Statement of Recommendation from the Executive Director, Heritage Victoria

Balaclava Hill Mine Precinct

Reedy Lake Road, Whroo, Shire of Campaspe

Taungurung Country

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 Balaclava Hill Mine Precinct, located at Reedy Lake Road, Whroo 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 Balaclava Hill Mine Precinct 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 Balaclava Hill Mine Precinct at the time of the site inspection in July 2024 and September 2024.

The Balaclava Hill Mine Precinct is located on the traditional land of the Taungurung people.

The Balaclava Hill Mine at Whroo is an open cut gold mine dating to the 1850s and 1860s. It was developed and operated by local miner, John Thomas Lewis. The dramatic, steep-sided cavity is c.25 metres deep at its greatest depth and is up to 40 metres wide and 70 metres long (Figures 1 & 2). Balaclava Hill itself projects about 40 metres above the surrounding terrain.

A range of features around the slopes of the hill reveal various aspects of the mine's operation.

A tunnel in the lower south-west corner of the open cut provides access to remove and transport ore along a short tramline (now gravel-surfaced pathway) to the crushing battery (Figure 3).

The original mine battery was on the north side of the hill, an area now characterised by a long, narrow terrace and a large patch of grey tailings sands. In 1863 the battery was moved to the west side of the hill (no longer extant). This part of the site features a levelled terrace and thousands of hand-made brick fragments, which were originally part of the machinery foundations or chimney stack (Figure 4). There is no evidence of machinery surviving at the mine.

Numerous open and capped mine shafts around the hillside reveal earlier attempts to extract ore prior to excavation of the open cut. Numerous coppiced ironbark trees growing on Balaclava Hill reveal the original source of fuelwood for the mines (Figure 5). The southern and western flanks of Balaclava Hill feature the scattered remains of shallow alluvial workings.

The Balaclava Hill Mine Precinct site also includes the remains of three intact dams built in the early 1860s and used for water storage. These are located in the head of Balaclava Gully, on the north side of Reedy Lake Road (Figure 6). Water flowed down the gully from east to west and was stored in each dam in turn. The dams are among the earliest intact mining water supply systems in Victoria associated with a quartz mine. The lowest and largest dam still holds a large volume of water.

A large heap of quartz tailing sands west of the Nagambie-Rushworth Road are the remains of the auriferous ore removed from the mine (Figure 7). The heap covers an irregular shaped area c.50 metres across. From around 1900 these sands were reprocessed nearby in three extant brick-lined cyanide vats to extract residual gold (Figures 8-9). Mullock (waste rock) from the Balaclava Hill Mine Precinct was later removed and used as road base in the district.

A reconstructed puddling mill (VHR H1244) is located immediately south-west of the Balaclava Hill Mine Precinct near the junction of Nagambie-Rushworth Road and Murchison-Whroo Road. The trough is 50cm deep and 6.40 metres in diameter and lined with timber (Figure 10).

A clearing on the south side of the hill is the house site of John Thomas Lewis and his family (Figure 11). The building, no longer standing, was originally a weatherboard bungalow imported from the United States, with French windows and a verandah around three sides. The only remaining features of the house site include seven clumps/specimens of Aleppo Pine (Figure 12), and a large brick-lined cistern (Figure 13).

Description images

Figure 1. Balaclava Hill Mine open cut, view from the north (Peter Davies, 24 July 2024)

Figure 2. Balaclava Hill Mine open cut, view from the south (Peter Davies, 24 July 2024)

Figure 3. Tunnel/adit exit on south-west slope of Balaclava Hill (Peter Davies, 24 July 2024)

Figure 4. Brick scatter on west slope of Balaclava Hill associated with battery site (Peter Davies, 24 July 2024)

Figure 5. Ironbark tree on Balaclava Hill with multiple coppice stems (Peter Davies, 24 July 2024)

Figure 6. Lowest of three dams associated with the Balaclava Hill Mine, covering ~0.5 ha (Peter Davies, 24 July 2024)

Figure 7. Quartz tailings heap from the Balaclava Hill Mine (Peter Davies, 18 September 2024)

Figure 8. Three cyanide vats used to reprocess quartz tailings from the Balaclava Hill Mine c.1900 (Peter Davies, 18 September 2024)

Figure 9. One of three large (~8 m diameter) cyanide vats west of the Nagambie-Rushworth Road (Peter Davies, 24 July 2024)

Figure 10. Puddling mill used and rebuilt into the 1950s, VHR H1244 (Peter Davies, 18 September 2024)

Figure 11. Clearing of original house site of John Thomas Lewis (Peter Davies, 18 September 2024)

Figure 12. Aleppo pines at house site of John Thomas Lewis (Peter Davies, 19 September 2024)

Figure 13. Brick-lined cistern on southern side of Balaclava Hill, associated with residence of John Thomas Lewis (Peter Davies, 24 July 2024)

