

# Retaining shacks as part of vibrant holiday communities

## Guidelines for applying for longer tenure for shacks in national parks



Government  
of South Australia

Department for  
Environment and Water

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# Guidelines for applying for longer tenure for shacks in national parks

South Australia has a vast network of protected areas including national parks. These protected areas are governed by the *National Parks and Wildlife Act (1972)* and are primarily for conserving important ecosystems, habitats, flora and fauna, unique land formations, and culturally significant places. This is balanced with providing opportunities for recreation, tourism and enjoyment by the public.

Families have been enjoying the privilege of leasing shacks in national parks for decades, and the South Australian Government is committed to creating new opportunities for shack lessees in national parks to retain these shacks. This opportunity is for people who hold life-tenure leases for shacks in national parks for 'Holiday Accommodation' purposes.

Part of this commitment required amendments to park management plans for Coorong National Park, Dhilba Guuranda-Innes National Park, Little Dip Conservation Park and Parks of the Coffin Bay Area Park Management Plan to enable the retention of shacks in these parks. This amendments were endorsed by the Minister for Environment and Water in October.

This means **lessees of shacks in national parks in South Australia** are now able to apply for longer tenure.

These guidelines will help applicants prepare their application for longer tenure, understand the requirements determined by the Minister for Environment and Water and understand the assessment process that will be undertaken by the Department for Environment and Water (DEW) before longer tenure may be granted.

Read these guidelines in conjunction with the material provided in the Application Pack **before you begin the application process**.

## 1. Understanding the opportunity

As a lessee of a shack site in a national park on a life-tenure or fixed-term lease for 'Holiday Accommodation' purposes, where there is no existing arrangement for longer tenure or relocation, you are now eligible to apply for longer tenure for your shack site.

This means that you can now begin the process to apply for longer tenure in the form of **an initial 5 year lease followed by a right for a long-term lease for a maximum of 30 years** (including the initial 5 year lease), provided the conditions of the initial 5 year lease are met..

### Important note:

- If the conditions of the initial 5-year lease are not met within 5 years, the lease will expire and there is no right for a long-term lease.
- **If people** listed as the lessee are deceased but the shack is still being occupied (**even though the lease is no longer valid**), applications will be considered **if** an applicant can prove a valid connection to a shack site.

## 2. Before you apply

Before starting the application process, DEW strongly recommends that you:

### 1. Read these guidelines

Read all sections of these guidelines before you begin your application, so that you understand the

process and the requirements that need to be met. Ensure that you also read the Application Terms, in the Annexure on Page 20.

## 2. Read the information sheet about your shack site

The Application Pack includes information about your shack site to help you understand the requirements for securing longer tenure.

This site-specific information sheet includes a summary of known works that have been undertaken at the site. It also includes an overview of previously identified issues, regulatory requirements, and the standards that will form the basis of the lease conditions that will need to be met within the term of the initial 5-year lease.

The information also outlines the criteria that is required to be addressed in your Concept Proposal (see Section 3(c) below) and any supporting documentation that you may be required to submit during the application process.

### For further information:

- about the application process or lease agreements visit the [DEW website](#).
- about the Coorong National Park, Dhilba Guuranda-Innes National Park, Little Dip Conservation Park, Cape Gantheaume Conservation Park and Kellidie Bay Conservation Park visit the [Parks SA website](#).

## 3. Prepare supporting documents and information

The online application form **must be completed in one sitting**, as it cannot be saved part-way through. As such, it is important that you **prepare all supporting documents and information prior to starting** your application.

This may include:

### a) an authorisation form

Current lessees will need to fill out the relevant forms to authorise DEW to process the surrender of your current life tenure lease and to authorise your application for longer tenure (refer to Appendix 1).

### b) 'Reason for occupancy' documentation

If you are not the existing lessee, you may be asked to provide additional information, depending on your circumstances:

- **Category 1:** If the existing lessee nominates a new lessee, no further information is required. Nomination is captured through the authorisation to surrender and apply forms.
- **Category 2:** If all listed lessees are deceased, you will need to provide additional information explaining a valid connection to the shack site, as technically the previous life tenure lease for the site is no longer valid (refer to 'Reason for occupancy' section in Appendix 1). The additional information may include:
  - evidence of financial management of the shack pre-dating the death of the last listed lessee on the life tenure lease (for example: payment of annual rent, council rates, costs associated with property maintenance) or ongoing financial management for a minimum period of 5 years
  - a written record, contract or other legal documentation that shows the intent of the previous lessee to allow you to use the shack on an ongoing basis.

