

Retaining shacks for vibrant holiday communities

Preliminary Discussion Paper – June 2019



Government
of South Australia

Department for
Environment and Water

Foreword



Shacks have been part of South Australian life for more than 100 years, providing rest and relaxation for families and friends, and a boost to regional economies.

The South Australian Government has committed to creating new opportunities to retain shacks on Crown land and in national parks, which will benefit shack owners, regional economies and the broader community.

The commitment includes providing greater certainty of tenure for lessees, bringing shacks up to contemporary standards and strengthening the links between rangers, 'Friends of Parks' volunteer groups and lessees to enhance the care of our coastal and river areas.

In April 2018, one of my first acts as the new Minister for Environment and Water was to announce a moratorium on the automatic termination of shack leases upon the death of the last lessee named on the lease. I also placed all pending revaluations of shack sites on hold until a new policy framework was developed and implemented to provide certainty of tenure and valuations going forward.

In order to determine a practical way forward, we have undertaken a comprehensive review of the regulatory and policy landscape for shacks on Crown land and in national parks. We have also undertaken targeted consultation with shack owners' associations, local councils, regulatory agencies and bodies, and some Traditional Owners.

This review and consultation process have identified the requirements and standards that would need to be met to retain a shack, and the respective roles of lessees, government agencies and local councils. It has also identified that some amendments are required to legislation and park management plans and we are working to progress these.

The government remains committed to finding ways to provide greater certainty of tenure to shack lessees in return for upgrading shacks to meet contemporary standards, as needed.

In the meantime, this Preliminary Discussion Paper outlines the work done to date and actions being undertaken to progress this commitment.

I encourage you to review this Preliminary Discussion Paper and provide your feedback, which will inform the policy framework for this important initiative to retain shacks as part of vibrant holiday communities.

A handwritten signature in black ink, appearing to read 'David Speirs', with a horizontal line underneath.

David Speirs MP
Minister for Environment and Water



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The South Australia Government acknowledges Aboriginal people as the state’s first peoples and nations. The government also recognises that Aboriginal peoples’ spiritual, social, cultural and economic practices come from their traditional lands and waters, and the critical importance of natural resources to Aboriginal futures. Aboriginal peoples’ deep knowledge and relationship with Country continues to be critical to sustainably caring for our lands and waters.

Disclaimer: This Preliminary Discussion Paper is intended to inform further engagement and feedback towards a future policy framework. Decisions regarding individual shack sites should be informed by the final, approved policy framework.

What is the purpose of the Preliminary Discussion Paper?

The purpose of this 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).

More detailed information about each of these points, including a flowchart of the proposed assessment and tenure conversion process is provided in the Appendices towards the end of this document.

Opportunities are available to provide feedback on particular aspects of this discussion paper, which will help to shape the future policy framework. More details about how to do so are included in this discussion paper.





Preliminary Discussion Paper

What is the Retaining Shacks commitment?

In March 2018, the South Australian Government made a commitment to create new opportunities for families to retain shacks on Crown land and in national parks.

The commitment includes:

- providing certainty of tenure to families who have one of these leases by expanding the eligibility to maintain the lease in return for them 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, 'Friends of Park' volunteer groups and shack owners/lessees.

It applies to shacks located on Crown land and in national parks that are on life tenure or fixed-term tenure leases for 'holiday accommodation purposes' where there is no existing arrangement for longer tenure at those sites.

It does not apply to outstanding matters from previous freeholding deeds and land management agreements, and does not apply retrospectively to leases that have been terminated or shacks that have been demolished.

What progress has been made to deliver the commitment?

The Department for Environment and Water is leading the delivery of this commitment.

In order to determine a practical way forward, the department has undertaken a comprehensive review of the legislation, regulations, policies, plans, standards and commitments governing:

- shacks on Crown land
- shacks in national parks
- co-management of Innes National Park and Coorong National Park
- Native Title
- contemporary safety, amenity and environmental standards
- planning and development (including reforms).

The department has also undertaken targeted engagement with key stakeholders, such as shack owners' associations, local councils, regulatory agencies and bodies, Traditional Owners and other relevant organisations to understand the regulatory and policy context and stakeholders' expectations regarding the implementation of the commitment.

Delivering the Retaining Shacks commitment

Retaining Shacks commitment begins

- Election of new SA Government
- Commitment made to provide new opportunities for people to retain their shacks on Crown land and in national parks
- Minister Speirs announces:
 - moratorium on automatic termination of shack leases
 - a hold on all pending revaluations until a new policy is developed

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

What are the findings so far?

The department has identified a number of legal barriers that need to be addressed or require further consideration in order for the Retaining Shacks commitment to be delivered.

It has also defined a number of compulsory regulatory requirements that lessees need to comply with, as well as identified contemporary safety, amenity and environmental standards to be met.

Specifically:

1. A number of legal barriers need to be addressed

Current legislation that governs shacks on Crown land and park management plans for national parks do not allow for any changes to existing shack tenure.

These legal barriers must be addressed to allow leases to be converted to another tenure, which is fundamental for the Retaining Shacks commitment to be delivered.

The legal barriers in question, and the actions being undertaken by the department to address them, are:

Crown land management legislation

All shacks on Crown land are governed by the *Crown Land Management Act 2009*. An existing clause in this Act prevents life tenure leases being converted to another type of tenure.

The government is seeking to amend the Crown Land Management Act to enable suitable life tenure leases to be lawfully converted to another tenure.

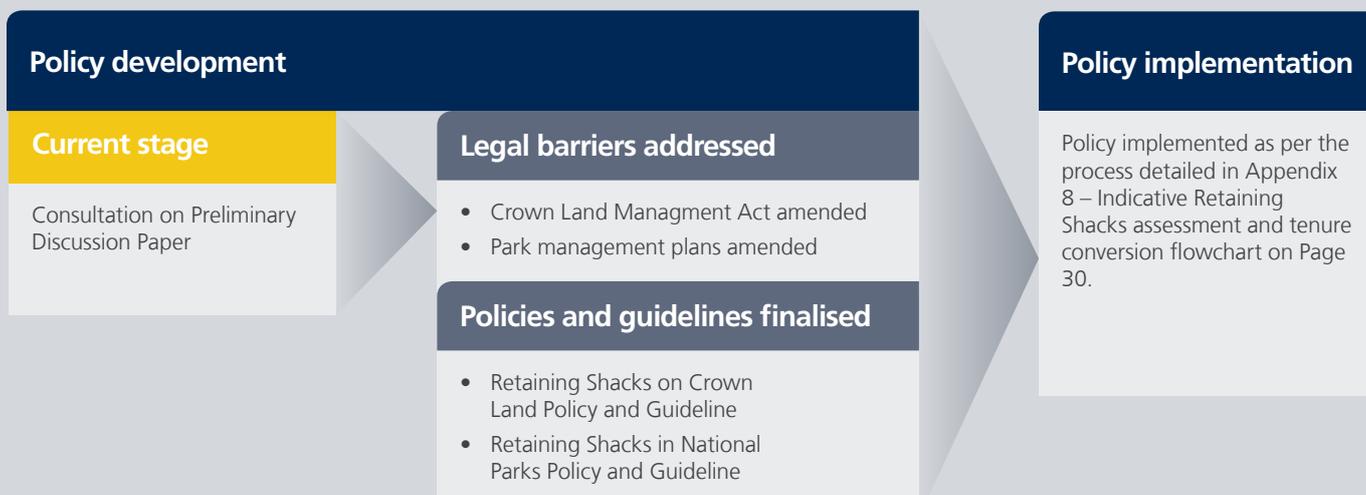
Park management plans

Current park management plans for Coorong National Park, Innes National Park, Kellidie Bay Conservation Park and Little Dip Conservation Park do not envisage the retention of shacks within those parks.

The government will seek to amend the park management plans for these parks to enable shacks to remain, subject to meeting regulatory requirements and contemporary standards.

In addition, in the next few years, the management arrangements for Innes National Park and Coorong National Park are expected to change to co-management arrangements. This is when a park is jointly managed by the land's Traditional Owners and the South Australian Government.

This means that any amendments to park management plans, or the creation of new plans, for these parks will be progressed through consultation and negotiation with the Traditional Owners.



