



## **Heritage Council** Regulatory Committee

### **Lake Wendouree (H2419)**

Lake Wendouree, Wendouree Parade, Ballarat

**Members** – Mr Rueben Berg (Chair), Dr Helen Doyle, Mr David Hogg.

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#### **DETERMINATION OF THE HERITAGE COUNCIL**

**Inclusion in the Victorian Heritage Register** – After considering the Executive Director's recommendation and all submissions and further information received, the Heritage Council has determined, in accordance with section 49(1)(a) of the Act, that Lake Wendouree, Wendouree Parade, Ballarat, is of State-level cultural heritage significance and is to be included in the Victorian Heritage Register.

**Mr Rueben Berg (Chair)**  
**Dr Helen Doyle**  
**Mr David Hogg.**

**Decision Date** – 26 August 2022

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## **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.

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## **SUBMISSIONS RECEIVED PURSUANT TO SECTION 44 OF THE HERITAGE ACT 2017**

### **NATIONAL TRUST OF AUSTRALIA (VICTORIA)**

A submission was received from the National Trust, in support of the Executive Director's recommendation.

### **CITY OF BALLARAT**

A submission was received from the City of Ballarat, in support of the Executive Director's recommendation.

### **MR PETER MCCRACKEN**

A submission was received from Mr Peter McCracken, providing additional information relevant to the Executive Director's recommendation.

### **MR SCOTT GALLOP**

A submission was received from the Mr Scott Gallop, in support of the Executive Director's recommendation.

## **ADDITIONAL SUBMISSIONS RECEIVED FOLLOWING THE CLOSE OF THE SECTION 44 PERIOD**

### **COMMITTEE FOR BALLARAT**

A late submission was received from Michael Poulton, Committee for Ballarat, seeking information in relation to permit exemptions.

### **BALLARAT GRAMMAR**

A late submission was received from Adam Heath, Ballarat Grammar, seeking additional information in relation to permit exemptions.

### **KAUFMANN PROPERTY CONSULTANTS**

A late submission was received from Mike Kaufmann, Kaufmann Property Consultants, seeking information in relation to permit exemptions.

## INTRODUCTION/BACKGROUND

### THE PLACE

1. On 18 May 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 the place ('the Place') Lake Wendouree, located at Wendouree Parade, Lake Wendouree should be included in the Victorian Heritage Register in accordance with section 49 of the Act. The Executive Director found that Lake Wendouree is of State-level cultural heritage significance and should be included in the Victorian Heritage Register ('the Register') in the category of registered place in accordance with section 49(1)(a) of the Act and recommended categories of works or activities that may be carried out in relation to which a permit under the Act would not be required ('permit exemptions').

2. The Place is described on page 5 of the Recommendation as follows:

*"Lake Wendouree is located approximately 3 kilometres to the north-west of Ballarat's central business district. It comprises a large semi-artificial lake of approximately 238 hectares with central islands and wetlands. The lake itself is surrounded by a parkland reserve which is characterised by extensive areas of lawn and numerous mature exotic trees, particularly featuring willows, elms, oaks and various species of cyprus and pines. Major promontories include View Point located on the eastern shore and Durham Point on the northern shore. The lake includes a 2000m rowing course which starts at the north east edge of the lake near Haddon Street and finishes on the south west edge of the lake near Hamilton Avenue. The lake is encircled by the Steve Moneghetti Track, a six-kilometre walking track, as well as pathways, promenades and car parks. Much of the lake edge is defined by a shore wall. The reserve surrounding the lake features many built structures and landmarks including monuments (late nineteenth to late twentieth centuries); boat sheds (various construction dates); tram shelters (early twentieth century); and modern pontoons, playgrounds and hospitality venues. The western shore of Lake Wendouree is the site of the Ballarat Botanical Gardens (VHR H2252) and includes the picturesque area characterised by willows and winding paths known as Fairyland."*

