

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

**Name:** Buckland River Crossing  
**Address:** Buckland Valley Road, Buckland  
**Local Government Authority:** Alpine Shire  
**Provisional VHR No.** PROV VHR H2431



Buckland River Crossing (August 2022)

## Executive Director recommendation

Under Part 3, Division 3 of the *Heritage Act 2017* ('the Act') I recommend to the Heritage Council of Victoria that the Buckland River Crossing, Buckland Valley Road, Buckland, should be included in the Victorian Heritage Register (VHR) in the category of Registered Place.

Handwritten signature of Steven Avery.

**STEVEN AVERY**  
Executive Director, Heritage Victoria  
**DATE OF RECOMMENDATION: 12 September 2022**



# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## Executive Director recommendation to the Heritage Council of Victoria

The Executive Director, Heritage Victoria ('Executive Director'), recommends that the Heritage Council include the Buckland River Crossing, Buckland Valley Road, Buckland, in the VHR in accordance with section 49 of the Act by determining:

- That the Buckland River Crossing is of State-level cultural heritage significance and should be included in the VHR in the category of registered place in accordance with section 49(1)(a) of the Act.
- That the proposed categories of works or activities which may be carried out in relation to the Buckland River Crossing for which a permit under the Act is not required will not harm the cultural heritage significance of the place under section 49 (3) of the Act.

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## The process from here

### 1. The Heritage Council publishes the Executive Director's recommendation (section 41)

The Heritage Council will publish the Executive Director's recommendation on its website for a period of 60 days.

### 2. Making a submission to the Heritage Council (sections 44 and 45)

Within the 60 day publication period, any person or body with a real and substantial interest in the place or object can make a 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:

<https://heritagecouncil.vic.gov.au/registrations-reviews/executive-director-recommendations/>

### 3. Heritage Council determination (sections 46 and 49)

The Heritage Council is an independent statutory body. It is responsible for making the final determination to include or not include the place or object in the VHR, or amend a place or object already in the VHR.

If no submissions are received the Heritage Council must make a determination within 40 days of the publication closing date.

If submissions are received, the Heritage Council may decide to hold a hearing in relation to the submission. If a hearing does take place, the Heritage Council must make a determination within 90 days after the completion of the hearing.

### 4. Obligations of owners of places and objects (sections 42 and 43)

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

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

### 5. Further information

The relevant sections of the Act are provided at Appendix 1.

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## Description

The following is a description of the Buckland River Crossing at the time of a site inspection by Heritage Victoria in July 2022. The place comprises an historic landscape which extends across a 100 metres radius around the timber pier remains an early bridge (c.1860s). The place includes the Buckland River and the landscape around it.

Features include:

### Western side of the river (features listed north to south)

- The remains of the western embankment of a proposed bridge from the 1970s which was never built
- Bridge pier remains c.1860s in the river
- A maintained grassed area bordered by vegetation
- Unsealed roads which lead to two carparks
- A picnic area with outdoor furniture
- Two interpretative areas with didactic panels
- Part of Goldie's Spur Track
- Part of Swamp Wallaby Track
- The western part of the 2021 bridge
- The western part of the 1929 bridge
- Part of the Buckland Valley Road.

### Eastern side of the river (features listed north to south)

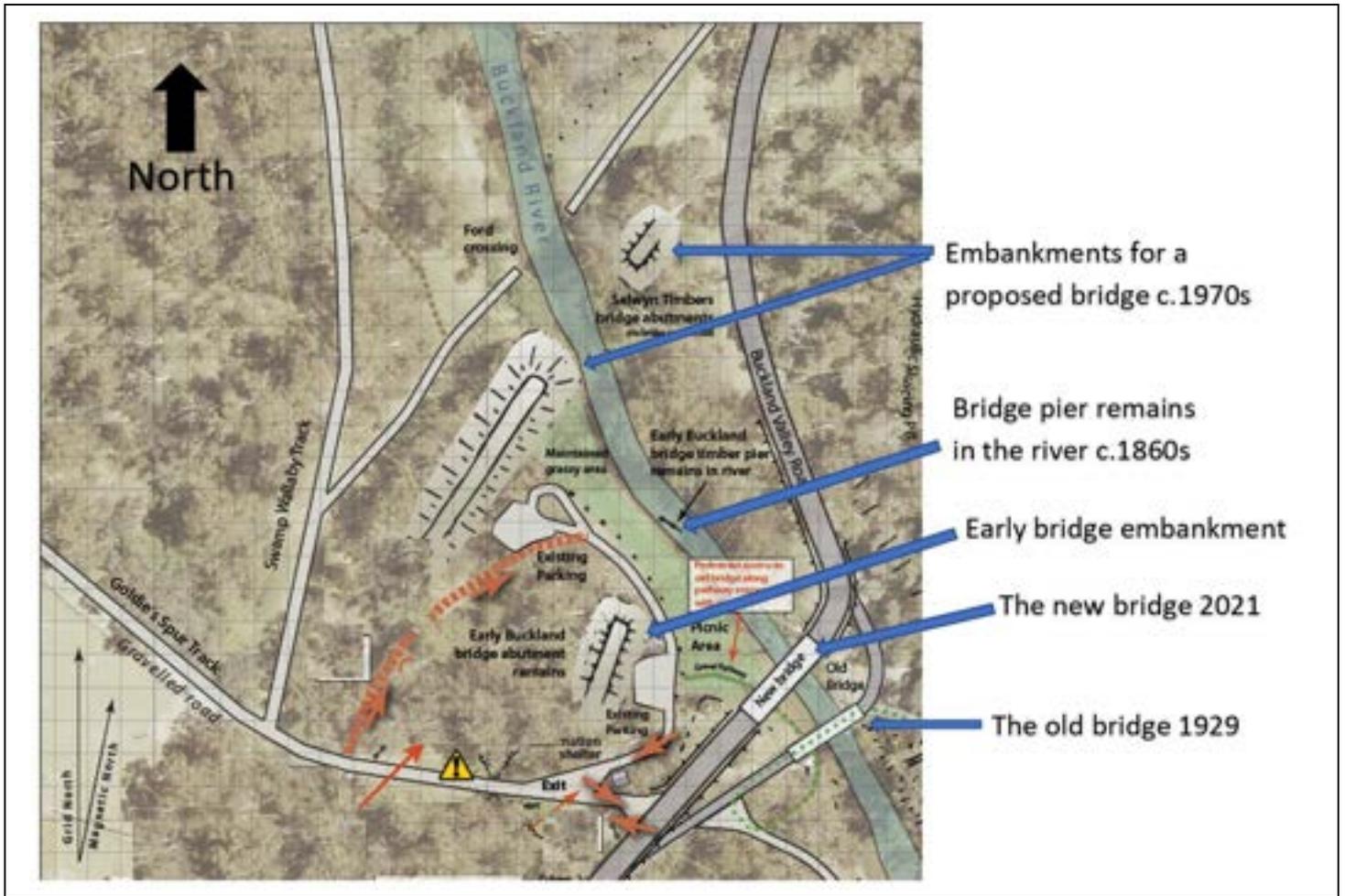
- The remains of the eastern embankment of a proposed bridge from the 1970s which was never built
- Vegetated landscape on the riverbank
- The western part of the 2021 bridge
- The western part of the 1929 bridge
- Part of the Buckland Valley Road.