2. Certain regulatory requirements need to be complied with

A number of regulatory requirements need to be complied with by certain parties in order to secure longer tenure for shacks on Crown land and in national parks.

These regulatory requirements are:

- For shacks on Crown land, the Minister needs to have regard to the objectives and principles of the Crown Land Management Act. This includes things like achieving a balance between the social, economic and environmental needs of the community and observing the principles of ecologically sustainable land management, compliance with existing lease terms and conditions, and in the case of the leasing or disposal of waterfront land, undertaking public consultation.
- For shacks in national parks, the Minister needs to have regard to the objects of the *National Parks and Wildlife Act 1972*. This includes things like ensuring the preservation of wildlife, historic sites and features of geographical, natural or scenic interest, and the encouragement of public use and enjoyment of reserves and the promotion of the public interest.
- Lessees need to comply with the *Native Title Act 1993 (Commonwealth)* or the relevant Indigenous Land Use Agreement, as applicable.
- Lessees need to ensure their shack site is adequately defined (i.e. surveyed), whether the lessee seeks freeholding or a term lease.
- In the case of freeholding, lessees must meet the land division and allotment provisions in the relevant Development Plan, have a fully certified survey and legal access.

3. Contemporary safety, amenity and environmental standards need to be met

The department will provide new opportunities for lessees to retain their shack lease beyond the current life tenure subject to the lessee upgrading their shack to meet contemporary safety, amenity and environmental standards, as needed.

A number of standards have been identified that need to be met by lessees.

Unlike the regulatory requirements listed above, these standards have some degree of flexibility in how they are met – either because there are various options available for lessees to choose from, or because there is some discretion in how they are applied.

The standards, and any corresponding options, are as follows:

Planning and development

Where a lessee needs to undertake development (as defined by the *Development Act 1993* and the *Planning, Development and Infrastructure Act 2016*) to upgrade their shack to meet other contemporary safety, amenity and/or environmental standards, the lessee needs to obtain development approval by meeting the objectives, principles and standards in the relevant council Development Plan.

(It should be noted that the SA planning system is currently undergoing significant reform, including the progressive replacement of all 72 Development Plans with a single statewide Planning and Design Code.)

Building standards

The *Housing Improvement Regulations 2017* sets the minimum building standards of existing residential properties in SA. It is proposed that a number of the standards in the regulations be used for shack assessments.

Where building work is proposed, lessees must ensure they comply with the Building Code of Australia (Building Code), which sets minimum building standards at the time of construction.

Wastewater management

Wastewater systems must comply with the SA Public Health (Wastewater) Regulations and the prescribed codes and standards relevant at the time of approval by the relevant authority.

Natural hazards (coastal flooding and erosion, riverine flooding, bushfire)

The Coast Protection Board Policy sets coast protection standards, which are generally applied to development proposals referred to the Coast Protection Board for direction or advice.

Where there is a risk of coastal flooding or erosion but development is not proposed, the Coast Protection Board recommends that the lessee (or landowner in the case of freeholding) prepares and enacts a coastal hazard adaptation strategy endorsed by the Coast Protection Board.

Flood and bushfire protection standards are generally set by the relevant Development Plan.

Where there is a risk of flooding or bushfire, but development is not proposed, it is proposed that the lessee (or landowner in the case of freeholding) prepares and enacts a Flood Emergency Action Plan or Bushfire Survival Plan, respectively.

Amenity

The lessee must adhere to amenity standards outlined either through a condition on the lease or, in the case of freeholding, the Land Management Agreement (LMA). It is proposed that this continues but that any condition reflects the *Environment Protection Act 1993*, the *Local Nuisance and Litter Control Act 2016*, and the *Housing Improvement Act 2016*, as necessary.

Public access to the waterfront

It is a long-standing principle in SA that a 30-50-metre-wide strip of Crown land should be available for public access between developments and any adjacent waterfront.

While many shacks are located within this buffer and might already impact on public access, upgrading shacks, including any associated infrastructure (e.g. coastal protection works), must not unduly restrict, or further restrict, public access to, or along, the adjacent waterfront.

Environmental and cultural heritage protection

There are a number of Acts and regulations protecting the environment and cultural heritage, such as the *Coast Protection Act 1972*, *River Murray Act 2003*, *Native Vegetation Act 1991*, and (*Cwth*) *Environment Protection and Biodiversity Conservation Act 1999*.

Given that these shacks already exist, they are only likely to be subject to these Acts and any associated policies and standards when further action is proposed that might impact on the environment or on cultural heritage, such as the expansion of the shack footprint, or providing new infrastructure or new access.

Therefore in these instances, the lessee must comply with any of these Acts, as applicable.

Other – Council support

The government recognises that local councils may be responsible for:

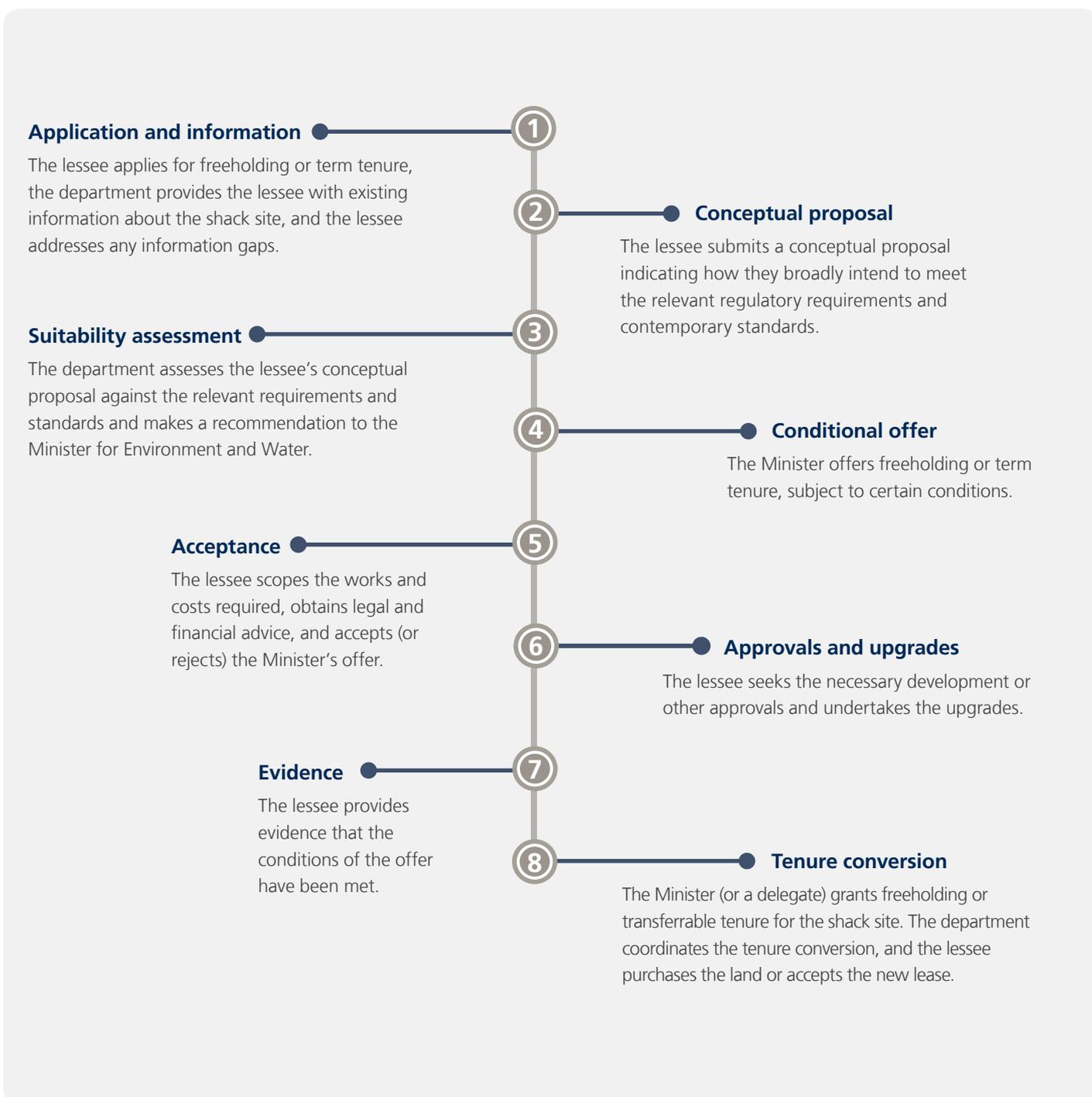
- assessing and approving future development applications (where they are the relevant authority)
- enforcing compliance with existing and future conditions of development approval (where they are the relevant authority)
- assessing and approving wastewater works applications (where they are the relevant authority)
- administering some requirements of the Local Nuisance and Litter Control Act
- providing services, e.g. rubbish collection (depending on the location)
- managing and maintaining roads, stormwater and open space (depending on the location).

