

6.2 WEE JASPER FISHERMEN'S SHACKS - HERITAGE LISTING IN THE YASS VALLEY LOCAL ENVIRONMENTAL PLAN 2013

SUMMARY

Council has received an applicant-initiated Planning Proposal to include 9 cabins located on Lot 7008 DP 96171 and adjacent Nottingham Road reserve, in Schedule 5, Items of Environmental Heritage of *Yass Valley LEP 2013*. A Heritage Statement supports the application to include the cabins and assesses their significance to the local, regional and national heritage values.

RECOMMENDATION

That:

1. *The Planning Proposal to include 9 cabins at Swinging Bridge Reserve, Nottingham Road, Wee Jasper in Schedule 5 of the Yass Valley Local Environmental Plan 2013 be referred to the Department of Planning, Housing & Infrastructure (DPHI) for a gateway determination.*
2. *The Department of Planning, Housing & Infrastructure be advised that Council does not wish to utilise delegations as the Local Plan Making Authority (LPMA) for the Planning Proposal.*

FINANCIAL IMPLICATIONS

The applicant has paid appropriate fees to progress the planning proposal to gateway determination stage.

POLICY & LEGISLATION

- *Environmental Planning & Assessment Act, 1979*
- *Yass Valley Local Environmental Plan 2013*

REPORT

A Planning Proposal (**Attachment B**) to include nine cabins (or locally termed as 'shacks') at Swinging Bridge Reserve, Nottingham Road, Wee Jasper in Schedule 5 *Yass Valley Local Environmental Plan 2013* (*Yass Valley LEP 2013*) was submitted via the NSW Planning portal on 27 February 2024. The initiation of a Planning Proposal to amend the Heritage Items Schedule of the *Yass Valley LEP 2013* was triggered by a Council resolution of 28 September 2023 which resolved that:

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 Local Environmental Plan 2013.*

Six of the subject cabins are located on Lot 7008 DP96171, owned by Crown Lands NSW (Crown Lands) and the remaining three are located on part of the unformed Nottingham Road reserve owned by Council (refer **Attachment A**).

The significance of these cabins includes representative and rare examples of development of the era, there being few others evident in the *Yass Shire Rural Areas Heritage Study 2002* authored by Council's Heritage Advisor at the time. Whilst the study recommended their inclusion, a report to Council in July 2011 recommended they not be included for a variety of reasons including their inability to meet the requirements of the Building Code of Australia, having been constructed without any form of approval, being located on

land not owned by the occupants. Council resolved not to include the shacks in Schedule 5 of the Draft Heritage Items for the *Draft Yass Valley Local Environmental Plan*.

The following excerpt from the Special Planning Meeting on 13 July 2011 reads:

Swinging Bridge Reserve, Nottingham Road, Wee Jasper

This item has been further reviewed. While the site is important in demonstrating the establishment and continuation of the local fishing community at Wee Jasper, it does raise issues in terms of any future development. The structures are located on land owned by Crown Lands, with 5 year leases issued for each 'hut'. They appear to date back to the 1950's and are very rudimentary in construction, probably never intending to be permanent.

If the Fishing Huts were to be included on the schedule, they would be required to be assessed individually as habitable structures under the Building Code of Australia, and there is a high level of doubt as to whether they would meet these requirements.

There are also clear safety issues with the Swinging Bridge even if it is conserved, and access restricted. Rather than including the huts and bridge on the schedule, it should be archivally recorded and there should be on-site interpretation before demolition.

The proponent has submitted a Heritage Form document encompassing the historical values of the reserve, the swinging bridge, patrons that developed these cabins, inspirations to poets, artists and writers, the families that have been a part of these establishments and community sentiments.

Council's Heritage Advisor, Pip Giovanelli has stated 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.

At its meeting in March 2024 Council resolved that:

1. *The partial road closure of Nottingham Road, Wee Jasper (adjacent to Lot 7008 DP96171) be approved.*
2. *The road closure process be commenced and notification be undertaken in accordance with the Roads Act 1993.*
3. *The closed road be dedicated as Operational Land under the Local Government Act 1993 and be transferred to Crown Lands at no cost.*
4. *The Chief Executive Officer and Mayor be authorised to sign documentation associated with the partial road closure.*
5. *Council acquire a portion of land from Crown Lands (part Lot 7008 DP 96171) at no cost and dedicate this land as public road.*
6. *The heritage assessment report submitted with the Planning Proposal for the heritage listing of the Swinging Bridge Shacks in the Yass Valley LEP 2013 be shared with Crown Lands once received.*

This renders the three cabins (numbered 308, 310, and 312) located on the Nottingham Road reserve to be transferred to Crown Lands and be subject to requirements of Crown Lands.

Following the March 2024 Council meeting comments were sought from Council's Heritage Advisor in relation to the Planning Proposal and supporting documentation.

Comments received from Council's Heritage Advisor indicate that the assessment of the significance of the shacks as included in the documentation supporting the Planning Proposal provides useful information for a comprehensive heritage assessment, however requires more rigor and attention to the NSW Heritage Assessment Guidelines. The comparative analysis cites examples of local heritage significance, but there is insufficient evidence against criteria such as strong association with a person or group of persons, aesthetic

characteristics, association with a particular community, or potential to yield information that contributes to an understanding of the area's cultural history.

Nonetheless the Fishing Cottages do meet several of the criteria for local heritage listing, but a more detailed assessment is required. Technical and statutory issues, such as lease validity, construction adequacy and building code compliance may affect the listing. Should these issues be unable to be resolved, a formal archival record of the place and structures could be made for posterity rather than the listing the site as a local heritage item in Schedule 5 of the *Yass Valley LEP 2013*.

Notwithstanding the above comments, a gateway determination can be sought from Department of Planning, Housing & Infrastructure which will allow for formal consultation with Crown Lands and community consultation.

The initial evaluation of the Planning Proposal has checked that:

- The scope of the proposal is clearly articulated
- The proposal has addressed studies and comments sought by Council
- The supporting documentation is included with the planning proposal
- All s9.1 Directions and SEPPs have been satisfactorily addressed
- Relevant regional plans and LSPS has been satisfactorily addressed

Accordingly, it is recommended that a gateway determination be sought, acknowledging that Council will be required to consult with Crown Lands as the owner of the site and the future owner of the current road reserve. It is also recommended that the Minister be the Local Plan Making Authority for this planning proposal.

STRATEGIC DIRECTION

CSP Theme	Our Environment
CSP Strategy Objective	EN1: Our natural environment is maintained, protected and enhanced in line with community expectations
Strategies	EN1.4 - Advocate for and deliver on the protection of our built-form environment and heritage
Delivery Program Action	Provide a heritage advisory service to the community

ATTACHMENTS: A. Partial Identification Survey April 2022 - Wee Jasper [🔗](#)
B. Planning Proposa;