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PLANNING PROPOSAL

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PROJECT:	The addition of 'Wee Jasper Fishermen's Shacks' to Schedule 5 of the Yass Valley Local Environmental; Plan 2013 (YVLEP2013) pursuant to <i>Section 3.33</i> of the <i>Environmental Planning and Assessment Act 1979 (EP&A ACT 1979)</i>
SUBJECT LAND	Lot 7008 DP96171 Swinging Bridge Reserve, Nottingham Road WEE JASPER and part of the Nottingham Road road reserve
ON BEHALF OF:	WEE JASPER SHACK GROUP
OUR REFERENCE:	5096_PP1
DATE:	JANUARY 2024
AUTHOR:	RACHEL DOBERER SENIOR TOWN PLANNER
SIGNATURE:	



ACKNOWLEDGEMENT OF COUNTRY

We recognise the traditional custodians of the land, the Ngunnawal people, and acknowledge the Elders of the community and their descendants. We recognise First Nations peoples unique cultural and spiritual relationships to place and their rich contribution to society.

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1. INTRODUCTION

1.1 Background

This planning proposal seeks to amend the provisions of the *Yass Valley Local Environmental Plan 2013* (Yass Valley LEP 2013) for land at Lot 7008 DP96171 (refer **Figure 1.1**) known as Swinging Bridge Reserve, Nottingham Road, Wee Jasper. Specifically, the planning proposal seeks to include the structures located on 'Swinging Bridge Reserve' as a local heritage item listed in Schedule 5 of the Yass Valley LEP 2013.

This Planning Proposal applies to land owned by the State of New South Wales (Crown) and Yass Valley Council (Council). The Planning Proposal is supported by Council (refer **Appendix A**) and a Local Heritage Application Form and Heritage Inventory sheet (refer **Appendix B**) that has evaluated the heritage significance of the structures and demonstrates that the relevant criteria for local heritage listing has been satisfied.

Lot 7008 DP96171, 308-375 Nottingham Road, Wee Jasper (known as Swinging Bridge Reserve) is Crown Land. Located upon the land are the following:

- A fibro and weatherboard cabin with a fibro roof known as No. 375 Nottingham Road
- A metal cottage with a metal roof known as 'The Rocks', No. 373(?) Nottingham Road
- A fibro cottage with a metal roof known as No. 337 Nottingham Road
- A metal cabin with a metal roof known as No. 329 Nottingham Road
- A metal cabin with a metal roof known as No. 327 Nottingham Road
- A metal cabin with a metal roof known as No. 325 Nottingham Road

There are also metal and fibro toilets, tanks and tank stands, metal and timber storage sheds, pump station, environmental monitoring station, and a timber toilet block situated upon this land.

In addition to the above, a number of structures are located upon, or encroaching into Nottingham Road road reserve. They are:

- A metal cabin with a metal roof known as No. 312 Nottingham Road
- A metal cabin with a metal roof known as No. 310 Nottingham Road
- A metal cabin with a metal roof known as No. 308 Nottingham Road

Metal toilets, timber and metal storage shed, metal tank stand, metal storage shed with metal roof, and a timber toilet block are also located upon, or encroaching into the Nottingham Road road reserve which is Council land.

This is supported by a Partial Identification Survey (refer **Appendix C**) prepared by DPS dated 22 March 2022.

This Planning Proposal is for all existing cabins, being the six cabins located on Lot 7008 DP96171 and the three cabins located on Nottingham Road road reserve. These will all be referred to as "the cabins" or the "item".

Historically the cabins have been occupied under license from Crown Lands. A review of licences by Crown Lands has indicated that the historic arrangement will no longer be supported, and the occupants will be required to vacate the cabins. Crown Lands has indicated that they intend to demolish/ remove the cabins and return the land to its original reserve purpose and provide water access to the wider community.

An application has been made for an IHO to Heritage NSW pursuant to s24(1) of the *Heritage Act 1977*. As detailed above the majority of the cabins are located on Crown Land however there are some cabins located on the Nottingham Road road reserve which is owned by Council.

It should be noted that the land on which the three cabins located on Nottingham Road road reserve sit is subject to a proposed road closure, as discussed at the Council meeting dated 23 November 2023. The matter and proposed resolution has been deferred to a later date (see **Appendix F**). The ownership of the land where three of the cabins are located may change should the proposed road closure application proceed. At the time of this Planning Proposal, they shall be referred to as being located on Council owned land, or the Nottingham Road road reserve.

The item was identified in the *Yass Rural Areas Heritage Study* (December 2002) which was co-authored by Council's Heritage Advisor (refer **Appendix D**). The Study identified them as the 'Fisherman's Huts Precinct' and stated their significance as:

'A particularly interesting set of 20th century vernacular recreational dwellings. They are the corrugated iron version of the 19th century slab hut. They utilise accessible, low-cost materials to fashion a structure that suits the needs of the individual. As a group of unregulated buildings from the twentieth century they are quite rare as, apart from some rural outbuildings, most habitable dwellings require regulatory approval. These buildings provide a very interesting comparison with the approved settlement at nearby Micalong Creek. The structures have social values for the community who built and care for them, and they have aesthetic values for their scale, and constrained diversity. The swing bridge adds to the diversity of bridges to be found within the Shire.'

Recently Council's Heritage Advisor advised that:

'In my view the collection of places have a range of values that would meet the threshold for local heritage significance. At the same time I can see that listing the group of places could present a range of management issues, including their continued occupation in an environmentally sensitive area.'

A Statement of Significance (refer **Appendix B**) included in the Local Heritage Application Form by the proponent acknowledges:

The Swinging Bridge Fishermen's Shacks in Wee Jasper Parish are of local heritage significance. License holders with historic ties to the Wee Jasper community at large, have faithfully provided service and public safety for over 70 years among many other contributions. Families and these shacks act as the storytellers for these unique representations of how a community develops across time within a specific landscape and era, alongside the structures that have supported this. The eight remaining shacks perform the function of living museums.

Each shack holder has acted as a willing safety house, and has many times provided protection, shelter and first aid for visitors of the area and those in need. Continuing and recontextualizing its historic purpose as safe haven for returning war veterans, and continuing to invoke curiosity and interest of the public who are fascinated by the historical significance and rare aesthetic of the shacks. There are no other known direct comparisons in the local regional area in terms of setting. We demonstrate the shacks potential in meeting the criteria for local heritage listing in the following notes.

