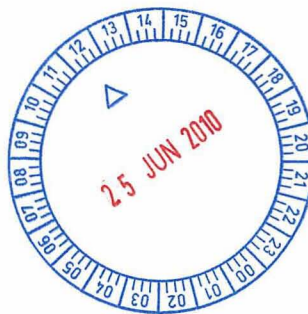


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**SHIRE OF
MANJIMUP**

Our Ref: TPL 2/8
Your Ref:
Enquiries: Jeremy Hubble

21 June 2010

Ms L Omar
Committee Clerk
Standing Committee on Environment and Public Affairs
Legislative Council
Parliament House
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Dear Ms Omar,

Submission – Inquiry into Shack Sites in Western Australia

I refer to the letter from the Hon Brian Ellis MLC, Chair of the Standing Committee on Environment and Public Affairs inviting this Council to make a submission to the "Inquiry into Shack Sites in Western Australia.

The issue of squatter's shacks is relevant to the Shire of Manjimup due to the existence of a number of such shacks at Broke Inlet (on Council managed land) and at the Donnelly River and other scattered locations throughout the D'Entrecasteaux National Park (being DEC managed land).

Council's considered the issue of squatters shacks on 28 July 2005 in response to the draft D'Entrecasteaux National Park Management Plan 2005. The Council resolution referred to an attached table detailing various matters including the following;

Removal of huts throughout the National Park	Pages 75, 106,107 and 111 to 114	<p>The Council supports the removal of huts in accordance with the State's Squatters Policy where they;</p> <ul style="list-style-type: none">• Do not have agreed heritage value;• Do not meet health and building requirements;• Are not available to the general community. <p>Correspondingly, the Council supports the retention of huts where that have agreed heritage value, meet health / building requirements, are realistically and practically available to the broader community and are effectively managed (either by CALM or other operators).</p>
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The Shire of Manjimup lodged its submission on the draft D'Entrecasteaux Management Plan in July 2005. Despite nearly 5 years since the closure of submissions, the Management Plan is yet to be formalised. It is understood the Donnelly River huts remains one of the unresolved issues holding up adoption of the plan.

The Donnelly Hut Owners Association has sought to legitimise the existing squatter's huts through the following:

1. Withholding of any demolition order under the State squatters policy,
2. Each hut owner entering into a lease arrangement with the DEC on a 20 year basis (or 10 +10 year basis, or 6 +6 +6 year basis),
3. The lease allowing for short term sub letting,
4. Public access area being developed, and
5. A management plan being implemented.

Following the submission by the Donnelly Hut Owners Association, Council again considered the matter at its 28 May 2009 meeting whereby the principles from Council's earlier 28 July 2005 meeting were reconsidered as follows:

	<i>Council Comment</i>
<i>Agreed heritage value</i>	<p><i>There is no mention of the Donnelly River huts in the Shire of Manjimup Municipal Heritage Inventory (adopted 14 February 2008).</i></p> <p><i>Notwithstanding the absence from the inventory, the huts clearly have a strong historical connection with early residents and the collective site (the majority of which is in the Nannup Shire) should be considered.</i></p> <p><i>The huts are generally of good appearance and have been sympathetically located in the environment.</i></p>
<i>Meet Health requirements</i>	<i>An inspection of each hut would be required to satisfy this condition. The inspection would extend to effluent disposal, water and general design / construction.</i>
<i>Meet Building requirements</i>	<i>An inspection of each hut would be required to satisfy this condition.</i>
<i>Available to the broader community</i>	<p><i>The proposal by the Association seeks to address community access in two ways;</i></p> <ol style="list-style-type: none"> <i>1. Provision of a public area with a shelter, and</i> <i>2. Allowing hut owners the right to sub let their huts for short term hire.</i> <p><i>It is believed that these measures would practically address concerns that Donnelly River precinct is exclusive to people with no legal right to the land and who paid nothing for the privilege of placing a holiday hut on the land.</i></p> <p><i>Developing a day use and perhaps basic overnight facilities is seen to be fundamental to the principle of public access. Currently there is no suitable facility which promotes ad hoc and inappropriate use by day visitors. In particular, toilet and waste facilities are absent.</i></p>

	<i>The requirement for each individual hut to be available to the public is not considered practical given the separation of responsibility for management and maintenance from the user. Greater public access could be gained by formalising the current practice of lending a hut to others when not being used. A register of hut owner contacts managed by the Association would assist.</i>
Effectively managed	<p><i>Responsibility for overseeing and implementation of the management plan needs to be clarified.</i></p> <p><i>As mentioned above, maintenance of the public access area and maintenance of a hut owners contact list is a function that may be best undertaken by the Association.</i></p> <p><i>Ultimately, the land is under DEC control and management of that land will be a matter for the DEC.</i></p>

Following such reconsideration, Council subsequently resolved on 28 May 2009 that Council:

- 1. Advise the Minister for the Environment of Councils preference for the 43 huts near the mouth of the Donnelly River to be legitimized by way of long term lease rather than removed through the enactment of the state squatter's policy.**
- 2. Reiterate the previous resolution requiring;**
 - a. All huts to meet Health requirements,**
 - b. All huts to meet Building requirements,**
 - c. A public access facility be developed including toilets and a shelter, and**
 - d. Management arrangements exist for promotion of access to short term rental of huts and maintenance of public access facilities.**

It is now requested that the Standing Committee on Environment and Public Affairs notes Council's views on such squatter's shacks. Whilst not specifically mentioned, the resolution implies that no further shacks should be allowed and that such rules applicable for the Donnelly River would similarly apply elsewhere in Western Australia should similar attributes exist (such as at Broke Inlet).

Please do not hesitate to contact me should you have any queries or require any additional information.

Yours sincerely,


Jeremy Hubble
Chief Executive Officer
Shire of Manjimup