

Heritage Council Determination

Determination date	7 August 2025
Place/Object name	Baarmutha Hydraulic Sluicing Area
Location	Buckland Gap Road, Beechworth, Indigo Shire
VHR number	H2466
Category	Registered Place and Registered Archaeological Place
Relevant legislative provision/s	Inclusion in the Victorian Heritage Register, pursuant to section 49(1)(a) of the <i>Heritage Act 2017</i>

Determination of the Heritage Council

The Heritage Council of Victoria determined on 7 August 2025, in accordance with section 49(1)(a) of the *Heritage Act 2017*, that the above Place is to be included in the Victorian Heritage Register in the categories of Registered Place and Registered Archaeological Place.

The Heritage Council also determined to:

- Include categories of works or activities which may be carried out in relation to the place for which a permit is not required (specific permit exemptions), that would not harm the cultural heritage significance of the place, pursuant to section 49(3)(a) of the *Heritage Act 2017*.
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Executive Director's Recommendation ('the Recommendation')

The Executive Director made and accepted a nomination to include the Baarmutha Hydraulic Sluicing Area ('the Place') in the Victorian Heritage Register ('Heritage Register'). On 19 May 2025 the Executive Director made the Recommendation to the Heritage Council that the Place be included in the VHR. The Recommendation was advertised publicly for a period of 60 days, beginning on 23 May 2025.

Section 44 submissions

During the 60-day public advertisement period, one submission was received pursuant to section 44 of the *Heritage Act 2017*. The submission was received from Parks Victoria, the land manager of the Place. Parks Victoria did not object to the inclusion of the Place in the Heritage Register, nor the proposed extent of registration, and supported specific permit exemptions recommended by the Executive Director. Parks Victoria did not request that a hearing be conducted.

The Place

Description

Extracted verbatim from page 3 of the Executive Director's Recommendation, for information only (in-text references to figures removed):

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. 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. The sluiced area is heavily overgrown with native forest regrowth and access to the place, even by foot, is difficult in many areas.

Remains of at least four sludge dams are also preserved along Three Mile Creek, constructed in the early twentieth century. 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.

Heritage Council's findings

State-level cultural heritage significance

The Heritage Council's findings accord with the Executive Director's Recommendation. The Heritage Council finds that the Baarmutha Hydraulic Sluicing Area is of State-level cultural heritage significance.

The Heritage Council finds that the Baarmutha Hydraulic Sluicing Area is of historical significance to the State of Victoria for its association with the Victorian gold rush, particularly historical alluvial gold mining. The Heritage Council finds that the remains of sludge dams at the Place are historically significant for demonstrating how miners were forced to manage the waste tailings from their operations with the introduction of the *Mines Act 1904*. The Heritage Council notes that this legislation was introduced in part in response to the extent of sludge deposits produced at the Place, and that these reforms impacted future mining operations on a state, national and international level.

The Heritage Council finds that the Baarmutha Hydraulic Sluicing Area is archaeologically significant for the extensive and well-preserved remains of alluvial gold mining, and 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. The Heritage Council agrees that the Baarmutha Hydraulic

Sluicing Area is a notable example of an alluvial gold mining site in Victoria and that the Place demonstrates the principal characteristics of a historical alluvial gold mining landscape.

The Heritage Council determines that the Baarmutha Hydraulic Sluicing Area meets the following Criteria for Assessment in the Heritage Council's *Victorian Heritage Register Criteria and Threshold Guidelines (Attachment 1)* at State-level:

- **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.

The Heritage Council made the above determination subject to the Executive Director including additional wording in the registration information for the Place, acknowledging the catastrophic impact the gold rush had on First Peoples and Country across Victoria. The Heritage Council records the view that this information should reflect the findings of the Yoorrook Justice Commission in relation to the impacts of the Victorian gold rush on First Peoples.

Extent of Registration

The Extent of Registration is provided as **Attachment 2** and includes 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.

Permit exemptions

The Heritage Council determined specific permit exemptions for works or activities which would not harm the cultural heritage significance of the Baarmutha Hydraulic Sluicing Area (**Attachment 3**).

Conclusion

The Heritage Council of Victoria determined on 7 August 2025, in accordance with section 49(1)(a) of the *Heritage Act 2017*, that the Baarmutha Hydraulic Sluicing Area is to be included in the Victorian Heritage Register in the categories of Registered Place and Registered Archaeological Place.



