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Hon Brian Ellis MLC
Chairman
Standing Committee on Environment and Public Affairs
Legislative Council
Parliament House
PERTH WA 6000

Dear Mr Ellis

Inquiry into shack sites in Western Australia

The Department of Planning and the Western Australian Planning Commission welcome the opportunity to make a submission to the Standing Committee on Environment and Public Affairs regarding the development of policy and the regulation of shack sites on public land in Western Australia.

The Department of Planning (DoP) develops and implements State-wide and regional strategic plans and recommends planning decisions that seek to ensure well planned and connected communities and a balance between social, economic and environmental outcomes. The Department provides advice and operational support to the Western Australian Planning Commission (WAPC). The WAPC is a statutory authority that has State-wide responsibility for rural and regional land use planning and land development matters.

The WAPC has a number of State Planning Policies and regional planning strategies that are relevant to the Standing Committee's enquiry. The policies and regional plans reflect and reinforce the Cabinet endorsed State Government Squatter Policy (July 1989 and January 1999). A summary of these policies and strategies is provided in **Attachment 1**.

The Department of Planning and the Western Australian Planning Commission continue to support the objectives of the Cabinet endorsed State Government Squatter Policy (July 1989 and January 1999); to control the establishment of any new unlawful dwellings (squatter shacks) on coastal Crown land and facilitate the removal of existing unlawful dwellings (shacks).

The Squatter Policy is consistent with the objectives of a number of State Planning Policies. Existing WAPC strategic planning documents reflect the intention of the endorsed squatter policy and the removal of shacks in accordance with the policy has largely been achieved, with the exception of land managed by the Department of Conservation and Land Management.

The location of the remaining shacks conflicts with a number of State Planning Policies in relation to the provision of services, location relative to existing settlements, coastal setbacks and protection of environmental and natural resource values. Their location is not consistent with the provision of recreational and coastal facilities for the wider population in a planned, orderly and lawful way.

To ensure well planned and connected communities and for reasons of equity, the objectives of the endorsed squatter policy should continue to be applied to the few settlements that remain on Crown land.

Please contact Pam Baskind (Planning Manager, Southern Regions 9264 7991) if you would like further information regarding these matters.

Yours sincerely



Eric Lumsden PSM
Director General

6/17/2010

Att.



ATTACHMENT 1

STATE PLANNING POLICIES AND REGIONAL PLANNING STRATEGIES RELEVANT TO THE ENQUIRY

State Coastal Planning Policy (SPP 2.6)

The objectives of the policy are to protect and enhance coastal values; provide for public foreshore areas and coastal access; ensure the identification of areas for appropriate land uses (housing, tourism, recreation, maritime activities etc); and ensure the location of development takes account of coastal processes (such as erosion, storm surge and sea level change).

A specific policy measure set out in Section 5.1(v) of SPP 2.6 states that local and regional planning strategies, structure plans, schemes, subdivisions, development approvals as well as other planning decisions and instruments relating to the coast should:

(v) Support the removal of existing unlawful dwellings (squatter shacks) on coastal Crown land as per the Cabinet endorsed State Government Squatter Policy (July, 1989 and January, 1999).

Other policy measures reflected in SPP 2.6 that have implications for the regulation of shack sites are those that relate to setbacks (for physical processes and other factors such as public access, landscape, heritage and ecological values). General policy measures (vi) to ((ix) require:

- the identification of land from the total setback line seaward to be set aside for public ownership;
- vesting of the coastal foreshore reserve in the relevant local government (for foreshore management and recreation) or the Department of Conservation where areas have high conservation values; and
- the coastal foreshore reserve to be separated from adjacent development in a way that provides a clear demarcation between public and private land.

SPP 2.6 (Section 5.1 (xv) – (xxi)) also includes a number of specific policy measures that influence development and settlement along the coast for example:

- the use of the coast for housing should be sustainable and located in suitable areas;
- when selecting a location, regard should be given to infrastructure capacity;
- urban development should be encouraged in and around existing settlements;
- land use and development adjacent to the coast should be sited and designed to complement and enhance the coastal environment in terms of its visual, amenity, social and ecological values.

State Urban Growth and Settlement Policy (SPP 3)

The policy sets out the principles that apply to settlement in Western Australia. SPP 3 states that planning for new settlements should inter alia avoid areas of environmental sensitivity and give preference to locations near existing settlements

where services (such as roads, water supply, sewerage, electricity) are available and which support local communities and economies.

State Agricultural and Rural Land Use Planning Policy (SPP 2.5)

A key policy objective set out in SPP 2.5 is to plan and provide for rural settlement where it can benefit and support existing communities and have access to appropriate community services and infrastructure. The policy also discourages development and/or subdivision that may result in environmental degradation.

