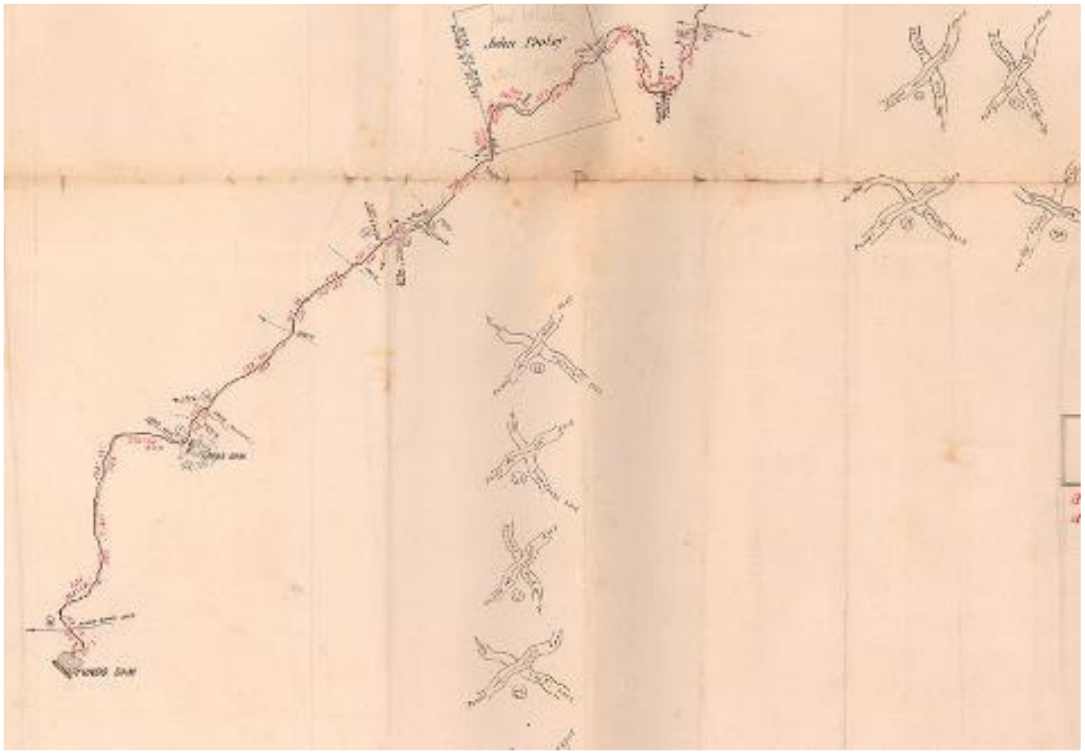

Figure 14. Terminal section of John Pund's Water Right Licence Plan No.442, VPRS 6784/P0004/00002, Public Record Office Victoria

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Further information

Traditional Owner Information

Traditional Owners have not been formally recognised for this place. A Registered Aboriginal Party under the *Aboriginal Heritage Act 2006* has not been appointed.

Native Title

Native title is the recognition in Australian law that some Aboriginal and Torres Strait Islander people continue to hold rights and interests in land and water. Native title is not granted by governments. It is recognised through a determination made by the Federal Court of Australia under the *Native Title Act 1993* (Cth).

In 2010, acknowledging the difficult nature of having native title determined under the Native Title Act, the Victorian Government developed an alternate system for recognising the rights of Victorian Traditional Owners. The *Traditional Owner Settlement Act 2010* (Vic) allows the government and Traditional Owner groups to make agreements that recognise Traditional Owners' relationship to land and provide them with certain rights on Crown land.

There is no Native Title agreement in place for the area in which the Baarmutha Hydraulic Sluicing Area is located.

Victorian Aboriginal Heritage Register

The place is in an area of Aboriginal cultural heritage sensitivity associated with local waterways.

Integrity

The integrity of the Baarmutha Hydraulic Sluicing Area is very good. The cultural heritage values of the Baarmutha Hydraulic Sluicing Area are readily legible in the extant fabric. The nature and scale of the sluicing void can be understood both from the edges and from the interior of the feature. The sludge-filled dams present as large flat areas on the valley floor covered with much thinner vegetation than adjacent areas. Remnants of water races and tail races are overgrown but well-preserved and can be readily understood as mining features in the landscape. (August 2024)

Intactness

The intactness of the place is very good. The primary archaeological features of the Baarmutha Hydraulic Sluicing Area are overgrown but largely intact. Some steep edges of the primary sluicing void are subject to slipping during heavy rainfall. A section of wooden fluming over a water race from c.1899 remains intact. (August 2024)

Condition

The condition of Baarmutha Hydraulic Sluicing Area is very good. The Baarmutha Hydraulic Sluicing Area does not appear to have changed much since miners abandoned the area in the late 1940s. Site features are now very overgrown but otherwise in very good condition. 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. Alternatively, a place or object may be in excellent condition but be of low cultural heritage significance.

