



Gateway determination report – PP-2024-419

Wee Jasper Fishermen's Shacks heritage listing –
Swinging Bridge Reserve, Nottingham Road, Wee
Jasper

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans

Appendix 1 – Yass Valley Council report April 2024

Appendix 2 – Extract from Yass Rural Areas Heritage Study (2002)

Appendix 3 – DRAFT Heritage Assessment (Eureka Heritage 2024)

Appendix 4 – Email advice from Crown Lands

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Yass Valley
PPA	Yass Valley Council
NAME	Wee Jasper Fishermen’s Shacks - heritage listing (0 homes, 0 jobs)
NUMBER	PP-2024-419
LEP TO BE AMENDED	Yass Valley LEP 2013
ADDRESS	Swinging Bridge Reserve, Nottingham Road, Wee Jasper
DESCRIPTION	Lot 7008 DP 96171
RECEIVED	31/07/2024
FILE NO.	EF24/10257 IRF24/963
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The stated objectives of the planning proposal are to:

- list and map Swinging Bridge Reserve, Nottingham Road, Wee Jasper and part of the Nottingham Road road reserve as an item of local heritage significance in the Yass Valley LEP 2013.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Yass Valley LEP 2013 per the changes below:

Table 3 Current and proposed controls

Control	Current	Proposed
Schedule 5 - Heritage	N/A	Add Swinging Bridge Reserve, Nottingham Road, Wee Jasper and part of the Nottingham Road road reserve as an item of local heritage significance
Heritage Map	N/A	Add the site to heritage map

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.4 Site description and surrounding area

The planning proposal relates to land in the Yass Valley LGA zoned RU1 Primary Production and RE1 Public Recreation.

The subject site is located on Nottingham Road, Wee Jasper south of Wee Jasper Village, a hamlet situated between Yass (60km north) and Canberra (90 km south). The Goodradigbee River runs partially adjacent to and partially through the site.

The 9 cabins were historically assumed to be located within the Swinging Bridge Reserve and have always been managed by Crown Lands. However, a recent survey has identified that 3 of the 9 cabins are situated outside the Swinging Bridge Reserve boundary within the road reserve, managed by Yass Valley Council. Figure 1 shows the extent of the Swinging Bridge Reserve (outlined in red), the road reserve, physical road (dotted grey line), and cabin sites (blue numbers).

It can be seen that the northern three cabins are located outside of the Swinging Bridge Reserve and within the road reserve. In this spot the road meanders out of the road reserve and into the Swinging Bridge Reserve. Council and Crown Lands are currently in negotiations in an attempt to resolve these anomalies.

The cabins located on Crown Lands include the following:

1. A fibro and weatherboard cabin with a fibro roof known as No. 375 Nottingham Road
2. A metal cottage with a metal roof known as 'The Rocks', No. 373 Nottingham Road
3. A fibro cottage with a metal roof known as No. 337 Nottingham Road
4. A metal cabin with a metal roof known as No. 329 Nottingham Road
5. A metal cabin with a metal roof known as No. 327 Nottingham Road
6. A metal cabin with a metal roof known as No. 325 Nottingham Road

The cabins located on Council land include:

7. A metal cabin with a metal roof known as No. 312 Nottingham Road
8. A metal cabin with a metal roof known as No. 310 Nottingham Road
9. A metal cabin with a metal roof known as No. 308 Nottingham Road

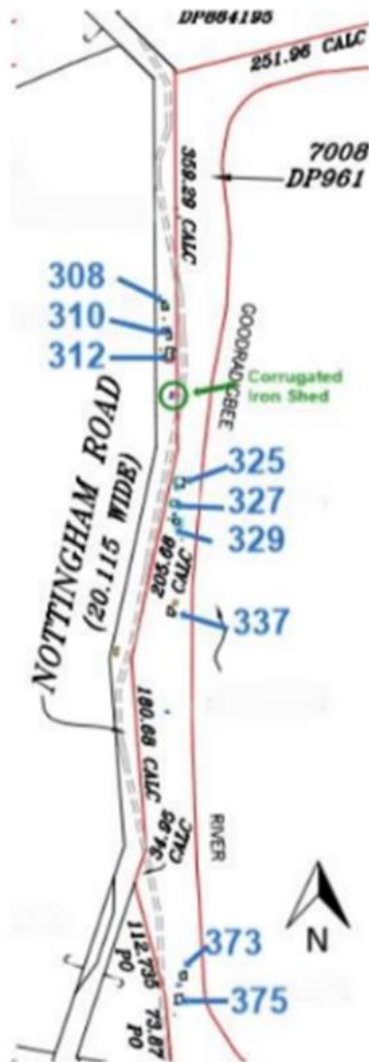


Figure 1.13 – Survey plan of huts showing numbers used in this report.
Source: Survey plan by DPS April 2022.