A review of SPP 2.5 is currently underway. The draft revised policy considers dispersed settlement and reemphasises the need for rural living proposals to demonstrate the provision of water (for drinking and fire-fighting purposes), waste disposal, power and access to town services such as education, health and community facilities.

Central Coast Regional Strategy (September 1996)

The Strategy (Section 4.1.4) provides some historical context to the *squatter phenomenon* between Wedge and Port Denison and outlines a number of problems resulting from squatters occupying Crown Land. The requirements of the State Government Squatter Policy are outlined and an assessment is made of progress towards implementing these requirements.

Three objectives in relation to squatters are stated:

- to implement the State Government Squatter Policy throughout the region;
- to investigate and promote a mechanisms for a range of accommodation forms; and
- to ensure that both State and local government continue to support the implementation of the squatter policy.

Eight actions link to the objectives. These include supporting the actions taken by the Shire of Coorow, Carnamah, Dandaragan and Irwin to remove squatters and encourage and provide assistance for the preparation of coastal rehabilitation and management plans and coastal development plans for selected recreation and tourism development nodes.

The selected development nodes would provide for a variety of tourism and recreational uses and accommodation for commercial fishers. These nodes would be consistent with the environmental values of the coast and would not become townsites. Locations considered as potential recreation and tourist development nodes are listed in Section 4.1.5 and reflected on Figure 4 (**Attachment 2**).

Gingin Coast Structure Plan (February 2006)

The Structure Plan draws on the recommendations of the Central Coast Regional Strategy and gives some criteria for recreation and tourism nodes:

- Not more than 500 tourists only (permanent population to service tourists);
- Scale of commercial uses - convenient shopping and tourist facilities;
- No community uses;
- Scale of infrastructure provision – on-site provision of water, sewerage disposal, power and fire services.

Ningaloo Coast Regional Strategy Carnarvon to Exmouth (August 2004)

The strategy includes recommendations that relate to the Blowholes situated north of Carnarvon (page 53-55) where there are approximately 42 squatter shacks. The location is recognised as a well-established coastal recreational area for Carnarvon residents and tourists to the region. It is classified as a tourist node catering for 500 overnight visitors. The strategy requires that a masterplan be prepared for the node that would include the managed removal of the existing squatter shacks. The masterplan would reflect a setback determined in accordance with SPP 2.6.

An assessment was undertaken in 2006 to determine a coastal processes setback for the Blowholes tourism node. The coastal processes (acute erosion, chronic erosion/accretion and sea level rise) setback was determined to be east of a number of shacks and the peak steady water level setback (within which no permanent habitable structure would be permitted) was east of the majority of shacks. When the assessment was completed, the allowance for sea level change was 0.38m (SPP 2.6). This factor has been revised upwards to 0.9m (consistent with the interim position statement for Coastal Planning Policy 2.6 adopted by the WAPC in May 2010), suggesting the shacks are within the coastal processes setback. This setback does not account for other factors such as public access, landscape, heritage and ecological values that are considerations in establishing the foreshore reserve.

A Blowholes Draft Masterplan was released for public comment and subsequently endorsed (WAPC, December 2008). The Masterplan provides for the removal of the existing squatter shacks and their replacement with caravan and camping facilities, a number of chalets and day use facilities.

The governance model for the Blowholes Tourism Node, including the role of shack owners with limited leases, is currently being considered by the Department of Regional Development and Lands. The Department of Planning supports the view that the Blowholes squatter shacks should be removed in line with Government policy. In addition, the Department supports Tourism WA's rationale that an Expression of Interest process to select a suitable independent party to develop and manage the Blowholes tourism node would best promote general public access to the proposed day use facilities and accommodation.

Development of sediment cell concepts to determine coastal stability and vulnerability

Coastal areas within the Shires of Gingin, Dandaragan, Coorow, Northampton, Shark Bay, Carnarvon and Exmouth face increasing pressure for development. For example, the completion of Indian Ocean Drive is expected to result in a greater number of visitors to coastal recreational sites such as Grey and Wedge Island. There will be a demand for additional coastal facilities and upgrading of existing facilities and access to environmentally sensitive areas will be easier.

In response to these emergent development pressures along the coast north of Perth, the Department of Planning is undertaking a study to identify sediment cells that define coastal stability and susceptibility to change in the coastal zone. The outcome of this study will assist in providing strategic planning guidance, management strategies and direction on appropriate land uses for future

subdivision and development of coastal land in the Wheatbelt, Midwest and Gascoyne.

Any proposal to formalise squatter shack settlements along this coast and particularly at Wedge and Grey Island should be informed by the outcomes of this study.