It is worth noting that this item has been recognised for the historic value not only by the shack holders themselves and the direct Wee Jasper community but also the wider community. The recognition and

common interest to the wider public is noted in compilation of family history letters and community support (refer **Appendix E**).

In summary, Heritage NSW has received a request to make an Interim Heritage Order (IHO) pursuant to s24(1) of the *Heritage Act 1977* over the structures known as 'Wee Jasper Fisherman's Shacks' on land known as Swinging Bridge Reserve, Nottingham Road, Wee Jasper. Council have been requested by Heritage NSW to provide advice on whether it would consider listing the cabins as a local heritage item in the *Yass Valley LEP 2013* as part of their consideration of the IHO.

On 28 September 2023, Council resolved (refer **Appendix A**):

1. *The NSW Heritage be advised that Council will consider adding Lot 7008 DP96171 as an item of local significance to Schedule 5 of Yass Valley Local Environmental Plan 2013.*
2. *An Interim Heritage Order not be made by Council on the item located in the Nottingham Road road reserve as the item is not being or likely to be harmed. Assume this is copy and paste but it indicates the 3 road cabins aren't included....?*
3. *The proponent be advised that an Applicant Initiated Planning Proposal is required to progress the assessment of Lot 7008 DP96171 and part of the Nottingham Road road reserve as an item of Local significance under Schedule 5 of Yass Valley Environmental Plan 2013.*

In response to this resolution, on 04 October 2023 the Director of Planning & Environment sent correspondence to Adrian King (Wee Jasper Shack Group representative (?)) requesting that a Planning Proposal be prepared to amend Schedule 5 of the Yass Valley LEP 2013 to include the items located on Lot 7008 DP96171 and the Nottingham Road road reserve (the cabins) as items of local significance.

1.2 Description of this Planning Proposal

The Planning Proposal seeks to amend *Yass Valley LEP2013* as outlined in Table 1:

AMENDMENT PROPOSED	RATIONALE
Add Lot 7008 DP96171 Swinging Bridge Reserve, Nottingham Road, Wee Jasper and part of Nottingham Road road reserve as an item of Environmental heritage to Schedule 5 of <i>the Yass Valley Local Environmental Plan 2013</i> .	The intention of this amendment is to provide a heritage listing under <i>Yass Valley Local Environmental Plan 2013</i> to an item which is considered to have local historical significance.

This Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning & Assessment Act 1979* (EP& A Act) and *Local Environmental Plan Making Guideline* (August 2023), published by NSW Department of Planning and Environment. Part 3 of this report sets out the strategic justification for the Planning Proposal and provides an assessment of the relevant strategic plans, state environmental planning policies, ministerial directions and environmental, social and economic impacts of the proposed amendment. This report should be read in conjunction with the supporting documentation included in the Appendix's.

2. THE SITE

The subject site is located in Wee Jasper approximately 61km from Yass CBD and is located on Nottingham Road. The site is legally identified as Lot 7008 DP96171, Swinging Bridge Road Reserve, Nottingham Road, Wee Jasper (refer **Figure 2.1**). The site is made up of one lot and is zoned RU1 Primary Production and RE1 Public Recreation (refer **Figure 3.10**) within the Yass Valley LEP 2013. Existing structures on the site consist of the items listed in Part 1.1 of this report (refer **Figures 2.2 to 2.9**).

Access to the site is via Nottingham Road, an existing gravel Council maintained public road. Photographs of the cabins noted as the 'item' to which this report relates are provided in **Figures 2.2 to 2.9**. Further photographic imagery of the site and its heritage and local context are included in the Local Heritage Application Form and Heritage Inventory Sheet (refer **Appendix B**).