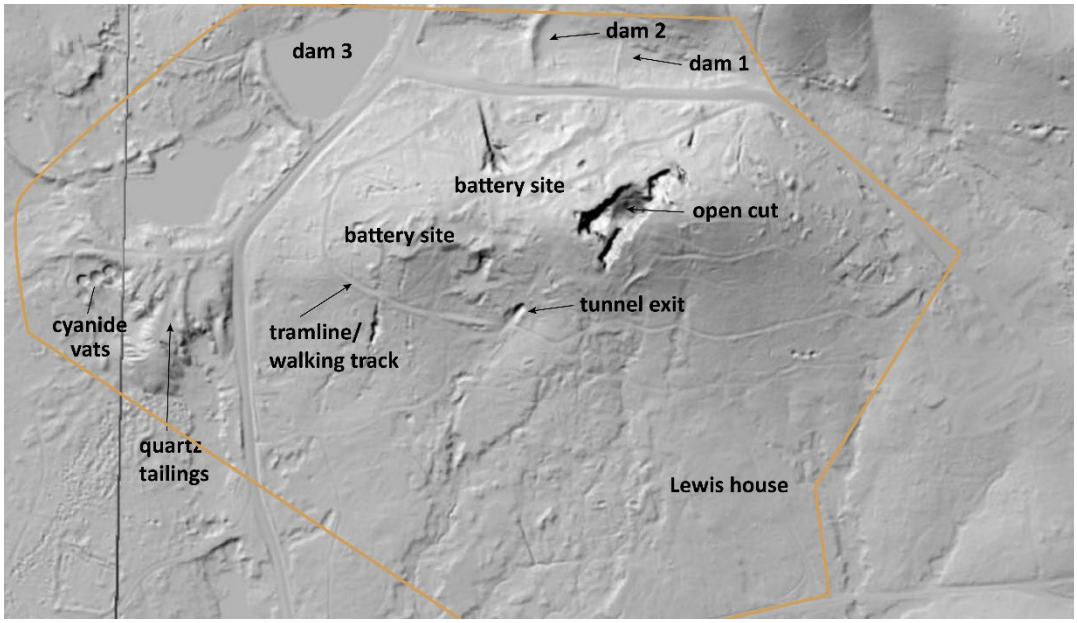

Figure 14. LiDAR image of Balaclava Hill Mine marked with position of main features

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 retrieve 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:

- *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.
- *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.
- *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.
- *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.
- *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).

Whroo goldfield

The Whroo Goldfield and Balaclava Hill Mine Precinct is located on the lands of the Taungurung people. The Taungurung people occupy much of central Victoria with their country encompassing the area from the Campaspe River to Kilmore in the West, eastwards to Mount Beauty and from Benalla in the north down to the top of the Great Dividing Range. Traditionally, the Taungurung people lived a hunter/gatherer existence. The various clan groups migrated through their territory dependent upon the seasonal variations of weather and the availability of food. The Taungurung people are closely affiliated with their neighbouring tribes through language, ceremonies and kinship ties and are part of an alliance with the five adjoining tribes to form the Kulin Nation: the Woiwurrung, Boonwurrung, Wathaurung and Djadjawurrung (Taungurung Land and Waters Council: https://taungurung.com.au/).

Alluvial gold was discovered at Whroo in 1853, around the same time as the diggings began at Rushworth, 6 km to the north. Other mining settlements developed in the area including Moora, Waranga and later Baillieston along with several Chinese camps. William Howitt described the Whroo goldfield, which was on the main track from Bendigo to Beechworth, as ‘the driest and hottest and most uncomfortable [place] that could be imagined’ (Howitt 1972(II):91). The dry climate and hard ground at Whroo meant that puddling mills soon became the primary means of working alluvial claims. A township of one square mile was laid out in 1854 (Figure 15), with Balaclava Hill at the northern edge of the village.

Quartz reef mining began at Whroo in the mid-1850s and within a few years the township featured numerous slab huts and tents scattered among various gold workings. There was also a butcher, baker, hotel and a small store, along with school and police reserves. The population of Whroo peaked at around 2200 in 1858 but numbers fluctuated widely over the years.

By 1860 many of the puddling mills had passed into the hands of Chinese owners, but there were various quartz reefs being worked as well, along with the Balaclava Hill mine. Rushworth became the regional centre of the Waranga mining division, although Balaclava Hill was the richest mine in the area.

By the late 1860s the mining industry at Whroo was beginning to decline, with the rush to Spring Creek (Graytown) in 1868 drawing many workers away. Alluvial and quartz reef mining at Whroo and nearby areas was petering out by the early 1870s, although quartz mining revived around Rushworth in the 1880s. The Menzies Tributing Company also worked the Balaclava Hill mine profitably for several years during this period. Cyaniding works were established around 1900 to re-process old tailings from the Balaclava Hill Mine, and small-scale, sporadic attempts were made to work the mine until the 1930s. By this time there were only a handful of families still at Whroo, and the Second World War meant the end of mining.

The Whroo goldfield was located in the Waranga division of the Sandhurst Mining District.

History of Balaclava Hill Mine Precinct

Quartz mining at Whroo began with the discovery of gold in the Balaclava Hill Reef around 1855. The discovery is generally attributed to John Thomas Lewis and his partner, James Nickinson, both of whom arrived in Melbourne at the onset of the Victorian gold rushes in September 1852. In the following years there were also extensive workings in the hills and gullies around the Balaclava Hill Mine. John Lewis remained as manager and majority owner of the mine until 1870.

