

Smoky Bay shack settlement

Smoky Bay

Smoky Bay is located between Streaky Bay and Ceduna on the West Coast of the Eyre Peninsula and is roughly 755km from Adelaide, or 450km from Port Augusta.

The shack settlement is located along the top of a foredune and have been built closely together. A formal road has been established to the rear of the shack sites.

Specific considerations about this shack settlement

The table below will help you understand some of the standards that you may be required to meet, and the regulatory requirements that you may need to consider throughout the application process.

Table 1: Settlement specific considerations

Local Council	Ceduna District Council
Future tenure options available for consideration <i>*tenure options are subject to individual assessment this is just a guide</i>	<p>Long Term Transferrable Lease: Eligible to apply</p> <p>Freehold: Eligible to apply</p> <p><i>*greater tenure options are subject to conditions and final assessment to determine sites suitability.</i></p>
Documentation that may be required to include with application	
Identity verification	<p>Provide statutory declaration(s) to verify identity of all current leaseholder/s and where required identity of the applicant (where applicant is not a current leaseholder).</p> <p><i>* Where any current leaseholders have changed their legal name, an application to note the change/correction of the name is required to be submitted to Land Services SA</i></p>
Deceased estate	<p>Where any current leaseholder/s is/are deceased, a certified copy of the death certificate must be provided to the Department for Environment and Water (DEW).</p> <p><i>* An application to note the death is required to be submitted to Land Services SA.</i></p>
Reason for occupancy	<p>Where a third party wishes to be considered for occupancy, include the details of the third party and the reason for the change, and;</p> <ul style="list-style-type: none"> • Where the current leaseholder/s is/are available, they should nominate third parties with a formal express nomination; and/or • Where the current leaseholder/s is/are deceased, the applicant should describe why they should be considered as a suitable occupant.
Conceptual proposal	Applicant/s must submit a conceptual proposal indicating how they broadly propose to meet the standards.

Standard requirements to secure longer tenure

Waterfront	<p>Demonstrate how unrestricted public access will be maintained/made available along the foreshore.</p>
Tenure	<p>An adequate definition of the boundaries of a shack site is mandatory for freeholding and for leasing Crown land.</p> <p>Survey data: To enable a longer term lease then an uncertified survey by a licensed surveyor may be required. To enable freeholding a fully certified survey by a licensed surveyor is required.</p> <p>Legally identified parcel:</p> <ul style="list-style-type: none"> • In order to freehold, the proposed allotment needs to meet the land division and allotment requirements in the relevant Development Plan. • To enable a Crown Lease to be issued by Land Services SA, the described leased area must be uniquely identified to their satisfaction. <p>Formal access:</p> <ul style="list-style-type: none"> • To enable freehold tenure the road will need to be formalised and required standards met. • Formal access maybe a consideration when assessing applications for longer term leases. <p>Common property: Common property may exist in the shack settlement and may be a consideration when securing longer tenure.</p> <p>Encroachments: All encroachments must be resolved prior to securing longer tenure.</p> <p><i>*Applicants will be responsible for arranging and meeting all tenure requirements and any associated costs.</i></p> <p><i>*Some tenure data may already be available for some shack sites. The DEW Shacks team can provide further information.</i></p>
Native Title	<p>Native Title rights may exist on Crown land and must be considered by the Minister before being able to grant future land tenure. Some blocks are noted to possibly have unconfirmed native title status which must be resolved during the application assessment process. Where sites are subject to Native title rights, applicants will be provided with further information.</p>
Wastewater	<p>All shack leaseholders will be required to provide evidence that wastewater systems comply with current public health standards. Applicants will be responsible for meeting any costs associated with wastewater.</p>

Regulatory considerations

**The following regulatory considerations, while not mandatory to meet the longer tenure requirements should be considered as part of your decision making process to enter into the application process to secure longer term tenure.*

**Shack leaseholders should make themselves aware of any associated regulatory requirements for the ongoing management of the shack site.*