Therefore, it is important that the local council supports the retention of a shacks in its council area.

4. An assessment process needs to be agreed on

When the department has addressed the legal barriers outlined above, shack sites/shacks will be assessed for their suitability for longer tenure (either freeholding or a transferrable term lease).

The proposed assessment process is as follows:





What other work is being undertaken to deliver this commitment?

Along with the findings outlined above, other work being undertaken by the department to progress the Retaining Shacks commitment includes:

5. The valuation process and rent-setting methodology is being developed

Under the Crown Land Management Act, the Minister is required to dispose of public land at its market value at the time of the sale. The market value is determined by the Minister on the advice of the Valuer-General or a person who lawfully carries on business as a land valuer.

It is proposed that any new leases issued under the Crown Land Management Act or National Parks and Wildlife Act will be subject to an individually determined market rent. The rent payable by the lessee will continue to be based on the market value of the land only.

The department is currently working with the Valuer-General's Office to determine the appropriate rent-setting methodology for new leases.

6. A framework to strengthen links between local rangers, 'Friends of Parks' volunteer groups and shack lessees is being developed

Building on the role shack lessees take in supporting the values of the park, and of importance to the successful implementation of the commitment in parks, is the relationship between 'Friends of Parks' volunteer groups, local rangers and shack lessees.

The department's Retaining Shacks Project Team has consulted district rangers, Friends of Parks Inc., and shack owners' associations about the best ways to strengthen the links between local rangers and 'Friends of Parks' groups and shack lessees.

Further conversations will be held with district rangers, individual 'Friends of Parks' groups and shack lessees at the time of the assessment of the shacks in the relevant parks.

Where can more detailed information be found?

Detailed information about each of the topics listed above is provided in the Appendices beginning on page 14.

Is there an opportunity to provide feedback on the Preliminary Discussion Paper?

The department welcomes your feedback on the elements of the Preliminary Discussion Paper relating to the proposed contemporary standards, assessment process, valuation methodology and approach to strengthening the links between rangers, 'Friends of Parks' volunteer groups and lessees, outlined in the sections above.

A survey has been prepared to capture your feedback, which must be submitted by 5pm on **Monday 15 July**

The survey can be accessed at www.environment.sa.gov.au/topics/land-management/crown-lands/leases/shacks-leases/retaining-shacks-commitment, or a hard copy version can be provided upon request by phoning (08) 8821 2588 or emailing DEWshacks@sa.gov.au.

Your feedback will help to shape the future policy framework so that it responds to shack lessees' needs and recognises the interests of parties such as Traditional Owners, future co-managers of relevant parks and 'Friends of Parks' groups, while meeting regulatory requirements and contemporary standards.

What are the next steps in delivering this commitment?

The government will continue to pursue the amendments to the Crown Land Management Act and relevant park management plans detailed earlier in this document.

In the meantime, it will also develop a policy framework and guidelines based on feedback received about this discussion paper.

Once the amendments to the Crown Land Management Act and relevant park management plans are achieved and the policy framework and guidelines are finalised, assessments of shacks will begin on a settlement-by-settlement basis.



Appendix 1 –

Addressing legal barriers

As outlined on Page 7, a number of legal barriers need to be addressed. The details of these barriers are:

Shacks on Crown land

Clause 14 of the transitional provisions in the *Crown Land Management Act 2009* prohibits granting any future land interest over a life tenure lease that was issued under section 78B of the former *Crown Lands Act 1929*. This provision must be removed before an application for further tenure over a life tenure shack site on Crown land can be considered.

Action plan:

An amendment to the Crown Land Management Act is currently being pursued, which would remove this clause and hence enable an application for longer tenure over a shack site to be considered lawfully.

This will involve tabling a Bill in Parliament to change the Act, which the department expects to occur in the second half of 2019.

Shacks in parks

Management plans:

The Minister for Environment and Water must manage parks under the provisions of the *National Parks and Wildlife Act 1972* and the park management plan that has been adopted under that Act.

Before a new shack lease can be proposed in a park, it must be permitted under the park's management plan. Current park management plans for Coorong and Innes national parks, and Little Dip and Kellidie Bay conservation parks anticipate the eventual removal of shacks and rehabilitation of shack sites. (Note: the Seal Bay and Cape Gantheaume Conservation Parks Management Plan does not mention the shack in Cape Gantheaume Conservation Park).

These park management plans need to be amended to facilitate the delivery of the commitment.

Park management plan amendments must be carried out in accordance with the process set out in the *National Parks and Wildlife Act*, which includes a three-month public consultation period, consideration of the amendment by the Parks and Wilderness Council and adoption by the Minister.

Co-management

The *National Parks and Wildlife Act* allows for a park to be co-managed with Traditional Owners. Where a park is under a co-management agreement, the power to enter into a lease rests with the co-management board. Also, when a co-management agreement is put in place, the Minister must draft a new park management plan in consultation with the board.

The government has existing commitments to enter into co-management agreements for both Coorong and Innes national parks.

Action Plan:

Coorong National Park

The state has agreed, under the Kungun Ngarrindjeri Yunnan Agreement, to work towards co-management of Coorong National Park with the Ngarrindjeri People. Importantly, negotiation of this agreement will not commence until all of the Ngarrindjeri's Native Title claim is resolved. However, in the meantime, the government will engage with the Ngarrindjeri Traditional Owners to determine their views on future shack leases.

Subject to further discussion with the Ngarrindjeri People, the government will undertake an amendment to the Coorong National Park Management Plan to enable the retention of shacks, subject to them meeting contemporary safety, amenity and environmental standards.

Innes National Park

The state has agreed, under the Buthera Agreement, to enter into a co-management agreement with the Narungga People for Innes National Park. The government is currently negotiating the details of the co-management agreement with the Narungga Nations Aboriginal Corporation, including opportunities for the shacks in Innes National Park to be assessed for longer tenure.

The Innes National Park Co-management Board will be in place in the second half of 2019. Consequently, the Minister will prepare a new draft park management plan for Innes National Park in consultation with the board. The new park management plan, which will be the subject of community consultation, will address the retention of shacks, subject to them meeting contemporary safety, amenity and environmental standards.

Little Dip, Kellidie Bay and Cape Gantheaume conservation parks

There are no current arrangements for these parks to be co-managed.

Given the low numbers of shack leases in these parks, an expression of interest will be sought from shack owners to determine whether they wish to be assessed for longer tenure. If any lessee wishes to be assessed, and there are no other barriers to granting longer tenure over the shack site, the department will initiate the process to amend the relevant park management plans.

Appendix 2 –

Complying with regulatory requirements

As outlined on Page 8, a number of regulatory requirements need to be complied with by certain parties in order to secure longer tenure for shacks on Crown land and in national parks.

The details of these regulatory requirements, which must be followed, are:

Regulatory requirements for freeholding (as applicable)	Regulatory requirements for term tenure (as applicable)
Compliance with the Crown Land Management Act	Compliance with the Crown Land Management Act OR National Parks and Wildlife Act
Compliance with existing lease terms and conditions	Compliance with existing lease terms and conditions
Compliance with the Native Title Act	Compliance with the Native Title Act
Prospective allotment surveyed	Shack site surveyed
Ability to create a legal allotment	

Compliance with the Crown Land Management Act

Relevant Act:

- *Crown Land Management Act 2009* (and regulations)

In any decision under the Crown Land Management Act the Minister must take into account the objects and principles of the Act.