### Important notes:

- Life-tenure leases issued under the National Parks and Wildlife Act are in existence until the death of the last listed person comprising the lessee, at which point the lease terminates. Applications of this type will be classified as Category 2 and further assessment requirements will apply.

### c) a Concept Proposal

Your Concept Proposal must detail how you propose to meet the requirements outlined in the site-specific information sheet to secure longer tenure.

Before you begin the application process, you must understand the necessary approvals, potential environmental impact to the park, extent of work, associated costs and the likelihood of implementing your Concept Proposal within 5 years.

The Concept Proposal Template (Appendix 2) is intended to:

- ensure consistency of procedure and information required from applicants
- assist applicants to prepare Concept Proposals for assessment by the DEW Shacks Team
- assist the DEW Shacks Team to consider the merits of the Concept Proposal including potential environmental impacts to the park, having regard to the objectives of management as set out in the NPWA
- prevent unnecessary work on detailed Concept Proposals that cannot proceed (or need to be significantly modified) due to funding, planning, technical or other reasons.

You can use the Concept Proposal template (Appendix 2) to prepare your proposal. Alternatively you can use a different format, but you must ensure it contains sufficient detail to enable the proposal to be adequately considered by the DEW Shacks Team.

#### Important notes:

- Submitting a Concept Proposal as part your application does not guarantee approval.
- Works outlined in your Concept Proposal may only begin if the application is approved, the surrender of the existing lease has occurred, and a new 5-year lease is granted. The works contemplated under the new lease must be completed within the 5-year lease term.

## 3. Applying for longer tenure

### 1. Overview of the application process

The process for applying for a longer tenure shack lease in a national park is as follows:

Step	Process	Approximate Timeframes
1	Lessee completes and submits an application	From 23 November 2020
2	Suitability assessment is undertaken by DEW. Minister for Environment and Water determines whether to grant initial 5-year lease	10 to 14 weeks*
3	Applicant is advised of the outcome of their application	1 to 2 weeks
4	Applicant accepts or rejects the 'Offer to Lease'	12 weeks
5	Conveyancing process is actioned to: <ul style="list-style-type: none"><li>• Formally surrender the existing lease</li><li>• Issue a 5-year lease</li></ul>	8 to 12 weeks**
6	Lessee meets the terms and conditions of their lease and provides evidence to DEW	Up to 5 years
7	Conveyancing process is actioned for longer tenure	12 to 16 weeks

\*The time taken to assess an application can be highly variable and depends on its complexity, degree of consultation required, and the number of lease applications being assessed.

\*\* The time taken for the conveyancing process is an estimate only and assumes there are no complications on the lessee's behalf with executing the documents.

## 2. Applying

Your Application Pack contains a link to the online Shacks Application Portal, which includes the online Application Form.

To submit an application:

1. Go to the Shacks Application Portal
2. Click on the 'Start application' button and follow the prompts.
3. Enter all information in relation to the Current Lease details.
4. Enter all information in relation to the application for longer tenure.
5. Upload any required documents.
6. Review the information that you have submitted and make any necessary amendments by clicking back to the previous pages.
7. Once you are happy with the application, click the submit button.
8. Once you click 'submit' you will be directed to the payment page to pay the application fee. Enter all required information and click 'checkout'.
9. The 'checkout' button will automatically redirect you to a secure Bpoint payment page managed through the Commonwealth Bank, where you will need to enter your Visa or Mastercard credit card details. Note: DEW will not be able to access the details you enter on this page.
10. Follow the steps to process the payment. A copy of the payment receipt will be emailed to the address that you nominate.

### Important notes:

- Online application forms **must be completed in one sitting and cannot be saved part-way through** the application submission. For this reason, it is recommended that all supporting information is gathered before beginning the application form.
- Hard-copy application forms can be downloaded from the [DEW website](#). Details about how to return hard-copy application forms and payment of application fees are provided on the form.
- If you encounter any problems while completing and submitting an application, contact the DEW Shacks Team.
- If there is a mistake in your application after you have submitted it, contact the DEW Shacks Team.
- An application can be withdrawn at any point of the application process, and lessees can continue with their current life tenure lease arrangements.
- In the case of a withdrawn application, other than in limited circumstances, the application fee is non-refundable.