Note: There are no physical built remains of the log crossing recorded in accounts of the 1857 Buckland Valley Riot, but this place is widely recognised as a historic landscape for its association with that event.



100 metre radius around the fixed point (bridge pier remains c.1860s) at the centre of the proposed extent

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria



Site map showing features including the fixed point (bridge pier remains c.1860s) at the centre of the extent

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria



2022, View to the east showing the 2021 bridge at the south of the extent (on the right).



2022, View to the south showing the timber pier remains c.1860s in the river. The 2021 bridge is in the background.



2022, View to the north up the Buckland River. Early bridge embankment is to the left (see white arrow).



2022, View to the north up the Buckland River. Raised earth embankments for a proposed bridge in the 1970s is to the left



2022, South-eastern view of the c.1929 dredge-ladder bridge.



2022, Northern view of the picnic area. Interpretive sign is in the foreground and a set of fixed timber furniture is to the right

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## History

### Victoria's gold rush

In 1851 Victoria's gold rush was sparked by gold discovery at Clunes, Bendigo and Ballarat. News of the strike quickly spread, and an influx of migrants came to Victoria from all over the world until the late 1860s. The population of Victoria rose from 75,000 people in 1851 to 500,000 in 1861. Melbourne earned the nickname 'Marvellous Melbourne' due to the huge influx of wealth and migrants, and the subsequent economic and cultural impact of this mass migration shaped Victoria.

In the Ovens Valley region, gold was discovered in Beechworth in 1852, quickly followed by finds at Bright, Wandiligong and along the Ovens River as far as Harrietville. The largest discovery in the area was at the rich Buckland Valley field in 1853, located on the traditional land of the Taungurung People. The Buckland Valley was mainly an alluvial gold mining area (extracting gold from waterways), and settlements were spread over about 30 kilometres. In the mid-1850s, large numbers of Chinese miners came to Buckland. By early 1857, there were an estimated 2,000 to 2,500 Chinese and 500 European miners.

### Anti-Chinese Violence on the Goldfields

During the 1850s on Victoria's Goldfields, bullying, harassment and acts of violence towards Chinese migrants were common.<sup>1</sup> From 1855, Chinese people were taxed a £10 fee to arrive in Victoria by ship, and from 1857 additional annual residents' fees of between £4 and £6 were imposed. In the face of discrimination and violence, Chinese communities organised campaigns of resistance sending petitions to those in authority and fighting legal test cases on the constitutional right of the colony to exclude Chinese arrivals, and organised civil disobedience campaigns. Some Europeans also objected to the unfair way Chinese people were treated on the goldfields. 'The Chinese', wrote one journalist in the *Argus* newspaper in 1862, 'are a valuable addition to our labourers on the gold-fields.' Chinese communities organised mutual aid associations to support their well-being in the colony. The See Yup Society was founded in 1854 and grew to be one of the largest and most powerful.

### The Buckland Valley Riot

#### *Origins of the riot*

In 1857, the worst episode of anti-Chinese violence on Victoria's goldfields occurred in the Buckland Valley. It predates the oft cited Lambing Flat Riots in New South Wales of 1861. At the time, Chinese miners outnumbered Europeans by four or five to one. Great resentment was felt by sections of the European population as they believed that Chinese miners were 'robbing us of our goldfields' and had 'gross and beastly practices'.<sup>2</sup> There had been much animosity and growing clashes between European and Chinese miners in the first half of 1857, with one of the most notable incidents happening in early May, where a group of Chinese miners were pelted by approximately thirty abusers with blackened faces.

After a number of serious confrontations and police inaction, the Buckland Valley erupted into violence in an event known as the Buckland Valley Riot. On 4 July 1857, a hostile group of eighty to ninety Europeans (including Americans) met at Tanswell's Buckland Hotel.<sup>3</sup> At the conclusion of the meeting, some men attempted to expel the Chinese community without using violence by gesturing for them to take their belongings and leave. Shortly after, approximately forty men armed themselves with axe handles and pieces of wood and headed to the Chinese camp on Loudon's Flat. The unsuspecting Chinese were hunted from the camp and violently herded down the Buckland Valley. The number of rioters had increased to nearly a hundred with a large group of European onlookers who followed the mob but did not participate in the violence.

---

<sup>1</sup> For an analysis of this and comparison with the Californian goldfields see Andrew Markus, *Fear and hatred*, pp.23-22.

<sup>2</sup> *The Golden Age*, pp. 325.

<sup>3</sup> *The Buckland Valley Goldfield*, pp. 91.

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## *The river crossing*

At the time of the riot, a narrow log crossing on the Buckland River was the only means of escape. A bottleneck formed as panic-stricken Chinese people attempted to cross it in a single file. As the rioters continued to beat the fleeing victims, many fell into the icy waters below. Despite the involvement of many people in the riot, only one policeman, Constable Duffy, was sent to quell the event. Although Duffy attempted to remonstrate against the brutal conduct, his lone presence was ineffective in stopping the agitated mob. It was only through the intervention of a group of sympathetic Europeans, who stood before the rioters or offered protection to the Chinese people, that some order was restored. Eventually, the Chinese people gained safe passage across the river and the riot subsided. Between 11 am and 4 pm on 4 July 1857, most of the Chinese miners had been expelled from the Buckland Valley.

After the riot, many Chinese people were left injured, some were unaccounted for, but the exact number of fatalities related to the riot remains unknown. Additional police did not arrive to investigate until two days afterwards, and only found four bodies linked to the event. There are some accounts that indicate more Chinese miners may have died as a result of the incident.<sup>4</sup> Additionally, the newly opened Chinese Temple, as well as an estimated 750 tents and 30 stores were looted and destroyed. Chinese people estimated a loss of approximately £50,000 in gold and possessions.<sup>5</sup> European sympathisers who assisted the Chinese victims were also verbally and physically assaulted.

## *After the Riot*

Shortly after the Buckland Valley Riot, an inquest was held where several instigators of the riot were taken into police custody. A team of twenty police officers led by Superintendent Robert O'Hara Burke investigated the incident and issued warrants to rioters who were yet to be arrested, however many could not be located. The warrants were subsequently retracted by October 1857, approximately four months after the riot. Those who were tried before a jury were mostly found not guilty of any charges. Four of twelve rioters served light sentences while others walked free.<sup>6</sup> Upon their return to the Buckland Valley, the rioters were treated as heroes by some in the community.