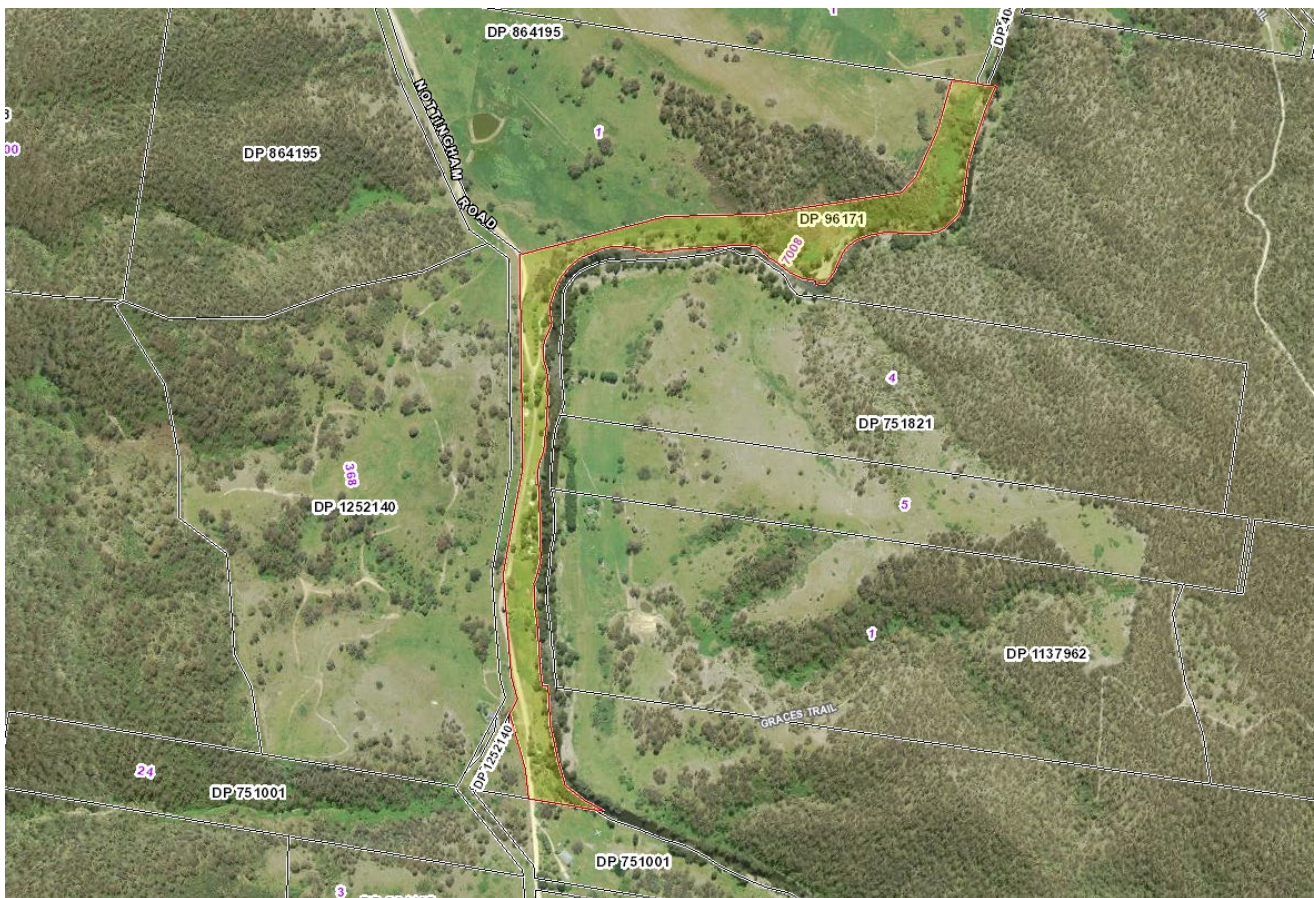


Figure 2.1: Location Map of the Subject Site (Source: NSW Government SIX Maps, November 2023)



Figure 2.2: External Façade of 308 Nottingham Road (Source: Proponent, November 2023)



Figure 2.3: External Façade of 310 Nottingham Road (Source: Proponent, November 2023)



Figure 2.4: External Façade of 312 Nottingham Road (Source: Proponent, November 2023)



Figure 2.5: External Façade of 325 Nottingham Road (Source: Proponent, November 2023)



Figure 2.6: External Façade of 329 Nottingham Road (Source: Proponent, November 2023)



Figure 2.7: External Façade of 337 Nottingham Road (Source: Proponent, November 2023)



Figure 2.8: External Façade of 373 Nottingham Road (Source: Proponent, November 2023)



Figure 2.9: External Façade of 375 Nottingham Road (Source: Proponent, November 2023)

3. EXISTING PLANNING CONTROLS

The site is subject to two separate land use zones under the Yass Valley LEP 2013 (refer **Figure 3.10**) as described below and in Table 2.

LAND USE ZONES	
RU1 PRIMARY PRODUCTION	RE1 PUBLIC RECREATION
OBJECTIVES OF ZONE	
<p>1.</p> <ul style="list-style-type: none"> To encourage sustainable primary industry production by maintaining and enhancing the natural resource base. To encourage diversity in primary industry enterprises and systems appropriate for the area. To minimise the fragmentation and alienation of resource lands. To minimise conflict between land uses within this zone and land uses within adjoining zones. To protect and enhance the biodiversity of Yass Valley. To protect the geologically significant areas of Yass Valley. To maintain the rural character of Yass Valley. To encourage the use of rural land for agriculture and other forms of development that are associated with rural industry or that require an isolated or rural location. To ensure that the location, type and intensity of development is appropriate, having regard to the characteristics of the land, the rural environment and the need to protect significant natural resources, including prime crop and pasture land. To prevent the subdivision of land on the fringe of urban areas into small lots that may prejudice the proper layout of future urban areas. 	<p>1.</p> <ul style="list-style-type: none"> To enable land to be used for public open space or recreational purposes. To provide a range of recreational settings and activities and compatible land uses. To protect and enhance the natural environment for recreational purposes. To provide for the free passage or temporary storage of storm or floodwaters. to identify land that is suitable for future public recreation use and that can be brought into public ownership. To ensure the provision of adequate open space to meet the needs of all residents.

DEVELOPMENT PERMITTED WITHOUT CONSENT	
<p>2.</p> <p>Environmental protection works; Extensive agriculture; Forestry; Home-based child care; Home businesses; Home occupations; Intensive plant agriculture; Water storage facilities</p>	<p>2.</p> <p>Environmental protection works</p>
DEVELOPMENT PERMITTED WITH CONSENT	
<p>3.</p> <p>Agritourism; Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Artisan food and drink industries; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Community facilities; Correctional centres; Crematoria; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Function centres; Helipads; High technology industries; Home industries; Industrial retail outlets; Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Landscaping material supplies; Markets; Open cut mining; Places of public worship; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Restaurants or cafes; Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Serviced apartments; Signage; Timber yards; Transport depots; Truck depots; Turf farming; Waste or resource management facilities; Water recreation structures; Water supply systems</p>	<p>3.</p> <p>Aquaculture; Boat launching ramps; Camping grounds; Car parks; Caravan parks; Community facilities; Eco-tourist facilities; Emergency services facilities; Entertainment facilities; Environmental facilities; Flood mitigation works; Function centres; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Roads; Signage; Water recycling facilities; Water reticulation systems; Water storage facilities</p>
PROHIBITED DEVELOPMENT	
<p>4.</p> <p>Any development not specified in item 2 or 3</p>	<p>4.</p> <p>Any development not specified in item 2 or 3</p>

No changes to the principle development standards currently applicable to the site under the Yass Valley LEP 2013 are proposed pursuant to this Planning Proposal request.

The subject land is not currently identified in the Yass Valley 2013 as containing any items of heritage significance. This Planning Proposal is requesting the items listed in Part 1.1 of this report (the cabins) to be added to Schedule 5 of the Yass Valley LEP 2013.