Other information

Heritage Overlay	There is no Heritage Overlay for the place.
Other Overlays	There are no other overlays for the place.
Other Listings	Baarmutha Hydraulic Sluicing Area VHI H8225-0148
Other Names	Three Mile Creek
Date of construction/creation	1852 - c.1950
Builder	John Pund

Statutory requirements under section 40

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

The ED recommends that the Baarmutha Hydraulic Sluicing Area is included in the VHR

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

Number: PROV H2466

Category: Registered place and registered archaeological place

Name: Baarmutha Hydraulic Sluicing Area

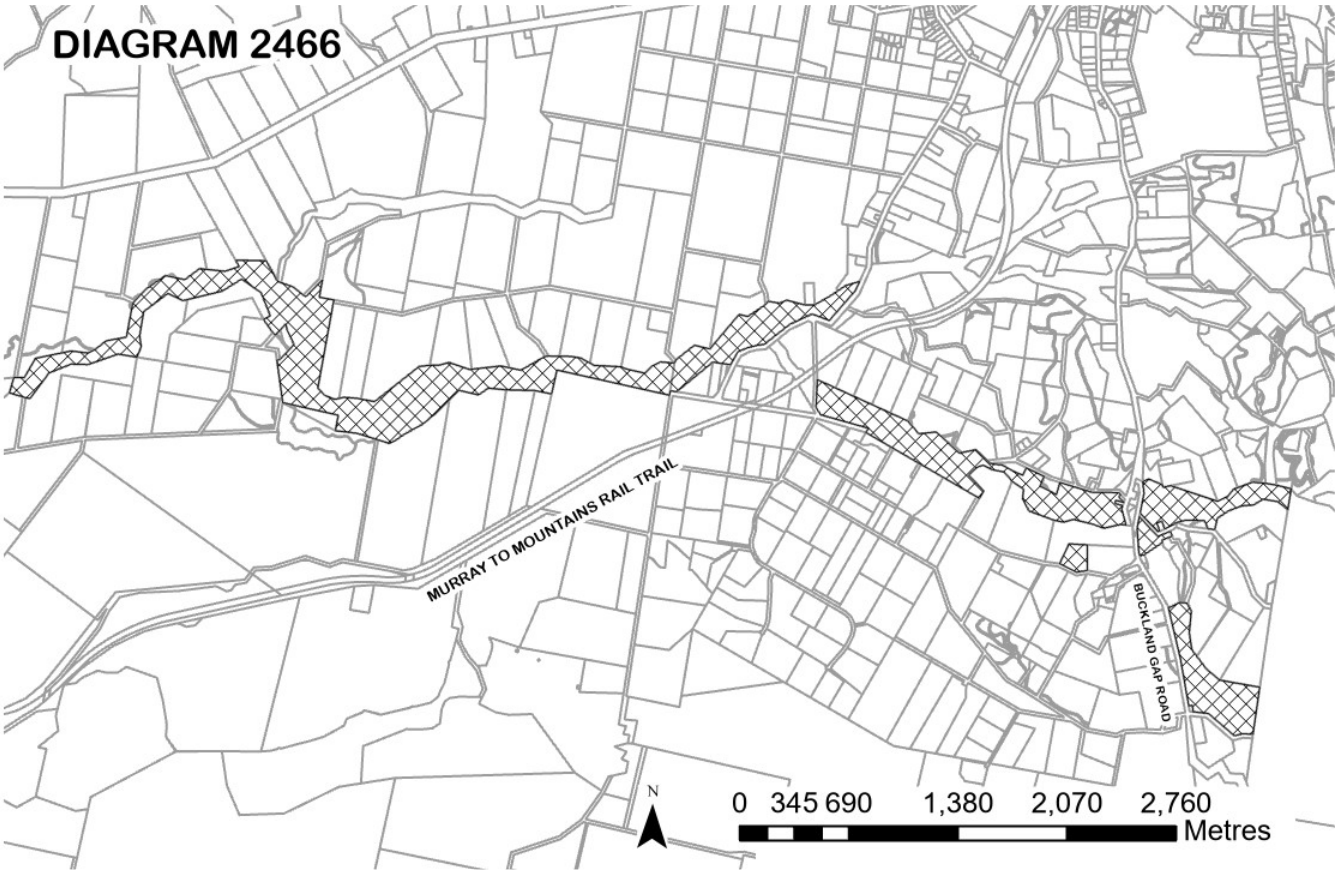
Location: Buckland Gap Road, Beechworth

Municipality: Indigo Shire

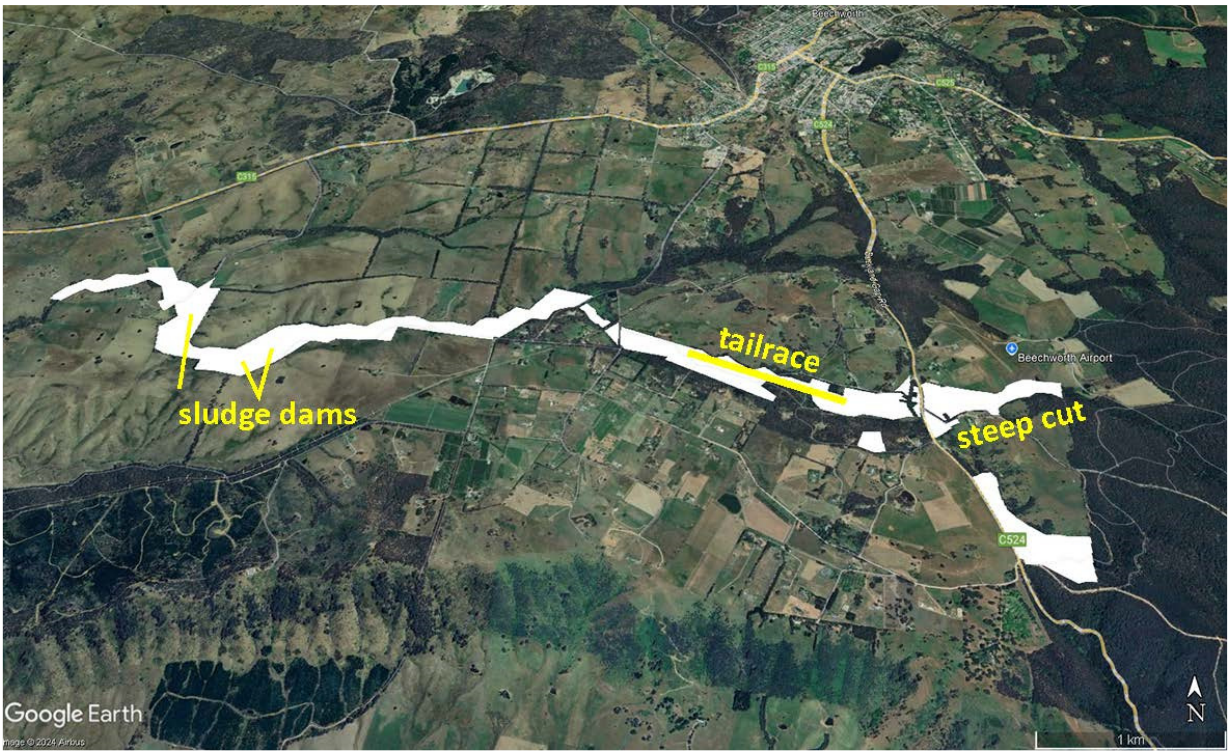
Proposed extent of registration

The ED recommends that the extent of registration for the Baarmutha Hydraulic Sluicing Area be gazetted as:

All of the place shown crosshatched on Diagram 2466 encompassing all of crown Allotments 9A and 12D Section D3 Parish of Beechworth, Crown Allotment 10C Section D4 Parish of Beechworth, Crown Allotment 2038 Parish of Beechworth, Crown Allotment 24 Section B4 Parish of Beechworth, Crown Allotment 8A Section 4 Parish of Beechworth and Crown Allotment 8B Section 5 Parish of Beechworth.



Non-statutory information about the proposed extent of registration



Aerial view of the Baarmutha Hydraulic Sluicing Area

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 proposed extent of registration

The recommended extent of registration comprises approximately 140 hectares along the valley of Three Mile Creek at Baarmutha. These are all crown land parcels that contain substantial remains of historical alluvial gold mining activity.

The recommended extent of the registration is the same as the nominated extent of registration.

It should be noted that everything included in the proposed extent of registration including all the sluicing voids, alluvial mining earthworks, water races, tail races, pebble dumps and sludge dams are proposed for inclusion in the register. 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.

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