Figure 1 Survey plan showing Reserve, road reserve, road and cabins (Source: Draft Heritage Assessment – Appendix 3)



Figure 2 Site context (source: Google Maps)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Yass Valley LEP heritage map – refer to I284.

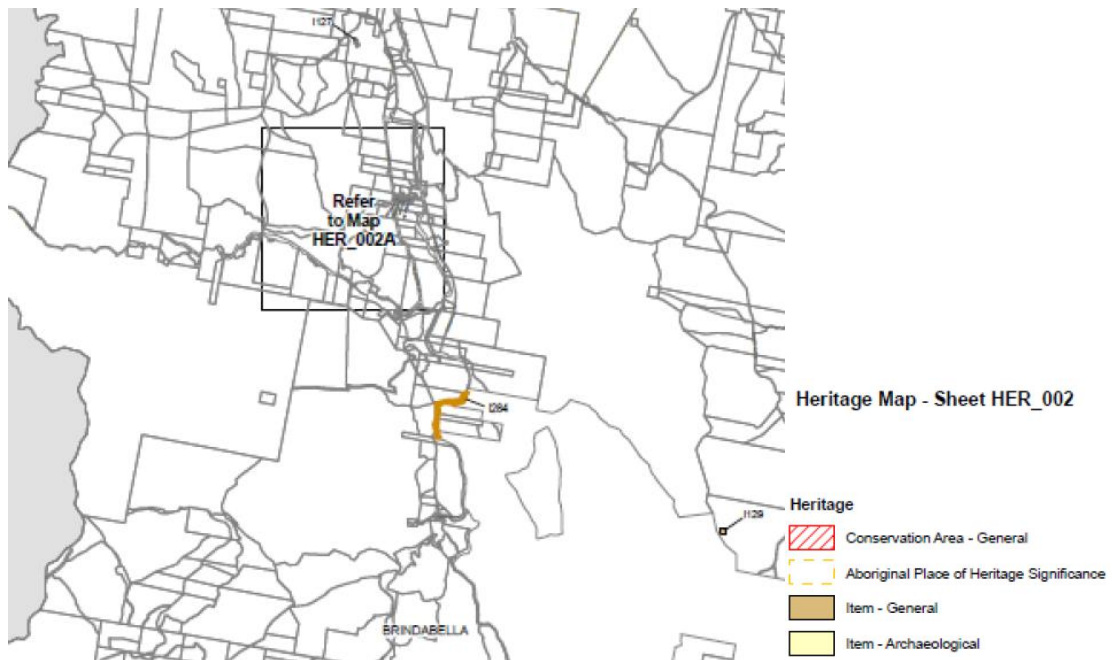


Figure 3 Proposed heritage map

2 Need for the planning proposal

The heritage significance of the site was noted in the Yass Rural Areas Heritage Study 2002 (Appendix 2). The 2002 study advises that the buildings are ‘an interesting set of 20th century vernacular recreational buildings... [with social ...and... aesthetic values]’. It acknowledges the intention for each of the buildings to be demolished once its registered licensee passes.

The local heritage listing would support retention and preservation of the heritage significance of the cabins.

The Department of Planning, Housing and Infrastructure, Crown Lands and Public Spaces (Crown Lands) undertook a review of the licencing arrangements for the historical private occupation of cabins on the Swinging Bridge Reserve in 2022/23.

Crown Lands considers that the exclusive use of public land for private holiday accommodation is inconsistent with the Reserve’s purpose of ‘Public recreation’ and does not align with the objects and principles of *the Crown Land Management Act 2016*. Crown Lands has not issued new licences to private individuals to occupy the cabins since July 2019 and is seeking to progress action to demolish the cabins located within the Swinging Bridge Reserve and to return the land to a public recreation use.

Crown Lands commissioned an independent Heritage Assessment by Eureka Heritage which is still in draft form but concludes that the items do not meet the threshold for heritage significance (Appendix 3).

3 Strategic assessment

3.1 Regional Plan

The proposal is broadly consistent with Direction 23 of the South East and Tablelands Regional Plan 2036 as it aims to protect and manage the region’s heritage.

The proposal is also broadly consistent with Objective 4 of the draft South East and Tablelands Regional Plan 2041 as it aims to preserve the heritage and character of the region’s places, towns and villages.

3.2 Local

The proposal states that it is consistent with local plans and endorsed strategies. It is also consistent with the strategic direction and objectives of Council’s Local Strategic Planning Statement 2020; and the Yass Valley Settlement Strategy 2036.

