



# Retaining Shacks as part of Vibrant Holiday Communities

Summary of consultation May to August 2019 on  
Preliminary Discussion Paper  
and the  
Crown Land Management (s78B Leases) Amendment Bill

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## 1. PROJECT BACKGROUND

The South Australian Government has committed to creating new opportunities for families to retain shacks on Crown land and in national parks as part of vibrant holiday communities, by:

- putting an immediate stop to the practice of automatically terminating departmental leases upon the death of the last person named on the lease
- providing certainty of tenure to families by expanding the eligibility to maintain a lease in return for upgrading the shack to meet contemporary safety, amenity and environmental standards
- investigating more freeholding of shacks located on Crown land
- providing a renewable tenure option to shacks located within national parks
- seeking fair valuation advice for the sale of shack sites
- strengthening links between local rangers and Friends of Parks groups and shack lessees.

This commitment was made in recognition that the people who own and use shacks are good environmental stewards and contribute to South Australia's regional economies.

Under the previous policy, shacks on life tenure leases located on Crown land and in national parks, were removed when the last person named on the lease passed away.

The new commitment affects 230 shacks on Crown land, mostly located at Milang (73), Glenelg River (44), Fisherman Bay (30), and along the River Murray, and 86 in parks, with 62 of these located in Coorong National Park and 20 in Innes National Park.

Many of these shacks have been held by the same family for generations and they have a strong connection with their shack and the local area.

This report provides a summary of outcomes from consultation between May and August 2019 in relation to the release of a discussion paper to report on the work undertaken by the South Australian Government to deliver the Retaining Shacks commitment. This includes consultation with shack lessees and representatives, relevant Government Agencies, Local Councils, 'Friends of Parks groups', Traditional Owners and representatives from Shack Owners Association. A summary of the results of the consultation follow.

## 2. RETAINING SHACKS COMMITMENT

Twenty five years have passed since the last comprehensive shack assessment criteria were established. Since that time there has been significant changes in State and Federal law, in particular in the areas of native title law and wastewater management. As well as this, the *Crown Lands Act 1929* was repealed and replaced with the *Crown Land Management Act 2009*. The Department for Environment and Water undertook significant investigations into reviewing the regulatory frameworks and applicable standards with a view to collating all necessary requirements for a shack site to be assessed against contemporary safety, amenity and environmental standards.



## Feedback Report

We also went out and spoke to an extensive range of regulatory agencies and stakeholders to understand their views on the Government's commitment.

A Preliminary Discussion Paper was prepared and is a culmination of these findings and outlines the work done to date and actions being undertaken to progress this commitment. The government also drafted amendments to the Crown Land Management Act to lawfully enable the development of suitable longer term leases. These were released to the public in June 2019.

The purpose of the Preliminary Discussion Paper is to report on the work undertaken by the South Australian Government to deliver the Retaining Shacks Commitment.

It outlines the findings of a review into the regulatory and policy landscape for shacks on Crown land and in national parks, and the actions being taken to address these.

Specifically, it discusses:

- the legal barriers that need to be addressed, namely in the *Crown Land Management Act 2009 and the relevant park management plans*
- the regulatory requirements that shack lessees need to follow
- the proposed contemporary safety, amenity and environmental standards that lessees need to meet
- a proposed assessment and tenure conversion process for determining the suitability of shack leases for longer tenure (freeholding or a transferable term lease).

### ***What has been done?***

#### ✓ ***Policy review***

- Regulatory and policy landscape reviewed
- Targeted consultation undertaken with key stakeholders
- Confirmation of the need to seek amendments to the *Crown Land Management Act 2009* and to the relevant park management plans

#### ✓ ***Policy Development***

- Consultation on Preliminary Discussion Paper

#### ✓ ***Legal barriers addressed***

- Crown Land Management (Section 78B Leases) Amendment Bill 2019 prepared to amend the Crown Land Management Act 2009
- Park management plan amendments drafted to amend relevant park management plans

### 3. CONSULTATION PROCESS

A consultation process inviting feedback from interested parties on the Preliminary Discussion Paper on Retaining Shacks for Vibrant Holiday Communities closed on 15 July 2019 and the draft Crown Land Management (Section 78B Leases) Amendment Bill closed on 26 July 2019.

