

*Standing Committee on Environment and Public Affairs — Twenty-first Report —  
“Shack Sites in Western Australia” — Motion*

Resumed from 28 September on the following motion moved by Hon Brian Ellis —

That the report be noted.

**Hon LYNN MacLAREN:** I want to conclude my remarks on the shack sites report on the Donnelly River shacks. I believe I was commenting previously on the impression that the community made upon me and the minister at the time, Hon Donna Faragher. Both of us remarked on the difference of the Donnelly River community compared with other shack site communities. I draw members' attention to recommendation 7 regarding the Lower Donnelly River Conservation Association. We recommended in our report that the minister and the Department of Environment and Conservation, which is the managing authority, work with the Lower Donnelly River Conservation Association with the aim of retaining the huts for use by the public and members of the association on the condition that the huts meet health, building and safety standards. I believe that some remarks have been made about the significance of cultural heritage in some of these shack sites, and this is one perfect example of that. The Donnelly River community, I hope, will be able to use these shacks long into the future if they are well maintained according to health and safety standards. What that indicates, basically, is that there was no one-size-fits-all approach, because the opposite view was taken by the committee in regard to the shacks at Wedge and Grey. Our recommendation there was that the responsible minister and the managing authority instruct leaseholders and shack owners to remove the shacks at Wedge and Grey and, as a priority, develop the area to provide the public with low-impact, nature-based, affordable visitor facilities and accommodation, including camping and caravanning facilities.

I draw members' attention to the government response to our report. Basically, the government has given these people another 12 months to work out what to do at Wedge and Grey. I understand that what is happening now should be of some concern to us, because, in fact, the leases for those shacks are still changing hands. They are still being traded amongst people who want to use that community. In fact, I think that they should not be. I think that action on those shacks should basically be frozen until they are replaced, knocked down or demolished, or some other decision is made to manage them according to health and safety requirements.

What happened when the committee report was tabled was that the exclusive rights, basically, to that area were asserted by the shack site owners who were still there. Free camping is no longer permitted. It is no longer possible for us to go up there and camp in that area because of the fact that this cloud of uncertainty will exist for another 12 months and, in an attempt to try to manage that area, no camping is allowed. In addition, I think there are severe concerns about water contamination in that area. I would like to know from the responsible minister for DEC whether there is a health issue due to the contamination of water because waste is not being managed at Wedge and Grey.

This is something that the committee worked hard to examine. We looked at all the possibilities and came up with a really strong recommendation to government, and government still seems to be caught in this quagmire of inaction. As a result, we run the risk that people will misuse that area to an even greater extent, damage the Aboriginal heritage sites that we know are there and further contaminate the water supply, thereby risking their own health and wellbeing. This is something that I hope the government will take action to address. We have highlighted it as an issue. There should be no misunderstanding about the degree of importance of managing that area well. I question whether the Department of Environment and Conservation, as the managing body, would be somehow liable if someone got sick from the water supply at Wedge and Grey. This needs to be a matter of priority. It cannot be dragged out another five, 10 or 20 years with a lack of certainty. I commend the committee report to the government. There is quite a bit of detail in it. The extensive submissions that were made by many people from around the state about shack sites are most enlightening, if people have an interest in this issue. Most of all, I urge the government to take action on the recommendations. The government has noted that it will take some action, but I urge it to take action now with Wedge and Grey in particular before the situation gets worse.

**Hon KEN BASTON:** I commend the Standing Committee on Environment and Public Affairs on the comprehensive report on shacks in Western Australia. The committee identified some 1 060 shacks and 11 shack sites, with some 450 of those at Wedge and Grey. I want to concentrate on how these shacks came about. The report touches on the shacks at the blowholes at Carnarvon. Basically, I thought I would run through a bit of the history of how they came about. These shacks have certainly been used over the past 30 years for fairly reasonably priced family holidays. The first shacks came about in the 1950s. For those who do not know where the blowholes are, they are about 80 kilometres north of Carnarvon. They are virtually at the first beach in the Carnarvon town site, so they are very popular.