3. The cultural heritage significance of the Place is described by the Executive Director on page 5 of the Recommendation as follows:

#### ***"What is significant?"***

*Lake Wendouree is a substantial urban lake of approximately 238 hectares, which was developed from existing wetlands from the 1850s. The place comprises the lake, its rowing course, surrounding public reserve with numerous mature trees, and significant built features including historic boat sheds, monuments and esplanades.*

#### ***How is it significant?"***

*Lake Wendouree is of historical and aesthetic 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 D*

*Importance in demonstrating the principal characteristics of a class of cultural places and objects*

*Criterion E*

*Importance in exhibiting particular aesthetic characteristics.*

***Why is it significant?***

*Lake Wendouree is historically significant for its associations with the development of water-based sports and recreation in Victoria. Initially known as ‘Yuille’s Swamp’, it has been a popular rowing and boating site since the 1860s. Subsequent improvements to the lake and its surrounding reserve facilitated the development of recreational groups, including rowing and yachting clubs, fly fishing clubs and commercial paddle steamers, as well as the construction of their associated boat sheds. Lake Wendouree has retained an array of boat sheds and other features which enable the popularity of water-based sports and recreation during key periods the late nineteenth and early twentieth centuries to be fully appreciated. These historic uses, many of them ongoing, are complemented by the picturesque landscape surrounds of the lake which, along with the adjacent Ballarat Botanical Gardens (VHR H2252), has been a popular destination for leisure activities since the mid-nineteenth century. [Criterion A]*

*Lake Wendouree is also historically significant for its close association with the 1956 Olympic Games, which were predominantly held in metropolitan Melbourne. Lake Wendouree was the only Olympic venue in regional Victoria, selected for its substantial scale which enabled up to ten rowing or canoeing crews to race abreast. Its role in the 1956 Olympics is evident in the location and alignment of the existing rowing course, which was dredged specifically for the rowing and canoeing competitions for that event. Lake Wendouree’s central role in the 1956 Olympic Games can also be appreciated in the associated monument on the south-western shore. [Criterion A]*

*Lake Wendouree is significant as a notable example of an urban lake in Victoria. It is a substantial example that exhibits fine landscape characteristics, particular in its array of mature trees. Its early boat sheds, tram and picnic shelters, park furniture, monuments and statuary are of a higher degree of historical relevance than those found at other urban lakes. [Criterion D]*

*Lake Wendouree is aesthetically significant as a landscape that has been carefully designed and developed from the mid-nineteenth century to provide a distinctive and highly appealing sensory experience. This is characterised by uninterrupted vistas across the lake surface and a sense of enclosure from the surrounding city by numerous mature exotic trees. Winding pathways and historic boatsheds contribute to the scenic visual qualities of the place and it is complemented by the adjacent Ballarat Botanical Gardens (VHR H2252). It has inspired numerous artworks since at least the 1870s, particularly photography and painting. Artistic renderings of Lake Wendouree typically depict the picturesque qualities of activities carried out at the lake, such as sailing, rowing, fishing and walking. [Criterion E] ”*

**PROCESS FOLLOWING THE RECOMMENDATION OF THE EXECUTIVE DIRECTOR**

4. Notice of the Recommendation was published on 20 May 2022, in accordance with sections 41 and 44 of the Act, for a period of 60 days.

5. During the public advertisement of the Recommendation four (4) conforming section 44 submissions were received. The National Trust, Ballarat City Council, and Mr Scott Gallop made submissions generally in support of the Executive Director's recommendation and Mr Peter McCracken provided additional information in relation to the subject matter of the Recommendation. Following the close of the section 44 period, three (3) late submission were received, from the Committee for Ballarat, Ballarat Grammar (also signed by and on behalf of other local schools) and Kaufmann Property Consultants, each seeking additional information in relation to the Recommendation.