The following methods of consultation were undertaken:

- **Letters to key stakeholders**  
Letters were sent to lessees, councils and regulatory agencies, and other key stakeholders on 18 June 2019 asking them to provide feedback by completing a survey.
- **Direct contact via email calling for written responses**  
Representatives from the following regulatory bodies and shack owners' associations inviting them to provide feedback:
  - DPTI – Planning & Building, Planning Reforms
  - SA Housing Authority
  - SA Health and EPA
  - CFS and SES
  - DEW:
    - Aboriginal Engagement
    - Assets and Project Services
    - Coastal Management
    - Crown Lands Program
    - Fire & Flood Management
    - Knowledge Management
    - Major Projects
    - Native Vegetation
    - Parks and Regions Protected Areas Unit
    - River Murray Operations
    - Strategic Policy and Impact Assessment
  - Boards and committees
    - Coast Protection Board
    - Parks and Wilderness Council
    - Friends of Parks Inc.
  - District Councils (comprising the majority of the shacks):
    - DC Alexandrina
    - DC Coorong
    - DC Grant
    - DC Yorke Peninsula
    - DC Barunga West
    - DC Mid Murray
    - DC Lower Eyre Peninsula
    - DC Ceduna

**Feedback Report**

- **Shack Owner Associations**
  - Shack Association of South Australia
  - Coorong Shack Owners Association
  - Innes National Park Shack Owners Association
  - Kellidie Bay Shack Owners Association
  - Fisherman Bay Shack Owners Association
  - Glenelg River Shack Owners Association
  - Hanson Bay Shack Owners Association
  - Smoky Bay Shack Owners Association
  - Milang Shack Owners Association
- **Information Sessions**

Information sessions were held during in May and June 2019 with all relevant shack owners' associations:

Date	Audience	Activity
4 May 2019	Glenelg River Shack Owner Association	Briefing and Q&A Session on the Preliminary Discussion Paper
8 June 2019	Innes NP Shack Owners Association	Briefing and Q&A Session on the Preliminary Discussion Paper
22 June 2019	Coorong Shack Owners Association	Briefing and Q&A Session on the Preliminary Discussion Paper
25 June 2019	Shack Owners held at Mercure Hotel Adelaide	Briefing and Q&A Session on the Preliminary Discussion Paper

- **Meetings with local councils**

Meetings were undertaken during May and June 2019 with all affected local councils

Date	Audience	Activity
3 May 2019	Council Members Council Chamber, Mount Gambier	Briefing and Q&A Session on the Preliminary Discussion Paper
17 May 2019	Coorong Shack Owners (Committee) Coorong Council Chambers, Tailem Bend	Briefing and Q&A Session on the Preliminary Discussion Paper
19 June 2019	DC Ceduna and Smoky Bay	Briefing and Q&A Session on the Preliminary Discussion Paper
20 June 2019	DC Lower Eyre Peninsula & Kellidie Bay	Briefing and Q&A Session on the Preliminary Discussion Paper
August 2019	Alexandrina Council	Briefing to work through the proposed process to asses shack sites in Milang



## Feedback Report

- **Regulatory Authorities**

Responses received from Regulatory Authorities re Feedback Discussion paper and Bill consultation

Date	Received From
25 June 2019	SAPOL
27 June 2019	AW NRM Board & NR AW Region
9 July 2019	Coorong Council
12 July 2019	EPA
15 July 2019	Yorke Peninsula Council
22 July 2019	District Council of Lower Eyre Peninsula
22 July 2019	Coast Protection Board
23 July 2019	Kangaroo Island NRM Board

## 4. WHAT WE HEARD

### SURVEY RESULTS

The survey sought feedback on elements of the Preliminary Discussion Paper related to the proposed contemporary standards, assessment process, valuations methodology and approach to strengthening the links between local rangers, 'Friends of Parks' groups and shack lessees.