## 3. Application closing dates

Complete and accurate application forms must be submitted by **31 December 2021**.

Applicants will be contacted if forms are not complete, information is missing or if further information is required. These instances may result in delays in processing applications.

## 4. Fees and charges

When applying for longer tenure for a shack in a national park, the following fees and charges apply until 30

June 2021 as detailed in the *National Parks and Wildlife (Lease Fees) Notice 2020*:

- A non-refundable application fee which covers the costs associated with the assessment process
- Charges for processing activities including (but not limited to) the negotiation and preparation of documents for execution.

On submission of an application	Fees
1. Application fee for: <ul style="list-style-type: none"> <li>a) a lease</li> <li>b) consent to transfer a lease</li> <li>c) surrender of a lease</li> </ul> <p><b>Note</b> – If an application involves more than one of these, only one fee amount is payable.</p>	\$454.00 \$454.00 \$454.00
Following the acceptance of the Minister’s ‘Letter of Offer (issue of a 5-year lease)	
2. Document preparation fee for: <ul style="list-style-type: none"> <li>a) a lease</li> <li>b) transfer of a lease</li> <li>c) surrender of a lease</li> </ul>	\$303.00 \$303.00 \$360.00
Rent review	
3. Review of rent as provided for under the terms of a lease	\$248.00

From 1 July 2021 the fees and charges relating to shack leases in national parks will be reviewed and published in the Annual Fees Notice which will be available on the South Australian Government Gazette. It will also be made available on the DEW Website.

All other costs associated with the application process such as obtaining legal advice and conveyancer services will be required to be met by the applicants.

#### 4. The suitability assessment process

Once an application has been submitted, the DEW Shacks Team will conduct an initial suitability assessment to determine the following:

- verification that everyone named on the lease consents to the application
- verification that all required parties have completed the required forms correctly (including all nomination criteria)
- verification of reason for occupancy (where applicable)
- verification that the Concept Proposal contains sufficient and appropriate information to enable assessment
- verification that all outstanding debts in relation to rent on the current lease are paid
- that the shack and the leased area are being maintained in a way that is consistent with the park management plan and park regulations and that the aesthetics of the shack are sympathetic to the local environment.

The DEW Shacks Team will assess the information provided as part of the application to determine whether it is adequate and complete. If it is considered inadequate, the DEW Shacks Team may contact you to request additional information which may impact the timeframes as contemplated in these guidelines.

Following assessment of the application, a recommendation by the DEW Shacks Team will be provided to the Minister for Environment and Water. The Minister will determine whether to consent to the application to surrender the current shack lease and to grant longer tenure.

When making his decision, the Minister must have regard to the objectives of management as set out in the National Parks and Wildlife Act. This includes things like:

- ensuring the preservation of wildlife, historic sites and features of geographical, natural or scenic interest
- the control of exotic plants
- the encouragement of public use and enjoyment of reserves
- the promotion of the public interest
- the preservation and protection of Aboriginal sites, features, objects and structures of spiritual or cultural significance within reserves. In making his decision the Minister

## 5. Receiving an 'Offer to Lease'

If your application for longer tenure is successful, you will receive an 'Offer to Lease' prior to formally entering into the new lease. The 'Offer to Lease' will be for a 5-year lease followed by a right of a new long-term lease for a maximum of 30 years (including the initial 5-year lease).

The 'Offer to Lease' will set out the terms and conditions of the 5-year lease and will include two sections:

- Part 1, to reflect the initial 5-year lease.
- Part 2, to reflect the subsequent longer tenure.

A long-term lease will be granted only when all conditions have been met within the 5-year term. These conditions are to comply with the 'standards' referred to in Section 6 below.

## 6. Meeting the standards

If through this process you are successful in gaining an 'Offer to Lease' you will be required to meet a number of conditions that comply with the 'standards' as outlined below.

These conditions will:

- need to be met in order for the 5 - year lease to be granted
- be included in the 5 - year lease and will need to be met before longer tenure will be granted

### 1. Public access

In accordance with Section 37 of the National Parks and Wildlife Act, the Minister must have regard to the Objectives of management in making decisions around granting and managing shack leases. This includes encouraging public use and enjoyment of reserves and the promotion of the public interest.