Following is the ED's assessment of Baarmutha Hydraulic Sluicing Area, Beechworth 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/object type has a clear association with the following in Victoria's cultural history: a) The Baarmutha Hydraulic Sluicing Area, Beechworth has a clear association with the Victorian Gold Rush, which played a major role in the social, political, economic, environmental and cultural development of Victoria. In particular, the Baarmutha Hydraulic Sluicing Area has a clear association with the alluvial mining industry which accounted for 40% of all the gold recovered in the State.
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	This phase is of historical importance for having made a strong and influential contribution to Victoria. a) The Victorian Gold Rush and subsequent gold mining industry fundamentally shaped the social, political, economic, cultural and environmental development of the State
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 this historical phase: a) The place includes well-preserved physical evidence of alluvial gold mining, including water races, tail races, pebble dumps and sluicing voids. The place also includes several sludge dams that represent early evidence for the management of mining waste. The history of the place is well-documented in primary and secondary sources.
If A1, A2 and A3 are <u>all</u> 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	Yes	a) The place allows the association with the Victorian Gold Rush and subsequent historical gold mining industry to be better understood than most other similar places. The extensive remains of water races and tail races, pebble dumps and sluicing voids

	importance to be understood better than most other places or objects in Victoria with substantially the same association?		clearly demonstrate the process of large-scale alluvial gold mining that occurred over almost 100 years at Baarmutha. The remains of sludge dams clearly demonstrate how miners were forced to manage the waste tailings from their operations following the introduction of the *Mines Act 1904*, introduced in part in response to the extent of sludge deposits downstream of the Three Mile Creek operations.