The objects of the Crown Land Management Act are (section 4):

- to provide administrative procedures for the efficient handling of Crown land transactions
- to encourage fair and transparent decision-making in the allocation of unalienated Crown land
- to provide a system for the management of Crown land that achieves a balance between the social, economic and environmental needs of the community.

In exercising this discretion under the Act, the Minister and other persons involved in administering the Act must give due consideration to the following principles of Crown land management (section 5):

- that principles of ecologically sustainable land management be observed in the management and administration of Crown land
- that the objects and objectives of other relevant legislation be given due weight
- that Crown land be occupied, used, sold, leased, licensed or otherwise dealt with in the best interests of the state consistent with the above principles.

For the purposes of this Act, the following are declared to be principles of ecologically sustainable land management:

- that the use, development and protection of the environment should be managed in a way, and at a rate, that will enable people and communities to provide for their economic, social and physical wellbeing and for their health and safety while:
 - sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations
 - safeguarding the life-supporting capacity of air, water, land and ecosystems
 - avoiding, remedying or mitigating any adverse effects of activities on the environment.
- that proper weight should be given to long-term and short-term economic, environmental, social and equity considerations in deciding all matters relating to environmental protection, restoration and enhancement.

Further, if the Minister proposes to issue a new lease or sell waterfront land, he/she must undertake public consultation (section 59).

Compliance with the National Parks and Wildlife Act

Relevant Act:

- *National Parks and Wildlife Act 1972 (and regulations)*

The Minister, the DEW Chief Executive, the Director of National Parks and Wildlife or a co-management board must have regard to the following objectives of the National Parks and Wildlife Act in managing reserves (section 37):

- (a) the preservation and management of wildlife
- (b) the preservation of historic sites, objects and structures of historic or scientific interest within reserves
- (c) the preservation of features of geographical, natural or scenic interest
- (d) the destruction of dangerous weeds and the eradication or control of noxious weeds and exotic plants
- (e) the control of vermin and exotic animals
- (f) the control and eradication of disease of animals and vegetation
- (g) the prevention and suppression of bushfires and other hazards
- (h) the encouragement of public use and enjoyment of reserves and education in, and a proper understanding and recognition of, their purpose and significance
- (i) generally the promotion of the public interest
- (j) in relation to managing a regional reserve – to permit the utilisation of natural resources while conserving wildlife and the natural or historic features of the land
- (k) insofar as a reserve is located wholly or partly within the Murray-Darling Basin, the promotion of the objects of the *River Murray Act 2003* and the objectives for a healthy River Murray under that Act
- (l) the preservation and protection of Aboriginal sites, features, objects and structures of spiritual or cultural significance within reserves.

These provisions inform decision-making under the National Parks and Wildlife Act as well as the park management plans adopted under that Act.

Compliance with existing lease terms and conditions

Relevant Acts:

- *Crown Land Management Act 2009* (and regulations)
- *National Parks and Wildlife Act 1972* (and regulations)

A lessee has a responsibility to comply with the terms and conditions of their lease, including:

- paying rent at the time and in the manner specified
- using the land solely for the purpose specified in the lease and not for any other purpose
- maintaining the shack and all other structures and improvements on the land in good condition
- not undertaking earthworks, or interfering with or destroying shrubs, trees or other vegetation without the Minister's approval
- not constructing, erecting or altering any buildings or other structures and improvements without the Minister's approval
- keeping the shack and other improvements in a safe, neat and tidy condition and free from any rubbish.

Therefore, in order to be eligible to apply for longer tenure, a lessee must be compliant with their current lease terms and conditions.

In circumstances where a lessee is found to be in breach of their lease, they will be given a reasonable opportunity to make good the breach, before they will be considered for longer tenure.

Compliance with the Native Title Act

Relevant Act:

- *(Cwth) Native Title Act 1993* (and regulations)

Native Title rights may exist on Crown land and land in a national park.

Where Native Title rights already exist, they must be considered when granting other land rights. Future land rights will only be granted where they can be granted validly in accordance with the *(Cwth) Native Title Act 1993* or a relevant Indigenous Land Use Agreement (ILUA).

Taking Native Title rights into consideration might trigger a number of different processes, depending on a number of factors, including:

- the nature of the activity or grant of land right being considered
- whether there has been a determination about whether Native Title rights exist for the land
- whether there is an ILUA for the land.

Action plan:

The department will provide advice to lessees on the Native Title status of shack sites. Where there are processes to follow to progress an application, the department will oversee this process.

Note: applicants (lessees) will be responsible for meeting any costs associated with complying with the process or meeting any compensation requirements.

Shack site or prospective allotment is surveyed

Relevant Acts:

- *Real Property Act 1886* (and regulations)
- *Development Act 1993/Planning, Development and Infrastructure Act 2016* (and regulations)

An adequate definition of the boundaries of a shack site or prospective allotment is mandatory for freeholding and for leasing Crown land.

A site survey allows either the title or lease of the land to be registered in the Lands Titles Office. The site survey resolves possible encroachments and is used for the purposes of valuations for sale and rent-setting.

The survey requirements are:

- for freeholding – a fully certified survey by a licensed surveyor
- for new leases on Crown land – where the original survey no longer reflects current occupation, or proposed site works to comply with assessment requirements or standards would result in an encroachment beyond the existing site, an uncertified survey undertaken by a licensed surveyor
- for new leases in national parks – an uncertified survey by a licensed surveyor.

Ability to create an allotment

Relevant Acts:

- *Development Act 1993/Planning, Development and Infrastructure Act 2016* (and regulations)
- *Real Property Act 1886* (and regulations)
- *Registration of Deeds Act 1935* (and regulations)

Where an allotment needs to be created in order to freehold, the proposed allotment needs to meet the land division and allotment requirements in the relevant Development Plan (i.e. development approval is required).

In addition, a fully certified survey (see above) and legal access (direct frontage to a surveyed public road or a permanent right of access) are required.

Appendix 3 –

Meeting contemporary safety, amenity and environmental standards

As outlined on Page 8, a number of contemporary standards need to be met in order to secure longer tenure.

These standards have a regulatory basis, however there is more flexibility in how they are applied.

The details of these contemporary standards are:

Planning and development (where development is proposed):

Relevant Acts:

- *Development Act 1993/Planning, Development and Infrastructure Act 2016* (and regulations)

Existing shacks have 'existing use rights' under the Development Act and can continue to exist irrespective of the current or future Act, regulations or Development Plan.

Replacing a shack with a similar or 'like for like' structure may only require Building Rules Consent which is assessed by a council building surveyor or a private certifier. Plans and documentation for Building Rules Consent must be prepared and submitted in accordance with Schedule 5 of the *Development Regulations 2008*.

Any proposed development beyond this, for example, to meet contemporary safety, amenity or environmental standards, would need to obtain development approval from the relevant planning authority (see below).

Definition of 'development'

Under the Development Act, 'development' may include:

- land division
- building work, including the provision of, or connection to, a Community Wastewater Management System and associated wastewater treatment facility
- the construction or alteration of a road, street or thoroughfare on land
- prescribed earthworks
- change of land use.

Development assessment process

Typically, applications are lodged with, and assessed by, local councils. However some applications, including for non-complying development, need to be lodged with, and assessed by, the State Commission Assessment Panel.

The development assessment process can vary, depending on the type of development proposed. However, as a general rule, development applications must be assessed against:

- a. the relevant Development Plan and/or
- b. the National Construction Code, the *Development Regulations 1993* and any relevant Minister's Specifications (Building Rules).

If a development is considered to comply with the relevant Development Plan or is listed as a 'complying development' under the Development Regulations, it must be granted development plan consent. Some exceptions apply, for example if the development is referred to the Coast Protection Board, it must be assessed on its merits against the Development Plan and Building Rules.

Other development (including non-complying development and merit development) is assessed by a relevant planning authority against the relevant Development Plan.

If a development is assessed as being seriously at variance with the relevant Development Plan it must not be granted development plan consent.

Zoning

The development potential of a shack may be constrained by the current zoning. For example, a conservation zone or coastal conservation zone may 'speak against' a substantial new dwelling, in which case it would not be approved by the relevant planning authority.