Parks are public places and lessees will have no interest or any right of exclusive occupation of any part of the park other than the leased land. Lessees will be required to demonstrate how they will maintain unrestricted public access to the park surrounding the leased shack sites which includes the waterfront, beachfront, tracks and trails.

#### ***Intention of this standard***

To ensure the Minister for Environment and Water satisfies the Objectives of management for parks as described in Section 37, in particular, having regard for the way shack leases support public use and enjoyment of the parks.

### **Eligibility**

This standard will apply to all shack sites within national parks.

### **Evidence**

Lessees will need to describe how they will maintain unrestricted public access to the park surrounding their shack site.

## **2. Site survey**

An adequate definition of the boundaries of a shack site is required to ensure leased areas are identifiable and to ensure that all shack structures are within leased areas and can be depicted on mapping and property data. DEW will ensure the area for each shack site is appropriately identified and will provide the required information to applicants. The final shack lease boundary will be established by DEW.

**Unauthorised infrastructure:** may exist in shack settlements and can include things like erosion control structures, retaining walls, jetties, boat launch facilities, stairs and fireplaces. DEW will work with lessees and/or settlements to identify unauthorised infrastructure. Approval, authority, a permit or removal may be required before longer tenure is approved.

**Encroachments:** All encroachments from the leased site into the park must be resolved prior to securing longer tenure. DEW will assess the site to determine if there are structures outside of the leased area. Where encroachments are identified, further discussions will be required to assess possible adjustments to the leased area. This will occur during the leasing process and will may be subject to other limitations such as Native Title.

Other types of structures, including non-approved structures, sewage systems or ancillary structures that remain outside the leased boundary site may need to be licensed, relocated or removed. DEW will provide specific direction about the need to relocate or remove any structures after DEW has reviewed your site as part of the application assessment process.

### **Intention of this standard**

To ensure that there is an adequate definition of the boundary of the shack sites, all shack structures are within the leased area and any common property is authorised and appropriate.

### **Eligibility**

This standard applies to all shack sites applying for longer tenure.

### **Evidence:**

Lessees will need to describe how what infrastructure has been placed without approval and what structures are outside of the leased shack site.

## **3. Native Title**

New leases cannot be granted in national parks contrary to any potential or existing native title rights. The Native Title status of the shack site and the land adjacent to each shack site may be subject to, or potentially subject to, Native Title rights which must be considered by the Minister for Environment and Water before granting future land tenure.

It is important to note that any unresolved Native Title claims on shack sites or land adjacent to shack sites may prevent the Minister from being able to grant longer tenure with the result being rejection of the application.

DEW is not responsible for the negotiation of Native Title rights but must manage national parks consistently

with the Native Title Act 1993 (Commonwealth). Native Title is a fundamental consideration when assessing applications for longer tenure or permitting any activity in national parks.

**Intention**

To ensure that any Native Title obligations are complied with and Native Title rights are not infringed by any act relating to the surrender of existing leases and the granting of any new interests and rights in relation to shack sites.

**Eligibility**

The Native Title status of each shack site will be confirmed by DEW during the application assessment process and will be provided to applicants. Where sites are subject to Native Title rights, further processes and investigations will be required.

For more information about Native Title, visit the [National Native Title Tribunal](#).

#### **4. Wastewater**

The safe collection, treatment and disposal or reuse of wastewater is necessary to safeguard the health of the community and protect the environment.

Wastewater is governed by the legislative base and technical information relating to wastewater systems in South Australia:

- [South Australian Public Health Act 2011](#)
- [South Australian Public Health \(Wastewater\) Regulations 2013](#) and its prescribed codes:
  - [the On-site Wastewater Systems Code](#)
  - [Community Wastewater Management Code](#)

**Intention**

To ensure that existing and new wastewater systems comply with current public health standards.

**Eligibility**

The eligibility requirement relates to all shack sites, in that wastewater systems comply with current public health standards as outlined in the *Public Health (Wastewater) Act 2011*. Applicants will be responsible for meeting any costs incurred associated with wastewater in meeting obligations or regulations relating to wastewater.

**Evidence**

To qualify for longer tenure, it is your responsibility to ensure a wastewater system is installed in accordance with all regulatory conditions. You must demonstrate that the wastewater system is compliant through:

1. wastewater works approval (Local Council or SA Health) where required, and
2. certificate of compliance Pursuant to Regulation 11 of the *SA Public Health (Wastewater) Regulations*, the licensed person, council or private certifier must provide a Certificate of Compliance following installation of an approved system or that the existing system is compliant.