## **PRELIMINARY, PROCEDURAL AND OTHER MATTERS**

### **HERITAGE COUNCIL REGULATORY COMMITTEE REQUEST FOR FURTHER INFORMATION**

6. Following the close of the section 44 period, having received submissions but no requests that a hearing be conducted, the Heritage Council considered the Recommendation and submissions received and resolved that a Heritage Council Regulatory Committee ('the Committee') be constituted to determine the matter pursuant to section 49(2)(a) of the Act. The Committee was duly constituted.
7. On 8 August 2022, the Committee requested that further information, chiefly in relation to submissions on the recommended permit exemptions, be provided by the Executive Director, the Committee for Ballarat (Mr Poulton), Ballarat Grammar (Mr Heath) and Kaufmann Property Consultants (Mr Kaufmann). The Committee asked that any responses be provided by no later than 18 August 2022.
8. On 17 August 2022, additional material was received from Ballarat Grammar (Mr Heath). On 18 August 2022, additional information was received from the Executive Director. Material was also received from Mr Poulton on 19 August. The responses received were circulated to other submitters.
9. The Committee met on 22 August 2022 to consider all submissions received and determine the matter.

### **CONFLICTS OF INTEREST**

10. Committee members were invited to make declarations, written or otherwise, in relation to any matters that may give rise to an actual, potential or perceived conflict of interest. The Committee members were satisfied that there were no relevant conflicts of interest and made no such declarations.

### **FUTURE USE, MAINTENANCE AND DEVELOPMENT OF THE PLACE**

11. 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 whether or not the Place is, or is not, to be included in the Register.

## **ISSUES**

12. The following section is not intended to be a complete record of submissions that were made to the Committee. It is a summary of what the Committee considers to be the key issues, followed by an explanation of the position that the Committee takes on each key issue.

## SUMMARY OF ISSUES

13. The Executive Director recommended that the Place be included in the Register as a place of State-level cultural heritage significance in relation to Criteria A, D and E. The Recommendation included a detailed list of permit exemptions in relation to the Place including, as noted by the Executive Director, a detailed list of permit exemptions intended to facilitate the holding of boating and rowing regattas and associated public events at the Place.
14. The conforming submissions made pursuant to section 44 of the Act and received during the relevant 60-day period were made generally in support of the Recommendation. Following the close of the section 44 period, submissions were made which included general comments and questions in relation to the recommended permit exemptions and raised some general matters about practical permit management considerations relating to the use of the Place as a venue for events. Those submissions did not object to the inclusion of the Place in the Register nor to the recommended Criteria for inclusion.

## DISCUSSION

15. Through its request for further information on 8 August 2022, the Committee sought to facilitate a response to the submissions that were received relating to permit management matters. In response, the Executive Director did provide some detailed further information in relation to the recommended permit exemptions and their practical implications.
16. The Committee is satisfied by the reasoning and the conclusions of the Executive Director in relation to the recommended permit exemptions and is of the view that permit management matters were also appropriately addressed by the Executive Director's considered responses to the 8 August 2022 request for further information. The Committee recognises the State-level cultural heritage significance of the Place and also its amenity as a place of leisure and enjoyment for members of the community. The Committee is of the view that the recommended permit exemptions effectively contemplate the use of the Place by all members of the community. The Committee thanks members of the community for their interest in this matter and for their submissions.
17. This decision was reached having considered the assessment against the Heritage Council's criteria (as at **Attachment 1**), the information included in the Executive Director's statement of recommendation, submissions received in response to the Recommendation and material received in response to the Committee's request for further information. The Committee's reasons for determining to include the Place (as per **Attachment 2**) in the Register are generally in accordance with the reasons of the Executive Director.
18. The Committee determines to include certain 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, pursuant to section 49(3) of the Act, in accordance with the recommendation of the Executive Director and as at **Attachment 3**.