It is important to note that the government will not be undertaking any rezoning to facilitate the commitment. If lessees and/or the local council wish to pursue any site-specific rezoning or policy changes, they would need to do so through an amendment to the Planning and Design Code, which is due to progressively come into operation from 1 July 2019. The Minister for Planning's support for rezoning requests would be determined on a case-by-case basis, depending on the planning issues with individual sites.

Public consultation

The level of public consultation required and appeal rights differ depending on the type of development proposed.

Referrals to prescribed bodies

Under the Development Act and regulations, the relevant planning authority must refer certain developments to prescribed bodies (e.g. Coast Protection Board and Country Fire Service) for advice, concurrence or direction.

Infrastructure

Any common infrastructure installed by lessees needs to comply with the standards set by the relevant authority and may, on a case-by-case basis, become the responsibility of the local council to manage, as negotiated.

Planning reforms

The SA planning system is currently undergoing significant reform, including:

- the implementation of a 'new' Act – the *Planning, Development and Infrastructure Act 2016*
- the creation of consistent, statewide planning rules – the Planning and Design Code, which will replace Development Plans progressively from 1 July 2019 and will include new planning rules with a focus on good design outcomes
- a consistent and simplified development assessment process, including for referrals to prescribed bodies.

For more information visit: www.saplanningportal.sa.gov.au/planning_reform

The department is working with the department of Planning, Transport and Infrastructure to seek to ensure that the planning reforms, and in particular the Planning and Design Code and assessment pathways, enable the (re)development of shacks to meet the required contemporary safety, amenity and environmental standards.

Building standards

Relevant Acts, codes and standards:

- Building Code of Australia
- Draft Ministerial Building Standards under the *Planning, Development and Infrastructure Act 2016*
- Australian Standard 4249 2007 Inspection of Buildings
- *Housing Improvement Act 2016* (and regulations, particularly the prescribed minimum building standards)

The *Housing Improvement Regulations 2017* set the minimum standards for existing residential properties in SA to ensure housing is safe and suitable for human habitation.

Although it is unclear if shacks are classed as 'residential properties' it is considered that the following minimum building standards in the Housing Improvement Regulations provide a sound regulatory basis for setting minimum building standards for shacks:

- the residential premises and any fixtures, fittings or other facilities provided with the residential premises must not present a health or safety hazard
- the shack must be free from materials or substances that pose a material or serious risk of harm to the health of occupants
- the walls and floors of each room containing toilet, bathroom, kitchen or laundry facilities must be waterproof in accordance with the Housing Improvement Regulations
- each toilet, bath, shower, hand basin, kitchen sink, laundry wash trough or basin and washing machine wastewater discharge pipe in the residential premises must be plumbed to a drainage system that is capable of disposing of all sewage and wastewater from those facilities into:
 - a wastewater system within the meaning of the *South Australian Public Health (Wastewater) Regulations 2013*, or
 - any other sewerage infrastructure within the meaning of the *Water Industry Act 2012*
- each electrical installation, or alteration to, or relocation, repair or maintenance of, an electrical installation must comply with the law in force at the time of such alteration, relocation, repair or maintenance (whether the *Electricity Act 1996* or a corresponding previous enactment)
- each gas installation, or alteration to, or relocation, repair or maintenance of, a gas installation must comply with the law in force at the time of such alteration, relocation, repair or maintenance (whether the *Gas Act 1997* or a corresponding previous enactment)
- the shack must not present a fire hazard

- the footings must provide effective structural support to the shack
- the shack must be reasonably draught-proof and weatherproof
- the shack must be reasonably free from mould or other irritants, structural disrepair or other adverse effects caused, or contributed to, by moisture or damp
- the grounds of the shack must be effectively drained
- the shack must provide reasonably free and unimpeded access to and from the premises so that, in the event of an emergency:
 - occupants are able to escape from the premises, and
 - persons are able to enter the premises to provide medical or other emergency services.

Where building work is proposed, the Building Code of Australia (the Building Code), and associated Australian Standards and Minister's Specifications, apply. The Building Code contains the rules for the design and construction of buildings and other structures, at the time of construction.

It addresses the following matters:

- structural adequacy
- fire resistance
- access and egress
- services and equipment
- energy efficiency and sustainability
- provisions for the health and amenity of occupants.

Applications for building consent are assessed against the Building Code by the relevant planning authority (the local council, State Commission Assessment Panel or regional assessment panel) or a private certifier that can exercise the powers of the relevant planning authority.

Wastewater management

Relevant Acts, policies and codes:

- *South Australian Public Health Act 2011* (and regulations)
- *South Australian Public Health (Wastewater) Regulations 2013*:
 - South Australian Community Wastewater Management Systems (CWMS) Code
 - South Australian On-site Wastewater Systems Code
- *Water Industry Act 2012* (and regulations)
- *Environment Protection Act 1993* (and regulations)
 - *Environment Protection (Water Quality) Policy 2015*

Wastewater systems must comply with the SA Public Health (Wastewater) Regulations and the prescribed codes and standards relevant at the time of approval by the relevant authority.

In the case of onsite wastewater system with a capacity less than 40 people and located in a council area, the relevant authority is the local council. Where the system is to be operated by the council or the wastewater system works are to be undertaken by the council, or by a person acting in partnership, or in conjunction, with the council, the relevant authority is the Minister for Health.

A wastewater system will be deemed compliant if the owner can provide a copy of the approval, and a subsequent inspection of the system confirms that the system was installed correctly and is currently operating correctly.

Existing long-drops, 'home-made' toilets, portable toilets and failing wastewater systems would generally be deemed non-compliant.

The wastewater system options, based on the risk to public and environmental health, are (in order of preference):

- sanitary plumbing connected to an existing sewer in accordance with the Water Industry Act or Community Wastewater Management System (CWMS), or where appropriate, new approved CWMS in accordance with the CWMS Code,
- sanitary plumbing connected to an onsite wastewater system with appropriate effluent disposal system in accordance with the Onsite Wastewater System (OWS) Code
- sanitary plumbing connected to an approved holding tank system for off-site disposal via an EPA-licensed contractor in accordance with the OWS Code.



Natural hazards

Relevant Acts, plans and strategies:

- *National Strategy for Disaster Resilience 2011* (and regulations)
- *Fire and Emergency Services Act 1995* (and regulations)
 - State Emergency Management Plan
- *Coast Protection Act 1993* (and regulations)
- *Coast Protection Board Policy Document 2016*
- *River Murray Act 2003* (and regulations)
- *Development Act 1993/Planning, Development and Infrastructure Act 2016* (and regulations)
 - relevant Development Plans/Planning and Design Code
- *Natural Resources Management Act 2004* (and regulations)
 - Relevant regional NRM plans
- Minister's Code: Undertaking development in Bushfire Protection Areas
- Building Code of Australia
- Minister's Specification SA 78: Additional requirements in designated bushfire prone areas
- Australian Standard 3959 Construction of buildings in bushfire-prone areas
- Waterconnect Flood Awareness Maps
- South Australian Emergency Management Zones
- Relevant development plans/Planning and Design Codes
- Catchment Management Authority or council flood management strategy/plan (usually reflected in the development plan/Planning and Design Code)
- Glenelg Hopkins Catchment Management Authority's Regional Floodplain Management Strategy

Coastal flooding, erosion and sand dune drift

Most shacks on Crown land and in national parks are located along the coast and might be subject to coastal flooding, erosion or sand dune drift. This poses risks to people, buildings and infrastructure.

The Coast Protection Board's policy sets the standards for coastal flooding, erosion and associated protection works. These standards are generally applied to development proposals referred to the Coast Protection Board for direction or advice*.

Where there is a risk of coastal flooding and erosion but development is not proposed, the Coast Protection Board recommends that the lessee (or land owner in the case of freeholding) prepares and enacts a coastal hazard adaptation strategy endorsed by the Coast Protection Board.

Riverine flooding, erosion and bank slumping

Flood protection standards are generally specified in the relevant development plan, i.e. they generally only apply where development is proposed*.