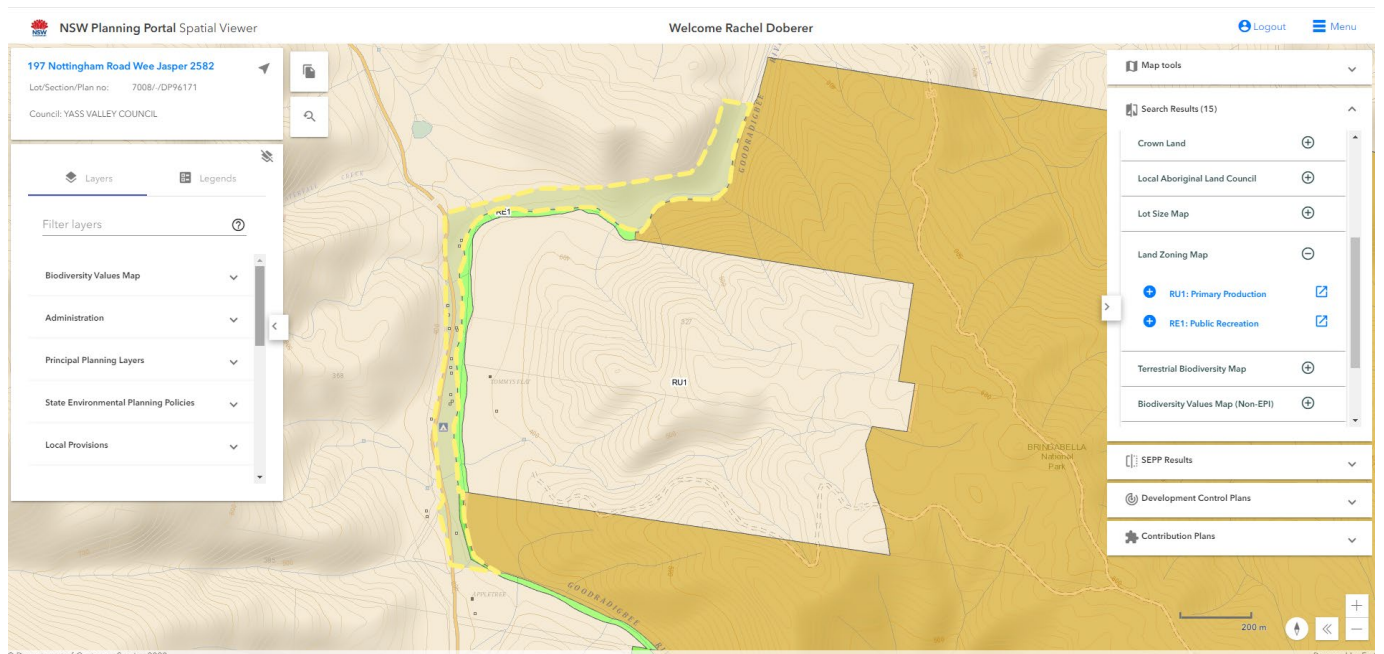


Figure 3.10: Land Zoning Map (Source NSW Government ePlanning Spatial Viewer, November 2023)

4. OBJECTIVES OF PLANNING PROPOSAL

The intended outcome of this Planning Proposal is to amend the *Yass Valley Local Environmental Plan 2013* to add Lot 7008 DP96171 Swinging Bridge Reserve, Nottingham Road, Wee Jasper and part of the Nottingham Road road reserve as an item of Environmental Heritage to Schedule 5 of the Yass Valley LEP 2013. Heritage listing will provide the site with the appropriate level of statutory heritage protection consistent with its identified significance. Heritage listing will provide ongoing protection and recognition of the heritage significance of the site.

The proposed outcome will be achieved by amending Schedule 5 of the Yass Valley LEP 2013. Schedule 5 identifies local heritage listed items within the Yass Valley LGA.

5. EXPLANATION OF PROVISIONS

The Planning Proposal seeks the following amendments to the Yass Valley LEP 2013:

- Insert a listing for Lot 7008 DP96171 Nottingham Road, WEE JASPER and part of the Nottingham Road road reserve in Part 1 Heritage Items of Schedule 5 Environmental Heritage. The exact wording of the amendment will be determined by the Parliamentary Counsel prior to the making of the LEP.
- Amend the Heritage Map (HER_002) to identify a heritage item on the site known as Lot 7008 DP96171 Nottingham Road, WEE JASPER.

6. JUSTIFICATION

The heritage significance of Lot 7008 DP96171 Nottingham Road, WEE JASPER and part of the Nottingham Road road reserve has been established by the assessment undertaken by Yass Valley Council, Yass Valley Councils Heritage Advisor, the Shack Holders and members of the Community.

6.1 Need for Planning Proposal

1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

Yes. The Planning Proposal is the result of the recommendations within the Council resolution dated 28 September 2023.

The recommendations conclude:

- 1. The NSW Heritage be advised that Council will consider adding Lot 7008 DP96171 as an item of local significance to Schedule 5 of Yass Valley Local Environmental Plan 2013.*
- 2. An Interim Heritage Order not be made by Council on the item located in the Nottingham Road road reserve as the item is not being or likely to be harmed.*
- 3. The proponent be advised that an Applicant Initiated Planning Proposal is required to progress the assessment of Lot 7008 DP96171 and part of the Nottingham Road road reserve as an item of Local significance under Schedule 5 of Yass Valley Environmental Plan 2013.*

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The objective of the Planning Proposal is to list the item located at Lot 7008 DP96171 Nottingham Road, Wee Jasper and part of the Nottingham Road road reserve in Schedule 5 of the Yass Valley LEP 2013. The best, and only means of achieving this objective is through the planning proposal process.

The proposed amendment to the Yass Valley LEP 2013 is the most effective way to achieve the desired outcome of protecting environmental heritage for the following reasons:

- Heritage listing will provide ongoing protection and recognition of the heritage significance of the item. There are no other options that will provide the same level of heritage protection and recognition.
- There is a Section 9.1 Local Planning Direction requiring LEPs to contain appropriate provisions for the management of heritage items. Councils LEP contains such provisions in Clause 5.10 Heritage Conservation. These provisions will apply to Lot 7008 DP96171 Swinging Bridge Reserve, Nottingham Road, Wee Jasper and part of the Nottingham Road road reserve if included in Schedule 5 of the Yass Valley LEP 2013.
- LEP listing will result in a publicly accessible and established platform for the identification of heritage items within a local government area (LGA).
- LEP listing will result in the subject site being identified as an item of environmental heritage within a Section 10.7 Planning Certificate.
- Listing a heritage item on non-statutory lists such as those kept by non-government organisations does not provide the same legislative protection.

6.2 Relationship to Strategic Planning Framework

Yes, the Planning Proposal is consistent with the *South East and Tablelands Regional Plan 2036* (SETRP, 2023).

Goal 3 of the SETRP 2036 seeks to achieve *healthy and connected communities* with a specific direction to protect heritage of the region:

- Direction 23 – Protect the Region’s Heritage – This Planning Proposal is acting to protect this site in line with the Regional Plan.