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 following historical phases which are of importance in Victoria's cultural history: a) The Baarmutha Hydraulic Sluicing Area has a clear association with Victorian Gold Rush and the state's subsequent historical alluvial gold mining industry.
B2)	Is there evidence of the association to the historical phases etc identified at B1)?	Yes	There is evidence of the association between the place and the historical phase: a) The place contains well-preserved evidence of alluvial gold mining in the form of water races, tail races, pebble dumps, sluicing voids and sludge dams.
B3)	Is there evidence that place/object is rare or uncommon, or has rare or uncommon features?	No	B3(i) The place is not rare or uncommon. A number of sites throughout the State retain evidence of alluvial gold mining. The place type is not rare or uncommon B3(ii) There is not evidence that the place has rare or uncommon features. The Baarmutha Hydraulic Sluicing Area includes features that are commonly found in association with historical alluvial mining sites, including tail races, sluicing voids and sludge dams.

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:	No	Criterion B is not likely to be relevant.

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
C1)	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 not currently visible and/or well understood or available from other sources?	Yes	The physical fabric relating to the Baarmutha Hydraulic Sluicing Area indicates a likelihood that the place contains evidence of cultural heritage significance that is not currently visible and/or well understood or available from other sources. The nature of the remnant physical fabric of the Baarmutha Hydraulic Sluicing Area – particularly the form of large sluicing voids, remnant pillars of unworked ground, water races and pebble dumps, long tail races and sludge dams – indicates that further information on the history and operation of the Three Mile Creek mining area may be obtained through further investigation.
C2)	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?	Yes	From what we know of the Baarmutha Hydraulic Sluicing Area, the physical evidence is likely to be of an integrity and condition that it could yield information through detailed investigation. The place is in a reasonably remote creek valley on public land and appears to have had little disturbance since it was abandoned in c.1950. Although the place is heavily overgrown, intensive geo-spatial analysis of LiDAR/DEM completed in 2019, combined with archaeological ground-truthing, has already demonstrated significant information about the place and additional analysis has the potential to yield further information.
If <u>both</u> C1 AND C2 are satisfied, then Criterion C is likely to be relevant (but not necessarily at the State level)			
Executive Director's Response:		Yes	Criterion C is likely to be relevant.

Step 2 State-level test for Criterion C

No.	Test	Yes/No	Reason
SC1)	Does the information that might be obtained through investigation have the potential to yield knowledge of significance to Victoria?	Yes	The information that might be obtained through investigation does have potential to yield knowledge of significance to Victoria. The Baarmutha Hydraulic Sluicing Area has the potential, through archaeological and geospatial analysis, to yield significant new evidence about historical alluvial gold mining activity in Victoria.
If SC1 is satisfied, then Criterion C is likely to be relevant at the State level			
Executive Director's Response:		Yes	Criterion C is likely to be relevant at the State level.

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
D1)	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 Baarmutha Hydraulic Sluicing Area belongs to the class alluvial gold mining site which has a clear association with the Victorian Gold Rush and subsequent gold mining industry.
D2)	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 Victorian Gold Rush and subsequent historical gold mining industry played a fundamental and transformative role in the social, cultural, economic, political, demographic and environmental history of Victoria.
D3)	Are the principal characteristics of the class evident in the physical fabric of the place/object?	Yes	The principal characteristics of the class are evident in the physical fabric of alluvial gold mining sites. The principal features of the Baarmutha Hydraulic Sluicing Area include sluicing voids, mining earthworks, remnant pillars of unworked ground, pebble dumps, water races, tail races and sludge dams. These demonstrate the key characteristics of historical alluvial gold mining.
If D1, D2 AND D3 are satisfied, then Criterion D is likely to be relevant (but not necessarily at the State level)			
Executive Director's Response:		Yes	Criterion D is likely to be relevant.

Step 2 State-level test for Criterion D

No.	Test	Yes/No	Reason
SD1)	Is the place/object a notable (fine, influential or pivotal) example of the class in Victoria?	Yes	The Baarmutha Hydraulic Sluicing Area is a fine example of a historical alluvial gold mining precinct in Victoria. The place includes a large and highly legible range of features typical of a historic alluvial gold mining site, including a very large, deep and well-preserved sluicing void that demonstrates the nature and scale of historical alluvial gold mining, water races, tail races and pebble dumps, as well as sludge dams along Three Mile Creek that are well-preserved and easily understood examples of their type. The key characteristics of the Baarmutha Hydraulic Sluicing Area are of higher quality and – due to the length of operation and intersection with the reform of environmental laws – are of a higher level of historical relevance than is typical of alluvial gold mining sites in Victoria.
If SD1 is satisfied, then Criterion D is likely to be relevant at the State level			

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

CRITERION E: Importance in exhibiting particular aesthetic characteristics.