Some 50 years ago, my late father had the pastoral lease of Quobba station. A couple of his friends from town asked whether they could build a shack at the blowholes. He thought that was not a bad idea. Of course, they developed a little shack there and put their long-drop in, and soon others wanted to put shacks there as well. It did not take long for it to get out of hand, so my father decided that the best idea was to excise the area out of the pastoral lease and put responsibility back on to the local government. I believe the area then became an A-class reserve. The shacks, of course, continued to be built by locals. They became their holiday abode as they had to travel just some 80 kays from Carnarvon. Of course, people theoretically needed permission to build in that area. If they approached the Carnarvon shire, they were very quickly turned down because they were illegal. The word went out very quickly that people should just build a shack; they should not ask for permission, because the answer would be no, but if they just put up a shack, they would get away with it.

In the early 1980s the Carnarvon shire—I was a councillor there at the time—thought it had it sorted out. The shire moved to demolish the existing shacks and back them up onto the sandhill, which was probably about 500 metres from the ocean, where the shacks had a view and were within walking distance of the ocean. It was going very well. Of course, the shire was going to have by-laws and the shacks were going to be rated and given a title; in other words, people could have, say, 10 plus 10 or a 21-year lease in the particular area where they would have their shack. This was quite popular and progressed relatively well until environmental approval was needed from the then Department of Conservation and Land Management. The department would not give approval for the shacks to be on the edge of the sandhill and wanted them on the other side of the sandhill where there was no ocean view and people had to jump in a vehicle to get to the beach. Hence, nothing happened. And, really, nothing has happened since then. The shire has tried on many occasions to do something.

I note that recommendation 8 on page 176 of the committee's report states —

The Committee recommends that the responsible Minister urgently consults with the Shire of Carnarvon and resolves the issue of the future of the Blowholes shack site.

That consultation has been going on for some 30 years. I think it is a relatively good recommendation, but I am not sure whether it will go too far. In fact, at page 176 the report states that in 1988 and 1992 the Shire of Carnarvon resolved to remove the shacks. I note that at page 175 the report states that the shire manages 42 of the shacks at the blowholes and they are located in a reserve that is vested in the Shire of Carnarvon—reserve 37457—for the purposes of parkland recreation and the letting of cottages. This reserve was vested in the Shire of Carnarvon in 1981 for a term of 10 years. The management order issued in July 2002 authorised the leasing of the cottages for a term not exceeding six years. The area has been identified as a potential tourism node in the Ningaloo coast regional strategy, which I believe indicated that there could be some 500 people in the area. I also note page 170 of the report. Hon Alannah MacTiernan was the then Minister for Planning and Infrastructure. She got involved in this issue and thought that she would sort it out. In 2002 and 2007, Hon Alannah MacTiernan, the then Minister for Planning and Infrastructure, advised the Shire of Carnarvon of her expectations of the future of the blowholes reserve. The minister advised that the shacks should be removed and replaced with new cabins within the existing shack sites. Existing owners were to have the first option. I find it quite unusual that existing owners were to have the first option when they did not get permission to build their shacks, yet the people who asked the shire and got knocked back were to miss out. In November 2003, the then Minister for Planning and Infrastructure issued an instrument of delegation under the Land Administration Act and delegated the control and management of reserve 37457 to the Shire of Carnarvon. In February 2011 the transitional leases expired and the Shire of Carnarvon intended to provide a further 12-month extension to 31 December 2011, with the lessees to pay \$550. The saga still goes on, which I find extremely interesting. It is difficult for everyone involved.

When the Ningaloo coast regional strategy from Carnarvon to Exmouth was formed, the plan identified that the area of the blowholes was suitable for 40 chalets, 60 caravan sites, 15 camping sites and a manager's facility. Of course, I note that at page 172 of the report, it states —

In July 2006, the Shire of Carnarvon received funding of \$1.8 million from the Department of Agriculture and Food ... The funding agreement expired on 30 June 2008 and there is currently no funding agreement between the State and Council in relation to these funds. Since December 2008, the Council has been seeking to determine the status of the remaining \$1.4 million.

I noted an article in the *Northern Guardian* the other day headed "Blowholes plan wins support". It states —

SHACK owners at the Blowholes have had a win with the State Government accepting all recommendations from an inquiry into shack sites across WA.

Blowholes Protection Association president Shane Aylmore announced the news at a meeting of more than 30 members last Friday.