It also sought feedback on the Crown Land Management (Section 78B Leases) Amendment Bill 2019, particularly in reference to the operation of the Bill.

A total of 257 survey responses were received from people who were either a lessee, a representative of a lessee, a representative of a shack owner, a representative of local council, a representative of a 'Friends of Park's group, a Traditional Owner, a representative of a regulatory authority, or didn't identify as any of the above. Not all respondents answered each question.

The survey questions and a summary of the responses are provided as follows:

#### Q: Are you responding as a (mandatory, select all that apply)

ANSWER CHOICES	RESPONSES
Lessee	56.81% 146
Representative of a lessee	23.74% 61
Representative of a shack owners' association	10.12% 26
Representative of a local council	3.11% 8
Representative of a 'Friends of Parks' group	2.33% 6
Traditional Owner	2.33% 6
Representative of a regulatory authority	1.95% 5
Other	21.79% 56
<b>Total Respondents</b>	<b>257</b>


 Feedback Report
**Q: For lessees, are you considering applying for longer tenure?**

ANSWER CHOICES	RESPONSES
Yes	79.02% 113
Possible	10.49% 15
Not sure	9.79% 14
No	0.70% 1
<b>Total Respondents</b>	<b>143</b>

**Q: For Lessees, would you be seeking freeholding or transferrable term tenure?**  
(mandatory for lessees)

ANSWER CHOICES	RESPONSES
Freeholding	39.16% 56
Transferrable term tenure	60.84% 87
<b>Total Respondents</b>	<b>143</b>

**Q: Do you have any comments on the proposed coast protection standards?****Comments from respondents:**

- *We believe the shacks offer protection to the dunes from erosion and sand drifts.*
- *Retaining walls have been erected and need to be continually maintained but none have been lost in the last forty years.*
- *Sand build up on beaches is not taken into account.*
- *Erosion was caused by spraying out the front and therefore removed all plants that were holding the bank.*
- *Existing shacks not planning to undergoing new development must be exempt having to comply with the coastal protection standards as required by the current development plans.*
- *If a flood wall is built it should cover all shacks, not just freehold.*
- *Development should not be allowed in these areas.*
- *Better management of large amounts of sand at mouth would stop flooding. Shacks help any erosion.*
- *Independent evaluation of coastal protection standards can be sought if lessees are not in agreement with Coast Protection Board standards.*




 Feedback Report
**Q: Do you have any comments on the proposed riverine flood protection standards?****Comments from respondents:**

- *Would like to know more about the cost of retaining bank when shack holders don't own that part.*
- *Whatever is implemented needs to be maintained on a regular basis.*
- *Shack owners have been successfully managing their shacks during the rare occasions of flooding over seven decades. The existing shacks protect the walkways and banks from erosion and bank slumping.*
- *Any development would increase the risk of these occurring and should not be allowed.*
- *Flooding is rare in this environment. Erosion is not a concern where shacks are built (currently exist). Bank slumping does affect where shacks have been removed and not where shacks currently exist.*

**Q: Do you have any comments on the proposed bushfire protection standards?****Comments from respondents:**

- *Compliant with all bush fire protection recommendations.*
- *The shacks like many buildings in Australia are in a high-risk bushfire area and as such a proper planning is in place. The association and lessees are working with the CFS to develop a comprehensive plan and this will form part of the joint conceptual proposal. The protection standards are reasonable and can be met.*
- *Current standards that apply to dwellings in that particular council area should apply to shacks.*
- *Bushfire awareness is all of our responsibility.*
- *Many remaining shacks are asbestos, in the event of a bushfire are current lessee responsible for clean up to regulatory standards. Or will taxpayers have to fund this?*
- *It is important for shack lessees and all residents of the area to be aware of bushfire protection standards.*
- *Any development approval for a habitable building and/or land division must meet the Ministers Code: Undertaking development in a bushfire area.*
- *Shack owners to clear any rubbish or hazardous materials from around their shacks.*