## CONCLUSION

19. After considering the Executive Director's recommendation and all submissions received, the Heritage Council has determined, pursuant to section 49(1)(a) of the *Heritage Act 2017*, that Lake Wendouree, located at Wendouree Parade, Ballarat, is of State-level cultural heritage significance and is to be included in the Victorian Heritage Register in the category of Registered Place.



## ATTACHMENT 1

### HERITAGE COUNCIL CRITERIA FOR ASSESSMENT OF PLACES OF CULTURAL HERITAGE SIGNIFICANCE

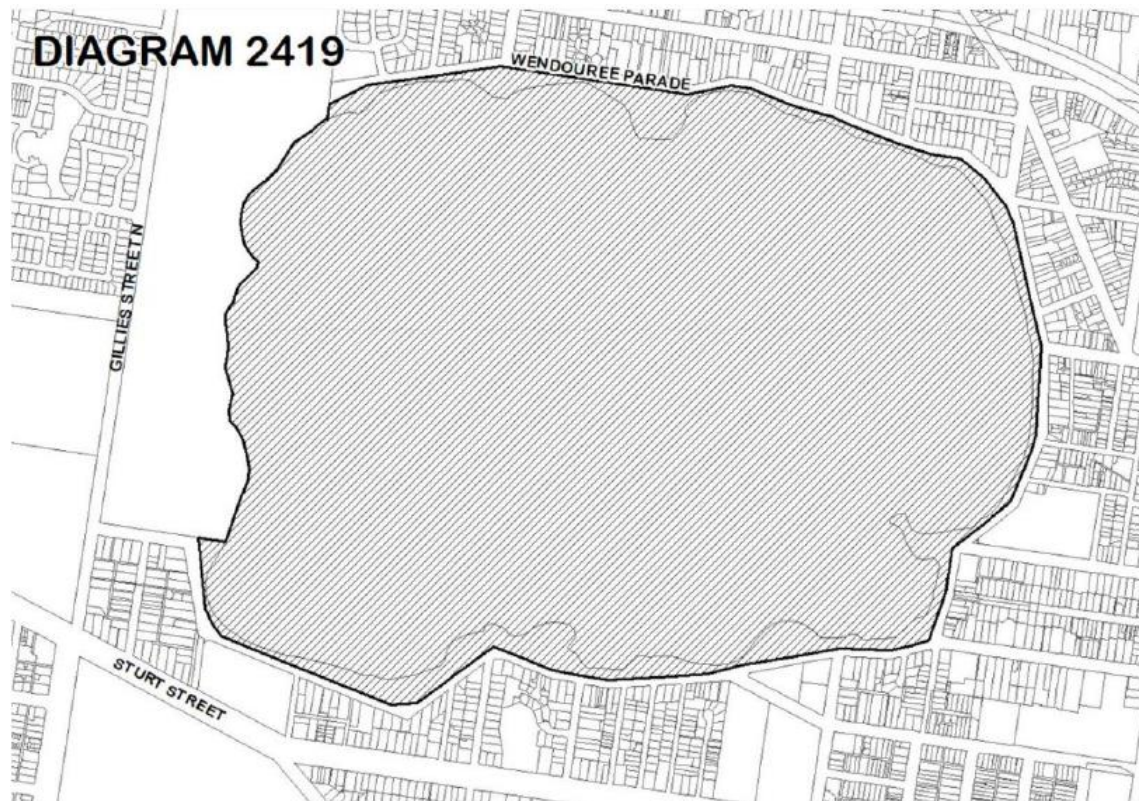
CRITERION A	Importance to the course, or pattern, of Victoria's cultural history
CRITERION B	Possession of uncommon, rare or endangered aspects of Victoria's cultural history.
CRITERION C	Potential to yield information that will contribute to an understanding of Victoria's cultural history.
CRITERION 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 4 April 2019, and replace the previous criteria adopted by the Heritage Council on 6 December 2012

## ATTACHMENT 2

### EXTENT OF REGISTRATION

All of the place shown outlined on Diagram 2419 encompassing all of Crown allotment 2018 Township of Ballarat and all of Crown allotment 2019 Township of Ballarat.