Professor Philip Goad
Chair, Heritage Council of Victoria

Attachment 1

Victorian Heritage Register Criteria and Threshold Guidelines

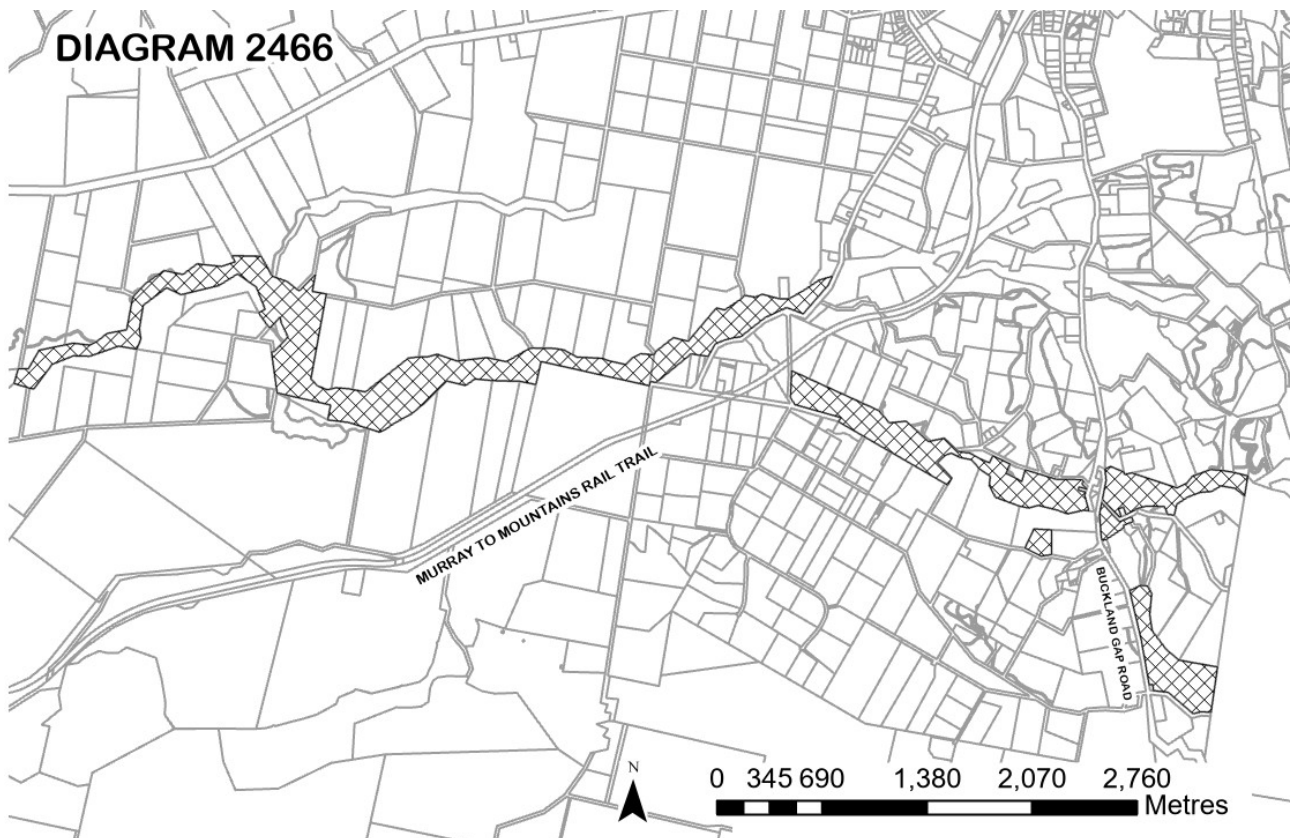
Criterion A	Importance to the course, or pattern, of Victoria's cultural history.
Criterion B	Possession of uncommon, rare or endangered aspects of Victoria's cultural history.
Criterion C	Potential to yield information that will contribute to an understanding of Victoria's cultural history.
Criterion D	Importance in demonstrating the principal characteristics of a class of cultural places and objects.
Criterion E	Importance in exhibiting particular aesthetic characteristics.
Criterion F	Importance in demonstrating a high degree of creative or technical achievement at a particular period.
Criterion G	Strong or special association with a particular present-day community or cultural group for social, cultural or spiritual reasons.
Criterion H	Special association with the life or works of a person, or group of persons, of importance in Victoria's history.