**Q: Do you have any comments on the proposed minimum building standards?****Comments from respondents:**

- *Should be to council standards.*
- *Will comply with the minimum requirements when extensions and transferable leases are approved.*

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- *In this environment there are always repairs needed to the shacks. It is necessary to have a compliant waste water management system in place.*
- *All shacks should meet a building standard; shacks need their own consideration given their 'footprint' location, history and time established.*
- *As they're not used as residential the standard building code shouldn't apply.*
- *Construction standards for shacks should have more flexibility for free holding.*
- *It would be helpful for the clarification of shacks as 'residential properties' take place – using existing practice where in some areas shacks are already a prime residence. To support this it is expected that building standards for shacks are not dissimilar to those of residences. In addition the consideration of building standards should take account of technological advancements for sewerage e.g. compostable toilets and for wastewater. It is expected that these will meet council/state levels of compliance.*
- *A shack code designed and planned by council and shack lessees should allow safety and maintenance.*
- *Existing shacks should not be required to meet current building standards provided they meet the minimum housing standards as described in the Housing Improvement Regulations 2017.*
- *Keeping in mind that the shacks have been well maintained for a long time. Building standards should be appropriate for the style and use of the property.*
- *All existing building must be able to meet the Building Code of Australia, particularly as it relates to fire safety.*
- *The building standards applied should be pragmatic and consider the risks before applying more stringent requirements.*
- *Must be available to all public.*
- *Compliant with free and unrestricted public access to the waterfront.*
- *The shacks do not hinder public access to the waterfront and cannot be fully fenced. If and or when shacks are removed and the site revegetated as required public access must then be totally denied across the dunes.*
- *Consideration should be given to providing floating pontoons/walkways for public access to the river. Further consideration could be given to floating pontoons/walkways as a link to shacks where river shacks have collapsed or been demolished, access between shacks may be at risk due to the destabilisation of the bank and/or the direct effect of the river where former shacks were located.*
- *Should be signage advising general public that they have access to land/water front of shacks.*
- *Shack owners will resist and oppose set-backs from waterfronts prior to and after agreement, ongoing conflict at local government cost.*
- *If a shack is on waterfront the access is difficult. When the leases were granted access was not considered. It's probably a bit late now.*
- *Where possible public access should be retained to the waterfront.*

**Q: Do you have any comments on the proposed shack assessment process?****Comments from respondents:**

- *A member of the assessment panel should be a representative of the shack owners association, when all shack owners are compliant then assessment timing could be started sooner.*
- *The finer details and requirements must be known as soon as possible with time to comply should changes or upgrade be required.*
- *Process seems fair so long as we are informed of all the processes we need to do ourselves i.e. application to councils etc.*
- *The process appears to be lengthy and no doubt costly. If a lessee has met requirements of their current lease since inception (60 years for our family shack) and complied with relevant regulations and laws could a more streamlined risk managed process be followed?*
- *If assessments are based on unimproved land, value, then all shack sites should be valued the same, not varied as they are now.*
- *A fair assessment of each shack site is important.*
- *There is still a lot of uncertainty about how the process is progressing, and lessees need to know that it is being given top priority.*

**Q: Do you have any comments on the methodology for valuation for sale (in the case of freeholding)?****Comments from respondents:**

- *Valuation should be conducted by an independent valuer.*
- *Valuations should be kept to the minimum as we will already incur a large cost to adapt to all the standards necessary.*
- *Market value would be appropriate.*
- *We are trusting of the upcoming valuations that they will be fair and reasonable/affordable to our family and they will be of a comparable nature with local regional areas.*
- *To be taken into account the value of the building. And not market land value as to the price of other properties sold.*
- *Fair valuations reflecting long term previous occupation.*
- *Valuation must be independent of the DEW and not employed by them, using the Valuer Generals Dept, that it be open & fair. Any disputes could be handled by the VG's dept of a panel of at least 3 from the dept, a shack representative and perhaps a Real Estate Institute representative, who would deliberate and make a recommendation to the Minister.*