Development	<p>The development potential of a shack site may be constrained by the zoning and other requirements in the relevant Development Plan. Refer to the Ceduna District Council Development Plan for further information.</p> <p>Where any development is proposed pursuant to the <i>Development Act 1993</i> or the <i>Planning, Development and Infrastructure Act 2016</i>, approval from the relevant planning authority may be required. This is the responsibility of leaseholders.</p> <p>* Changes to the <i>Planning, Development and Infrastructure Act 2016</i>, to be implemented by July 2020, may affect the zoning for shack settlements.</p>
Built environment	<p>Building fire safety: The density and proximity of dome shacks to the neighbouring shack may pose a fire risk. Shack leaseholders should review their building fire safety requirements.</p> <p>Stormwater management: Appropriate stormwater and drainage management should be considered in any development. Shack leaseholders should consider requirements to comply with appropriate stormwater management of the local council.</p>
Natural environment	<p>Environmental management: Appropriate management and control of the surrounding area should always be a consideration.</p> <p>Bushfire management: Where there is a risk of bushfire, but development is not proposed, the shack leaseholder (or landowner in the case of freeholding) should prepare and enact a Bushfire Survival Plan.</p> <p>Coastal flooding, erosion and sand dune drift: The settlement may be vulnerable to coastal processes. Sea-level rise could significantly compound existing coastal flooding and erosion hazard risks at this location. Consultation with the Coast Protection Board may be required to develop a coastal hazard adaption strategy.</p>
Referral to prescribed bodies	<p>Under the Development Act and regulations, the relevant planning authority must refer certain developments to prescribed bodies (e.g. Coast Protection Board, Country Fire Service etc.) for advice, concurrence or direction.</p>
Other regulatory requirements	<p>A number of other regulatory requirements may need to be complied with when meeting the standards to secure longer tenure. Further information may be provided throughout the assessment process.</p>

Fees and charges

The fees and charges that apply to lease applications will be in accordance with the [Crown Land Management Regulations 2010](#). These regulations are amended on 1 July annually.

Fees and charges for lease applications are comprised of:

- A non-refundable application fee in accordance with Schedule 1 (4a) of the *Crown Lands Management Regulations 2010*, which must be paid when submitting an application form. The application fee covers the work required to be completed during the assessment process.
- Charges for processing activities including (but not limited to) the negotiation and preparation of documents for execution, and the costs of document lodgement with Lands Services SA.

The approximate fees that will be required to be paid to DEW throughout the process can be found in the table below.

Table 2: Example of when fees may apply

On submission of an application		Section of the Regulations
Application fee	\$446.00*	Schedule 1 (4)(a)
Following the acceptance of the Minister's letter of offer (issue of a 5-year lease)		
Surrender of 78B lease	\$353.00*	Schedule 1 (4)(b)(iv)
Document preparation fee (issue of new 5-year lease)	\$297.00*	Schedule 1 (4)(b)(i)
Additional costs that may also apply		
Request for title (freeholding only)	\$297.00*	Schedule 1 (7(a))
Freeholding purchase price and associated costs	For applications that are eligible for freehold, the market value of the shack site will be obtained by a professional valuer consistent with the International Valuation Standards 2020, as part of the application process.	

*Crown Lands Management Regulations 2010 fees as at the 2019-20 financial year.

These fees do not include fees associated with alterations to lease certificates, such as notation of death or change or name due to marriage/divorce and other such requests.

All other costs, such as personal legal advice, conveyancer needs, survey requirements, stamp duty etc. will be required to be met by the applicants.

Any costs relating to improvements or demolition to the site are the responsibility of the leaseholder.

Further information

For further information about the Retaining Shacks commitment including frequently asked questions visit www.environment.sa.gov.au/topics/crown-land/retaining-shacks-commitment or contact the DEW Shacks Team on (08) 8204 1218 or at dewshacks@sa.gov.au.

The *Crown Land Management Act 2009* and the *Crown Land Management Regulations 2010* are available online at www.legislation.sa.gov.au.

Disclaimer

The information set out in this shack settlement information sheet is not intended to be exhaustive and any applicants should make their own enquiries regarding:

- the contents of this shack settlement information sheet;
- the suitability of their shack site for all the likely requirements and obligations the eligible shack leaseholder will need to comply with in order to be granted greater tenure;
- whether the eligible shack leaseholder will be able to comply with all the likely requirements and obligations in order to be granted greater tenure.

None of the Minister or any employee, agent or contractor of the Minister provides any warranty or makes any representations, expressed or implied, as to the completeness or accuracy of the information contained in this shack settlement information sheet or any information which may be provided in connection with this shack settlement information sheet.