## **7. Surrendering the existing lease and accepting the 'Offer to Lease'**

If you decide to accept the 'Offer to Lease' you will first need to surrender your existing lease. The process is:

1. The Minister for Environment and Water will issue you with a document to surrender the existing lease, as well as the proposed new lease agreement form.
2. You need to review both documents, particularly the lease agreement, agree to the terms, arrange for the lessees to sign the surrender and the lease and mail both back to the DEW Shacks Team. By returning a signed lease agreement, you are accepting the 'Offer to Lease' the shack site on the terms

and conditions contained in the new lease.

3. When both parties (you and the Minister for Environment and Water) have signed the new lease the conveyancing process to surrender the old lease and issue the new lease will occur. When the conveyancing process is complete the parties will be legally bound to the terms outlined in the lease agreement.
4. Lessees will then get a copy of the signed lease agreement.

#### **Important notes:**

- It is highly recommended that before proceeding with surrendering your existing lease and accepting the 'Offer to Lease' you should seek appropriate legal and financial advice.
- There is no obligation to accept the 'Offer to Lease'. If you do not accept the 'Offer to Lease', the existing life-tenure lease arrangements will not be surrendered and will continue.
- Once you accept the 'Offer to Lease' you will be responsible as the shack lessee for meeting all terms and conditions of the lease including specific requirements for your site which may be listed in a schedule of the lease. Therefore it is highly recommended that you understand the work, costs and approvals required before accepting the 'Offer to Lease'.
- One of the conditions of the lease is that all required works are to be completed and the Minister is satisfied that this has occurred within the 5-year term. The Minister may terminate the lease if the lessee fails to meet this condition.
- Lease agreements are important legal documents. A representative of the lessees will receive a copy of the new lease. You should keep your copies in a safe place to refer to as needed.

## **8. Requirements for making upgrades and providing evidence**

The terms and conditions of a 5-year lease agreement will set out a number of requirements that **must be met to secure longer tenure** (refer to Page 8 for full details).

Failure to meet these terms and conditions within the 5-year timeframe may be viewed as a breach of the lease agreement and could result in the cancellation of your lease.

### **1. Making upgrades**

Within 5 years of entering into the lease agreement, you need to:

- meet the terms and conditions of the 5-year lease agreement (including those listed in a schedule)
- ensure any outstanding rent owed to DEW is paid in full
- report to DEW when the conditions of the 5-year lease have been met and provide appropriate supporting evidence.

### **2. Providing evidence**

Within 5 years of entering into the five-year lease agreement, you must provide evidence that the terms and conditions of the lease agreement (including those listed in a schedule) have been met.

You may use the 'Formal audit and consideration for longer tenure request' form (see Appendix 3) and attach any supporting documentation.

#### **Important notes:**

- It is only after you have provided evidence that you have met the necessary standards that the Minister

for Environment and Water can consider issuing longer tenure.

- If you have completed your upgrades early within the 5-year period, this process can also begin earlier.

### **3. Assessing the evidence and upgrades**

After you have provided evidence that you have met the terms and conditions of the 5-year lease, the DEW Shacks Team will assess this information. If necessary, the team will also inspect the site or be in contact with you to request additional information. The DEW Shacks Team will then make a recommendation to the Minister for Environment and Water about whether the terms and conditions of the 5-year lease have been met.

#### **Important notes:**

- Contact the DEW Shacks Team if you have any questions about the assessment of evidence.
- The DEW Shacks Team can accept evidence by post if you do not have access to email.

## **9. Obtaining longer tenure**

If the DEW Shacks Team has made a recommendation to the Minister for Environment and Water for longer tenure and the Minister considers that the terms and conditions of the 5-year lease have been met, you will be granted a long-term lease.

A long-term shack lease (for Holiday Accommodation Purposes only) is granted for a maximum of 30 years. This means you have the right to occupy the shack site for 30 years, including the initial 5-year lease.

The long-term lease agreement and the surrender of any residual lease term remaining from the initial 5-year lease needs to be signed by you and the Minister for Environment and Water.

#### **Important notes:**

- All leases are subject to terms and conditions that will outline your duties and responsibilities in respect to the land.
- You are required to comply with your lease conditions in accordance with the NPWA.