These were adopted by the Heritage Council at its meeting on 1 December 2022, and replace the previous criteria adopted by the Heritage Council on 6 December 2012.

Attachment 2

Extent of Registration

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.



Attachment 3

Categories of works or activities which may be undertaken without a permit (permit exemptions)

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 exemptions

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

The works and activities below are not considered to cause harm to the cultural heritage significance of the Baarmutha Hydraulic Sluicing Area subject to the following guidelines and conditions:

Guidelines

1. Where there is an inconsistency between permit exemptions specific to the registered place or object ('specific exemptions') established in accordance with either section 49(3) or section 92(3) of the Act and general exemptions established in accordance with section 92(1) of the Act specific exemptions will prevail to the extent of any inconsistency.
2. In specific exemptions, words have the same meaning as in the Act, unless otherwise indicated. Where there is an inconsistency between specific exemptions and the Act, the Act will prevail to the extent of any inconsistency.
3. Nothing in specific exemptions obviates the responsibility of a proponent to obtain the consent of the owner of the registered place or object, or if the registered place or object is situated on Crown Land the land manager as defined in the *Crown Land (Reserves) Act 1978*, prior to undertaking works or activities in accordance with specific exemptions.

4. If a Cultural Heritage Management Plan in accordance with the *Aboriginal Heritage Act 2006* is required for works covered by specific exemptions, specific exemptions will apply only if the Cultural Heritage Management Plan has been approved prior to works or activities commencing. Where there is an inconsistency between specific exemptions and a Cultural Heritage Management Plan for the relevant works and activities, Heritage Victoria must be contacted for advice on the appropriate approval pathway.
5. Specific exemptions do not constitute approvals, authorisations or exemptions under any other legislation, Local Government, State Government or Commonwealth Government requirements, including but not limited to the *Planning and Environment Act 1987*, the *Aboriginal Heritage Act 2006*, and the *Environment Protection and Biodiversity Conservation Act 1999* (Cth). Nothing in this declaration exempts owners or their agents from the responsibility to obtain relevant planning, building or environmental approvals from the responsible authority where applicable.
6. Care should be taken when working with heritage buildings and objects, as historic fabric may contain dangerous and poisonous materials (for example lead paint and asbestos). Appropriate personal protective equipment should be worn at all times. If you are unsure, seek advice from a qualified heritage architect, heritage consultant or local Council heritage advisor
7. The presence of unsafe materials (for example asbestos, lead paint etc) at a registered place or object does not automatically exempt remedial works or activities in accordance with this category. Approvals under Part 5 of the Act must be obtained to undertake works or activities that are not expressly exempted by the below specific exemptions.
8. All works should be informed by a Conservation Management Plan prepared for the place or object. The Executive Director is not bound by any Conservation Management Plan and permits still must be obtained for works suggested in any Conservation Management Plan.

Conditions

1. All works or activities permitted under specific exemptions must be planned and carried out in a manner which prevents harm to the registered place or object. Harm includes moving, removing or damaging any part of the registered place or object that contributes to its cultural heritage significance.
2. If during the carrying out of works or activities in accordance with specific exemptions original or previously hidden or inaccessible details of the registered place are revealed relating to its cultural heritage significance, including but not limited to historical archaeological remains, such as features, deposits or artefacts, then works must cease and Heritage Victoria notified as soon as possible.
3. If during the carrying out of works or activities in accordance with specific exemptions any Aboriginal cultural heritage is discovered or exposed at any time, all works must cease and the Secretary (as defined in the *Aboriginal Heritage Act 2006*) must be contacted immediately to ascertain requirements under the *Aboriginal Heritage Act 2006*.
4. If during the carrying out of works or activities in accordance with specific exemptions any munitions or other potentially explosive artefacts are discovered, Victoria Police is to be immediately alerted and the site is to be immediately cleared of all personnel.
5. If during the carrying out of works or activities in accordance with specific exemptions any suspected human remains are found the works or activities must cease. The remains must be left in place and protected from harm or damage. Victoria Police and the State Coroner's Office must be notified immediately. If there are reasonable grounds to believe that the remains are Aboriginal, the State Emergency Control Centre must be immediately notified on 1300 888 544, and, as required under s.17(3)(b) of the *Aboriginal Heritage Act 2006*, all details about the location and nature of the human remains must be provided to the Secretary (as defined in the *Aboriginal Heritage Act 2006*).

Exempt works and activities

1. All 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.