Balaclava Hill is the central feature of the Whroo diggings. It was characterised geologically by Silurian slates and sandstones carrying auriferous quartz (Baragwanath 1925; Phillips et al. 2003:385). This geological formation was a deposit in which the ore was distributed in auriferous veins and spurs throughout a mass of rock. The extensive nature of

the ore body, containing at least a dozen gold-bearing quartz veins, meant that Balaclava Hill was mostly quarried in an open cut rather than mined via shaft sinking. The hill soon proved to be very rich, with thousands of ounces of gold recovered by Lewis and Nickinson in the late 1850s (Lewis 1977:8). Most of the working miners and their families lived in the township of Whroo or surrounding areas. The population of Whroo peaked in 1858 and the township included a school, several stores and a Chinese camp (Figures 16 and 17). In the following years, however, the population declined to a few hundred people.

In 1860 John Lewis established the Balaclava Hill Quartz Mining Company, hoping to expand the mining lease and install pumping and winding machinery and a larger crushing battery. However, the share issue was not filled so Lewis pivoted to retreating his waste rock and battery tailings with amalgamating pans and mercury to extract residual gold. Over the next few years he purchased and consolidated several neighbouring leases, installed a large steam engine to drive his stamp battery, and began prospecting nearby reefs. In 1862 Lewis began to develop the open cut on Balaclava Hill, working the ore body as a face. The following year contract miners began excavating a tunnel 76-metres long at the base of the cut to remove the ore via a tramway to the stamp battery (Lewis 1977:55). Miners worked the face by blasting hundreds of tons of rock at a time, similar to quarry works.

Lewis also took considerable pains to secure a reliable and legally binding water supply for the Balaclava Hill Mine. In October 1862 he began construction of a large dam in Main Gully, at the foot of Balaclava Hill, and the following year he applied for a water-right licence to the 1 million-gallon (4.5 ML) reservoir. The reservoir covered 1.5 acres and had a depth of 21 feet (*McIvor Times* 2 July 1863:3; *Victoria Government Gazette* 118, 27 November 1863:2660). Lewis's far-sighted application was No.3 of around 900 water right licences taken out in Victoria by the end of the century, with most held by alluvial sluicers and only a small number held by quartz miners.

In 1864 Lewis sold a quarter-share of the mine leases to his brother-in-law, Archibald Menzies, who used the profits to build the famous Menzies Hotel in Melbourne (Forster 1965:27; Lewis 1977:56). The local mining surveyor, Henry Boyns Nicholas, praised Lewis and Menzies in 1864 for the scale and organisation of the Balaclava Hill Mine, noting 'they richly deserve the profits derived from it', despite the mine yielding barely three pennyweights per ton of crushed ore (Mining Surveyor 1864:45)

During the drought of 1865, Lewis began to develop the underground workings at Balaclava, putting in shafts and drives down to the water level at around 100 metres. A poppet head with winding and pumping engine was installed in 1868, but from this point the fortunes of the Balaclava Hill Mine began to decline. Lewis left the Balaclava Hill Mine and Whroo in 1870, after 15 years of profit and success. He speculated unsuccessfully in tin and copper mines in Queensland, and in 1873 sold his interest in the Balaclava Hill Mine and in other property to discharge his debts. Lewis died in 1906. Architectural historian Miles Lewis characterised his ancestor as a 'struggling fossicker, lucky quartz reefer, oppressive magnate, feckless speculator, and ultimate failure' (Lewis 1977:vii).

The mine was leased to tribute workers in the 1870s and 1880s, with sporadic, small-scale mining at Balaclava Hill continuing to the 1930s. Cyanide works were established around 1900 to reprocess the large volume of quartz tailings from the Balaclava Hill Mine. The site of this operation lies on the west side of the Nagambie-Rushworth Road and features three large cyanide vats and a large heap of tailings sands.

Total gold production figures for the Balaclava Hill Mine are obscure, but the period 1856 to 1858 produced thousands of ounces. From 1866 to 1881, Lewis and Menzies crushed 85,804 tons of quartz for a yield of 21,340 ounces (663 kg) of gold (Lewis 1977:75).

Historical images

Figure 15. Detail from Chauncy, P. 1857. Plan of the Waranga Goldfield (PROV VPRS 8168 Historic Plan Collection)

Figure 16. Balaclava Hill from the north c.1859 with workings on the summit including wind sails for shaft ventilation and a horse whim for raising ore (State Library Victoria)