Where there is a risk of flooding but there is no risk to structures and development is not proposed or likely, DEW Flood Management, as the flood hazard leader, recommends that the lessee (or landowner in the case of freeholding), prepares and enacts a Flood Emergency Action Plan.

Shacks on Glenelg River

The Victorian Glenelg Hopkins Catchment Management Authority is responsible for managing flooding of the Glenelg River, which the shacks on the Glenelg River sit over. The Glenelg Hopkins Regional Floodplain Management Strategy outlines the risks and the actions to address them based on the following objectives:

- Communities are encouraged to act responsibly to manage their own risks.
- Flood risks are reduced through improved flood intelligence and mitigation.
- Not making things worse.
- Emergency agencies are provided with the support to manage flooding.

Bushfire

The risks of bushfire are identified in Bushfire Protection Areas in many, but not all, development plans, and in Bushfire Management Area Plans, the latter of which identify the risks and actions individuals and organisations can take to reduce bushfire risk in any given area.

The Minister's Code: 'Undertaking development in Bushfire Protection Areas' sets out the planning requirements related to development in bushfire protection areas, including:

- referral to the Country Fire Service for developments involving a dwelling, tourist accommodation or other form of habitable buildings proposed in a High Bushfire Risk Area and identified in the relevant development plan
- having dedicated water supplies for fire fighting
- having buffer zones between homes and flammable or

* for the definition of development see 'Planning and development' section on Page 18

combustible vegetation

- having appropriate access roads.

(Note: for the definition of development see 'Planning and development' section on Page 18.)

In addition, the following must also be assessed:

- public road design in respect to a land division proposal
- the location and design of private roads and driveways
- access to dedicated water supplies
- the location of buildings away from existing and proposed trees and vegetation.

Some areas in Bushfire Protection Areas are excluded from planning requirements depending on whether there is an adequate water supply and firefighting services. They may not be excluded from building requirements.

The construction requirements for building in Bushfire Protection Areas are detailed in the Building Code of Australia, Minister's Specification SA 78: Additional requirements in designated bushfire prone areas and Australian Standard™3959: Construction of buildings in bushfire-prone areas, as applicable.

Where development is not proposed in a Bushfire Protection Area or an area otherwise identified as being at risk of bushfire, the CFS, as the bushfire hazard leader, recommends that the lessee (or landowner in the case of freeholding) prepares and enacts a Bushfire Survival Plan.

Amenity

Relevant Acts:

- *Environment Protection Act 1993* (and regulations)
- *Local Nuisance and Litter Control Act 2016* (and regulations)
- *Housing Improvement Act 2016* (and regulations)

The amenity of shacks is largely already addressed through a condition on current leases and (in the case of freehold land) Land Management Agreements (LMA) that require the land and improvements to be kept neat and tidy, or words to that effect.

It is proposed that this continues but that such conditions reflect the Environment Protection Act, Local Nuisance and Litter Control Act and Housing Improvement Act, as necessary.

Under the Environment Protection Act:

- environment means land, air, water, organisms and ecosystems, and includes the amenity values of an area
- environmental nuisance means any adverse effect on an amenity value of an area that:
 - is caused by pollution, and
 - unreasonably interferes with or is likely to unreasonably interfere with the enjoyment of the area by persons occupying a place within, or lawfully resorting to, the area, or
 - any unsightly or offensive condition caused by pollution.

The objects of the Local Nuisance and Litter Control Act are:

- to protect individuals and communities from local nuisance
- to prevent littering
- to improve the amenity value of local areas
- to promote the creation and maintenance of a clean and healthy environment.

It defines local nuisance as:

- any adverse effect on an amenity value of an area that:
 - unreasonably interferes with, or is likely to unreasonably interfere with, the enjoyment of the area by persons occupying a place within, or lawfully resorting to, the area, or
 - insanitary conditions on premises that unreasonably interfere with, or are likely to unreasonably interfere with, the enjoyment of premises occupied by persons in the vicinity, or
 - unsightly conditions, of a kind declared by Schedule 1 of the Local Nuisance and Litter Control Act (including buildings left partially demolished or in a state of disrepair, dilapidation or damage, excessive or unconstrained rubbish, waste or vegetation, or stockpiled, excessive or unconstrained disused or derelict items or material that a reasonable person would consider to be rubbish or waste, or graffiti (except authorised graffiti) or
 - a contravention of, or failure to comply with, a provision of an environment protection policy, or of any other Act or law.

In addition, under the Housing Improvement Regulations, a residential premises and its grounds must be maintained to prevent:

- the accumulation of rubbish
- infestation by vermin.

Public access to the waterfront

Relevant Acts:

- *Crown Land Management Act 2009* (and regulations) and related policies
- *Coast Protection Act 1993* (and regulations)
- *River Murray Act 2003* (and regulations)

Many of the shacks are in settlements located on river or coastal frontages where they have the potential to restrict or deny public access to the waterfront.

It is a long-standing principle in South Australia that a 30-50metre-wide strip of Crown land should be available for public access between developments and any adjacent waterfront.

Crown land, coast protection and River Murray protection policies seek to maintain public access to the waterfront by way of a 30m-50m strip of Crown land.

While many shacks are located within the 30m-50m-wide strip and already have some impact on public access, the upgrading of shacks, including any associated infrastructure (e.g. coastal protection works), must not unduly restrict, or further restrict, public access to, or along, the adjacent waterfront.

Environmental and cultural heritage protection

Relevant Acts and conventions:

- (Intl) Convention on Wetlands of International Importance (Ramsar Convention)
- (Cwth) *Environment Protection and Biodiversity Conservation Act 1999* (and regulations)
- *Coast Protection Act 1993* (and regulations)
- *Marine Parks Act 2007* (and regulations)
- (Cwth) *Water Act 2007* (and regulations)
 - Murray-Darling Basin Agreement
 - Murray Darling Basin Plan – Constraints Management Strategy
- *River Murray Act 2003* (and regulations)
- *Environment Protection Act 1993* (and regulations) and any associated policies
- *National Parks and Wildlife Act 1972* (and regulations)
- *Natural Resources Management Act 2004* (and regulations)

- *Native Vegetation Act 1991* (and regulations)
- *Wilderness Protection Act 1992* (and regulations)
- (Cwth) *Historic Shipwrecks Act 1976* (and regulations)
- *Historic Shipwrecks Act 1981* (and regulations)
- *Development Act 1993/Planning, Development and Infrastructure Act 2016* (and regulations)
- *Heritage Places Act 1993* (and regulations)
- *Aboriginal Heritage Act 1988* (and regulations)

As listed above, there are a number of Acts and regulations protecting the environment and cultural heritage, including:

- Coast Protection Act – which provides for the conservation and protection of the coast
- River Murray Act – which provides for the protection and enhancement of the River Murray and related areas and ecosystems
- Native Vegetation Act – which controls the clearance of native vegetation and provides incentives and assistance to landowners in relation to the preservation and enhancement of native vegetation
- Environment Protection and Biodiversity Conservation Act – which provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places, as defined in the Environment Protection and Biodiversity Conservation Act as matters of national environmental significance.
- (Cwth) Water Act – which provides a legal framework for the management of the water resources of the Murray Darling Basin (among other things), including the Murray Darling Basin Plan.

As the shacks in scope already exist, they are only likely to be subject to these Acts when an action is proposed that might impact on the environment or on cultural heritage, such as the expansion of the shack footprint or, new infrastructure or a new access.

An exception is the shacks along the River Murray or the Glenelg River, which are subject to managed environmental flows under the Murray Darling Basin Plan and the Glenelg Hopkins Regional Catchment Management Strategy, respectively. In these cases, consideration must also be given to whether the ongoing retention of the shacks may constrain those flows or impact on achieving the desired environmental benefits.

The Murray Darling Basin Plan – Constraints Management Strategy is exploring ways to better manage high flows for the River Murray in South Australia at up to 80,000 megalitres per day at the SA border. A large component of this is working with shack communities along the River Murray to design land management arrangements and infrastructure works to better manage risks of inundation and promote the benefits of floodplain environmental watering.

The department is currently progressing planning, designs and engagement to refine mitigation, scope and costs of managed environmental flows in close collaboration with local communities, and consistent with the integrated package of measures across the basin.