This Planning Proposal is consistent with the *South East and Tablelands Regional Plan 2036* as it seeks to protect and manage the heritage significance of the item located on Lot 7008 DP96171 Nottingham Road, WEE JASPER.

1. Is the planning proposal consistent with the objectives and actions contained within the applicable regional, subregional strategy or district plan or strategy (including exhibited draft plans or strategies)?

1.1 Yass Valley Settlement Strategy 2036

Yes, the Planning Proposal is consistent with the *Yass Valley Settlement Strategy 2036* in terms of the of the protection and conservation of the cultural heritage significance, history and the built form of Yass Valley LGA.

1.2 Yass Valley Local Strategic Planning Statement 2020

Yes, the Planning Proposal is consistent with the *Yass Valley Strategic Planning Statement 2020*. A key principle listed in this statement expresses:

- *Future development areas or settlements should recognise, protect and complement any unique topographic, natural or built cultural features essential to the visual setting, character, identity, or heritage significance.*
- *Strategy C04 – Recognise and celebrate our diverse cultural identities, and protect and maintain our community’s natural and built heritage.*

This planning proposal seeks to protect an identified item of local heritage significance by including it within Schedule 5 of the *Yass Valley LEP 2013*.

1.3 South East and Tablelands Regional Plan 2036

Yes, the Planning Proposal is consistent with the *South East and Tablelands Regional Plan 2036*. A key priority listed in the regional plan states:

- *Protect and maintain the area’s high environmental value lands and heritage assets.*

This Planning Proposal seeks to protect an identified item of local heritage significance by including it within Schedule 5 of the *Yass Valley LEP 2013*.

1.4 Southern Tablelands Regional Economic Development Strategy 2023

Yes, the Planning Proposal is consistent with the *Southern Tablelands Regional Economic Development Strategy 2023*. A key rationale listed for the enabler of economic growth within the area is:

- *Leveraging the region's specialisations, such as agriculture and cultural heritage can help to support visitor economy growth.*

2. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Yes, the Planning Proposal is consistent with the *Yass Velly Settlement Strategy 2036* and the *Yass Valley Local Strategic Planning Statement 2020*. Key principles within both documents recognise:

- *Future development areas or settlements should recognise, protect and complement any unique topographic, natural or built cultural features essential to the visual setting, character, identity, or heritage significance.*
- *Strategy C04 – Recognise and celebrate our diverse cultural identities, and protect and maintain our community's natural and built heritage.*

The Planning Proposal is also consistent with Council's Settlement Strategy and Strategic Planning Statement. Notably, the Planning Proposal recognises and aims to protect the item.

Heritage listing of Lot 7008 DP96171 Nottingham Road, Wee Jasper and part of the Nottingham Road road reserve will provide ongoing protection and recognition of the heritage significance of this item, consistent with these local strategies.

3. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

Yes, the Planning Proposal is consistent with other relevant State and Regional Studies or Strategies.

4. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes, the Planning Proposal is consistent with the relevant SEPPs as outlined further in this report in **Schedule 1**.

5. Is the planning proposal consistent with applicable Ministerial Directions (s9.1 directions)?

Yes, the Planning Proposal is consistent with the applicable Ministerial Directions as outlined further in this report in **Schedule 2**.

6.3 Environmental, social and economic impact

1. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

No, there are no critical areas, threatened species, populations or ecological communities or their habitats present on the subject land. Accordingly, the proposal will not have any impact in this regard.

2. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No, there are no likely environmental effects that would arise as a result of the planning proposal. Protection measures are not likely to result in environmental harm and will be managed accordingly.

3. Has the planning proposal adequately addressed any social and economic effects?

Yes, the Planning Proposal does not have a direct economic effect, it does however have a positive social impact for the local and overall community that appreciates and enjoys the item recommended to be listed as local heritage item within Schedule 5 of the Yass Valley LEP 2013.

6.4 Infrastructure (Local, State and Commonwealth)

1. Is there adequate public infrastructure for the planning proposal?

Yes, the Planning Proposal involves the local heritage listing of Lot 7008 DP96171 Nottingham Road, Wee Jasper and part of the Nottingham Road road reserve and does not involve amendments to the planning controls that will facilitate intensified development. No further public infrastructure provision is necessitated by this Planning Proposal.

6.5 State and Commonwealth Interests

1. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Commonwealth public authorities have not been formally involved in this Particular Planning Proposal as it is yet to receive a Gateway Determination. At this stage it appears unlikely that there will be any issues of interest to Commonwealth authorities.

Preliminary consultation with NSW Department of Planning and Environment (Crown Lands) is the result of this Planning Proposal. As indicated earlier in this report, historically the structures have been occupied under licence from Crown Lands. A review of licences by Crown Lands has indicated that the historic arrangements will no longer be supported and the occupants will be required to vacate the structures. Crown Lands has indicated that it intends to remove the structures and return the land to its original reserve purpose and provide water access to the wider community.

It is expected the following public authorities including but not limited to:

- Department of Planning, Lands and Heritage
- Department of Planning and Environment (Crown Lands)
- NSW Heritage Council

Any other authorities identified by the Department of Planning and Environment will be consulted during the public exhibition of the Planning Proposal.

7. MAPPING

The Planning Proposal seeks to amend the Yass Valley LEP 2013 Heritage Map reference HER_002 by applying an 'Item – General' classification to the subject land known as Lot 7008 DP96171 Nottingham Road, Wee Jasper and part of the Nottingham Road road reserve.

An extract of the existing and proposed heritage maps (refer **Figures 7.1 & 7.2**). The heritage item number (1284) illustrated in the map below is indicative only. The heritage item number will be confirmed with Parliamentary Counsel upon finalisation of the Planning Proposal.