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- *The valuations currently imposed on these properties have been inflated dramatically even when evidence has been provided to confirm our beliefs. The shack owner has been consistently paying over inflated prices and I am sure that there will not be a fair consideration for these long term stakeholders.*
- *The present market value valuation methods are not transparent and appeared to be flawed given the exorbitant lease fees being charged. This is far in excess of crown lease fees charged in other states of Australia. The valuation process is far from being accurate or transparent.*
- *Crown Land and National Parks should not be valued for individual leases. They should remain open public property for all, not exclusive shack holdings.*
- *Whilst it is understood 'market rate' will be pursued as a methodology for valuation some regard should be given to the length of time a family has held a lease to ensure they are not priced out of their shack.*

### Q: Do you have any comments on the methodology for valuations for rental?

#### Comments from respondents:

- *Should be within CPI.*
- *Shacks have always been a basic dwelling for fishermen and family holidays. We supply our own power, water, and rubbish removal. It is very important that the rental stays within the affordability of pensioners and low income earners.*
- *Valuation should be conducted by an independent valuer, any yearly increase should take into consideration the length of rental and if there is transferable lease option.*
- *Shacks are not holiday homes and can be very basic mainly supplying shelter from the elements, the more amenities the greater the cost, which less well-off families cannot afford.*
- *Should remain on the unimproved value of the land. Protections for lessees needs to exist to protect against excessive pricing increases. They are fishing shacks not housed and people shouldn't be priced out of them. Capping must exist to be fair and reasonable.*
- *A fair and affordable rental with a guarantee that sudden increase of 300% in one increment will not occur as has done in the past.*
- *Unsure of methodology in place.*

### Q: Do you have any feedback on strengthening links between local ranger, 'Friends of Parks' groups and shack lessees?

#### Comments from respondents:

- *Current shack lessees are currently speaking with Friends of Parks Group and members of the Narrunga Community to explore joint opportunities to facilitate future projects.*
- *Shack lessees have good relations with local rangers with many occasions helping in parks.*
- *Any strengthening links can only be beneficial.*



## Feedback Report

- *All efforts should be made to strengthen links between shack lessees as this will aid spread of relevant information to lessees during shack assessments.*
- *They are all our friends. We all work together as one.*

### **Q: Do you have any comments on the operation of the Bill?**

#### **Comments from respondents:**

- *The bill needs to reflect the intention of the 2018 liberal government election promise, and to ensure that promise is delivered.*
- *Need to ensure that the process is timely, and continues forward so that longer term leases are achieved.*
- *Concerns re timing, as needing to remove clause ASAP to enable shack holders to move forward.*
- *It needs to be in line with the election commitment.*
- *Many current leases are old and in some cases have no active interest in the shack and eagerly await the changes to allow them to pass the family shack on to those who are the current custodians.*
- *This bill should not be operated upon, both crown land and national parks should be protected from development.*

### **Q: Are there any further matters that we need to consider in progressing the Retaining Shacks commitment?**

#### **Comments from respondents:**

- *New leases should be long term to give stability.*
- *Tree planting around shack to revegetate area.*
- *Each shack area has unique features and need to be treated and progressed in keeping with their particular circumstances.*
- *That reasonable provision of time allowed for shacks to meet required standards.*
- *Material, scale, color and form should be considered carefully to blend with the existing character and amenity of the area. Natural earthy colors and build form to match existing footprints, with the view of preserving what is currently there, not allowing expansion of footprints and/or existing uses.*
- *As there are many legal ramifications to any changes. There should be an open forum to discuss and have peoples understanding of what each change means to the individual.*
- *Specific clarification of building requirements and waste management need to move the process faster.*

### ***Summary of Feedback***

The result of the survey is an interpretation of the information collected and the responses are divided into what was most supported regarding the Retaining Shacks for vibrant holiday communities, Feedback on the Preliminary Discussion Paper and concerns that were raised. The full survey comments and results have not been published to ensure confidentiality is maintained in the event there may be information that is considered personal or possibly identify any individuals.