The coroner's report stated that the three Chinese men whose bodies were found died of 'natural causes' such as 'exposure to the cold and hunger'. However, these deaths were likely to have occurred as a consequence of the riot.<sup>7</sup> Approximately two months after the Buckland Valley Riot, the body of a fourth Chinese man was discovered floating in the Buckland River. He was claimed to have died of drowning and suffocation, however, there were no marks of violence appearing on his body.<sup>8</sup> The men were buried in unspecified locations in the Buckland Valley. A large proportion of the Chinese community who fled the Buckland Valley went to Beechworth while some headed for Harrietville, as these locations had well established Chinese camps. Some may have moved to New South Wales. Having been alienated by most of the European community in the Buckland Valley after the riot, some who offered help to the Chinese people also left the area.

By October 1857 over 500 Chinese people were living in the Buckland Valley again. This followed the appointment of a Chinese Protector appointed by the colonial government to the Buckland Valley in August 1857. Until the early twentieth century, Chinese miners and market gardeners were a presence and rows of Chinese hut sites were still visible up to the 1970s.

From 2004, the Chinese Australian Family History Organisation of Victoria (CAFHOV) led by Kevin Wong Hoy embarked on a project to investigate the Buckland Valley Riot and to find a way to memorialise the events. In 2008, two hundred people attended the formal unveiling of a memorial stele erected by the See Yup Society of Victoria at

---

<sup>4</sup> *The Buckland Valley Riot*, pp. 30-31. The court records relating to the Buckland Riot have disappeared from the legal archive (p.31).

<sup>5</sup> *Colonial Casualties*, pp. 55.

<sup>6</sup> *The Buckland Valley Goldfield*, pp. 102.

<sup>7</sup> *Deeper Leads*, pp. 146-149.

<sup>8</sup> *The Buckland Valley Riot*, pp. 34-35.



# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

the Buckland Cemetery to commemorate the victims of the riot. In 2021 the Buckland Valley Riot was depicted in the SBS mini-series 'New Gold Mountain' showing miners fleeing the Chinese camp.

From 1857, the Buckland Valley Riot became a point of reference within wider discussions about the racial treatment of Chinese people in Australia. Since the nineteenth century the Buckland Valley Riot and Lambing Flats Riots of 1861 have come to symbolise anti-Chinese violence during the Australian goldrushes.

## A Historic Landscape

The Buckland River Crossing is an associative historic landscape. This means it is important to people because of its connections to historical events, people or social activities in the past.<sup>9</sup> Associative landscapes may or may not exhibit discernible evidence of human influence on the environment such as built structures, but they often contain a dominant landform feature, such as a mountain, river or forest which is important to people for its associations.<sup>10</sup> Examples of associative historic landscapes in the VHR include the Eureka Historic Precinct (VHR H1874), Stringybark Creek Site (VHR H2205) and the Convincing Ground. Due to the 'lack' of fabric, interpretation is often placed at historic landscapes, such as didactic panels, to help visitors understand the cultural significance of the area. Associative historic landscapes may also be of archaeological or social significance, depending on the nature and impact of the past event, as well as any potential remains at the place.

## Evidence of a Historic Landscape

The Buckland River Crossing is an associative historic landscape which contains no extant built fabric dating from the Buckland Valley Riot. The log crossing recorded in contemporary accounts no longer exists. Its exact location cannot be pinpointed, other than it was located in this area where the river narrows, and an escape was possible. The river crossing is widely recognised within the local community for its association with the Buckland Valley Riot. Much work by historians and archaeologists has been undertaken to confirm this, including analyses by Diann Talbot and Andrew Swift (see reference and interview list). From the 1860s successive bridges have been planned and/or built at this point along the river (1860s, 1928, 1970s, 2021) which indicates that the topography has historically lent itself to being a place of crossing. To acknowledge this historical significance of this place, the Department of Land, Environment, Water and Planning (DELWP) has erected interpretative panels by the river which tell the story of the 1857 Riot.

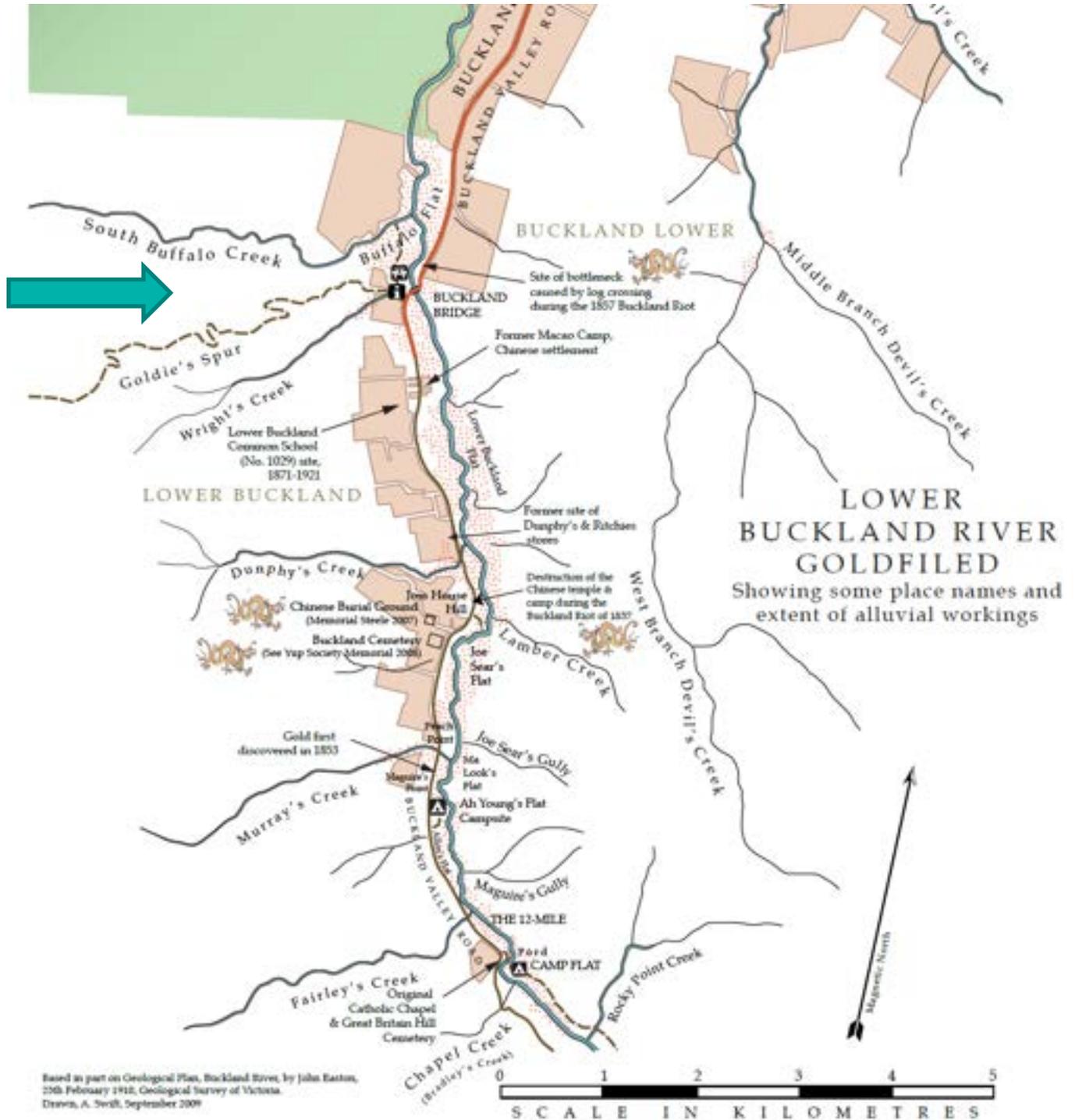
---

<sup>9</sup> See Heritage Council of Victoria, *Landscapes of Cultural Heritage Significance Assessment Guidelines*, 2015.