The last paragraph states —

Mr Aylmore said at the meeting the next step would be to approach the shire to ensure the \$1.8 million plan for the area went ahead.

What I find very interesting and very disappointing is that no submissions to this inquiry were received from the Blowholes Protection Association or from any of the shack owners at the blowholes. It is a bit of a shame that the committee was unable to go further to look at that area where this has been going on for some 30-odd years. A determination needs to be made. It is always difficult for local councillors to make decisions on these types of matters because if they decide to do away with the shacks, all Carnarvon will suddenly be against them and they will find that they are no longer councillors after the next local government election.

I commend this very good report that has touched on the issue of shacks. I am surprised that the committee did not go right through to the Kimberley. I would have thought there would be opportunities to look at some of the shacks and dwellings that exist there. This report points out the issues and the problems with these types of sites. The government needs to step in and we need to sort it out and provide reasonably priced accommodation in particular areas so that people can have certainty about their assets and rates.

**HON DONNA FARAGHER:** I also take note of the comprehensive report undertaken by the Standing Committee on Environment and Public Affairs relating to shack sites in Western Australia. Obviously a number of members have already spoken on this. As Hon Brian Ellis said when we spoke about this a couple of weeks ago, there are some significant differences between shacks across the state, ranging in form, structure, size and the like. However, there are also differences about how the state government's Illegal Occupation of Coastal Crown Land (Squatters) policy operates, which creates some challenges. For example, as Hon Brian Ellis said, the shacks in the D'Entrecasteaux National Park—or huts as their owners prefer them to be known—are located within the national park and are therefore vested with the Conservation Commission. Therefore, unlike the shack sites in Wedge and Grey, for example, they are subject to a management plan under the Conservation and Land Management Act. In this instance, because they are governed under that act, the squatter policy does not apply, and that was noted in the report.

The committee members visited Wedge and Grey, as did some other members and I. When I visited, it had to be a day-long visit because at that time it took probably at least an hour to get into the area on a very bumpy road. I visited Wedge first and then Grey with none other than a former member of this place, Hon Bruce Donaldson. There are clear differences between the sites and I agree with Hon Brian Ellis and Hon Lynn MacLaren that it would be difficult to implement a one-size-fits-all policy. With the opening of Indian Ocean Drive, it is fair to say that the world has changed for Wedge and Grey. I do not believe that the Wedge Island Protection Association or the Grey Conservation and Community Association would disagree with that. As I said, when I went there it took at least an hour to get to the sites. Hon Brian Ellis will correct me if I am wrong, but I believe that it now takes less than five minutes to get into those settlements. That alone creates a significant difference. Unlike Wedge and Grey, however, the Donnelly River huts, for example, are very remote and are accessed only by boat. I think it takes about 40 minutes to get to the heart of where the bulk of the huts are. There are only 43 huts located on the river and another 20—I am relying on my memory—are located in the national park. By comparison, there are about 450 sites at Wedge and Grey.

The committee has identified a number of issues, particularly from an environmental, building and health and safety standards point of view, and I do not have any disagreement with that. I raised those matters with all the owners, whether they were from Wedge, Grey or Donnelly River. I think Hon Lynn MacLaren referred specifically to the shacks holding a very special place in the hearts of a number of the families that own them. At Donnelly River, for example, some of the shacks have been passed from one generation to another. Hon Lynn MacLaren also said that the committee received a number of letters from families, telling members what the sites meant to them. As the former Minister for Environment, I received those types of letters too and I can understand that sentiment. It is important that improvements can be made to those key areas that I and other members have mentioned, particularly health and the environment. The committee took a very comprehensive approach to dealing with this issue. It is important to retain the huts such as those on Donnelly River, as Hon Lynn MacLaren said, provided they meet certain environmental and health standards and that they can be accessed by the public as well as members of the associations. I know that the Lower Donnelly River Conservation Association in particular has always had a very good relationship with the Department of Environment and Conservation, and I have no doubt that that will continue in the future. The government's response, which is to work with the association to retain the huts for members of the public and members of the association provided certain requirements are met, is a good response. That was my opinion as Minister for Environment and I am pleased that this is how the government has responded. The associations are agreeable to making the changes that they know need to be made. The shack sites at Wedge and Grey is a bigger issue by sheer virtue of their number, which is 450.

**Question put and passed.**