3.3 Section 9.1 Ministerial Directions

The planning proposal’s consistency with relevant section 9.1 Directions is discussed below:

Table 4 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Yes	The planning proposal is broadly consistent with the objectives of the <i>South East and Tablelands Regional Plan 2036</i> , specifically Direction 23: Protect the region’s heritage. The planning proposal is also broadly consistent with the

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<p>objectives of the draft <i>South East and Tablelands Regional Plan 2041</i>, specifically Objective 4: Preserve the heritage and character of the region's towns and villages</p> <p>However, as discussed elsewhere in this report there is conflicting advice on the heritage significance of the shacks.</p>
3.2 Heritage Conservation	Consistency not adequately demonstrated.	<p>Local heritage listings provide ongoing protection and recognition of the heritage significance of items and are generally encouraged.</p> <p>It is considered however that the heritage significance of the cabins has not been adequately justified/demonstrated at this stage.</p> <p>Direction 3.2 requires that a planning proposal must facilitate the conservation of items identified in a study of the environmental heritage of the area.</p> <p>The 2002 heritage assessment (Appendix 2) used to support the listing is now dated. More recent advice provided by Council's Heritage Advisor is:</p> <p><i>'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.'</i></p> <p>The draft heritage Assessment and Statement of Heritage Impact prepared in 2024 (Appendix 3) on behalf of Crown Lands concludes that:</p> <p><i>Based on the results of rigorous research into the establishment history of the huts, and the assessment that there is no real demonstrated or significant heritage values vested in the huts that reasonably meet the thresholds for heritage significance, including the clarification that there are no significant historical or social associations, the removal of the huts and their associated outbuildings cannot be considered a loss to the heritage environment of Wee Jasper or the Yass LGA.</i></p> <p>As such, the heritage significance of the cabins is not considered to be adequately demonstrated.</p>
4.1 Flooding	N/A	<p>The subject land is potentially flood prone however the heritage listing of an item does not involve physical works so will not have a flood impacts beyond what is existing.</p>
4.3 Planning for Bushfire Protection	N/A	<p>The subject land is bushfire prone and there are potential risks associated with the use of the cabins for habitation – however, the heritage listing of the cabins does not involve physical works so the consideration of bushfire risk is not relevant to this proposal.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
5.2 Reserving Land for Public Purposes	Yes	The planning proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.

3.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with relevant SEPPs.

4 Site-specific assessment

4.1 Environmental

The proposal involves the local listing of a heritage item.

The proposal will not have any immediate negative environmental impacts.

However, the proposal would potentially extend the life of the cabins which may have negative environmental impacts in the longer-term through making removal/demotion of the cabins more difficult. The cabins are unsewered and located within riparian areas and may cause riverine contamination.

Therefore, it is recommended that the planning proposal does not proceed.

4.2 Social and economic

The proposal may provide a social benefit by preserving local heritage.

The proposal may also have negative social impacts. Listing the existing structures located on the Swinging Bridge Reserve and Nottingham Road reserve as items of local heritage significance would potentially impede the intent to return the land for recreational use by the broader public. It would also complicate attempts to resolve road alignment and tenure issues between Council and Crown Lands, with Crown Lands unlikely to support a proposal to realign the Reserve boundary to include the 3 northern cabins and resume management duties of the cabins if they have a heritage listing (Appendix 4). Therefore, it is recommended that the planning proposal does not proceed.

The provision of public infrastructure is not relevant to this proposal.

5 Consultation

5.1 Community

The planning proposal is not recommended to proceed to a community consultation.

5.2 Agencies

The planning proposal is not recommended to proceed to agency consultation.

Yass Valley Council has advised Heritage NSW of the proposed addition to the Yass Valley LEP 2013 Heritage Schedule/ Schedule 5.

Crown Lands is not supportive of the proposed listing of the cabins as heritage items and would likely object to the proposal if a Gateway determination was granted.

6 Timeframe

No timeframe is required as the planning proposal is not recommended to proceed at this time.

7 Local plan-making authority

The planning proposal is not recommended to proceed at this time and therefore nomination of a local plan-making authority is not required.

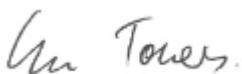
8 Assessment summary

It is recommended that the planning proposal is not supported to proceed at this time for the following reasons:

- The heritage information provided by Council in support of the heritage listing is brief and the original advice dates back to 2002.
- The Heritage Assessment and Statement of Heritage Impact report commissioned by Crown Lands, and undertaken by Eureka Heritage, while currently draft, does not find that the existing structures warrant consideration of local heritage status.
- There is inadequate justification for listing the items at this time.
- Crown Lands, landowner of the Swinging Bridge Reserve, does not support the heritage listing of the cabins.
- There is currently a lack of clarity and uncertainties related to the future boundary and ongoing management of the Swinging Bridge Reserve cabins, including the issues of the road alignment and the siting of structures within the Nottingham Road road reserve. Discussions between Council and Crown Lands to resolve these issues are in the preliminary phase and options including a land swap will be considered. The heritage listing of the cabins at this stage would complicate these negotiations and may result in an inferior outcome for the reserve as a whole.

9 Recommendation

It is recommended the delegate of the Minister determine that the planning proposal should not proceed for the reasons outlined above.



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22/8/2024

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