<sup>10</sup> *Landscapes of Cultural Heritage Significance Assessment Guidelines*, p.10.

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## Images



# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

	
<p>1932, Newspaper article, 'The Buckland River Riot', Source: <i>The Argus</i>, 5 March 1932, p.6.</p>	<p>c.1866-1885, Photo, Bridge over Buckland River (no longer extant). This is not the bridge that the Chinese crossed in 1857 but was constructed later. Source: <i>Pictures Collection</i>, State Library of Victoria.</p>
	
<p>2005, Speculative drawing of the Buckland Valley Riot by Andrew Swift. Source: <i>The Age</i>, 5 December 2020.</p>	<p>2004, Speculative drawing of the Chinese Temple in ruins Source: <i>The Buckland Valley Goldfield</i> by Diann Talbot.</p>
	
<p>2022, The front of a memorial stele erected by the See Yup Society of Victoria to commemorate the victims of the riot. Source: Heritage Victoria</p>	<p>2022, The back of a memorial stele erected by the See Yup Society of Victoria to commemorate the victims of the riot. Source: Heritage Victoria</p>



# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## Selected bibliography

- Couchman, Sophie. ““Reconsidering Race”: How Far has Barry McGowan's “Refreshing Sea Breeze” Blown?” *Chinese Southern Diaspora Studies*, vol. 8, 2019, pp. 236-248.
- Cronin, Kathryn. *Colonial Casualties: Chinese in Early Victoria*, Melbourne University Press, 1982.
- Heritage Council of Victoria, *Landscapes of Cultural Heritage Significance Assessment Guidelines*, 2015.
- Markus, Andrew *Fear and hatred: Purifying Australia and California, 1850-1901*, Hale & Iremonger, 1979.
- McLaren, Ian. *The Chinese in Victoria: Official Reports & Documents*, Red Rooster Press, 1985.
- Morrison, Elizabeth. *Engines of influence: newspapers of country Victoria, 1840-1890*, Melbourne University Press, 2005.
- Serle, Geoffrey. *The Golden Age: A history of the colony of Victoria 1851 – 1861*, Melbourne University Press, 1963.
- Talbot, Diann. *The Buckland Riot*, Bright & District Historical Society, 2007.
- Talbot, Diann. *The Buckland Valley Goldfield*, Diann Talbot, 2004.
- Wong Hoy, Kevin. “Murder, Manslaughter and Affray: Making a Cold Case of the Buckland Riot, 4 July 1857,” *Deeper Leads: New approaches to Victorian goldfields history*. BHS Publishing, 2007.

## Interviews

- Interview with Andrew Swift, 29 July 2022
- Interview with Diann Talbot, 17 August 2022

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## Further information

<b>Relevant Authority</b>	Alpine Shire Council
<b>Heritage Overlay</b>	There is no Heritage Overlay for this place.
<b>Other Overlays</b>	There are no other overlays for this place.
<b>Other Listings</b>	There are no other listings for this place.
<b>Other Names</b>	Buckland River Crossing Buckland Valley Crossing
<b>Date of Historic Event</b>	July 1857

### Traditional Owner Information

The Buckland River Crossing is located on the traditional land of the Taungurung People and the Registered Aboriginal Party (RAP) under the *Aboriginal Heritage Act 2016* is the Taungurung Land and Waters Council Aboriginal Corporation.

### Victorian Aboriginal Heritage Register

The Buckland River Crossing is not included in the Victorian Aboriginal Heritage Register, but it is within an area of cultural sensitivity.

### Integrity

The integrity of the place is good. The landscape appears much as it did at the time of the riot. The cultural heritage values of the place can be easily read in the landscape. (July 2022).

### Intactness

The intactness of the place is good. (July 2022).

### Condition

The condition of the place is good and well maintained. (July 2022).

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

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## Statutory requirements under section 40

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

The Executive Director recommends that the Buckland River Crossing is included in the VHR in the category of Registered Place.

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

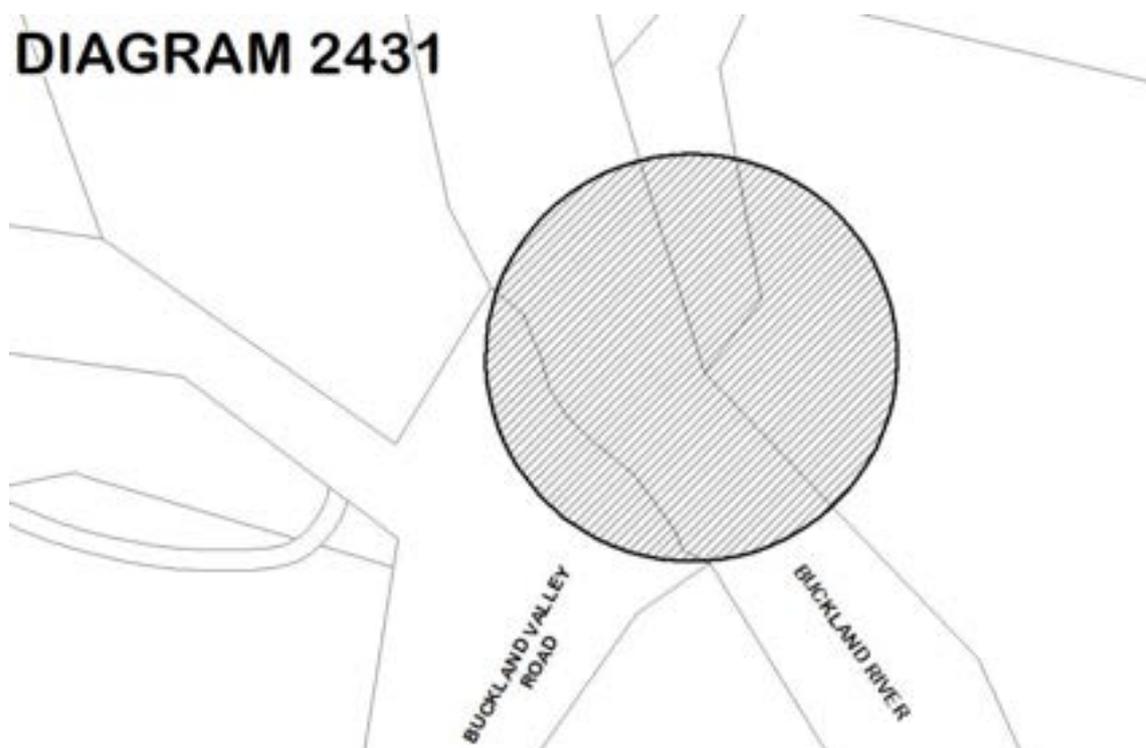
**Name:** Buckland River Crossing

**Address:** Buckland Valley Road, Buckland

### Proposed extent of registration

The Executive Director recommends that the extent of registration for the Buckland River Crossing be gazetted as:

All of the land shown hatched in Diagram 2431 being a circle of 100 metres radius around a point with latitude 35.79449 degrees south, and longitude 146.8426 degrees east and comprising parts of Crown Allotment 13A Section C Parish of Buckland, Crown Allotment 9D Section C Parish of Buckland, Crown Allotment 20A Section 4 Parish of Buckland and part of the road reserve of Buckland Valley Road.



# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

Aerial Photo of the Place Showing Proposed extent of registration



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

## Rationale for the extent of registration

The recommended extent of registration includes the landscape around a point in the Buckland River, including the remains of timber piers and embankments, bridges, interpretive signage, outdoor furniture and vegetation. This land is known to be the site where the Buckland Valley Riot culminated. 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 land, all soft and hard landscape features, plantings and all built structures is proposed for inclusion in the VHR. A permit or permit exemption from Heritage Victoria is required for any works within the proposed extent of registration, apart from those identified in the categories of works or activities in this recommendation.

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

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

Following is the Executive Director's assessment of the Buckland River Crossing against the tests set out in *The Victorian Heritage Register Criteria and Thresholds Guidelines*. 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 satisfying Criterion A

The place/object has a *CLEAR ASSOCIATION* with an event, phase, period, process, function, movement, custom or way of life in Victoria's cultural history.  
*plus*  
The association of the place/object to the event, phase, etc *IS EVIDENT* in the physical fabric of the place/object and/or in documentary resources or oral history.  
*plus*  
The *EVENT, PHASE, etc* is of *HISTORICAL IMPORTANCE*, having made a strong or influential contribution to Victoria.

#### Executive Director's Response

The Buckland River Crossing has a clear association with the historical event of the Buckland Valley Riot that happened on 4 July 1857. At this place Chinese miners attempted to cross the Buckland River to escape from violence instigated by Europeans including American people. This association is evident in the landscape and in documentary resources. The impact of discrimination on Chinese people living on the Victorian goldfields during the 1850s is of historical importance having shaped the histories of Chinese and non-Chinese communities living in Victoria.

Step 1 of Criterion A is likely to be satisfied.

#### Step 2: Test for satisfying Criterion A at the State Level

The place/object allows the clear association with the event, phase etc. of historical importance to be *UNDERSTOOD BETTER THAN MOST OTHER PLACES OR OBJECTS IN VICTORIA WITH SUBSTANTIALLY THE SAME ASSOCIATION.*

#### Executive Director's Response

The Buckland River Crossing is a key site relating to the Buckland Valley Riot, as it was at this location that an abrupt end was put to the many hours of violence. The place is of historical importance as it is one of the few places associated with one of the worst race riots in the state's colonial history.

Criterion A is likely to be satisfied at the State level.

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## CRITERION B: Possession of uncommon, rare or endangered aspects of Victoria's cultural history.

### Step 1: Test for Satisfying Criterion B

The place/object has a *clear ASSOCIATION* with an event, phase, period, process, function, movement, custom or way of life of importance in Victoria's cultural history.

*plus*

The association of the place/object to the event, phase, etc *IS EVIDENT* in the physical fabric of the place/object and/or in documentary resources or oral history.

*plus*

The place/object is *RARE OR UNCOMMON*, being one of a small number of places/objects remaining that demonstrates the important event, phase etc.

*or*

The place/object is *RARE OR UNCOMMON*, containing unusual features of note that were not widely replicated

*or*

The existence of the *class* of place/object that demonstrates the important event, phase etc is *ENDANGERED* to the point of rarity due to threats and pressures on such places/objects.

### Executive Director's Response

The Buckland River Crossing has a clear association with the Buckland Valley Riot. This association is evident in the physical landscape and in documentary resources. As the place where this event occurred it is not rare or uncommon. The place is singular because this event only occurred at one place.

Step 1 of Criterion B is not likely to be satisfied.

## CRITERION C: Potential to yield information that will contribute to an understanding of Victoria's cultural history.

### Step 1: Test for Satisfying Criterion C

The:

- visible physical fabric; &/or
- documentary evidence; &/or
  - oral history,

relating to the place/object indicates a likelihood that the place/object contains *PHYSICAL EVIDENCE* of *historical interest* that is *NOT CURRENTLY VISIBLE OR UNDERSTOOD*.

*plus*

From what we know of the place/object, the physical evidence is likely to be of an *INTEGRITY* and/or *CONDITION* that it *COULD YIELD INFORMATION* through detailed investigation.

### Executive Director's Response

The Buckland River Crossing is unlikely to contain physical evidence of historical interest relating to the Buckland Valley Riot. This riot is unlikely to have left subsurface remains or hidden evidence in this area.

Step 1 of Criterion C is not likely to be satisfied.

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## CRITERION D: Importance in demonstrating the principal characteristics of a class of cultural places and objects.

### Step 1: Test for Satisfying Criterion D

The place/object is one of a *CLASS* of places/objects that has a *clear ASSOCIATION* with an event, phase, period, process, function, movement, important person(s), custom or way of life in Victoria's history.

*plus*

The *EVENT, PHASE, etc* is of *HISTORICAL IMPORTANCE*, having made a strong or influential contribution to Victoria.

*plus*

The principal characteristics of the class are *EVIDENT* in the physical fabric of the place/object.

### Executive Director's Response

The Buckland River Crossing is in the class 'historic landscape'. It has a clear association with the Buckland Valley Riot which is of historical importance in Victoria's history. The principal characteristics of a historical landscape are evident in the physical fabric of the place, namely the form of the landscape.

Step 1 of Criterion D is likely to be satisfied.

### Step 2: State Level Significance Test Criterion D

The place/object is a *NOTABLE EXAMPLE* of the class in Victoria (refer to Reference Tool D).

### Executive Director's Response

The Executive Director is of the view that it is more appropriate to consider historic landscapes under Criterion A. (Historical Significance).

Criterion D is not likely to be relevant at the State level.

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

### Step 1: Test for Satisfying Criterion E

The *PHYSICAL FABRIC* of the place/object clearly exhibits particular aesthetic characteristics.

### Executive Director's Response

The Buckland River Crossing exhibits no particular aesthetic characteristics apart from those in the natural environment in which the Buckland Valley Riot took place. The landscape, vegetation and riverbanks along the entire length of the Buckland River share these aesthetic characteristics.

Step 1 of Criterion E is not likely to be satisfied.