Step 1 Test for Criterion E

No.	Test	Yes/No	Reason
E1)	Does the physical fabric of the place/object clearly exhibit particular aesthetic characteristics?	No	The physical fabric of the Baarmutha Hydraulic Sluicing Area does not exhibit particular aesthetic characteristics. The place is heavily overgrown in most places, and it does not demonstrate noted aesthetic characteristics.
If E1 is satisfied, then Criterion E is likely to be relevant (but not necessarily at the State level)			
Executive Director's Response:		No	Criterion E is not likely to be relevant.

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 Baarmutha Hydraulic Sluicing Area does not contain physical evidence that clearly demonstrates creative or technical achievement for the time in which it was created. Miners at Three Mile Creek used standard sluicing techniques to separate gold from the washdirt. These were in common use across the Victorian goldfields at the time.
F2)	Does the physical evidence demonstrate a high degree of integrity?	Yes	The physical evidence at Baarmutha Hydraulic Sluicing Area demonstrates a high degree of integrity. The features at the place, including sluicing voids, tail races, pebble dumps and sludge dams, are well-preserved and reveal the technical achievements at the miners in using large volumes of water to sluice gold-bearing deposits.
If <u>both</u> 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
G1)	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; and	No	There is no evidence of a well-defined community or cultural group with a linkage to the Baarmutha Hydraulic Sluicing Area.
ii)	Existence of a strong attachment of a community or cultural group to the place or object; and	No	There is no evidence of a strong community or cultural attachment to the Baarmutha Hydraulic Sluicing Area.
iii)	Existence of a time depth to that attachment.	No	There is no evidence of strong social or cultural attachment dating to any time since the abandonment of the mining along Three Mile Creek in the 1940s. The Baarmutha Hydraulic Sluicing Area was mined from the 1850s to the 1940s but there is no evidence of strong attachment since that time.
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:		No	Criterion G is not likely to be relevant.

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 the Baarmutha Hydraulic Sluicing Area and John Pund. John Pund was the founder and owner of Pund & Co, an alluvial mining company that operated in the valley of Three Mile Creek for 50 years. At times he worked in partnership with William Telford, of the Rocky Mountain Extended Company at Beechworth, and with John Alston Wallace, the most important mining entrepreneur in north-eastern Victoria. H1(ii) John Pund made a strong or influential contribution in his field. John Pund represented a class of successful alluvial miners on the Beechworth goldfield. He developed and controlled large volumes of water along Three Mile Creek and created early examples of sludge dams to control mining waste.

H2)	Is there evidence of the association between the place/object and the person(s)?	Yes	There is evidence of the association between the Baarmutha Hydraulic Sluicing Area and John Pund in the remnant fabric of the place and in historical records and secondary sources. John Pund, of Pund & Co., was the principal sluice miner at Three Mile Creek for 50 years. He was directly responsible for most of the sluicing scars extant in the valley.
H3)	Does the association relate: • directly to achievements of the person(s); and • to an enduring and/or close interaction between the person(s) and the place/object?	Yes	H3(i) The Baarmutha Hydraulic Sluicing Area relates directly to the achievements of the John Pund and his company. Pund & Co were responsible for creating most of the sluicing scars and voids along Three Mile Creek, along with developing the water race and tail race systems in the valley. H3(ii) The association relates to a close and enduring interaction between the Pund & Co and the Baarmutha Hydraulic Sluicing Area. John Pund operated Pund & Co for 50 years, between 1865 and 1915. Subsequent operations, by GSG Amalgamated, occurred from 1919 to the late 1940s.
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	While contributing to the broader story of the boom and environmental reform on the Victorian goldfields, the life or works of John Pund are not important in Victoria's broader history. The effects of Pund's life and work were felt mostly at the local scale.
SH2)	Does this place/object allow the association between the person or group of persons and their importance in Victoria's history to be readily appreciated better than most other places or objects in Victoria?	No	N/A
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 were selected as comparators to the Baarmutha Hydraulic Sluicing Area because they are well-preserved and significant examples of alluvial workings in Victoria.

HUMBUG HILL HYDRAULIC GOLD SLUICING SITE, CRESWICK & CABBAGE TREE (VHR H1228)

The Humbug Hill Hydraulic Gold Sluicing Site near Creswick consists of extensive scours along the southern flanks of the hill resulting from alluvial ground sluicing. The most intensive mining occurred in the 1850s and 1860s, after which Chinese miners continued work on a smaller scale until the 1880s. Miners diverted water to the claim via several water races from the hills and gullies to the east. A gully draining from the lowest end of the claim has been deeply excavated by high pressure water.

