

PUBLIC



SHIRE of DANDARAGAN

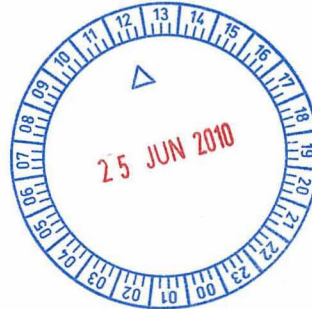
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25 June 2010



Linda Omar
Committee Clerk
Standing Committee on Environment and Public Affairs
Legislative Council
Parliament House
PERTH WA 6000

Dear Linda

INQUIRY INTO SHACK SITES IN WESTERN AUSTRALIA

Illegal Occupation of Crown Land by the construction of squatting shacks has been a practice that has been prevalent in Western Australia for many years.

The squatter phenomenon derived originally from several sources including;

- the need for commercial fishers to have temporary accommodation and safe mooring grounds close to their fishing grounds;
- the recreational fishing opportunities available along the coast; and
- the desire and ability of people to live or holiday in remote and uncontrolled locations in a variety of accommodation types.

The squatters became a significant problem because they have occupied Crown Land in an illegal, unmanaged and uncontrolled manner. In the 1980's the problem became out of hand and Government and Local Government worked towards stopping the construction of new shacks and for the eventual removal of the existing shacks.

The problems resulting from squatters occupying Crown Land relate to;

- illegal occupation of land and time and expense related to their removal;
- the burden placed on public services and infrastructure in the region which potentially outstrips any likely income from the sites;

- private occupation of the best locations that would, in normal circumstances, be available for public use and enjoyment, and preventing access to and use of the coast by the general public;
- occupation of and damage to, sensitive coastal environments which require significant coastal management or modification;
- threat to the long term environmental quality of the areas, through the impact of refuse and sewerage disposal;
- unsightly development, which contributes to unnecessary management of use and access; and
- non compliance with state and local legislation.

The existence of squatting shacks is a very clear indication of the demand for use of the coast for holiday accommodation, commercial fishing and recreation. The implementation of the squatter policy and the subsequent removal of squatters represents a once in a generation opportunity to provide appropriate coastal holiday accommodation and recreation areas capable of sustaining development.

Although the State Government has not to date enforced the Squatter Policy, the implementation of the policy has been recognized in a number of Government Strategies and Plans - being the Central Coast Planning Strategy, Nambung National Park Management Plan and the Wedge and Grey Master Plan.

The preparation of detailed management and development plans were essential in the planning of the future of Wedge and Grey. These plans identify appropriate characteristics that are unique to each place, and which build upon the natural attributes of these sites including, identifying appropriate land uses with detailed land allocation plans, all servicing requirements and the mechanism for implementation.

In 1995, the then Department of Conservation and Lands Management agreed to manage the shacks and eventually remove the shacks at Wedge and Grey and the Government issued interim lease arrangements for these shacks until such time as either;

- The section of Indian Ocean Drive linking Lancelin to Cervantes was completed; or
- A chosen developer commenced work on the sites at Wedge and Grey for redevelopment of these areas.

It is expected that this section of Indian Ocean Drive will be completed by December 2010 and as a consequence, easy access will be provided to both Wedge and Grey.

With the support of the State Government, and in line with its policies, the shires of Irwin, Carnamah, Coorow and Dandaragan have each removed squatting shacks in areas that were under control of the individual local authorities. The total number of shacks removed is in excess of 600. At the time of their removal, the Local Authorities were extremely unpopular with the lessees of the sites; however since the shacks were removed, the issue has not been of any great consequence.

Following their removal, the Shire of Dandaragan adopted a document entitled "Concept Plan of the Coastal Nodes North of Jurien Bay". This document provided general guidelines for coastal rehabilitation and the general development of this area. Council has been carrying out development as finance has allowed and now has the "Sandy Cape Recreation Park" which is extremely popular and provides campers with low key camping facilities.

In 2007, the Shire of Dandaragan received an award from the Western Australian Planning Commission for the 2007 Winner of Local Government Excellence in Coastal Planning and Management, for Sandy Cape. This is an indication of what can actually be done following the removal of squatting shacks and the replacement by low key camping facilities.

The current shacks that are constructed at Wedge and Grey, have no right to be located on this Crown Land nor do they comply with any relevant State or Local Government legislation. They do not comply with the Shire of Dandaragan's Local Planning Scheme No 7, the State's Health Act nor the Building Code of Australia.

No services are provided such as power, roads and drainage, water nor sewer and it would cost the State tens of millions of dollars in order to provide such services. Services such as sewerage are not even available in the established towns of Jurien Bay and Cervantes and do not look like being provided in the long term future.

The Wedge Island Protection Association assume that their shacks can gain compliance with Building Regulations 1989 and the Building Code of Australia. Concern has arisen from their written address to Council dated the 17 June 2010 which states that *'A copy of the Wedge Settlement Model and the Grey Settlement Model has been distributed... A perusal of these documents should allay all Council fears relating to those issues as mentioned, eg; Conformity of Building Standards and Public Access etc'.*

Council is unsure as to whether they have made themselves fully aware as to the extent of remedial works required to gain full Building Code compliance. This process would require;