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## **CRITERION F: Importance in demonstrating a high degree of creative or technical achievement at a particular period.**

### **Step 1: A Test for Satisfying Criterion F**

The place/object contains *PHYSICAL EVIDENCE* that clearly demonstrates creative or technical *ACHIEVEMENT* for the time in which it was created.  
*plus*  
The physical evidence demonstrates a *HIGH DEGREE OF INTEGRITY*.

### **Executive Director's Response**

The Buckland River Crossing does not contain physical evidence that demonstrates any creative or technical achievement for the time in which the Buckland Valley Riot happened.

Step 1 of Criterion F is not likely to be satisfied.

## **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 Satisfying Criterion G**

Evidence exists of a community or cultural group.  
(*A community or cultural group is a group of people who share a common interest, including an experience, purpose, belief system, culture, ethnicity or values.*)  
*plus*  
Evidence exists of a strong attachment between the **COMMUNITY OR CULTURAL GROUP** and the place/object in the present-day context.  
*plus*  
Evidence exists of a time depth to that attachment.

### **Executive Director's Response**

There is evidence of a strong and ongoing attachment of several Chinese community groups with the Buckland River Crossing for its association with the Buckland Valley Riot. It is a place of remembrance of the hardships endured by early Chinese settlers during the Victorian gold rush, and a place of commemoration of the sacrifices made by them in paving the way for future generations of Chinese people living in Victoria.

From 2004 onwards, the Chinese Australian Family History Organisation of Victoria (CAFHOV) embarked on a project to investigate the riot and to find a way to memorialise the event. An essay on the investigation of the riot's trials and coronial hearings was written by CAFHOV founder, the late Kevin Wong Hoy. In November 2008, a memorial stele was erected at the Buckland Cemetery by the See Yup Society of Victoria – one of Victoria's largest Chinese community groups – to commemorate the victims of the riot. Two hundred people attended its formal unveiling. There is evidence of a time depth to that association from the date of the incident to today.

Step 1 of Criterion G is likely to be satisfied.

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## Step 2: State Level Significance Test for Criterion G

Evidence exists that the social value resonates at a State Level, that is across the 'broader Victorian community'.  
(*'Resonance' means the extent to which the social value of a place/object can be demonstrated to exert an influence. The social value must resonate beyond a particular local, social or cultural community into the 'broader Victorian community'.*)

### Plus

Evidence exists that the social value is part of an event or story that contributes to 'Victoria's identity'.

### **Executive Director's Response**

The social value of the Buckland Valley Riot culminating at the river crossing resonates with Chinese communities and more broadly in Victoria. It has been written about extensively for the general public on the Internet and in books. In 2021, the Buckland Valley Riot was depicted in the SBS mini-series *New Gold Mountain* showing miners fleeing the Chinese camp. The social value of the Buckland River Crossing is part of a story that contributes to Victoria's identity: the changing ways of life of Victoria's Chinese population from the nineteenth century through to the present day.

Criterion G is likely to be satisfied at the State level.

## **CRITERION H: Special association with the life or works of a person, or group of persons, of importance in Victoria's history.**

### Step 1: Test for Satisfying Criterion H

The place/object has a *DIRECT ASSOCIATION* with a person or group of persons who have made a strong or influential *CONTRIBUTION* to the course of Victoria's history.

### *plus*

The *ASSOCIATION* of the place/object to the person(s) *IS EVIDENT* in the physical fabric of the place/object and/or in documentary resources and/or oral history.

### *plus*

The *ASSOCIATION*:

- directly relates to *ACHIEVEMENTS* of the person(s) at, or relating to, the place/object; or
- relates to an *enduring* and/or *close INTERACTION* between the person(s) and the place/object.

### **Executive Director's Response**

The Buckland River Crossing has a direct association with the Chinese miners of the Buckland Valley during the Buckland Valley Riot. While Chinese migrants to Victoria (as a population) made a strong and influential contribution to the course of the state's history, there is no evidence that this particular group of people (from this geographical area) made a strong and influential contribution to the course of the state's history.

The Buckland River Crossing has contemporary social significance for the Chinese and Victorian community which has been considered under Criterion G.

Step 1 of Criterion H is not likely to be satisfied.

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## Comparisons

The Buckland River Crossing is usefully compared with historic landscapes in the VHR.

### Historic landscapes in the VHR

<p><b>Eureka Historic Precinct (VHR H1874)</b>  <i>501-525 Eureka Street Eureka, Ballarat City</i></p> <p>The Eureka Historic Precinct is of outstanding historical significance for its association with the Eureka stockade an event that is part of our national experience. It is arguably one of the most culturally meaningful sites in the nation. The Eureka rebellion holds an unparalleled position in the nation's history and is ingrained in Australia's cultural fabric. The Eureka Historic Precinct has archaeological significance due to the possibility of buried deposits or artefacts associated with the battle.</p>	
<p><b>Stringybark Creek Site (VHR H2205)</b>  <i>Stringybark Creek Road and Tatong-Tolmie Road Archerton, Benalla Rural City</i></p> <p>The Stringybark Creek site is historically significant to Victoria's cultural history as the place where the events of the exchange between the Kelly Gang and the police escalated. It has the potential to contain historical archaeological deposits and objects, including ballistics, that relate to the events of the shoot-out. The place is of historical significance for its association with the members of the Kelly Gang.</p>	
<p><b>Convincing Ground (VHR H2079)</b>  <i>Beach Road Allestree, Glenelg Shire</i></p> <p>The Convincing Ground is historically and archaeologically significant as part of the first permanent settlement of Europeans in Victoria, and as a place of contact and conflict between Europeans and Aboriginal people. It is a rare example of a whaling site in Victoria and has strong associations with the pioneering Henty family. The place is of social significance for all Victorians for its associations with the early encounters with Aboriginal people and Europeans and the violent conflict with whalers and the deaths of members of the Kilcarer gundidj clan.</p>	

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

<p><b>Monster Meeting Site (VHR H2368)</b>  <i>Golden Point Road Golden Point, Mount Alexander Shire</i></p> <p>The Monster Meeting Site is historically significant as the location of the first organised mass protest meeting objecting to the gold licencing system in Colonial Victoria (1851). This meeting was the precursor to the Red Ribbon Rebellion (1853) and the Eureka Stockade (1854). The site consists of grassed land across a shallow rise, which falls away towards Forest and Wattle Creeks.</p>	
<p><b>Collins Settlement Site (VHR H1050)</b>  <i>2700-3148 Point Nepean Road Sorrento, Mornington Peninsula Shire</i></p> <p>Collins Settlement Site is historically significant as the site of the British Government's first official settlement in southern Australia in 1803. The site contains historical fabric, associations and meanings that are vital to the understanding of the history of colonisation in southern Australia. The site has archaeological significance due to its potential to contain relics relating to its historic occupation.</p>	
<p><b>Glenrowan Heritage Precinct (VHR H2000)</b>  <i>Siege Street Glenrowan, Wangaratta Rural City</i></p> <p>The Glenrowan Heritage Precinct is of historical archaeological and social significance as a site of one of the most notorious events in post-British settlement history and folklore. Elements at the place include the topography and landscape within the vicinity of the Glenrowan Inn, the original Glenrowan Railway Station platform and railway alignment, the site of Ned Kelly's fall and capture, the Stationmaster' House site and the McDonnell's Hotel site. This is an important place of cultural memory as the site of Ned Kelly's 'last stand' against the police in his iconic armour.</p>	

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## Historic landscapes associated with Chinese communities in Victoria

### **Bright Chinese Camp Site (VHR H2370)**

*14-20 Delany Avenue Bright, Alpine Shire*

The Bright Chinese Camp Site is of historical and archaeological significance as one of Victoria's segregated Chinese camps during the gold rush. It is a rare example of a nineteenth century Chinese camp where there is a very high likelihood that the sub-surface archaeological record has survived undisturbed. The place has the potential to be the most intact Chinese-related archaeological place in Victoria, thereby shedding new light on the development of segregated Chinese camps across Victoria.