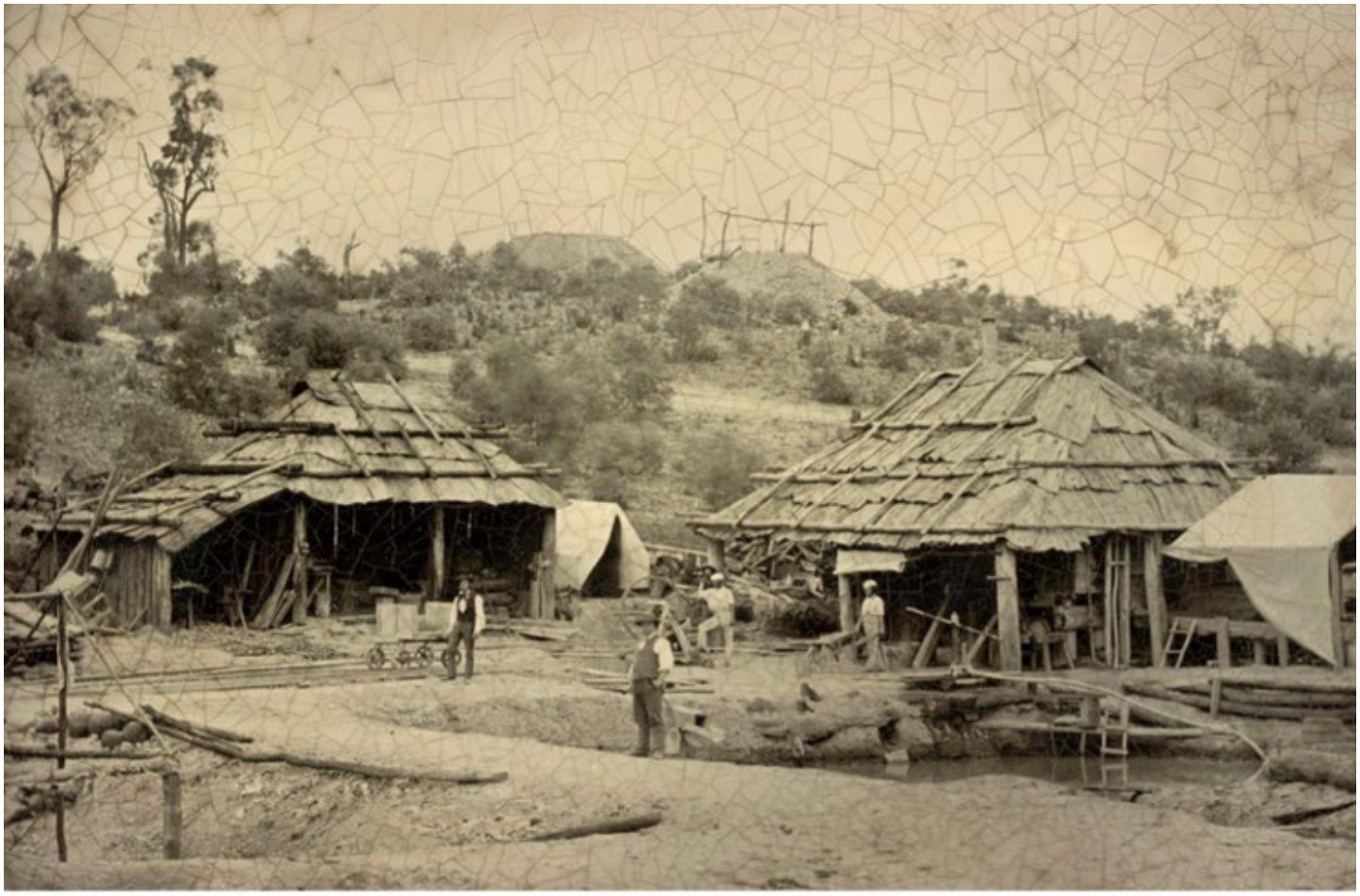

Figure 17. Lewis and Nickinson's crushing battery c.1859 (State Library Victoria)