- A formal application for a Building Approval Certificate for the shacks to be made in accordance with r.11A of the Building Regulations 1989. This section is relevant to the approval of unauthorised building work, and also sets out a framework of the documentation required accompanying this application. The documentation will include architectural plans as to how the shacks will be modified to achieve full compliance with the 'Deemed-to-Satisfy' provisions of the Building Code of Australia and referenced Australian Standards. This work will need to be physically carried out at the shacks before they can be recognised as Class 1.A. dwellings. Such areas of building compliance that would be a primary concern are:
 - i) Construction of slabs/footings – as per BCA 3.2 – for example would need to confirm that a min. 100mm thick slab is in place, which incorporates a damp-proof membrane, reinforcing mesh, AS 3660.1 compliant termite barriers etc.
 - ii) Wall/roof framing – at a start, all framing would be required to comply with AS 1684.2 for timber or AS 4100 for steel (i.e. member sizes, spans, connections, framing methods). This would also encompass durability of structural materials (i.e. preservative treatment for timber, corrosion resistance levels for steel).
 - iii) Health & Amenity – waterproofing of wet areas, room heights, light and ventilation requirements.
 - iv) Fire Separation – is there a minimum 1.8m separation from each shack, or fire walls in place if this is not achieved, smoke alarms.
 - v) Energy Efficiency provisions – Advice from the Australian Building Codes Board states that any new building with the capacity to be connected to mains power is to be made compliant with the energy efficiency provisions of BCA section 3.12.

- Council is doubtful that the majority of shacks can be modified to achieve the relevant BCA 'Deemed-to-Satisfy' criteria. There is another alternative to achieve compliance however, which would involve WIPA / GCCA engaging a Building Code consultant/private Building Surveyor with the relevant skills and experience to carry out a BCA performance based assessment of the shacks. This would also be very dependant on structural certification of the shacks by a practicing Structural Engineer and assessment by an accredited energy assessor. Whether they could meet an acceptable level of the performance based required of the BCA is another matter.

When the State Government implements the process for the removal of squatting shacks at Wedge and Grey, in accordance with the Wedge and Grey Master Plan 2000, low key development inclusive of camping, caravanning and eco lodge style accommodation would replace the squatting shacks and will prove extremely popular with the general public. The previous

owners of squatting shacks will be able to utilise these facilities, along with other visitors.

The style and standard of newly provided accommodation would be appropriate to the planning and environmental constraints of each site. To allow the continued use of the existing shacks would not provide the necessary public and environmental safeguards; and puts the public and environment at risk. The presence of these ramshackle structures, located just off the road to the internationally renowned Pinnacles; and easily accessible to all of the 300,000 plus visitors to that site every year; and adjacent to the Jurien Bay Marine Park; will be an embarrassment to the State of Western Australia and the Shire of Dandaragan.

Section three of the Master Plan succinctly outlines the objectives of the Plan. This is basically the process that the Shire of Dandaragan undertook at Sandy Cape.

As part of this implementation process the existing shack owners would be welcome to participate through the Expressions of Interest phase in redevelopment of these areas. This is the most obvious avenue to achieve an outcome amenable to all.

There are three obvious benefits to the removal of the illegal squatting shacks and they can be summarized as following;

- The current squatting shacks do not have effluent disposal systems that comply with the relevant legislation. The areas surrounding both Wedge and Grey are National Park, Nature Reserve or Marine Park. The contamination of ground water also impacts of the bores within these areas which are sometimes used as potable water supplies. Currently there is almost uncontrolled use of these areas by illegal off-road vehicles and regularly police and or emergency services are called to attend accidents in these areas. These off-road vehicles are causing untold damage to the environment.
- Currently shacks at Wedge and Grey can fetch up to \$40,000 - \$50,000. Under the lease, the owner is not permitted to transfer ownership however, this happens on a regular basis. As an example of how the price of shacks can escalate, it is understood that prior to the endorsement of the Windy Harbour Squatting Shacks, that shacks sold for about \$50,000. These same shacks are now selling for \$500,000. It seems grossly unfair that illegal structures can allow the leasee to profit from a sale.

- The Illegal shacks are located in a haphazard manner throughout the reserve with no design nor compliance with current Acts. If the State and Local Government are enforcing the Building Codes, Health Act and Planning legislation in townsites then why should not the same legislation apply to Wedge and Grey.

The reasons to remove shacks can be summarised in terms of:

a) Environmental Management – the continued presence and use of shacks along the coast is not environmentally sustainable. There are inherent problems associated with the shacks including, the haphazard siting of structures on fragile foredunes and the related land degradation that occurs; uncontrolled 4WD activity in shack areas; the contamination of groundwater from poorly constructed septic systems and illicit waste dumps; the lack of a potable water supply; introduced species of pest plants and animals and the potential for ground fires. In general, the intensive use of coastal land by squatters has resulted in human pressures being placed on landforms and wildlife, with a negative impact.

b) Equity and Exclusivity – the shacks occupy attractive coastal locations that would be otherwise available for public use and enjoyment. The squatters have gained a financial advantage through their illegal actions of placing structures on public land that they do not own.

c) Empowerment and Public Safety – the squatter shacks have grown unchecked over time, resulting in a need for safety standards to be set and the provision of public utilities. The shacks are illegal, unplanned and do not comply with the Building Codes, the Health Act, any Town Planning or other Acts and Regulations thereby creating a double standard for public utility providers and local authorities. This situation needs to be corrected to resolve issues of public liability and to empower the authorities to put in place facilities and standards that others in the wider community abide by.

The shack associations at Wedge and Grey had previously requested the establishment of a government taskforce to review the shack policy within Western Australia and, making comparisons with how shacks are treated in Tasmania. The two situations are quite different. Shack developments in Western Australia have generally occurred illegally, are a recent phenomena of the 1970-80's and are occupied mainly by recreational users. In Tasmania, the timeframe is historically older and the shacks came about as a result of logging operations or the hydro electricity scheme. Approvals for occupation of the shack sites in Tasmania were sought, then granted by the authorities

and rationalized with longer term leases. This is clearly different from the illegal situation that has developed with shacks in WA.

Council requested to be able to attend a public hearing in order to expand on these issues.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Shane Love', written in a cursive style.

Shane Love
PRESIDENT