## Summary of Comparisons

The Buckland River Crossing shares similarities when compared with other historic landscapes in the Victorian Heritage Register. Many have limited built fabric dating from the era of the past event. But the form and features of the landscape speak to the significance of the historical events that took place, for example the Eureka Historic Precinct (VHR H1874). The Buckland River Crossing is similar to the Monster Meeting Site (VHR H2368) and the Glenrowan Heritage Precinct (VHR H2000), places of collective uprisings. Discrimination against Chinese people is demonstrated at the segregated Bright Chinese Camp Site (VHR H2370) where no above ground fabric remains, but the separation of the camp from European camps is evident in the form and location. There is some historical interpretation at these historical landscapes to assist visitors who are unaware of the history.



# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

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

The Executive Director recommends that the Buckland River Crossing be included in the VHR as a Registered Place.

## Statement of significance

### What is significant?

The Buckland River Crossing being the river and surrounding landscape where the Buckland Valley Riot of 1857 culminated.

### How is it significant?

The Buckland River Crossing is of historical and social 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 G

Strong or special association with a particular present-day community or cultural group for social, cultural or spiritual reasons.

### Why is it significant?

The Buckland River Crossing is historically significant as the culmination point of one of the worst race riots in Victoria's colonial history: the Buckland Valley Riot. On 4 July 1857 a hostile group of European miners violently chased Chinese miners from their camp down the Buckland Valley. The Joss House Temple was destroyed along with an estimated 750 tents and 30 stores. A bottleneck formed as panic-stricken Chinese people attempted to cross the Buckland River to safety over a narrow log crossing, and some Europeans assisted their passage to safety. A number of Chinese miners died as a result of the riot. [Criterion A]

The Buckland River Crossing is socially significant for the Chinese community across Victoria as a place of remembrance of the Buckland Valley Riot. [Criterion G]

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## Categories of works or activities (permit exemptions) recommended under section 38 (section 40(4)(b))

### Introduction

The purpose of this information is to assist owners and other interested parties when considering or making decisions regarding works to a registered place. It is recommended that any proposed works be discussed with an officer of Heritage Victoria prior to making a permit application. Discussing proposed works will assist in answering questions the owner may have and aid any decisions regarding works to the place.

It is acknowledged that alterations and other works may be required to keep places and objects in good repair and adapt them for use into the future. However, under the Act a person must not knowingly, recklessly or negligently remove, relocate or demolish, damage or despoil, develop or alter or excavate all or any part of any part of a registered place without approval. It should be noted that the definition of 'develop' in the Act includes any works on, over or under the place.

If a person wishes to undertake works or activities in relation to a registered place or registered object, they must apply to the Executive Director for a permit. The purpose of a permit is to enable appropriate change to a place and to effectively manage adverse impacts on the cultural heritage significance of a place as a consequence of change. If an owner is uncertain whether a heritage permit is required, it is recommended that Heritage Victoria be contacted.

Permits are required for anything which alters the place or object, unless a permit exemption is granted. Permit exemptions usually cover routine maintenance and upkeep issues faced by owners as well as minor works or works to the elements of the place or object that are not significant. They may include appropriate works that are specified in a conservation management plan. Permit exemptions can be granted at the time of registration (under section 38 of the Act) or after registration (under section 92 of the Act). It should be noted that the addition of new buildings to the registered place, as well as alterations to the interior and exterior of existing buildings requires a permit, unless a specific permit exemption is granted.

### Disrepair of registered place or registered object

Under section 152 of the Act, the owner of a registered place or registered object must not allow that place or object to fall into disrepair.

### Failure to maintain registered place or registered object

Under section 153 of the Act, the owner of a registered place or registered object must not fail to maintain that place or object to the extent that its conservation is threatened.

### Conservation management plans

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

### Archaeology

There is no identified archaeology of State-level significance at the place. However, any works that may affect historical archaeological features, deposits or artefacts at the place is likely to require a permit, permit exemption or consent. Advice should be sought from the Archaeology Team at Heritage Victoria.

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## Aboriginal cultural heritage

To establish whether this place is registered under the *Aboriginal Heritage Act 2006* please contact First Peoples – State Relations in the Department of Premier and Cabinet. The *Heritage Act 2017* and the *Aboriginal Heritage Act 2006* are separate pieces of legislation. Please be aware that both Acts are required to be satisfied and satisfying the requirements of one Act may not satisfy the requirements of the other.

If any Aboriginal cultural heritage is discovered or exposed at any time it is necessary to immediately contact First Peoples – State Relations in the Department of Premier and Cabinet to ascertain requirements under the *Aboriginal Heritage Act 2006*. If works are proposed which have the potential to disturb or have an impact on Aboriginal cultural heritage it is necessary to contact First Peoples – State Relations in the Department of Premier and Cabinet to ascertain any requirements under the *Aboriginal Heritage Act 2006*.

## Other approvals

Please be aware that approval from other authorities (such as local government) may be required to undertake works.

## Notes

- All works should ideally be informed by a Conservation Management Plan prepared for the place. 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.
- Nothing in this determination prevents the Heritage Council from amending or rescinding all or any of the permit exemptions.
- Nothing in this determination exempts owners or their agents from the responsibility to seek relevant planning or building permits where applicable.

## General Conditions

- All exempted alterations are to be planned and carried out in a manner which prevents damage to the fabric of the registered place.
- Should it become apparent during further inspection or the carrying out of works that original or previously hidden or inaccessible details of the place are revealed which relate to the significance of the place, then the exemption covering such works must cease and Heritage Victoria must be notified as soon as possible.

## Permit Exemptions

The following permit exemptions are for works and activities not considered to cause harm to the cultural heritage significance of the Buckland River Crossing.