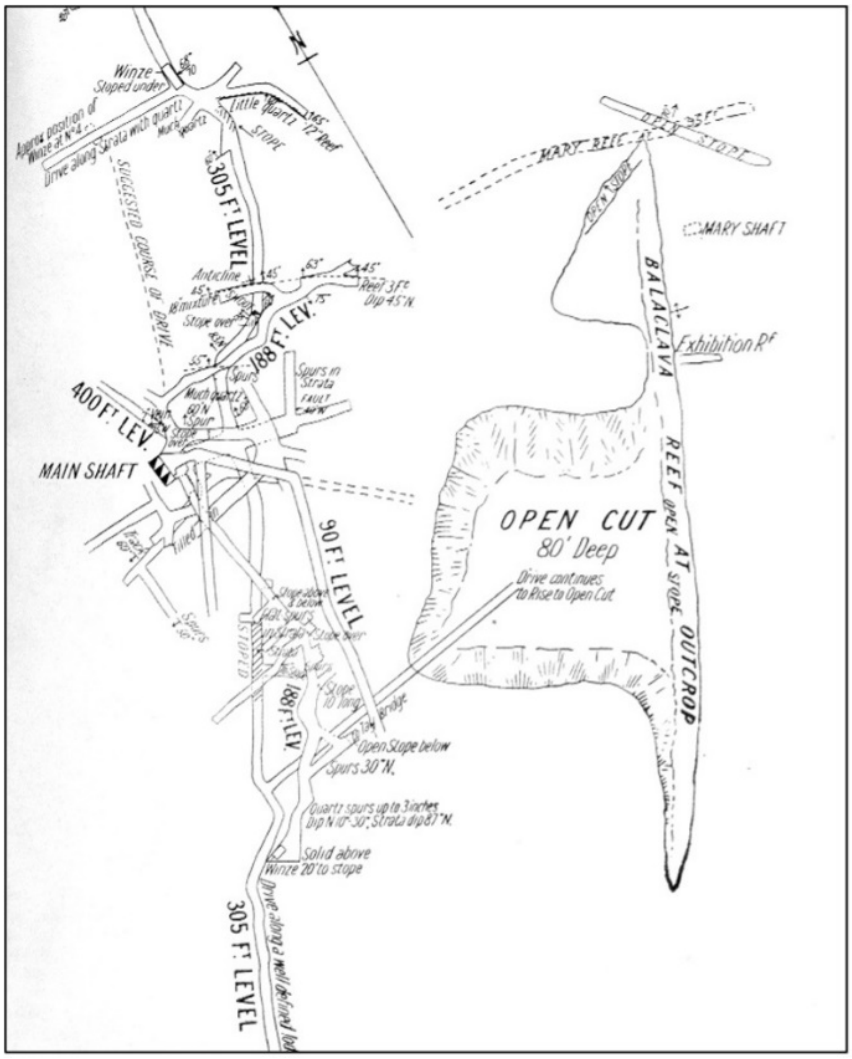

Figure 18. Balaclava Hill Mine, Whroo, (from Baragwanath 1925:332, Figure 98)

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Further information

Traditional Owner Information

The place is located on the traditional land of the Taungurung people. Under the *Aboriginal Heritage Act 2006*, the Registered Aboriginal Party for this land is the Taungurung Land and Waters Council Aboriginal Corporation.

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.

On 26 October 2018, the Victorian Government and the Taungurung people signed a suite of agreements under the *Traditional Owner Settlement Act* and related legislation.

Victorian Aboriginal Heritage Register

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

Integrity

The integrity of the place is excellent. The cultural heritage values of the Balaclava Hill Mine Precinct can be easily read in the extant fabric (August 2024)

Intactness

The intactness of the place is very good.

The open cut mine void is highly intact. There is modest vegetation regrowth at the base of the cut. The adit or tunnel in the south-west corner of the open cut is also intact; however, the tramway track to the battery site has been resurfaced and now functions as a public access track. Several large brick scatters are largely undisturbed. There are also several intact mine shafts on the slopes of Balaclava Hill covered in wire steel mesh for public safety. The three dams are intact, with the lowest and largest retaining a substantial body of water. Two of the three cyanide vats are intact. The middle example is no longer intact, with the brick lining removed.

Condition

The condition of Balaclava Hill Mine Precinct is very good.

The open cut mine void is essentially in the same condition as when it was last mined in the 1930s. There have been some recent instances of erosion and wall collapse. The tunnel providing access to the open cut is gated for public safety due to instability but is otherwise complete.

The three dams have well-defined walls and are in good condition, with the lowest dam retaining a large amount of water in winter months. The large heap of quartz tailings west of the Nagambie-Rushworth Road has been disturbed by trailbikes and surface erosion but is largely complete.

The three cyanide vats are in good condition, albeit that the middle vat is no longer complete but is a large round impression in the ground.

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

Heritage Overlay	HO312 (Campaspe) – Balaclava Hill Open Cut Mine and Whroo Township Site
Other Overlays	Bushfire Management Overlay.
Other Listings	VHI H7924-0014 Balaclava Hill Mine VHI H7924-0011 Main/Balaclava Gully Cyanide Works VHI H7924-0012 Main/Balaclava Gully Puddler & Dam VHR H1244 Whroo Gold Puddling Machine
Other Names	There are no other widely known names for the place.
Date of construction/creation	1850s-1860s

