

Heritage Council Regulatory Committee

Buckland River Crossing (H2431)

Buckland Valley Road, Buckland, Alpine Shire

Regulatory Committee meeting – 13 December 2022

Members – The Hon. Simon R Molesworth AO KC (Chair), Dr Helen Doyle, Ms Maddison Miller

DETERMINATION OF THE HERITAGE COUNCIL

Inclusion in the Victorian Heritage Register – After considering the Executive Director’s recommendation and conducting a Regulatory Committee meeting in relation to the matter, the Heritage Council has determined, pursuant to section 49(1)(a) of the *Heritage Act 2017*, that Buckland River Crossing located at Buckland Valley Road, Buckland, is of State-level cultural heritage significance and is to be included in the Heritage Register.

Simon R Molesworth AO KC (Chair)
Helen Doyle
Maddison Miller

Decision Date – 22 December 2022

ACKNOWLEDGEMENT

As a peak heritage body, we acknowledge the Traditional Owners of the Country that we call Victoria, as the original custodians of Victoria's land and waters, and acknowledge the importance and significance of Aboriginal cultural heritage in Victoria. We honour Elders past and present whose knowledge and wisdom has ensured the continuation of Aboriginal culture and traditional practices.

INTERESTED PARTIES

EXECUTIVE DIRECTOR, HERITAGE VICTORIA ('THE EXECUTIVE DIRECTOR')

A recommendation for the inclusion of the Buckland River Crossing, located at Buckland Valley Road, Buckland ('the Place'), in the Victorian Heritage Register ('the Register') was received from the Executive Director, Heritage Victoria ('the Executive Director').

INTRODUCTION/BACKGROUND

THE PLACE

01. On 12 September 2022, the Executive Director made a recommendation ('the Recommendation') to the Heritage Council pursuant to Part 3, Division 3 of the *Heritage Act 2017* ('the Act') that Buckland River Crossing located at Buckland Valley Road, Buckland ('the Place'), should be included in the Victorian Heritage Register ('the Register').

02. The Place is described on page 4 of the Recommendation as follows:

"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"*

03. The following historical summary is an extract from pages 7 and 8 of the Recommendation:

"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'. 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. 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 Louden'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.

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. 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.⁵ European sympathisers who assisted the Chinese victims were also verbally and physically assaulted.”

04. The above description and extract of the historical summary have been taken verbatim from the Recommendation and are provided for information purposes only.

RECOMMENDATION OF THE EXECUTIVE DIRECTOR

05. On 12 September 2022, the Executive Director recommended to the Heritage Council that the Place be included in the Register pursuant to section 37(1)(a) of the Act.

PROCESS FOLLOWING THE RECOMMENDATION OF THE EXECUTIVE DIRECTOR

06. After the Recommendation, notice was published on Friday 16 September 2022 in accordance with section 41 of the Act for a period of 60 days. No submissions were received during the public advertisement period.

07. At a meeting of the Heritage Council on 1 December 2022 it was determined, pursuant to section 15(3) of the Act, that the determination in relation to the Place be delegated to a Heritage Council Regulatory Committee ('the Committee') to give further consideration to the sensitivities, content and wording of the Recommendation.

PRELIMINARY, PROCEDURAL AND OTHER MATTERS

CONFLICTS OF INTEREST

08. The Chair invited Committee members to consider whether written declarations or otherwise were required to be made in relation to any matters that may potentially give rise to an actual or apprehended conflict of interest. All members were satisfied that there were no relevant conflicts of interests and made no such declarations.

FUTURE USE, MAINTENANCE AND DEVELOPMENT OF THE PLACE

09. It is not the role of the Committee to consider future proposals or to pre-empt any decisions regarding future permits under the Act. Pursuant to section 49(1) of the Act, the role of the Committee is to determine whether or not the Place, or part of it, is of State-level cultural heritage significance and is, or is not, to be included in the Register.

REASONS FOR INCLUSION

10. Any reference to the Criteria or to a particular Criterion refers to the *Heritage Council Criteria for Assessment of Places of Cultural Heritage Significance* (updated by the Heritage Council on 3 December 2020) ['Criteria for Assessment']. Please refer to **Attachment 1**.
11. The Executive Director recommended that the Place be included in the Register for its historical and social significance to the State of Victoria. The Executive Director found that the Place satisfies the following criteria for inclusion in the Register:
- **Criterion A** – Importance to the course, or pattern, of Victoria's cultural history; and
 - **Criterion G** – Strong or special association with a particular present-day community or cultural group for social, cultural or spiritual reasons.

Discussion and conclusion

12. The Committee agrees with the Executive Director's assessment that the Place satisfies Criterion A and Criterion G at the State-level and should be included in the Register.

ADDITIONAL CONSIDERATIONS

13. Consideration was given by the Committee to the sensitivities, content and wording included in the Recommendation made by the Executive Director and whether it provided an accurate and fair description of the events that occurred at the Place. However, after reconsidering the content of the Executive Director's Recommendation, the Committee affirmed the Executive Director's reasons for including the Place in the Register as set out in his Recommendation.