Other – Council support

The government recognises that local councils may be responsible for:

- assessing and approving future development applications (where they are the relevant planning authority)
- enforcing compliance with existing and future conditions of development approval (where they are the relevant planning authority)
- assessing and approving wastewater works applications (where they are the relevant authority)
- administering some requirements of the Local Nuisance and Litter Control Act
- providing services (e.g. rubbish collection, depending on the location)
- managing and maintaining roads, stormwater and open space (depending on the location).

Therefore, it is important that councils support the retention of shacks in their council area.





Appendix 4 –

Proposed assessment process

As outlined on Page 10, an assessment process has been developed to determine the suitability of shack sites/shacks for longer tenure.

The department proposes to facilitate this process in conjunction with lessees, relevant agencies, the local council and Traditional Owners, as required. Subject to the amendments to the Crown Land Management Act and the relevant park management plans being achieved, assessments will be scheduled on a shack settlement basis, commencing with the shacks in Coorong National Park and at Milang.

Lessees may give a representative of the relevant shack owners' association, or another person, the authority to participate in the assessment process with respect to their site. (Note: lessees would be responsible for all direct costs for any investigations, conceptual proposal, upgrade and transfer to any future new tenure.)

The proposed assessment process outlined below is indicative only and cannot commence until all prerequisites, in particular the amendments to the Crown Land Management Act and park management plans, are achieved, and future co-managers of the park (where applicable) have been consulted.

1) Application and information

- The lessee(s) named on the lease applies to be assessed for longer tenure.
- The department, in conjunction with the lessee, shack owners' association, Traditional Owners and any relevant authorities (e.g. local council, government agencies), collates existing information (including Native Title, natural hazards, environmental constraints) and identifies any information gaps relating to the affected shack site and advises lessee.
- The lessee addresses any information gaps, as necessary.

Note: any agent of the lessee needs to be formally appointed.

2) Conceptual proposal

- The lessee submits a conceptual proposal indicating how they broadly propose to meet the assessment requirements and standards.

3) Suitability assessment

- Relevant authorities, such as the local council, government agencies and prescribed bodies, Traditional Owners and the shack owner association (as applicable) undertake an assessment of the conceptual proposal against the relevant requirements and standards and undertake a site visit, as necessary.

Note: where development is proposed or likely to meet any assessment requirements and standards, this will involve the relevant planning authority undertaking a preliminary assessment of the conceptual proposal against the development plan and referring the proposal to any relevant prescribed referral body.

- DEW advises lessees of the outcomes of the assessment, the likely outcomes of a development and any other application, as well as the proposed recommendation, including – if the recommendation is to grant transferable term tenure – the length of term.

Note: this will be an iterative process between the department, relevant authorities and the lessee until the lessee is satisfied they have provided their best conceptual proposal for assessment.

- The department makes a recommendation to the Minister on the suitability of the shack site/shack for longer tenure.

4) Conditional offer

- The Minister offers the lessee freeholding or transferable term tenure with conditions, including the lessee obtaining all the identified approvals from the relevant authorities.

Note: where freeholding or a transferable term tenure is not offered, the lessee will remain on their existing lease.

5) Acceptance (or rejection) of offer

- The lessee scopes the works and costs required, obtains legal and financial advice, and accepts or rejects the Minister's offer.

6) Approvals and upgrades

- Where the offer is accepted, the lessee seeks any approvals and undertakes any upgrades, as necessary.
- The lessee will be responsible for all costs of any approvals and upgrades.

Note: this is where formal development and other applications are lodged with the relevant authority.

7) Evidence

- The lessee provides evidence to the Minister that the conditions of the offer have been met.

8) Tenure conversion

- The Minister (or a delegate) grants freehold or transferable term tenure.
- The department coordinates the tenure conversion process.
- The lessee purchases land (in the case of freeholding) or accepts the new lease.

Appendix 5 –

Tenure options

Under the Crown Land Management Act and the National Parks and Wildlife Act, the potential tenure options, subject to the shack sites/shacks meeting the relevant regulatory requirements and contemporary standards, are:

- Freehold – i.e. the land has a certificate of title, is privately owned and can be bought and sold (only an option for shacks on Crown land).
- Transferrable Term Lease (for non-commercial holiday accommodation purposes) – i.e. the land continues to be owned by the Crown and is leased to the lessee for a fixed term, with conditions of renewal, and can be transferred to another party, with the Minister's approval.
- Head lease held by a council, meaning the Crown land is leased by the Crown to the council, and sublet to the shack lessees. This means the council would collect the rent and manage the land and infrastructure.

Proposed terms and conditions (transferrable term lease):

- Permanent occupation of a primary place of residence or permanent subletting as a primary place of residence will not be permitted.
- Uses other than non-commercial holiday accommodation may change the type of lease issued and require additional assessments prior to granting.
- Where a lessee is seeking a different purpose, they will need to seek the Minister's permission for the alternative use.
- Transfer of the lease will be subject to the Minister's consent.
- A maximum term of 30 years is proposed. The actual term offered will be determined as part of a suitability assessment conducted by the department in conjunction with the local council and regulatory agencies. The lease term will be based on the demonstrated capacity of shack sites to the risk of natural hazards, particularly in the context of climate change projections, relevant Native Title requirements and other legal considerations.
- Rent will be based on market values based on advice of the Valuer-General and reviewed on a three-yearly cycle.
- Lessees will be required to hold public liability insurance and would be required to indemnify and release the Crown, its servants, agents and the council against all claims arising as a result of damage from natural hazards and the structure on the site.
- The conditions of renewal will be set as part of the suitability assessment.

Appendix 6 –

Valuations

As outlined on Page 12, work is being undertaken to seek fair valuation advice for the sale of shack sites. The details are:

Valuations for sale (in case of freeholding)

Under the Crown Land Management Act, the Minister is required to dispose of public land at its market value at the time of the sale.

This is based on the principle that the state should receive a fair return for the sale of public land.

The market value is determined by the Minister on the advice of the Valuer-General or a person who lawfully carries out business as a land valuer.

Valuations for rental

Current leases issued under the Crown Land Management Act provide for rental reviews to be undertaken as per the lease terms and conditions. The same applies to current leases issued under the National Parks and Wildlife Act. Rents are currently reviewed on a three-year or five-year cycle, depending on the terms of the lease.

Currently, a private valuer determines the unimproved value of shack sites and then the department applies a uniform rate of return (currently 2.75 per cent) to calculate the rental. That is, although the land value of shack sites varies around the state, the rate of return is applied uniformly.

The current market rent is determined by the Minister on the advice of the Valuer-General or a person who lawfully carries on business as a land valuer.

Any new leases issued under the Crown Land Management Act would be subject to an individually determined market rent. The rent payable will continue to be based on the market value of the land only.

For consistency, the same will apply to new leases issued under the National Parks and Wildlife Act.

The department is currently working with the Valuer-General's Office to determine the appropriate rent setting methodology for new leases.

Appendix 7 –

Strengthening links between local rangers, Friends of Parks groups and shack owners/lessees

As outlined on Page 12, work is being undertaken to strengthen links between local rangers, 'Friends of Parks' groups and shack lessees.