## 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')

#### Permit Exemptions

##### GENERAL

1. Minor repairs and maintenance which replaces like with like. Repairs and maintenance must maximise protection and retention of existing fabric and include the conservation of existing details and 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.
2. Painting of previously painted external surfaces in the same colour, finish and product type, provided that preparation or painting does not remove all evidence of earlier paint finishes and/or schemes.
3. Inspection, maintenance, repair, replacement, disconnection and removal of existing services such as plumbing and sewerage; electrical cabling and wiring, switchboards and substations; surveillance systems (including cctv cameras); communications infrastructure; pipes; speakers and public address systems; gas meters; and fire services which does not involve changes in location, scale, fixing or additional trenching. Buildings, structures and landscaping are to be made good and returned to the original configuration and appearance on completion of works.
4. Repair to or removal of modern extraneous items such as antennae, aerials, air conditioners and associated pipe work, ducting and wiring.
5. 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 of the public. The Executive Director of Heritage Victoria must be notified within seven days of the commencement of these works or activities.
6. All regular and post-event cleaning such as rubbish removal and washing down of surfaces.
7. All works to manage and remove graffiti, including but not limited to painting and surface treatments. This excludes memorials, cannons, statues, plaques and metal surfaces.

##### INTERNAL WORKS TO BUILDINGS

8. All repainting of previously painted internal surfaces. This does not apply to areas where specialist paint techniques such as graining, marbling, stencilling, hand-painting, murals or signwriting are present or to wallpapered surfaces.
9. Works to maintain or upgrade existing bathrooms, kitchens and bar areas including installing new appliances, retiling and the like.
10. Installation, removal or replacement of carpets and or flexible floor coverings, window furnishing, devices for mounting wall hung artworks.
11. Installation, maintenance, removal or replacement of internal boat hangars and associated infrastructure within boatsheds and rowing sheds/clubrooms.
12. Installation, removal or replacement of existing hooks, brackets and the like for hanging wall mounted artworks.

13. Installation, maintenance, repair and replacement of light fixtures, switches, fittings, tracks and the like in existing locations.
14. Installation, removal or replacement of smoke and fire detectors, alarms and the like.
15. Installation, repair, removal or replacement of existing ducted, hydronic, split system or concealed radiant type heat provided that the central plant is concealed, and that the work is done in a manner which does not visibly alter the building fabric.
16. Installation of plant within the roof space, providing that it does not impact on the external appearance of the building or involve structural changes.
17. Installation, removal or replacement of bulk insulation in the roof space.

## EVENTS

**Installation or erection of the following lightweight temporary structures and infrastructure in support of public events provided they are in place no longer than two days and no more than 52 times a year. This includes:**

18. Lightweight temporary shelters, marquees, pop-up gazebos, boat racks, tents and the like. These are to be weighted down with sand bags or water tanks as a first preference and located no closer than three metres from the base of a tree. Limited use of pegging can occur when unable to be avoided, provided this is located to avoid tree roots (i.e. not driven into if encountered).
19. Temporary signage, banners, public address systems, furniture and like in support of events which is free standing and does not require fixing to the ground, trees or buildings.
20. Use of temporary floating pontoons, launches and the like.

**Installation or erection of the following temporary structures and infrastructure in support of public events for a maximum period of 3 weeks and no more than six times a year in the same location. This includes:**

21. Lightweight temporary shelters, marquees, pop-up gazebos, boat racks, tents and the like. These are to be weighted down with sand bags or water tanks as a first preference and located no closer than three metres from the base of a tree. Limited use of pegging can occur when unable to be avoided, provided this is located to avoid tree roots (i.e. not driven into if encountered).
22. Temporary signage, banners, public address systems, furniture and like in support of events which is free standing and does not require fixing to the ground, trees or buildings.
23. Use of temporary floating pontoons, launches and the like.
24. Lighting, public address systems, and the like which do not require fixing into the ground.
25. Security fencing, scaffolding, hoardings or surveillance systems to prevent unauthorised access or to secure public safety, as long as metal stakes are not used to affix these.
26. Built or mobile structures such as vendor and food vans which are located on existing hardstand and paved/asphalted areas and pathways.
27. Delivery and removal of temporary refuse receptacles, including skip bins.
28. Temporary power feeds.