Figure 15. Sluicing void at the Humbug Hill Hydraulic Gold Sluicing Site (Peter Davies)

PINK CLIFFS HYDRAULIC GOLD SLUICING SITE, HEATHCOTE (VHR H1352)

The McIvor Hydraulic Sluicing Company worked a large claim near Heathcote in the 1870s and 1880s. Water for sluicing was delivered via a water race almost 50 kilometres long from the hills near Tooboorac. The site today is dominated by the remnant, highly coloured granite bedrock which was exposed by hydraulic sluicing operations.

Figure 16. Sluicing landscape at the Pink Cliffs Gold Sluicing Site near Heathcote (Peter Davies).

PIONEER AND UNION HYDRAULIC GOLD SLUICING SITE, MITTA MITTA (VHR H1229)

The Pioneer and Union Hydraulic Gold Sluicing Site at Mitta Mitta consists of a vast network of sluicing faces, pebble dumps, tail races and water races. Water for sluicing was brought to the site by a 20km long water race and then directed by high pressure pipelines and nozzles at the gold bearing deposits. The technology was introduced into Victoria in about 1855. The Pioneer Company, in 1884, were the first to use this type of mining on the Mitta Mitta goldfield. The Pioneer Claim is reputedly to have been the largest operation of its type in the State, with approximately 20 hectares of ground being mined between 1859 and 1913 leaving walls up to 75 metres in height.

Figure 17. Sluicing canyon created by hydraulic sluicing works performed by the Pioneer and Union Company (VHD)

ORIENTAL CLAIMS HYDRAULIC SLUICING SITE, OMEO (VHR H1225)

The Oriental Claims Hydraulic Gold Sluicing Site consists of a vast network of sluicing faces, pebble dumps, tail races and water races. Water for sluicing was delivered to the site by high pressure pipelines and then directed at the gold bearing deposits. The technology was introduced into Victoria in about 1855. The name for the historic area comes from the name of a sluicing company which worked the area from 1876-1904; but the term also acknowledges the significant contribution of Chinese miners to the area's history

Figure 18. Sluiced canyon at the Oriental Claims sluicing site near Omen (VHD)

RED KNOB, IRISHTOWN (VHI H7723-0300)

The large pillar of unworked ground near Fryers Creek at Irishtown in the Castlemaine Diggings National Heritage Park, resulted from the sluicing activities of local miner Ray Bradfield in the 1940s. Bradfield planted poplar trees in the valley after he had finished sluicing. The remnant 'knob' of unworked ground provides a dramatic indication of the scale of alluvial mining in the area.

Figure 19. Red Knob remnant of unworked ground at Irishtown in the Castlemaine Diggings National Heritage Park (Peter Davies)

Summary of Comparisons

Ground sluicing, as a form of alluvial working, was relatively common across the Victorian goldfields, especially in higher rainfall regions with access to more reliable water. Hydraulic sluicing, which diverted water into narrowing pipes that ended in a high-pressure nozzle, was much less common. This method was largely confined to a few high rainfall regions in the north-east of Victoria, and several sites near Castlemaine drawing water from the Coliban water system.

The comparative sites described above demonstrate the diversity of scale and the range of features found at alluvial workings in Victoria. These typically consist of large scours or gouges in the surface, with miners using large volumes of water to loosen and direct washdirt into boxed tail races to retrieve the gold. Alluvial mining operations typically consisted of water races delivering water at the top of the system, sluicing gullies forming in the claim area, and tail races at the low point to remove tailings (sludge or slimes). Additional features often include remnant pillars of unworked ground. This form of mining persisted across the Victorian goldfields from the 1850s to the 1940s.

The Baarmutha Hydraulic Sluicing Area is a large, well-preserved and representative example of alluvial workings. The Pioneer and Union, and Oriental Claims sites are both larger than Baarmutha, represented by canyons created by hydraulic sluicing. The Humbug Hill site at Creswick, the Pink Cliffs sluicing site at Heathcote, and the Red Knob site at Irishtown, are smaller than Baarmutha, with remnant landforms at each place created by ground sluicing. At Baarmutha, the long tail races, steep sluicing banks and remnant pillars of unworked ground along Three Mile Creek, especially those at the eastern end of the site, demonstrate the scale of mining operations.

The Baarmutha Hydraulic Sluicing Area also has several unusual features. These include several large and well-preserved sludge dams, which demonstrate the response of miners to increasing demands to retain their tailings on site. Other examples of sludge dams are found in Victoria but rarely of such scale and integrity. In addition, historical sources indicate the place was sluiced almost continuously from the 1850s to the 1940s. Physical evidence of the earliest phase of mining in the 1850s has been removed by later activity, but subsequent phases are well represented in the extant fabric. There is also evidence for the use of very long tail races, up to several hundred metres in length, preserved in the valley floor. It is also uncommon to have a good historical understanding of the amount of gold recovered from such alluvial mining operation, in this case about 45,000 ounces or 1.4 tonnes.

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

Statement of significance

What is significant?

The Baarmutha Hydraulic Sluicing Area is a large and well-preserved example of historical alluvial gold mining in Victoria. The sluicing area begins near the junction of Three Mile and Six Mile Creeks, Beechworth and extends west along the Three Mile Creek for approximately 6.5 kilometres, extending over an area of approximately 140 hectares.