Many responses were quite diverse on a number of key issues. One clear message, however, was the need for the Government to expedite the process.

Feedback will be considered so that the future policy framework responds to shack lessees' needs and recognises the interest of parties such as Traditional Owners, as the future co-managers of relevant parks, and 'Friend of Parks' groups, while meeting regulatory requirements and contemporary standards.

## **5. INFORMATION SESSIONS – MAIN TOPICS RAISED**

DEW undertook information sessions across the state with holders of life tenure Shack Leases about the content of the discussion paper.

Many questions received in response to consultation sought clarification in respect of certain matters of the Preliminary Discussion Paper more generally. Where relevant, points of clarification are included in the following discussion.

These are the main topics raised at the information sessions:

### **Transfers – future**

Participants expressed a desire for greater clarity surrounding transfers and adding family members to the lease. Specifically, concern was expressed on the future of extra tenants being included on the new lease. Some indicated concern of lessees passing away before the policy is completed and implemented.

### **Costs**

Some participants expressed concern regarding the application process and public indemnity insurance. A number of participants suggested that a number of shack owners should have more input into the rent setting criteria.

### **Valuation**

Participants expressed a desire for greater clarity as to how new valuations will apply based on existing leases.

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### Building Codes and other Standards

Participants expressed concern as to who will be entering shacks to assess meeting building codes. Some participants were concerned with shacks being identified as 'for holiday use' and not permanent residences, asking if this will be taken into account in standards and regulations (e.g. waste water).

### Upgrades

Participants expressed general support for upgrading, however some concerns were regarding affordability to upgrade and what building standards will be required. Some participants questioned who will determine the required mode of effluent disposal and who will approve.

### Length of Lease

Respondents expressed concerns of length of leases and what factors would apply to determine the length of lease offered by the government to a shack lessee.

### Native Title

Participants were unsure what compensation expenses could mean and some expressed an interest in who determines dollar value.

### Site surveys

Participants expressed how site boundaries can change and queried what the basis of shack surveying was.

### Change of Government

Participants raised concern regarding processes required being met within this term of government.

### Other

Some raised points regarding Heritage values of the shacks

The feedback received indicated that the Preliminary Discussion Paper had generally been received well by participants. Overall, sessions were positive and provided clarity to the lessees on the way forward and the actions being taken as well as helped in managing expectations.

## COUNCIL MEETINGS

All councils with life tenure shacks in their area were consulted, along with the Local Government Association. The only concerns were centred on the potential cost of assessing development applications and compliance with contemporary safety, amenity and environmental standards.

In general between councils and DEW there is an acknowledgement to move forward with preliminary assessments to be in a good position when the legislation has changed.

## 6. SUMMARY AND NEXT STEPS

The department proposes to use the consultation results to guide the development of the assessment methodologies, lease terms and conditions and freeholding arrangements. Answers to a series of Frequently Asked Questions will continue to be provided on the [Retaining Shacks Commitment website](#) as a response to the topics raised throughout the consultation.

Continued consultation will occur with lessees, relevant agencies, the local council and Traditional Owners, as required.

Once the Crown Land Management Act, and the relevant park management plan amendments are made, an invitation to apply will be sent to existing lessees.

This will seek information such as, what tenure they are seeking (freehold or leasehold) and whether they wish to nominate another person or body to act on their behalf through the assessment process.

It has been proposed that for ease of assessment, shacks will be assessed on a settlement by settlement basis. This is so that collective issues can be addressed at the same time, for instance areas with common property or access issues.