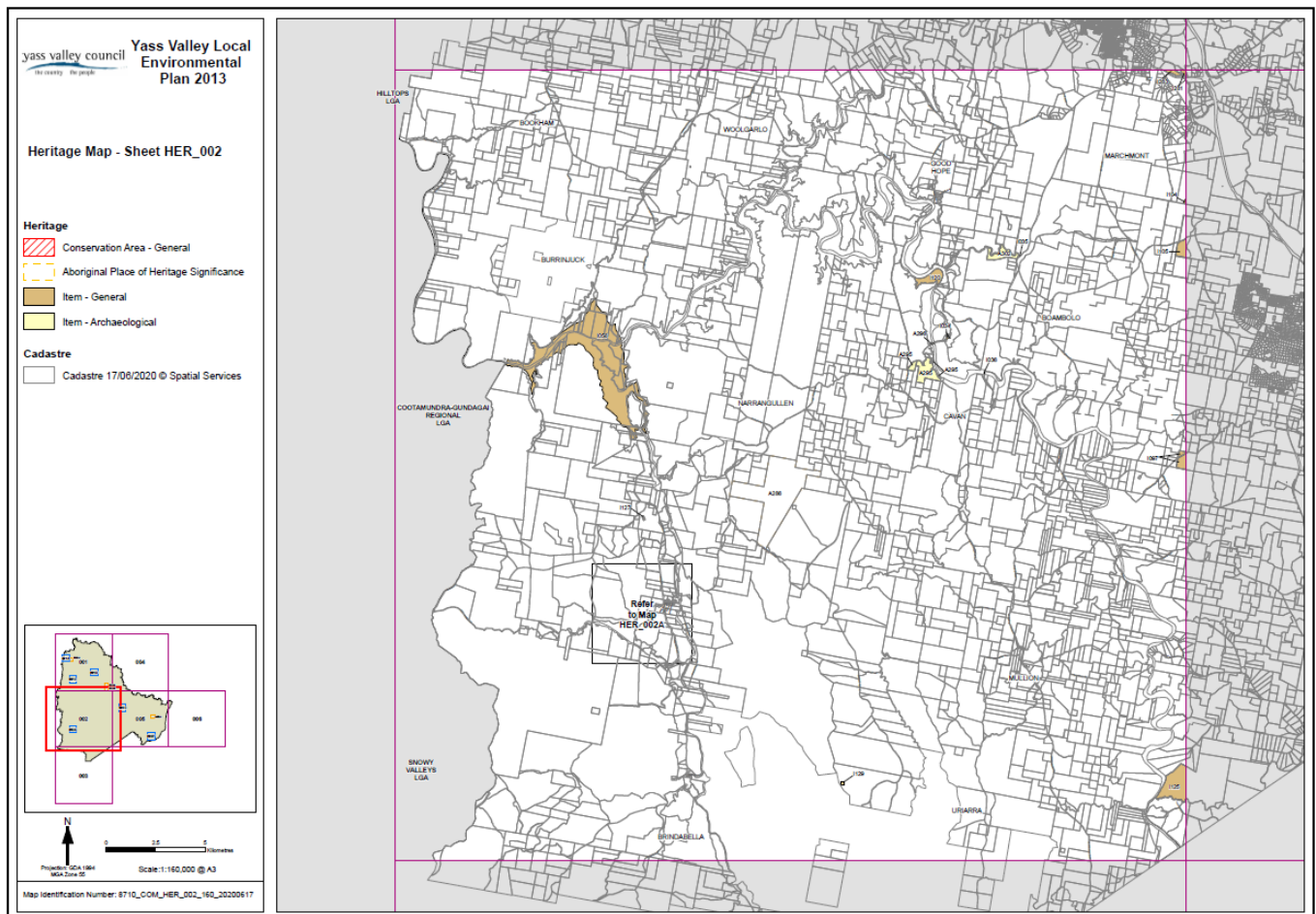


Figure 7.1: Current Heritage Map – Sheet HER_002 (Source Yass Valley Council LEP Maps, November 2023)

This has our lot highlighted as well, perhaps an incorrect image? As in “existing map” wouldn’t have our lot highlighted.

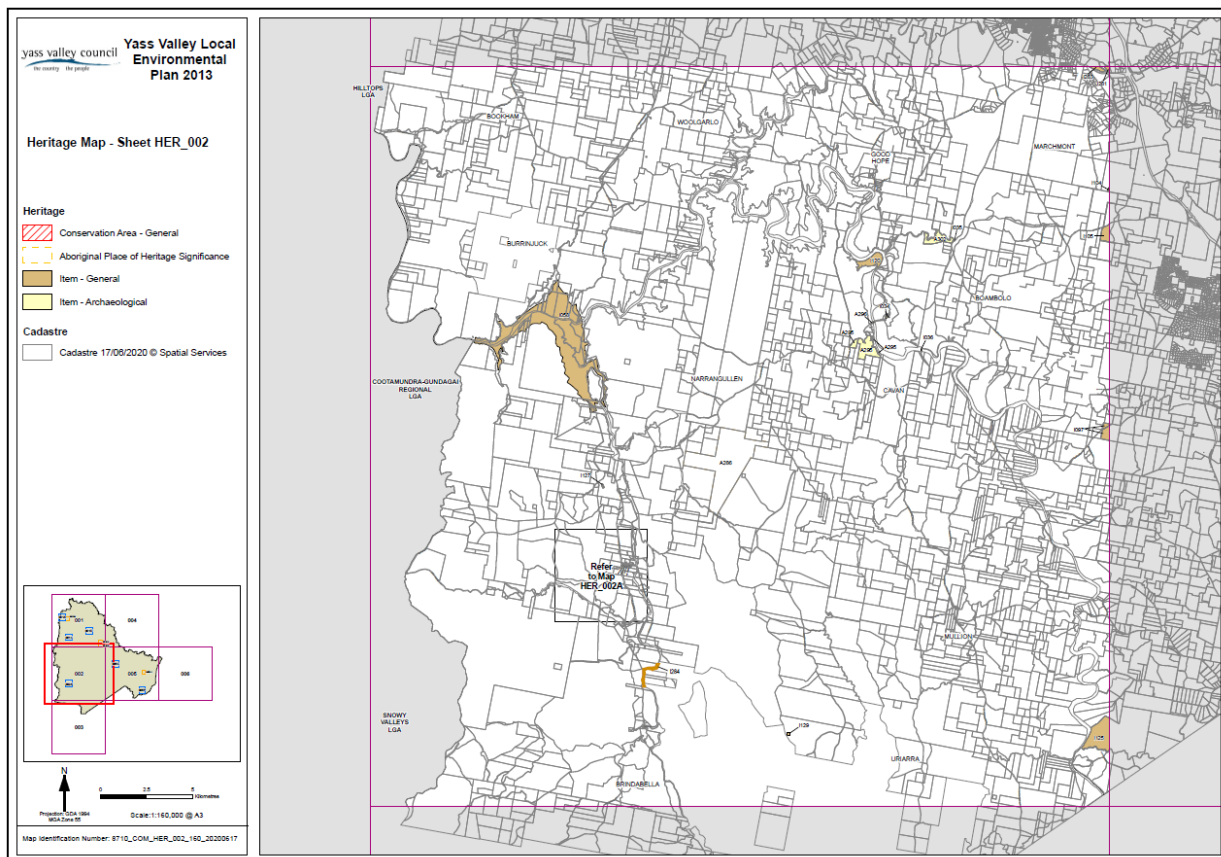


Figure 7.2: Proposed Heritage Map – Sheet HER_002 (Source Yass Valley Council LEP Maps, November 2023)