## **10. Information privacy**

Any personal information you provide will be collected, stored, used and disclosed in accordance with the Government of South Australia's Information Privacy Principles Instruction (PC012) and will be used for purposes related to this process.

The Department for Environment and Water will not disclose your personal information to anybody else unless authorised by law.

The provision of this information is voluntary or required to be supplied. If you choose not to provide the requested information we may not be able to process the application or respond to any questions.

## **Annexure – Application Terms and Conditions**

### **Clarification during the application process**

The Applicant may raise a query or seek clarification by emailing the [DEW Retaining Shacks team](#), by telephone at (08) 8204 1218 or by post at Retaining Shacks Project, GPO Box 1047, ADELAIDE 5001

### **Updates**

Information in relation to these Guidelines is available on the [DEW Website](#).

It is the Applicant's responsibility to regularly review the Website for any 'updates' to these Guidelines.

### **Reservation of Rights**

The Minister for Environment and Water (through DEW) may:

- extend the any of the timeframes envisaged under these Guidelines (time or date)
- amend these Guidelines at any time and will give notice of such amendment via the Website and all such variations will be binding on each Applicant
- ask any Applicant to clarify any ambiguity or provide additional information in support of an application
- perform financial, criminal record, reference and character checks in relation to the Applicant and/or nominee and any parties related to it
- make any enquiries of any person, company, organisation, or matter related to the Applicant including confirmation of any information provided by the Applicant
- change the structure or timing of the processes envisaged under the Guidelines process or the basis on which applications are required, evaluated or accepted
- seek advice of external consultants to assist in the evaluation or review of applications
- elect not to consider or accept any Submission which does not comply with the terms of these Guidelines

### **Applicants Response costs**

Any and all costs incurred by Applicants in lodging an application shall be the sole responsibility of that Applicant.

### **Publicity and confidentiality**

Information supplied by or on behalf of the Minister by DEW is confidential to the Minister and each Applicant is obliged to maintain confidentiality.

Although DEW understands the need to keep commercial matters confidential, the Minister (through DEW) reserves the right to disclose some or all of the contents of any application:

- to any consultant or advisor as part of DEW's consideration of the application
- as a consequence of a constitutional convention in order that the relevant Minister may answer questions raised in the South Australian Parliament; keep Parliament informed or otherwise discharge the Minister's duties and obligations to Parliament and to advise the Governor, Parliament and/or the Government of South Australia, or if required to do so by law. Any condition in these Guidelines that purports to prohibit or restrict the Minister's right to make such disclosures cannot be accepted.

An Applicant must not make any news releases or respond to media enquiries pertaining to these Guidelines

without DEW's prior written approval.

If an Applicant acts contrary to these expectations, DEW may exclude such Applicants from the process.

### **Copyright and intellectual property**

By lodging an application the Applicant licenses the Minister and the State Government to reproduce for the purpose of the Guidelines process the whole or any portion of the application, despite any copyright or other intellectual property right that may exist in the application.

### **Non-binding nature of Guidelines**

#### **These Guidelines are NOT:**

- an offer to sell or lease of any kind and do not necessarily indicate an intention by the Minister to enter into legal relations with the Applicant or any party
- to be interpreted as creating a binding contract (including a process contract) as between the Minister and any Applicant or giving rise to any:
  - contractual, quasi-contractual, restitutionary or promissory estoppel rights; or
  - expectations as to the manner in which an Applicant will be treated in the assessment of an application.
- No legal or other obligations will arise until parties execute formal documentation.
- The Minister is not obliged to proceed with, or negotiate, in respect of any application.

### **Disclaimer**

The information set out in these Guidelines or the Website are not intended to be exhaustive and Applicants should make their own enquiries regarding:

- the contents of these Guidelines
- the suitability of their shack site or shack settlements for any form of development

Neither the Minister, the State Government, DEW, the Shacks Team nor any employee, agent or contractor of DEW or the State Government provides any warranty or makes any representation, expressed or implied, as to the completeness or accuracy of the information either contained in or in connection with these Guidelines or the Website.

An Applicant must undertake their own enquiries and satisfy themselves in respect of all matters contained in any information provided to them.