To date the Retaining Shacks Project Team has consulted:

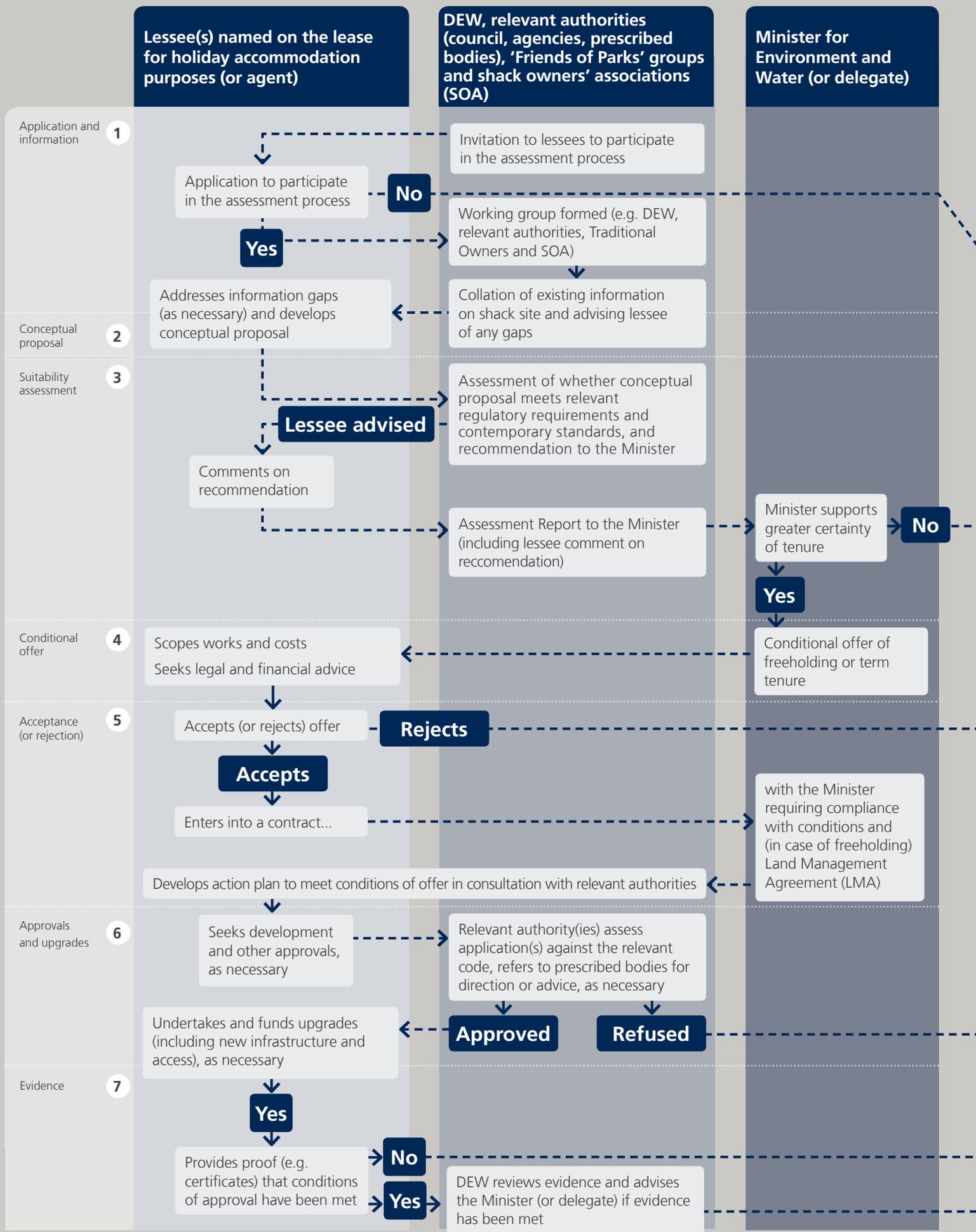
- district rangers
- Friends of Parks Inc. (the peak body for 'Friends of Parks' groups)
- shack owners' associations

From this, it is clear that the links between local rangers, 'Friends of Parks' volunteer groups and lessees vary from park to park.

The Project Team will further consult district rangers, individual 'Friends of Parks' groups and shack lessees to determine the best way to strengthen the links between them at the time of the assessment of the shacks in the relevant parks.



Appendix 8 – Indicative Retaining Shacks assessment and tenure conversion flowchart



Tenure conversion **8**

Lessee(s) named on the lease for holiday accommodation purposes (or agent)

DEW, relevant authorities (council, agencies, prescribed bodies), Traditional Owners and shack owners' associations

Minister for Environment and Water (or delegate)

Executes surrender and new lease

New term lease

Accepts letter of offer and Deed

Executes surrender and LMA

Pays for land

Certificate of Title (with LMA attached)

Lessee remains on current tenure²

DEW prepares surrender of lease and new term lease

DEW lodges surrender and new lease with Land Titles Office (LTO)

LTO issues/registers term lease

DEW prepares letter of offer and Deed

DEW prepares surrender and Land Management Agreement (LMA)

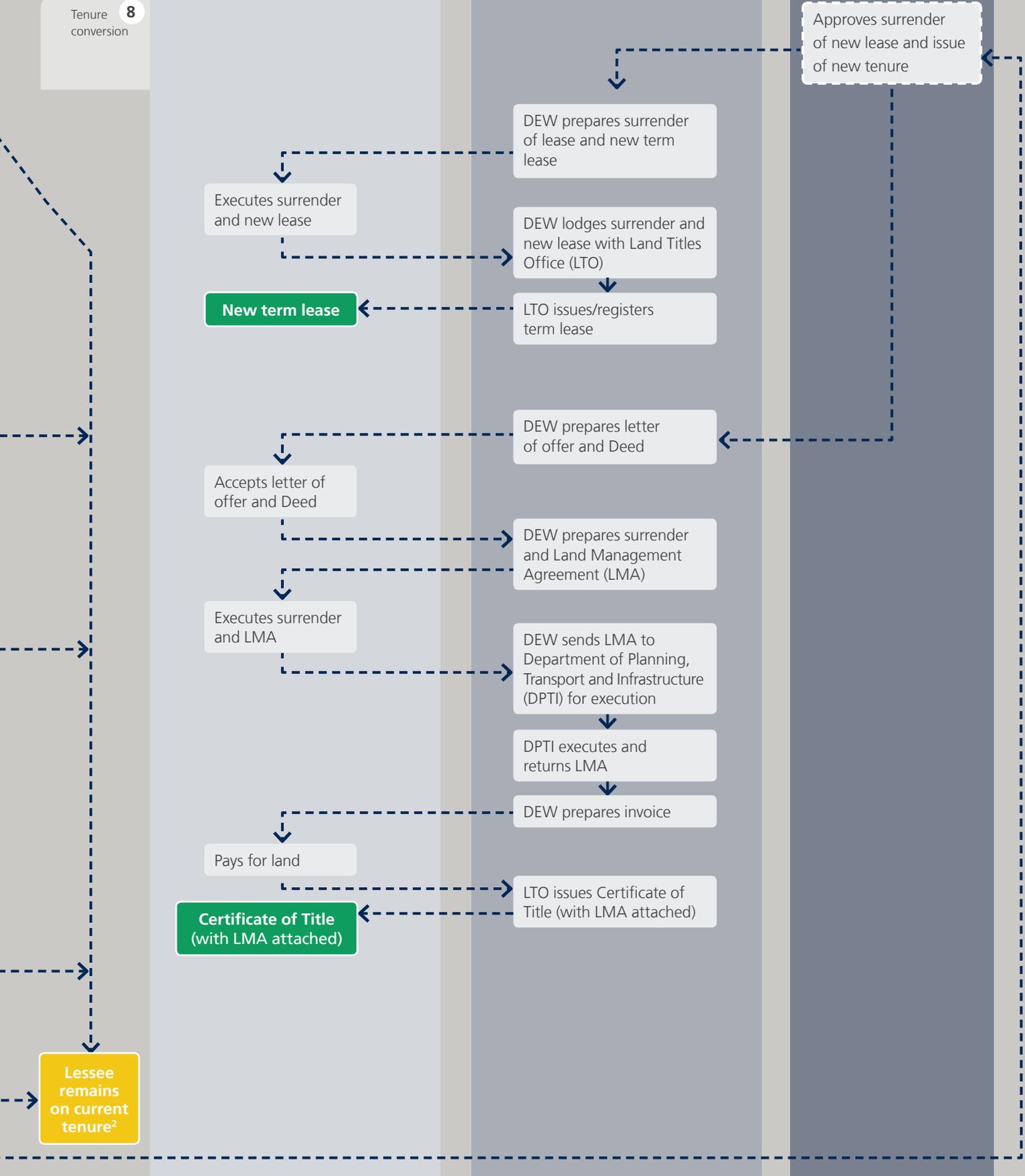
DEW sends LMA to Department of Planning, Transport and Infrastructure (DPTI) for execution

DPTI executes and returns LMA

DEW prepares invoice

LTO issues Certificate of Title (with LMA attached)

Approves surrender of new lease and issue of new tenure





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Department for
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