8. COMMUNITY CONSULTATION

The public exhibition of the Planning Proposal will be undertaken in accordance with the requirements of the *EP&A Act 1979* and the *Environmental Planning and Assessment Regulation 2021*. It will also have regard to other relevant plans and guidelines including the *Local Environmental Plan Making Guideline* (August 2023) and any conditions of the Gateway Determination.

It is recommended that the Planning Proposal is exhibited for a minimum of 28 days.

Public notification of the exhibited Planning Proposal will include:

- A newspaper advertisement that circulates in the area affected by the Planning Proposal.
- A notice on Yass Valley Council website.
- Notice to local community, residents and business groups.

Written notice will be provided to the affected landowner and to the adjoining owners and will:

- Provide a brief description of the objectives or intended outcomes of the Planning Proposal
- State where and when the Planning Proposal can be inspected; and
- Provide details of how members of the community can make a submission.

During the exhibition period the following material will be available on Council's website:

- The Planning Proposal, in the form approved by the Gateway Determination.
- The Gateway Determination.
- Information relied upon by the Planning Proposal (such as relevant Council reports).
- Yass Valley LEP 2013.

The Gateway Determination will confirm the public consultation requirements.

9. PROJECT TIMELINE

As Council is authorized to exercise the functions of the Minister for Planning under Section 3.36 of the *Environmental Planning and Assessment Act 1979*, the proposed timeline for completion is as follows:

PLAN-MAKING STEP	ESTIMATED COMPLETION
Council resolution to proceed	28 September 2023
Gateway determination	March 2024
Completion of technical assessment	Usually none required
Government agency consultation	April 2024
Public exhibition period	April 2024
Submissions assessment	May 2024
Council assessment of planning proposal post exhibition	June 2024
Council decision to make the LEP amendment	June 2024
Council to liaise with Parliamentary Council to prepare LEP amendment	July 2024
Forwarding of LEP amendment to Department of Planning and Environment for notification	August 2024
Notification of the approved LEP	August 2024

10. SCHEDULES

10.1 SCHEDULE 1 – CONSISTENCY WITH STATE ENVIRONMENTAL PLANNING POLICIES

STATE ENVIRONMENTAL PLANNING POLICY (SEPP)	COMMENT
<i>SEPP (Biodiversity and Conservation) 2021</i>	<p>This SEPP contains planning rules and controls for preserving, conserving, and managing NSW's natural environment and heritage.</p> <p>The provisions within this SEPP do not apply to this Planning Proposal.</p>
<i>SEPP (Transport and Infrastructure) 2021</i>	<p>This SEPP contains planning provisions to provide well-designed and located transport and infrastructure integrated with land use/</p> <p>The provisions within this SEPP do not apply to this Planning Proposal.</p>
<i>SEPP (Primary Production) 2021</i>	<p>This SEPP contains planning provisions to protect and support agricultural lands and opportunities for Primary Production.</p> <p>The provisions within this SEPP do not apply to this Planning Proposal.</p>
<i>SEPP (Resilience and Hazards) 2021</i>	<p>This SEPP contains provisions to manage risks and build resilience in the face of hazards.</p> <p>It is noted the existing structures are not located on 'Contaminated Land'.</p> <p>'Contaminated Land' means land in, on or under which any substance is present at a concentration above the concentration at which the substance is normally present in, on or under (respectively) land in the same locality, being a presence that presents a risk of harm to human health or any other aspect of the environment.</p> <p>Noting the existing use has been in place for a number of years, the Department and Council can be satisfied that the land is not contaminated and is not land specified in subsection (4) of clause 4.6 of the SEPP (such that there is no requirement for a preliminary site investigation report).</p>

<i>SEPP (Building Sustainability Index: BASIX) 2004</i>	<p>This SEPP encourages the design and construction of more sustainable buildings across NSW.</p> <p>The provisions within this SEPP do not apply to this Planning Proposal.</p>
<i>SEPP (Exempt and Complying Codes) 2008</i>	<p>This SEPP aims to provide streamlined assessment processes for development that complies with the specific development standards listed in the SEPP.</p> <p>The provisions within this SEPP do not apply to this Planning Proposal.</p>
<i>SEPP (Planning Systems) 2021</i>	<p>This SEPP contains planning rules that allow for a strategic and inclusive planning system for the community and the environment for State Significant Development.</p> <p>The provisions within this SEPP do not apply to this Planning Proposal.</p>
<i>SEPP (Resources and Energy) 2021</i>	<p>This SEPP contains planning rules that promote the sustainable use of NSW's resources and transitioning to renewable energy. Specifically for the assessment and development of mining, petroleum production and extractive material resource proposals.</p> <p>The provisions within this SEPP do not apply to this Planning Proposal.</p>
<i>SEPP (Housing) 2021</i>	<p>This SEPP contains planning rules that allow for the delivery and sufficient supply of safe, diverse and affordable housing.</p> <p>The provisions within this SEPP do not apply to this Planning Proposal.</p>
<i>SEPP (Industry and Employment) 2021</i>	<p>This SEPP contains planning rules that applies to employment land in western Sydney and for advertising and signage in NSW.</p> <p>The provisions within this SEPP do not apply to this Planning Proposal.</p>