### **Acknowledgments**

Each Applicant agrees and acknowledges that:

- they have fully informed themselves of all conditions and matters relating to the Guidelines
- they have sought and examined all necessary information which is obtainable by making reasonable enquiries relevant to the risks, contingencies and other circumstances
- they do not rely on any expressed or implied statement, warranty, representation, whether oral, written or otherwise, made by or on behalf of the Minister, DEW, the Shacks Team or any employee, agent or contractor of DEW
- they have relied on their own investigations and enquiries in lodging an application
- the Minister, DEW, the Shacks Team or and any employee, agent or contractor of DEW are not liable for any incorrect or misleading information or failure to disclose information whether in connection with these Guidelines or any document attached or related to it including any information on the Website.

## Appendix 1 – Required documentation

The table below provides an outline of required documentation you may be asked to provide as part of the application for longer tenure.

Activity	Intent	Required Documentation	Further Information	Who requires this documentation?
<b>Authorities to surrender current lease and apply for new lease</b>	Authorises the surrender and application for longer tenure.	<p><b>Authority to Surrender Life Tenure Lease, and Authority to Apply for longer tenure</b></p> <p><b>Online applications:</b></p> <p>An authority form is required to be completed.</p> <p>(Because the online process does not capture signatures, a separate signed authority form is required to be attached)</p> <p><b>Hardcopy applications:</b></p> <p>Signatures in hardcopy applications provide the authority to surrender and apply.</p>	<p>Authority forms (for online applications only) are available with the application form and at:</p> <p><a href="https://www.environment.sa.gov.au/topics/crown-land/retaining-shacks-commitment">https://www.environment.sa.gov.au/topics/crown-land/retaining-shacks-commitment</a></p>	DEW
<b>Verify identity</b>	To prove identity of lessees and applicants, including change of legal name.	<p><b>Identification</b></p> <p>In most instances a solicitor or Justice of the Peace can formally verify the identification of all parties in order to transact the surrender of the lease and any new lease.</p>	The Department will advise applicants what information is required at the Letter of Offer stage.	DEW

<b>Deceased estate</b>	Proof of death of any existing lessee.	<p><b>Proof of death</b></p> <p>Where one or more of the listed lessees are deceased, death certificates are required to surrender or determine the status life tenure lease. DEW has no authority to apply for death certificates on an applicant's behalf.</p> <p>Death certificates are registered in the state/country of death.</p> <p>To obtain certified copies of death certificates an application within the state/country of registration of the death will be required.</p>	<p><a href="https://www.safesearch.gov.au/topics/family-and-community/births-deaths-and-marriages/certificates/death-certificates#with-you-need">https://www.safesearch.gov.au/topics/family-and-community/births-deaths-and-marriages/certificates/death-certificates#with-you-need</a></p> <p>Or speak to your conveyancer for further information.</p>	DEW
<b>Concept proposal</b>	Demonstrate intent and actions that you will take to meet requirements within 5-year timeframe.	Applicant/s must submit a concept proposal indicating how they broadly propose to meet the requirements within the 5-year lease term.	A Concept Proposal template has been provided to assist with this step- see Appendix 2.	DEW
<b>Reason for occupancy</b>	Provide a reason for DEW to consider approving occupancy rights to someone other than the existing lessee/s.	<p><b>Category 1:</b> Existing lessee/s is/are still alive and nominates new lessees. Nomination is captured in Surrender and Application forms.</p> <p><b>Category 2:</b> Deceased Estate category (where <b>all</b> lessees are deceased) – the applicant needs to prove a valid connection to the site. Evidence must include evidence of financial management of the shack (e.g. Payment of shack rent, utility bills, rates, other maintenance costs) additional evidence can include a letter from a deceased lessee.</p>	Refer to Section 2 of these guidelines for further information.	DEW

## Appendix 2 – Concept Proposal template

Applicants will need to provide information as to how they broadly propose to meet the suitability assessment requirements and standards as detailed in this guideline. This template may be used.