### General

- Minor repairs and maintenance which replaces like with like. Repairs and maintenance must maximise protection and retention of fabric and include the conservation of existing details or elements. Any repairs and maintenance must not exacerbate the decay of fabric due to chemical incompatibility of new materials, obscure fabric or limit access to such fabric for future maintenance.
- Works or activities, including emergency stabilisation, necessary to secure safety in an emergency where a structure or part of a structure has been irreparably damaged or destabilised and poses a safety risk to its users or the public. The Executive Director must be notified within seven days of the commencement of these works or activities.

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## *2021 Bridge*

- All works to maintain and repair the 2021 Bridge including road surfacing, road line marking, speed humps and the installation of traffic signs.

## *1929 Bridge*

- All works to maintain and repair the 1929 Bridge including road surfacing and the installation of traffic signs. This exemption does not include works to the dredger arms.

## *Unsealed tracks*

- Track maintenance but not sealing tracks.

## *Interpretative, directional and official road traffic signage*

- Removal or replacement of existing interpretative, directional and traffic signage provided the size, location and material remains the same.

## *Picnic and outdoor furniture*

- Removal or replacement of existing picnic and outdoor furniture provided the size, location and material remains the same.

## *Landscape*

- Fire suppression and firefighting activities such as fuel reduction burns and fire control line construction, provided all heritage features and values of the place are identified and protected.
- Installation of physical barriers or traps to enable vegetation protection and management of vermin such as rats, mice and possums.

## *Trees and plants*

- The processes of slashing, mowing, removal of dead or diseased plants and trees, replanting, disease and weed control and maintenance to care for plants and trees.
- Pest and disease control.
- Removal of environmental and noxious weeds.
- Emergency tree works to maintain public safety.

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## Appendix 1

### Heritage Council determination (section 41)

The Heritage Council is an independent statutory body that will make a determination on this recommendation under section 49 of the Act. It will consider the recommendation after a period of 60 days from the date the notice of recommendation is published on its website under section 41.

### Making a submission to the Heritage Council (section 44)

Within the period of 60 days, any person or body with a real and substantial interest in the place or object may make a submission to the Heritage Council regarding the recommendation and request a hearing in relation to that submission. Information about making a submission and submission forms are available on the Heritage Council's website.

### Consideration of submissions to the Heritage Council (section 46)

- (1) The Heritage Council must consider—
  - (a) any written submission made to it under section 44; and
  - (b) any further information provided to the Heritage Council in response to a request under section 45.
- (2) The Heritage Council must conduct a hearing in relation to a submission if—
  - (a) the submission includes a request for a hearing before the Heritage Council; and
  - (b) the submission is made by a person or body with a real or substantial interest in the place or object that is the subject of the submission.
- (3) Despite subsection (2), the Heritage Council may conduct a hearing in relation to a submission in any other circumstances the Heritage Council considers appropriate.

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

- (1) After considering a recommendation that a place or object should or should not be included in the Heritage Register and any submissions in respect of the recommendation and conducting any hearing into the submissions, the Heritage Council may—
  - (a) determine that the place or part of the place, or object, is of State-level cultural heritage significance and is to be included in the Heritage Register; or
  - (b) determine that the place or part of the place, or object, is not of State-level cultural heritage significance and is not to be included in the Heritage Register; or
  - (c) in the case of a recommendation in respect of a place, determine that the place is not to be included in the Heritage Register but—
    - (i) refer the recommendation and any submissions to the relevant planning authority for consideration for an amendment to a planning scheme; or
    - (ii) determine that it is more appropriate for steps to be taken under the Planning and Environment Act 1987 or by any other means to protect or conserve the place; or

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

- (d) in the case of a recommendation in respect of additional land which has been nominated to be included in the Heritage Register as part of a registered place in accordance with section 32, determine that the land be included in the Heritage Register if—
    - (i) the State-level cultural heritage significance of the place would be substantially less if the land or any part of the land which is or has been used in conjunction with the place were developed; or
    - (ii) the land surrounding the place is important to the protection or conservation of the place or contributes to the understanding of the place; or
  - (e) determine that the object is integral to understanding the cultural heritage significance of a registered place or a place the Heritage Council has determined to be included in the Heritage Register.
- (2) The Heritage Council must make a determination under subsection (1)—
- (a) within 40 days after the date on which written submissions may be made under section 44; or
  - (b) if any hearing is conducted into the written submissions, within 90 days after the completion of the hearing.
- (3) A determination that a place or part of a place, or object, should be included in the Heritage Register may include categories of works or activities which may be carried out in relation to the place or object for which a permit under this Act is not required, if the Heritage Council considers that the works or activities would not harm the cultural heritage significance of the place or object.
- (4) If the Heritage Council determines to include a place in the Heritage Register, with the consent of the owner of the place, the Heritage Council may determine to include in the Heritage Register additional land of the owner that is ancillary to the place.
- (5) If a member of the Heritage Council makes a submission under section 44 in respect of a recommendation, the member must not take part in the consideration or determination of the Heritage Council.
- (6) The Heritage Council must notify the Executive Director of any determination under this section as soon as practicable after the determination.

## Obligations of owners of places and objects (section 42)

- (1) The owner of a place or object to whom a statement of recommendation has been given must advise the Executive Director in writing of—
- (a) any works or activities that are being carried out in relation to the place or object at the time the statement is given; and
  - (b) any application for a planning permit or a building permit, or for an amendment to that permit, that has been made in relation to the place but not determined at the time the statement is given; and
  - (c) any works or activities that are proposed to be carried out in relation to the place or object at the time the statement is given.
- (2) An advice under subsection (1) must be given within 10 days after the statement of recommendation is given under section 40.
- (3) The owner of a place to whom a statement of recommendation has been given must advise the Executive Director in writing of an application, permit or amendment if, before a determination under section 49 or 52 in respect of a place—

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

- (a) an application for a planning permit or a building permit or for an amendment to that permit in relation to the place is made; or
  - (b) a planning permit or building permit or an amendment to that permit in relation to the place is granted.
- (4) An advice under subsection (3) must be given within 10 days after the making of the application or the grant of the permit or amendment.
- (5) The owner of a place or object to whom a statement of recommendation has been given must advise the Executive Director in writing of the following activities or proposals if, before a determination is made under section 49 or 52 in respect of a place or object—
- (a) any activities are carried out in relation to the place or object that could harm the place or object;
  - (b) any activities are proposed to be carried out in relation to the place or object that could harm the place or object.
- (6) An advice under subsection (5) must be given within 10 days after the owner becomes aware of the activity or the proposal, as the case requires.
- (7) If, before a determination is made under section 49 or 52 in respect of a place or object, a proposal is made to dispose of the whole or any part of the place or object, the owner of the place or object must advise the Executive Director in writing of that proposal.
- (8) An advice under subsection (7) must be given at least 10 days before entering into the contract for the disposal of the place or object.
- (9) The owner of a place or object who proposes to dispose of the whole or any part of the place or object before a determination is made under section 49 or 52 in respect of the place or object must, before entering into a contract for that disposal, give a copy of the statement of proposed contract, is to acquire the place or object or part of the place or object.

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

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

Penalty: In the case of a natural person, 120 penalty units;  
In the case of a body corporate, 240 penalty units.