14. Specifically, the Committee considered whether the statement that appears throughout the Recommendation, that the Place is the site of “one of the worst race riots in the state’s colonial history”¹ adequately conveyed the deplorable nature of the event that occurred there, and whether it adequately acknowledged that the riots resulted in a number of deaths of Chinese miners. The Committee considered the Executive Director’s choice of the word ‘riot’, as opposed to the word ‘massacre’, which might have more clearly indicated that the event resulted in deaths.
15. Ultimately, however, the Committee concluded that it was not appropriate to draw distinctions between race ‘riots’ resulting in deaths, and a ‘massacre’ in this determination. The Committee also concluded that quantifying the number of deaths that occurred was neither appropriate nor necessary for the event to be considered ‘one of the worst’, as set out in the Executive Director’s Statement of Significance for the Place. The Committee agreed that the Recommendation and Statement of Significance as drafted by the Executive Director should stand.
16. The Committee notes the deplorable nature of the events that occurred at the Place and acknowledges that records of the number of people killed during the event are not able to be determined, but notes that this does not lessen the horror of what occurred at the Place. The Committee notes the importance of recognising and protecting this Place through inclusion in the Register.

EXTENT OF REGISTRATION

17. The Executive Director recommended that the extent of the registration for the Place encompass 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.

Discussion and conclusion

18. The Committee agrees with the extent of registration recommended by the Executive Director and records the determined extent of registration in **Attachment 2**.

PERMIT EXEMPTIONS

19. The permit exemptions recommended by the Executive Director include two ‘general’ exemptions and other place-specific exemptions for the maintenance and repair of some infrastructure at the Place, in addition to exemptions in relation to the landscape, trees and plants at the Place.

Discussion and conclusion

20. The Committee agrees with the permit exemptions proposed by the Executive Director pursuant to section 38 of the Act, and determines, pursuant to section 49(3) of the Act, to include these 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, as detailed in **Attachment 3**.

¹ Statement of Recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria, Buckland River Crossing, Buckland Valley Road, Buckland, Alpine Shire, p.16.

ATTACHMENT 1

HERITAGE COUNCIL CRITERIA FOR ASSESSMENT OF PLACES OF CULTURAL HERITAGE SIGNIFICANCE

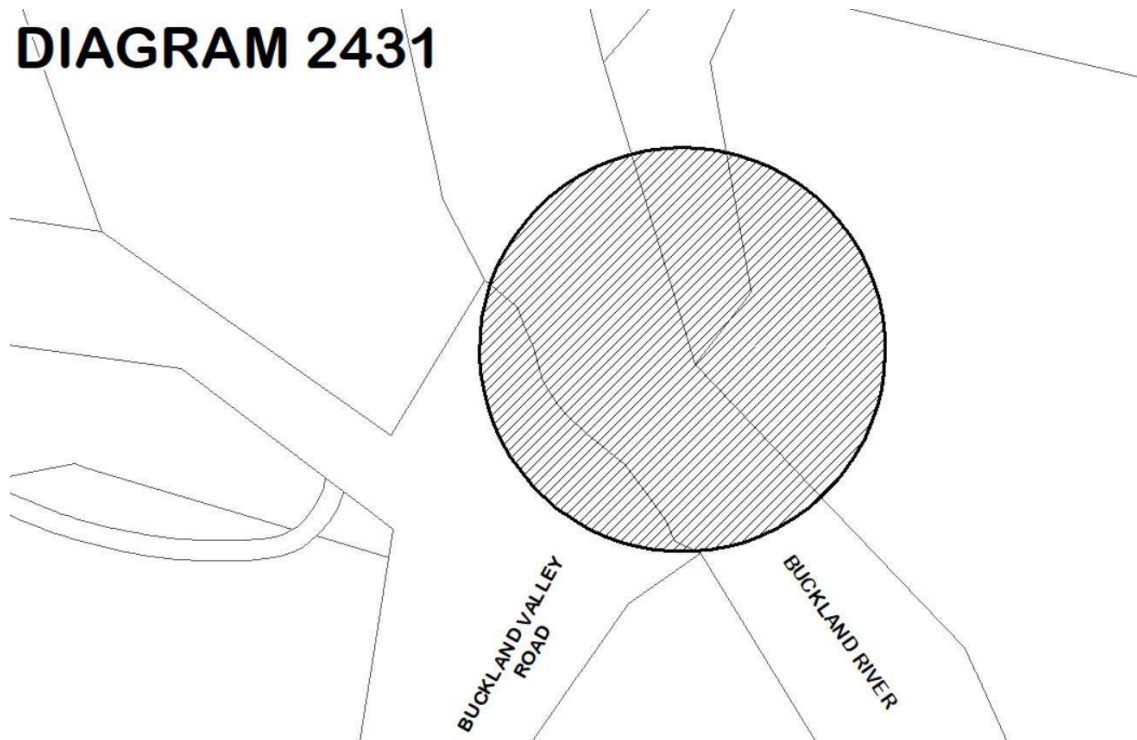
CRITERION A	Importance to the course, or pattern, of Victoria's cultural history.
CRITERION B	Possession of uncommon, rare or endangered aspects of Victoria's cultural history.
CRITERION C	Potential to yield information that will contribute to an understanding of Victoria's cultural history.
CRITERION D	Importance in demonstrating the principal characteristics of a class of cultural places or environments.
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 updated by the Heritage Council at its meeting on 3 December 2020, and replace the previous criteria adopted by the Heritage Council on 6 December 2012.

ATTACHMENT 2

EXTENT OF REGISTRATION

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.



ATTACHMENT 3

CATEGORIES OF WORKS OR ACTIVITIES WHICH MAY BE CARRIED OUT IN RELATION TO THE PLACE FOR WHICH A PERMIT IS NOT REQUIRED PURSUANT TO SECTION 49(3) OF THE HERITAGE ACT 2017 ('PERMIT EXEMPTIONS')

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.

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.