10.2 SCHEDULE 2 – COMPLIANCE WITH SECTION 9.1 DIRECTIONS

DIRECTION		COMMENTS
1.	PLANNING SYSTEMS	
1.1	Implementation of Regional Plans	Applicable. The Planning Proposal is consistent with the objectives of the <i>South East and Regional Tablelands Plan 2036</i> specifically environmental heritage is identified, conserved and enhanced. Refer to section 6 of this report.
1.2	Development of Aboriginal Land Council Land	Not applicable. This Planning Proposal does not affect Aboriginal Land Council Land.
1.3	Approval and Referral Requirements	Not applicable. This Planning Proposal seeks the local heritage listing of the item(s) at Lot 7008 DP96171 Nottingham Road, Wee Jasper and part of the Nottingham Road road reserve. This is not expected to require any additional approval or referral requirements.
1.4	Site Specific Provisions	Not applicable. This Planning Proposal does not contain any unnecessarily restrictive site-specific planning controls.
1.4A	Exclusion of Development Standards from Variation	Not applicable. This Planning Proposal does not seek a variation of a Development Standard.
1	PLANNING SYSTEMS (PLACE BASED)	
1.5 – 1.17	Implementation Plans	Not applicable. These plans do not apply to the Yass Valley LGA.
2.	DESIGN AND PLACE	
	This Focus Area was blank when the Directions were made.	
3.	BIODIVERSITY AND CONSERVATION	
3.1	Conservation Zones	Not applicable. The subject land to which this Planning Proposal relates is not located on land within a conservation zone.

3.2	Heritage Conservation	Applicable. Heritage listing of Lot 7008 DP96171 Nottingham Road, Wee Jasper and part of the Nottingham Road road reserve will provide ongoing protection and recognition of the heritage significance of the item.
3.3	Sydney Drinking Water Catchments	Not applicable. The subject land to which this Planning Proposal relates is not located within a Sydney Drinking Water Catchment.
3.4	Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable. This direction does not apply to Yass LGA.
3.5	Recreation Vehicle Areas	Not applicable. The Planning Proposal does not apply to sensitive land or land with significant conservation values. It will not allow the use of the land for a recreational vehicle area.
3.6	Strategic Conservation Planning	Not applicable. This Planning Proposal does not relate to land that is identified as avoided land or a strategic conservation area.
3.7	Public Bushland	Not applicable. This direction does not apply to Yass Valley LGA.
3.8	Willandra Lakes Region	Not applicable. This direction does not apply to Yass Valley LGA.
3.9	Sydney Harbour Foreshores and Waterways Area	Not applicable. This direction does not apply to Yass Valley LGA.
3.10	Water Catchment Protection	Not applicable. This direction does not apply to Yass Valley LGA
4.	RESILIENCE AND HAZARDS	
4.1	Flooding	Not applicable. This Planning Proposal does not propose to create, remove or alter a zone or a provision that affects flood prone land.
4.2	Coastal Management	Not applicable. This direction does not apply to Yass Valley LGA

4.3	Planning for Bushfire Protection	Applicable. However, it could be argued the item is existing and has been in place for many years hence the request for the item to be acknowledged as an item of local heritage.
4.4	Remediation of Contaminated Land	Complies. It is noted the existing structures are not located on contaminated land. A more detailed response is listed in Schedule 1 of this report.
4.5	Acid Sulfate Soils	Not applicable. This direction does not apply to the subject land.
4.6	Mine Subsidence and Unstable Land	Not applicable. This direction does not apply to the subject land.
5.	TRANSPORT AND INFRASTRUCTURE	
5.1	Integrating Land Use and Transport	Not applicable. This direction does not apply to the subject land.
5.2	Reserving Land for Public Purposes	Applicable. This Planning Proposal does not create, alter or reduce existing zonings or reservations of land for public purposes. The existing and historic use of the structures has been in place for many years.
5.3	Development Near Regulated Airports and Defence Airfields	Not applicable. This direction does not apply to the subject land.
5.4	Shooting Ranges	Not applicable. This direction does not apply to the subject land.
6.	HOUSING	
6.1	Residential Zones	Not applicable. This direction does not apply to the subject land.
6.2	Caravan Parks and Manufactured Home Estates	Not applicable. This direction does not apply to the subject land.

7.	INDUSTRY AND EMPLOYEMENT	
7.1	Employment Zones	Not applicable. This direction does not apply to the subject land.
7.2	Reduction in Non-hosted Short-Term Rental Accommodation Period	Not applicable. This direction does apply to Yass Valley LGA.
7.3	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable. This direction does not apply to Yass Valley LGA.
8	RESOURCES AND ENERGY	
8.1	Mining, Petroleum Production and Extractive Industries	Not applicable. This direction does not apply to the subject land.
9.	PRIMARY PRODUCTION	
9.1	Rural Zones	Not applicable. This direction does not apply to Yass Valley LGA.
9.2	Rural Lands	Not applicable. This direction does not apply to the subject land.
9.3	Oyster Aquaculture	Not applicable. This direction does not apply to Yass Valley LGA.
9.4	Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable. This direction does not apply to Yass Valley LGA.

11. CONCLUSION

This Planning Proposal seeks an amendment to Schedule 5 of the Yass Valley LGA 2013 to include the cabins located on Lot 7008 DP96171 Nottingham Road, Wee Jasper known as 'Swinging Bridge Reserve' and part of the Nottingham Road road reserve as a local heritage item. The aim of this amendment is to facilitate the recognition of the item as a local heritage item.

This subject Planning Proposal is broadly consistent with the *Yass Valley Settlement Strategy 2036*, the *Yass Valley Local Strategic Planning Statement 2020*, the *South East and Tablelands Regional Plan 2036*, the *Southern Tablelands Regional Economic Development Strategy 2023* and the *SEPPs*. It is considered that this Planning Proposal will not raise any issues that require further studies or detailed assessment.

As noted in Part 3 of the Council Resolution, Council is seeking delegation from the NSW Department of Planning and Environment to make – and determine not to make – the proposed LEP under section 3.36 of the *NSW Environmental Planning and Assessment Act 1979*. The proposed amendments are consistent with adopted strategies and the zone objectives, furthermore, the plan is only of local significance.

It has been considered that this Planning Proposal will not have a detrimental effect to the environment, the proposal represents rational, orderly, economic and sustainable use of the land and it complies with all relevant legislation.

In light of the above, we recommend this Planning Proposal to proceed through the Gateway to public exhibition.