The place includes sluicing voids or cavities, remnant pillars of unworked ground, sludge dams, water races, tail races, small dams and pebble dumps.

How is it significant?

The Baarmutha Hydraulic Sluicing Area is of historical, archaeological and representative significance to the State of Victoria. It satisfies the following criterion for inclusion in the Victorian Heritage Register:

Criterion A

Importance to the course, or pattern, 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 and objects

Why is it significant?

The Baarmutha Hydraulic Sluicing Area is historically significant for its association with the Victorian Gold Rush, which played a major role in the social, political, economic, environmental and cultural development of Victoria. In particular, the place is significant for its association with the historical alluvial gold mining from the early Gold Rush period of the mid-nineteenth century through to the post-rush mining industry of the early to mid-twentieth century. The remains of water races and tail races, pebble dumps and sluicing voids demonstrate the process of large-scale alluvial gold mining that occurred along Three Mile Creek almost continuously over approximately 100 years. The water races were part of elaborate mining water systems that diverted water from higher up the valley of Three Mile Creek and from Upper Nine Mile Creek at Stanley. [Criterion A]

Within the Baarmutha Hydraulic Sluicing Area, the remains of sludge dams are historically significant for demonstrating how miners were forced to manage the waste tailings from their operations from around the turn of the century with the introduction of the *Mines Act 1904*. The Act was introduced in part in response to the extent of sludge deposits downstream of the Three Mile Creek operations, with the reforms impacting future mining operations on a state, national and international level to this day. [Criterion A]

The Baarmutha Hydraulic Sluicing Area is archaeologically significant for the extensive and well-preserved remains of alluvial gold mining, especially ground sluicing, in the form of large sluicing voids, water races, tail races, and pebble dumps. The place has the potential to yield significant new information about the historical mining industry with the use of geophysical, geochemical, geospatial and archaeological investigation and analysis. [Criterion C]

The Baarmutha Hydraulic Sluicing Area is a notable example of an alluvial gold mining site in Victoria. The place clearly demonstrates the principal characteristics of a historical alluvial gold mining landscape. The place includes a large and deep sluicing void that reveals the nature and scale of alluvial mining along Three Mile Creek. The water races, tail races, pebble dumps and sludge dams are highly intact and easily understood examples of their type. Due to the length of mining operations at the site and the intersection of the Baarmutha Hydraulic Sluicing Area with the reform of environmental laws governing mining waste, the place is of a higher level of historical relevance than is typical of alluvial gold mining sites in Victoria. [Criterion D]

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

It is recommended that a Conservation Management Plan is utilised to manage the place in a manner which respects its cultural heritage significance.

Permit Exemptions

General Permit 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 don't harm its cultural heritage significance, to proceed without the need to obtain approvals under the *Heritage Act 2017*.

Places of worship: In some circumstances, you can alter a place of worship to accommodate religious practices without a permit, but you must notify the ED before you start the works or activities at least 20 business days before the works or activities are to commence.

Subdivision/consolidation: Permit exemptions exist for some subdivisions and consolidations. If the subdivision or consolidation is in accordance with a planning permit granted under Part 4 of the *Planning and Environment Act 1987* and the application for the planning permit was referred to the ED as a determining referral authority, a permit is not required.

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 Permit Exemptions

The works and activities listed below under the heading 'Exempt works and activities' are not considered to cause harm to the cultural heritage significance of the Baarmutha Hydraulic Sluicing Area. These are subject to the following guidelines and conditions:

Guidelines for specific permit exemptions

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 ED is not bound by any Conservation Management Plan and permits still must be obtained for works suggested in any Conservation Management Plan.

General conditions for specific permit exemptions

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 Aboriginal Heritage Council (as defined in the *Aboriginal Heritage Act 2006*).

Exempt works and activities

The ED proposes the following specific permit exemptions for the Baarmutha Hydraulic Sluicing Area:

1. All vegetation management excluding tree removal which has the potential to destabilise or damage the sluicing void, water races or tail races.
2. Installation of new Parks Victoria wayfinding/directional, informational and heritage interpretation signage.

Appendix 1

Heritage Council determination (section 49)

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. The owner can also make a submission about proposed permit exemptions (Section 40(4)(d).

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.

Conduct of hearings by Heritage Council in relation to a recommendation (section 46A)

(1) The Heritage Council may conduct a hearing in relation to a recommendation under section 37, 38 or 39 in any circumstances that the Heritage Council considers appropriate.

(2) The Heritage Council must conduct a hearing if—

(a) a submission made to it under section 44 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, object or land that is the subject of the submission.