Statutory requirements under section 40PROV H2465

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

The ED recommends that the Balaclava Hill Mine Precinct is included in the VHR

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

Number: PROV H2465

Category: Registered place and registered archaeological place

Name: Balaclava Hill Mine Precinct

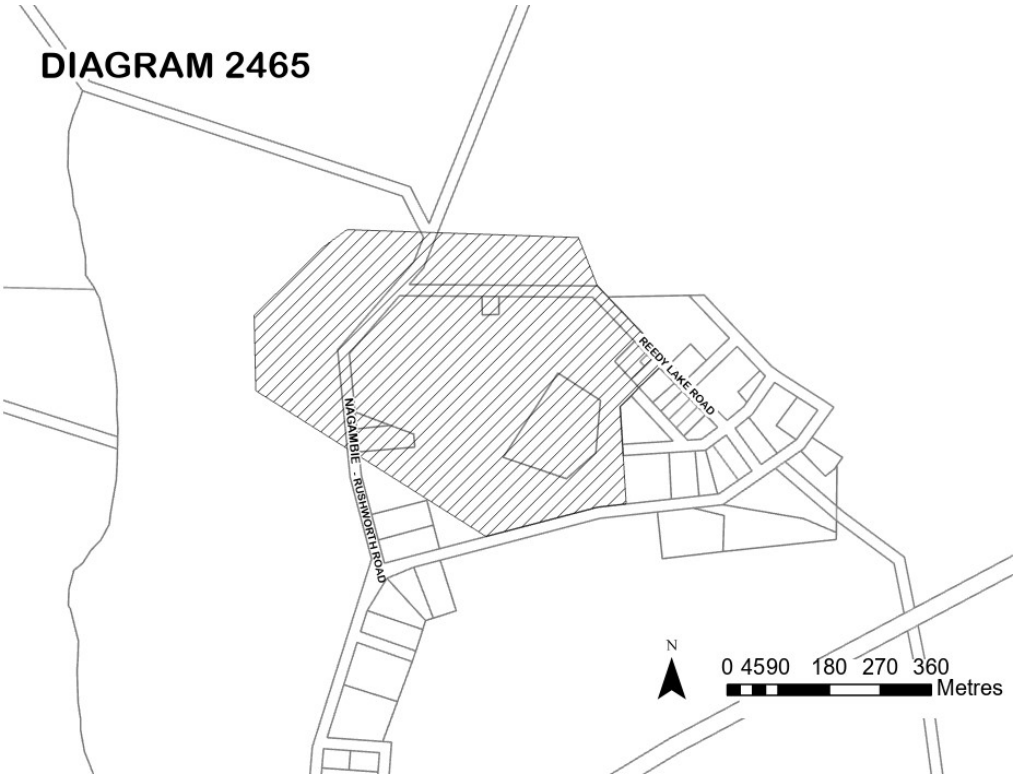
Location: Reedy Lake Road, Whroo

Municipality: Shire of Campaspe

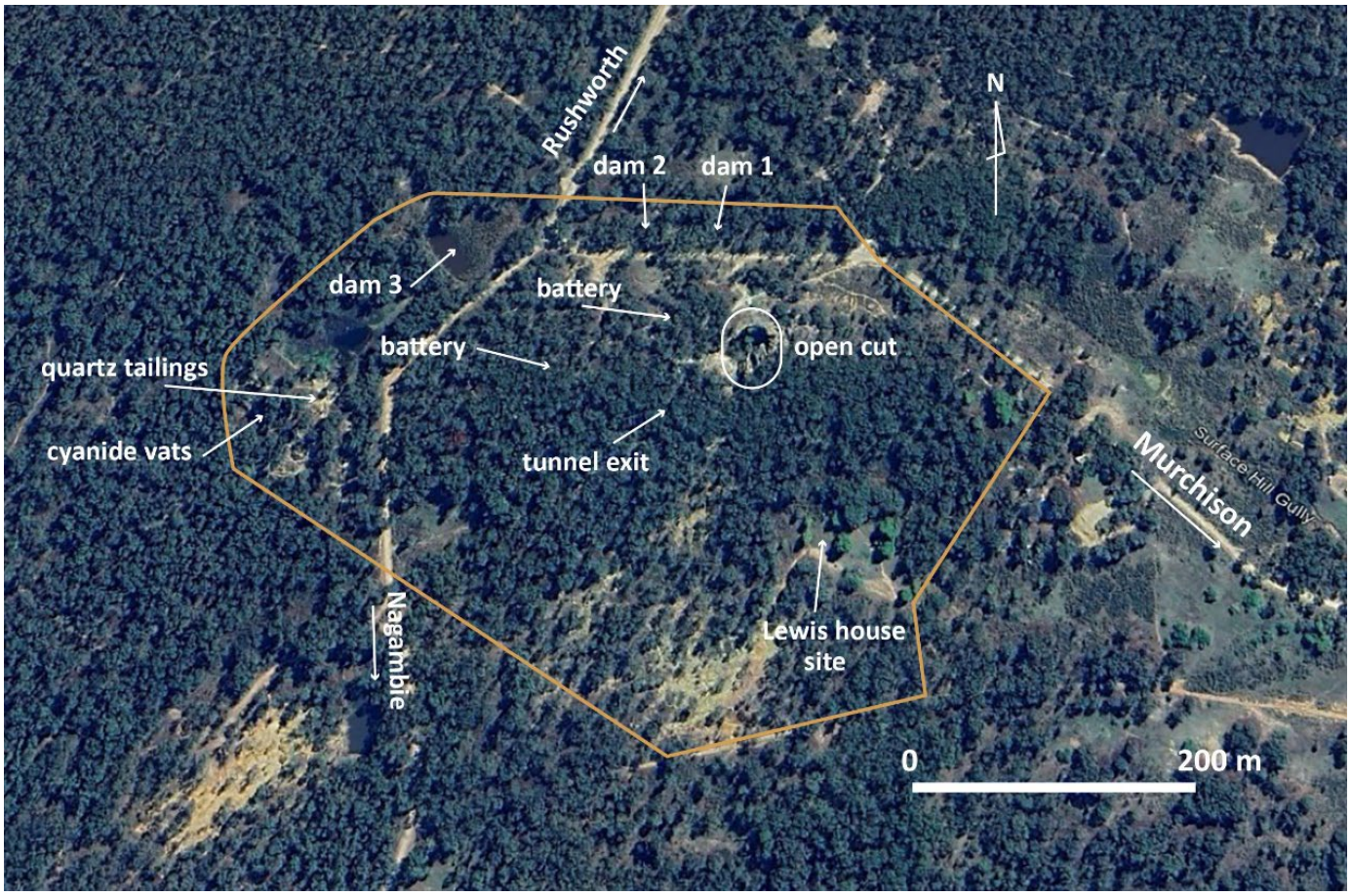
Proposed extent of registration

The ED recommends that the extent of registration for the Balaclava Hill Mine Precinct be gazetted as:

All of the place shown hatched on Diagram 2465 encompassing all of Crown Allotment 25 and 26 Section 7 Township of Whroo; Crown Allotment 5 Section 6 Township of Whroo; Crown Allotment 6 Section 6 Township of Whroo and Crown Allotment 1 Section 8 Township of Whroo and parts of Allotment 8A and 9A Section C Parish of Whroo and Crown Allotment 2 Section 8 Township of Whroo and part of the road reserves of Reedy lake Road and Nagambie-Rushworth Road.



Non-statutory information about the proposed extent of registration



Aerial view of the Balaclava Hill Mine Precinct

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 Balaclava Hill Mine Precinct, 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 Balaclava Hill Mine Precinct, 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 Balaclava Hill Mine Precinct 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 Balaclava Hill Mine Precinct 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 Balaclava Hill Mine Precinct 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 Balaclava Hill Mine Precinct 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 Balaclava Hill Mine Precinct – 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 Balaclava Hill Mine Precinct, 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 Balaclava Hill Mine Precinct 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 Balaclava Hill Mine Precinct 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 Balaclava Hill Mine Precinct 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 Balaclava Hill Mine Precinct 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 Balaclava Hill Mine Precinct 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 Balaclava Hill Mine Precinct 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 Balaclava Hill Mine Precinct 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 Balaclava Hill Mine Precinct 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 Balaclava Hill Mine Precinct.
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 Balaclava Hill Mine Precinct.
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 Balaclava Hill Mine Precinct 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 Balaclava Hill Mine Precinct 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 Balaclava Hill Mine Precinct 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 Balaclava Hill Mine Precinct 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 Balaclava Hill Mine Precinct. 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

The following places were selected as comparators to the Balaclava Hill Mine Precinct because they are well-preserved and recognised as significant examples of historical open-cut reef gold mines in Victoria.

Victoria Hill Quartz Gold Mines, Bendigo VHR H1355

Gold was discovered at Victoria Hill, Bendigo in 1854. Two early claimholders were Prussian immigrants Christopher Ballerstedt and his son Theodore, who worked quartz veins near the surface of Victoria Hill by both shafts and a large open cut. The cut is about 5 metres deep, 10 metres wide and 50 metres long. Additional features at the site include a poppet head relocated to Victoria Hill in 1955, along with a mullock heap and a 20-head stamp battery. Dams associated with water-right licenses Nos. 97 and 194 have not been recorded. The Victoria Hill mine was subsequently operated by the 'Quartz King' of Bendigo, George Lansell, and eventually closed in 1913.

Figure 19. Open cut feature at Victoria Hill Quartz Gold Mines in Bendigo (P. Davies, 7 August 2024)

Golconda-Glasgow Reef Gold Mines, Bendigo VHR H1359

The Golconda-Glasgow Reef Gold Mines contains a range of mining foundations and earthworks from the early years of quartz mining on the Bendigo goldfield. Glasgow Reef, near the head of Golden Gully, was opened in 1855 and mined until the turn of the century. Key features of the site include an open cut, mullock heaps, mining and battery foundations, and a long tramway embankment. The open cut is around 3 metres deep, 5 metres wide and 100 metres long.

Figure 20. Open cut at feature at Golconda-Glasgow Reef Gold Mines (P. Davies, 7 August 2024)

Eureka Reef Gold Mining Precinct, Chewton VHR H1233

The Eureka Reef Gold Mines near Chewton consist of a range of mining sites documenting quartz and alluvial gold mining operations carried on from the mid-1850s to 1950s. The extensive open cut along the line of reef belongs to an early phase of quartz working, dating from 1854 to the 1860s. The cut is narrow and steep, measuring about 10 metres deep, 3 metres wide and 150 metres in length. Additional features in the precinct include the stone foundations of miners' cottages, a section of the Poverty Gully water channel, several dams, cyanide vats and machinery foundations.

Figure 21. Open cut feature at Eureka Reef Gold Mining Precinct (P. Davies, 7 August 2024)

Summary of Comparisons

The Balaclava Hill Mine Precinct is one of the largest recorded nineteenth-century open-cut reef gold mines in Victoria and retains more extant features than most other known examples of this typology. Features at the site include mine shafts, adits, tramway/track, coppiced trees, dams, quartz tailings and cyanide vats. These features provide vital context to understanding how open cut gold mining occurred in Victoria during the nineteenth century.

There are only a few places in Victoria that feature large and well-preserved open-cut reef gold mines from the nineteenth century and associated features that help tell the story of mining activity at each place. Open-cuts were excavated to mine quartz reefs close to the surface. They required mining and processing infrastructure to extract gold from the ore. The two comparative examples in Bendigo (Victoria Hill and Golconda-Glasgow Reef) are shallow and short open-cuts, while the example at Eureka Reef is deeper and longer and very narrow, but is the most comparable to the Balaclava Hill Mine Precinct due to the number of features that remain extant to illustrate the history of this mining activity. These three places also feature substantial remains that help reveal the nature and history of gold mining at each site.