**Installation or erection of the following temporary structures and infrastructure for a maximum period of 1 week and no more than six times a year in the same location. This includes:**

29. Track mat, board or super-track and/or other protective surfaces to prevent damage to turf in areas of high pedestrian/vehicular traffic or where heavy structures will be located.

30. Heavy items such as generators, stages, projection equipment, screens, stage trucks and portable toilets, portable showers and the like which are placed on existing hard stand areas or areas of turf where protective surfaces (board or track mat) are used.

### **SIGNAGE**

31. Removal and replacement of information, interpretive, directional and event advertising signage within existing signage areas, locations and dimensions.
32. Installing of marine safety signage as required by relevant legislation.

### **LAKE MAINTENANCE AND MANAGEMENT**

33. Maintenance, repair and like for like replacement of structures such as pontoons, jetties, decking, boardwalks and bridges.
34. Maintenance, relocation and replacement of infrastructure on the lake's surface associated with aquatic sports including buoys, markers, lane ropes, flags and the like.
35. The processes associated with maintaining the lake including cutting and removal of aquatic plants and maintenance of litter traps, gross pollutant traps and the like.
36. Maintaining the lake water level to promote the ecological health and to prevent flooding.
37. Use of temporary pontoons and launches in maintenance and management activities.
38. All works and activities necessary to maintain the usual operation of the modern jet fountain feature near the south-east shoreline.

### **LANDSCAPING**

#### **Hard landscaping**

39. Like for like repair and maintenance of existing hard landscaping including footpaths, edging, roadways, kerbs, driveways, crossovers, fences, tracks, walls, rock features, concrete and bluestone beaching paving, and carparking areas.
40. Installation, maintenance and removal of road marking and traffic safety features such as pedestrian crossings, speed humps and bollards.
41. Removal or replacement of external directional signage provided the size, location and material remains the same and is non-illuminated.
42. Installation of physical barriers or traps to enable vegetation protection and management of vermin such as rats, mice and possums.

#### **Gardening, trees and plants**

43. The processes of gardening including mowing, pruning, mulching, fertilising, removal of dead or diseased plants (excluding trees), replanting of existing garden beds, disease and weed control and maintenance to care for existing plants.
44. Removal of tree seedlings and suckers.
45. Management and maintenance of trees including formative and remedial pruning, removal of deadwood and pest and disease control. This should be completed by a suitably trained horticulturalist or arborist.
46. Emergency tree works essential to maintain public safety provided the Executive Director is notified within seven days of the removal or works occurring. If a tree has been removed it may be replanted with an example of the same species.
47. Turf maintenance undertaking aerating, fertilizing, overseeding.

### **MONUMENTS, MEMORIALS AND PLAQUES**

48. Onsite repairs and conservation of monuments, sculptures, statues, fountains, memorials and plaques undertaken by a conservator accredited by the Australian Institute for the Conservation

of Cultural Material (AICCM). If items need to be removed from site for conservation works, a permit or permit exemption is required from Heritage Victoria.

49. Adding of hand/footprints and plaques to the Olympic and Paralympics precinct in line with existing design.

#### **PARK FURNITURE, PLAY EQUIPMENT ETC**

50. Installation of standard City of Ballarat park furniture including seats, bins, bollards, bicycle parking, drinking fountains and the like outside tree protection zones.
51. Demolition, removal and repairs to post-1960s outdoor gym and playground equipment, barbeques, drinking fountains, toilet facilities and park furniture.