Determinations of the Heritage Council (section 49)

(1) After considering a recommendation that a place, object or land should or should not be included in the Heritage Register and any submissions in respect of the recommendation and conducting any hearing, the Heritage Council may—

(a) determine that the place or object is of State-level cultural heritage significance and is to be included in the Heritage Register; or

(ab) in the case of a place, determine that—

(i) part of the place is of State-level cultural heritage significance and is to be included in the Heritage Register; and

(ii) part of the place is not of State-level cultural heritage significance and is not to be included in the Heritage Register; or

(ac) in the case of an object, determine that—

(i) part of the object is of State-level cultural heritage significance and is to be included in the Heritage Register; and

(ii) part of the object is not of State-level cultural heritage significance and is not to be included in the Heritage Register; or

(b) determine that 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 or part of the place is not to be included in the Heritage Register but—

(i) refer the recommendation and any submissions to the relevant planning authority or the Minister administering the Planning and Environment Act 1987 to consider the inclusion of the place or part of the place in a planning scheme in accordance with the objectives set out in section 4(1)(d) of that Act; 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 part of the place; or

(ca) in the case of a recommendation in respect of an object nominated under section 27A, determine that the object, or part of the object, is to be included in the Heritage Register if it 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; or

(d) in the case of a recommendation in respect of additional land nominated under section 27B, determine that the additional land, or any part of the additional land, is to be included in the Heritage Register if—

(i) the State-level cultural heritage significance of the place, or part of the place, would be substantially less if the additional land or any part of the additional land which is or has been used in conjunction with the place were developed; or

(ii) the additional land or any part of the additional land surrounding the place, or part of the place, is important to the protection or conservation of the place or contributes to the understanding of the place.

(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, within 90 days after the completion of the hearing.

(3) A determination made under subsection (1)(a), (ab), (ac), (ca) or (d)—

(a) may include categories of works or activities which may be carried out in relation to a place, object or land, or part of a place, object or land, 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, object or land; and

(b) must include a statement of the reasons for the making of the determination.

(4) If the Heritage Council determines to include a place, or part of a place, in the Heritage Register, the Heritage Council may also determine to include land that is not the subject of a nomination under section 27B in the Heritage Register as part of the place if—

(a) the land is ancillary to the place; and

(b) the person who owns the place, or part of the place—

(i) is the owner of the land; and

(ii) consents to its inclusion.

(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 (section 42, 42A, 42B, 42C, 42D)

42 Obligations of owners—to advise of works, permits etc. on foot when statement of recommendation given

(1) The owner of a place, object or land 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, object or land at the time the statement is given; and

(b) if the place, object or land is a place or additional land, any application for a planning permit or a building permit, or any application for an amendment to a planning permit or a building permit, that has been made in relation to the place or additional land 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, object or land 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.

42A Obligations of owners before determination or inclusion in the Heritage Register—to advise of permits

(1) This section applies if—

(a) an owner of any of the following is given a statement of recommendation—

(i) a place or object nominated under section 27;

(ii) an object nominated under section 27A;

(iii) land nominated under section 27B; and

(b) any of the following occurs within the statement of recommendation period in relation to the place, object or land—

(i) the making of an application for a planning permit or a building permit;

(ii) the making of an application for an amendment to a planning permit or a building permit;

(iii) the grant of a planning permit or building permit;

(iv) the grant of an amendment to a planning permit or building permit.

(2) The owner must advise the Executive Director in writing of—

(a) the making of an application referred to in subsection (1)(b)(i) or (ii), within 10 days of the making of the application; or

(b) a grant referred to in subsection (1)(b)(iii) or (iv), within 10 days of the owner becoming aware of the grant.

42B Obligations of owners before determination or inclusion in the Heritage Register—to advise of activities

(1) This section applies if—

(a) an owner of a place, object or land is given a statement of recommendation; and

(b) within the statement of recommendation period it is proposed that activities that could harm the place, object or land be carried out.

(2) The owner, not less than 10 days before carrying out the activities, must advise the Executive Director in writing of the proposal to do so.

42C Obligations of owners before determination or inclusion in the Heritage Register—to advise of proposal to dispose

(1) This section applies if—

(a) an owner of a place, object or land is given a statement of recommendation; and

(b) within the statement of recommendation period a proposal is made to dispose of the whole or any part of the place, object or land.

(2) The owner, within 10 days after entering into an agreement, arrangement or understanding for the disposal of the whole or any part of the place, object or land, must advise the Executive Director in writing of the proposal to do so.

42D Obligations of owners before determination or inclusion in the Heritage Register—requirement to give statement to purchaser

(1) This section applies if—

(a) an owner of a place, object or land is given a statement of recommendation; and

(b) the owner proposes to dispose of the whole or any part of the place, object or land within the statement of recommendation period.

(2) Before entering into an agreement, arrangement or understanding to dispose of the whole or any part of the place, object or land during the statement of recommendation period, the owner must give a copy of the statement of recommendation to the person who, under the proposed agreement, arrangement or understanding, is to acquire the place, object or land or part of the place, object or land.

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

An owner of a place, object or land who is subject to an obligation under section 42, 42A, 42B, 42C or 42D must comply with that obligation.

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

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