There are no other places known to include surviving physical fabric associated with water-rights licenses for quartz mining. Approximately 900 water right licenses were allocated in Victoria following the passage of relevant legislation in 1862. Most of the initial allocations were in the 1860s and of those, less than a dozen were for reservoirs. The reservoir licenses were typically for Bendigo and Woods Point. Those at Bendigo include No. 97 (T. Ballerstedt) and No. 194 for George Lansell, both associated with the quartz mines at Victoria Hill. While the open cut and a later battery at Victoria Hill are registered as VHR H1355, no dams at the site have been recorded. There has been no systematic archaeological survey of Woods Point so the condition of those dams is unknown.

The Balaclava Hill Mine Precinct is one of the largest recorded 19th-century open-cut reef gold mines in Victoria and retains more extant features than most other known examples of this typology. Features at the site include mine shafts, adits, tramway/track, coppiced trees, dams, quartz tailings and cyanide vats. These features provide vital context to understanding how mining occurred at Balaclava Hill during the 19th century.

Open-cut mining occurred where gold-bearing quartz reefs were close to the surface and accessible for mining operations. These conditions were rarely present on Victorian goldfields, making the large-scale open cut at Balaclava Hill one of the most distinctive examples of its kind. The water-supply dams are the only known examples of this kind of water-right license for quartz mining.

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

Statement of significance

What is significant?

The Balaclava Hill Mine Precinct is located on the land of the Taungurung people.

The Balaclava Hill Mine Precinct at Whroo is a well-preserved example of an open-cut reef gold mine dating to the 1850s and 1860s.

The place includes a large, excavated mine cavity up to 25 metres deep, along with a range of features around the slopes of the hill associated with various aspects of the mine's operation. These include terraces and brick scatters from crushing batteries, an adit that served as an access tunnel for removing ore, and the remains of a tramway formation now upgraded to a walking track. There are also several capped mine shafts, along with pine trees and a brick-lined cistern associated with the residence of the mine owner and manager, John Thomas Lewis.

In addition, the place features the remains of three intact dams built in the 1860s and used for water storage, a large heap of quartz tailings sands that derive from crushing operations at the mine, and three large cyanide vats in which the tailings sands were later reprocessed to extract residual gold.

How is it significant?

The Balaclava Hill Mine Precinct is of historical, rarity, 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 B

Possession of uncommon, rare or endangered aspects 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 Balaclava Hill Mine Precinct 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. The place is one of the largest recorded nineteenth-century open-cut reef gold mines in Victoria and is a well-preserved example of its type. The extent of retained features at the Balaclava Hill Mine Precinct – including a large, dramatic and intact open cut rock feature, tunnel/adit, brick scatters, dams, quartz tailing heaps, cyanide vats and coppiced trees – allows a full range of historic open-cut quartz mining, quarrying and processing techniques to be readily understood, as well as the associated life on the mine through the remnants of John Lewis' house (brick-lined cistern and Aleppo pine tree). [Criterion A]

The structure of the ore body at the Balaclava Hill Mine Precinct was uncommon in the Victorian gold province, featuring small but rich auriferous quartz reefs and spurs oriented in several directions and located close to the surface, which resulted in open-cut mining at the site, utilising techniques generally associated with quarrying. In contrast, most gold reefs in Victoria were mined using shafts and tunnels. In addition, the place is uncommon for the remnant evidence of the early securing of a water-right licence for quartz mining through the three dams which form part of the place. Lewis's far-sighted application was No.3 of around 900 water-right licences taken out in Victoria by the end of the nineteenth century. Most water-right licenses were held by alluvial sluicers and only a small number were held by quartz miners. The dams are evidence of an uncommon approach to secure water for quartz mining. [Criterion B]

The Balaclava Hill Mine Precinct is archaeologically significant for the array of well-preserved physical features associated with historical reef gold mining, including shafts and adits, dams, a tramway/track, coppiced trees, quartz tailings and cyanide vats. These have the potential to yield significant information about the development, expansion and contraction of Victoria's mining history. [Criterion C]

The Balaclava Hill Mine Precinct is notable for clearly demonstrating the principal characteristics of a historical open-cut reef gold mine through the large, dramatic and intact void in the hill, along with shafts and adits, coppiced trees, quartz tailings and cyanide vats. The three dams represent one of the earliest intact mining water systems associated with quartz mining in Victoria. The associated life on the mine is demonstrated through the remnants of John Lewis' house (brick-lined cistern and Aleppo pine tree). The place is readily legible as one of the largest, most dramatic and best-preserved examples of historical open-cut reef gold mining 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 Balaclava Hill Mine Precinct. 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 Balaclava Hill Mine Precinct

1. All vegetation management, excluding removal or lopping of coppice trees throughout the extent and the Aleppo pine at the Lewis house site. Vegetation management works must not have the potential to affect archaeological remains.
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.