For more information

For enquiries, please contact the DEW Retaining Shacks Project team:

E: DEWshacks@sa.gov.au

P: (08) 8204 1218

M: Retaining Shacks Project

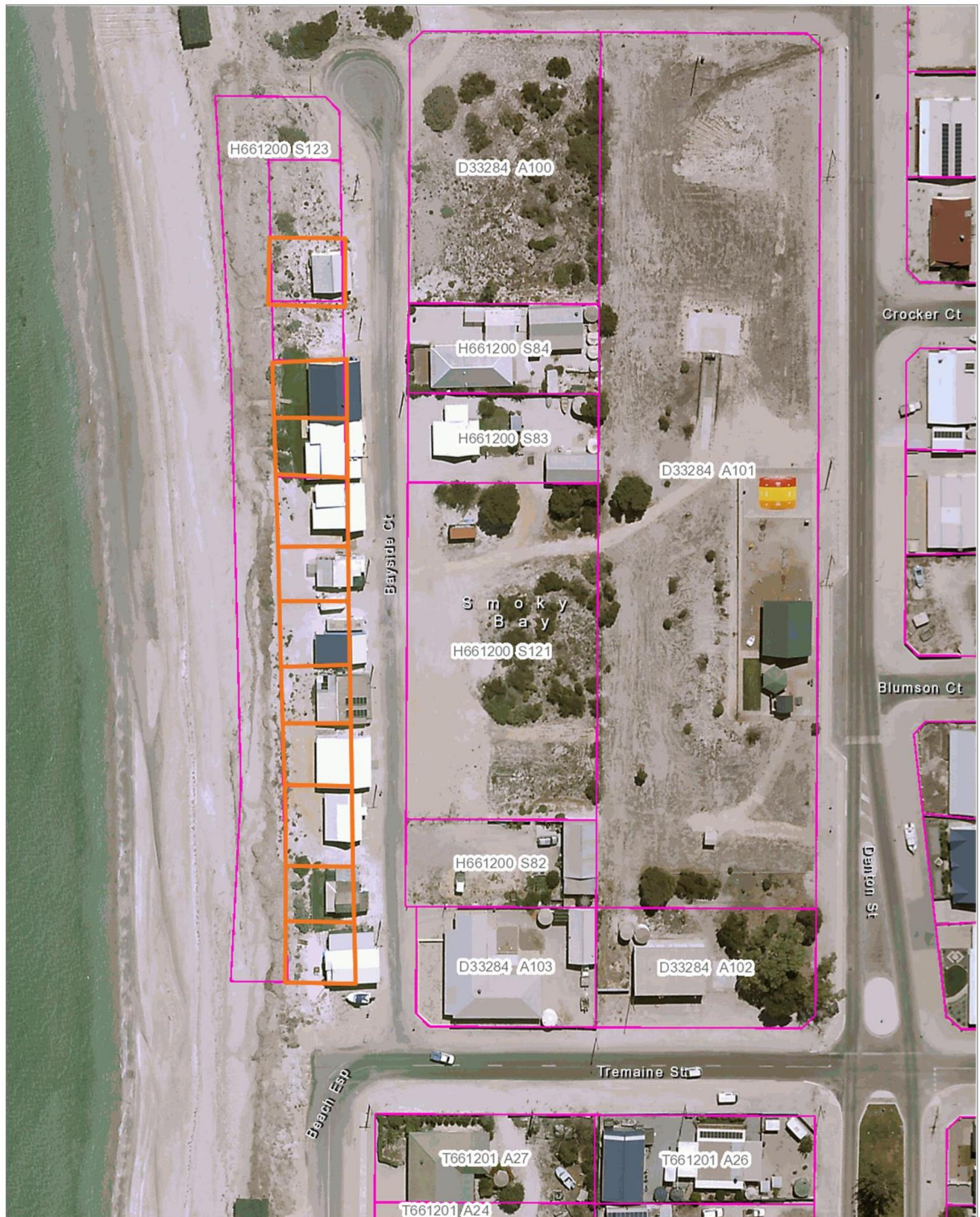
GPO Box 1047

ADELAIDE 5001

W: www.environment.sa.gov.au

Locality Map

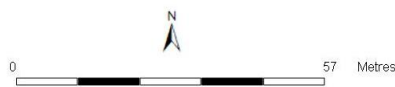
Smoky Bay Shack Area



Map data is compiled from a variety of sources and hence its accuracy is variable.

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 Datum: Geocentric Datum of Australia, 1994
 Projection: Web Mercator (Auxiliary Sphere)



*Lease areas defined with orange squares