<b>Existing lease details</b>	
<b>Shack lease number(s)</b>	
<b>Lessee name/s</b>	
<b>Nominated key contact</b>	
<b>Local council area</b>	
<b>Shack settlement area (location)</b>	
<b>Group name and contact details</b>	
<i>Complete this section only where several shacks submit a single concept proposal</i>	
<b>Nominated key contact</b>	
<b>Phone number</b>	
<b>Email address</b>	
<b>Concept proposal description</b>	
<i>Complete sections where applicable, where not applicable enter 'NA'</i>	
<b>Details of work that has been recently undertaken on the site (within past 10 years, which DEW may not have a record of)</b> <i>Attach relevant drawings, plans, designs and/or photos if applicable</i>	
<b>Details of proposed works to secure longer tenure</b> <i>Attach relevant concept drawings, plans, designs and/or photos if applicable</i>	
<b>Addressing the standards</b>	
<i>Provide details of how applicants intend to meet the required standards to secure longer tenure. Where the standard does not apply to your shack site leave this section blank.</i>	

<p><b>Public access</b>  <i>If applicable, provide details of how unrestricted public access to the park will be maintained/made available.</i></p>	
<p><b>Site survey</b>  <i>An adequate definition of the boundaries of a shack site is required for leasing in national parks. The DEW Shacks Team has survey records for all shack sites that will be provided to applicants. The final shack lease boundary will be established by DEW.</i></p>	
<p><b>Unauthorised infrastructure</b>  <i>If applicable, provide details of any unauthorised infrastructure that may exist in the shack settlement and may need to be considered when securing longer tenure.</i></p>	
<p><b>Encroachments:</b>  <i>If applicable, provide details of how encroachments will be resolved prior to securing longer tenure.</i></p>	
<p><b>Native Title</b>  <i>Native Title rights may exist in national parks and must be considered by the Minister for Environment and Water before being able to grant future land tenure. Some sites have unconfirmed Native Title status which must be resolved during the application assessment process. Where sites and adjacent land are subject to Native Title rights, applicants will be provided with further information. Applicants do not need to provide further information as part of the concept proposal.</i></p>	
<p><b>Wastewater</b>  <i>All applicants will be required to provide evidence that wastewater systems comply with current public health standards. Applicants will be responsible for meeting any costs associated with wastewater. Provide details of current or proposed wastewater management.</i></p>	

<p><b>Proposal issues/risks</b>  <i>Provide details of known potential issues/risks associated with the proposal e.g. impact on the park, environmental considerations, ongoing maintenance, other park users</i></p>	
<p><b>Proposal timeline</b>  <i>Detail proposed timelines for proposal development and finalisation</i></p>	
<p><b>Additional information</b>  <i>Attach any additional information relevant to this concept proposal in an attachment e.g. plans, pictures</i></p>	

## Appendix 3 – ‘Formal audit and consideration for longer tenure request’ form

This form must be submitted once all required works are completed and the applicant wishes the lease to be considered for conversion to longer tenure.

LEASE DETAILS	
Lease number:	
National Park:	
Name/s on existing lease:	
Postal address	

### DECLARATION

I/We the shack lessee/s have completed our work to meet the eligibility requirements as outlined below and request that our shack site be assessed to determine our eligibility status for longer tenure.

Name of shack lessee submitting request:

### Eligibility checklist. Check that all have been completed (where applicable). Completed

- | Completed                | Not Applicable           |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <b>Public access:</b> Description of how this will be maintained |
| <input type="checkbox"/> | <input type="checkbox"/> | <b>Survey:</b> Survey data of site adequate                      |
| <input type="checkbox"/> | <input type="checkbox"/> | <b>Survey:</b> All unauthorised infrastructure matters resolved  |
| <input type="checkbox"/> | <input type="checkbox"/> | <b>Survey:</b> All encroachments resolved                        |
| <input type="checkbox"/> | <input type="checkbox"/> | <b>Native Title:</b> Any Native Title matters resolved           |
| <input type="checkbox"/> | <input type="checkbox"/> | <b>Wastewater:</b> Wastewater systems are compliant              |
| <input type="checkbox"/> | <input type="checkbox"/> | <b>Financial:</b> All debts owing to the Crown have been paid    |

Please submit this completed form and any attachments to [DEWshacks@sa.gov.au](mailto:DEWshacks@sa.gov.au)

### For more information contact the DEW Shacks Team:

Email: [DEWshacks@sa.gov.au](mailto:DEWshacks@sa.gov.au)

Phone: (08) 8204 1218

Post: Retaining Shacks Project

GPO Box 1047

ADELAIDE 5001

Website: [www.environment.sa.gov.au/topics/crown-land/retaining-shacks-commitment](http://www.environment.sa.gov.au/topics/crown-land/retaining-shacks-commitment)



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**Government  
of South Australia**

Department for  
Environment and Water