

Lucky Bay Management Plan

Shack Area 80 – Lucky Bay

1989

INTRODUCTION

In 1979 holiday shack sites at Lucky Bay, 16 km (by road) east of Cowell, were placed in two categories depending on their distance from High Water Mark (HWM). The majority of shacks, being less than 50 m from HWM, were classified as being "non-acceptable/life tenure" sites. Three sites in a second row were classified as "acceptable".

The March 1983 report of the Shack Site Classification Committee, "Review of the classification of non-acceptable shack sites", recommended that Lucky Bay Shack Area 80 "...should remain in the Life Tenure classification but some consideration may be given to longer term tenure if the Reserve was to be freeholded to Council and a suitable Management Plan was prepared to satisfy the requirements of the Minister of Lands and the Planning Commission".

In the latter half of 1986 the District Council of Franklin Harbor prepared a draft Management Plan to determine if consideration could be given to longer term tenure and the management action which would be a prerequisite to such tenure.

This draft was distributed to other Government Departments and instrumentalities and was placed on public exhibition. The responses received (held by the Department of Lands, Docket No 1736/86) have been taken into account in this final Plan which has been prepared for consideration by the Minister of Lands.

M A N A G E M E N T P L A N

SHACK AREA 80 - LUCKY BAY

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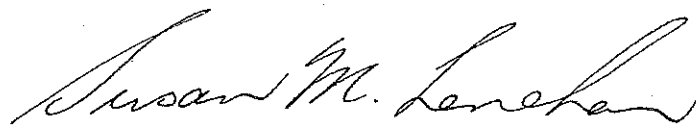
PREPARED BY

B.A. FRANCIS	(District Clerk)
D.J. KADEN	(Chairman, Council Shack Committee)
Cnr. B.W. THOMPSON	(Member, Council Shack Committee)
Cnr. R.E. SCHUMANN	(Member, Council Shack Committee)

FOR AND ON BEHALF OF THE SHACKOWNERS

19/1/89

AUTHORIZED BY



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SUSAN M. LENEHAN
Minister of Lands

6/2/89

1. HISTORY AND LAND USE OF THE LUCKY BAY SHACK AREA

The first shacks were built at Lucky Bay in the late 1920's and many have been there for over 50 years. The land was surrendered at the motivation of the original lessee in 1937 when he saw the need for some control over the development. Since 1937 the area has been dedicated as reserve under the care, control and management of the District Council of Franklin Harbor.

The current well regulated situation is a result of the good co-operation which exists between Council and the shack owners.

The original shack owners were probably attracted to the area because of the good fishing and clean sandy beach, which is within reasonable distance from the town of Cowell.

The area provides a wide range of passive and active recreation opportunities and leisure pursuits. These include fishing, boating, water skiing, crabbing, beachcombing, landscape painting and a range of social gatherings. Informal activities such as beach cricket are often evident.

It is doubtful that the area would have any other use than a recreational one. It is not suited to a conservation tenure because the remaining narrow strip of native vegetation along the coast is in private ownership and the hinterland has been developed for agriculture.

If the shacks had not developed there in the past, there would not be the supporting access roads, power, water etc. that now exist. Many miles of natural, undisturbed coastline lie to the north east of Lucky Bay. This coastline is generally inaccessible, so the Lucky Bay development has provided the public with access to the best beach in the area.

The area is a recreational resource for a considerable local, hinterland and tourist population.

Appendix 1 is a copy of the Council's Supplementary Development Plan (SDP) - Rural Coastal Zone. The continued use, and gradual relocation of the existing shacks does not conflict with the provisions of the SDP.

Appendix 2 is a list of current site holders at Lucky Bay.

2. CURRENT LAND TENURES

Shack Area 80 - Lucky Bay - contains 121 shack sites. The land these occupy and other land affected by this Management Plan are described below and their extent is shown on the Department of Lands' Land Tenure Plan "Wilton 1" , see next page.

Sections 38 - 44 Hundred of Wilton. Occupied by one hundred and eighteen holiday shacks Nos 1-125 (Note. Seven numbers are not utilized in Council's shack numbering.)

A "Temporary Shack Occupation Reserve" under the control of the District Council of Franklin Harbor.

Section 37, Hundred of Wilton. Occupied by three shacks designated A - C. A "Shack Occupation Reserve" under Council's control.

Section 46, Hundred of Wilton. A "Recreation Reserve" under Council's control.

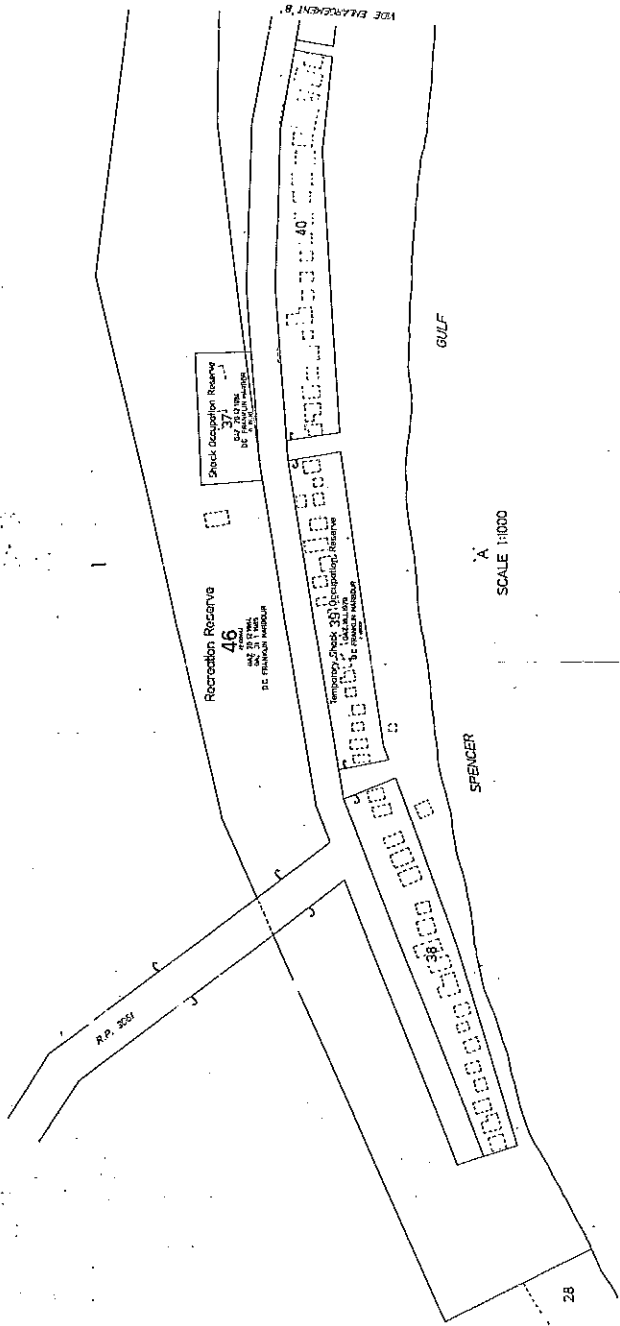
"Road" which is vested in Council.

"Road to be Opened" which is land surveyed in 1984 for road but which has not yet been excised from Section 46 and dedicated as road.

Land to the north of Section 46 which is held under Perpetual Lease by D.J., P.G. & A.J. Kaden.

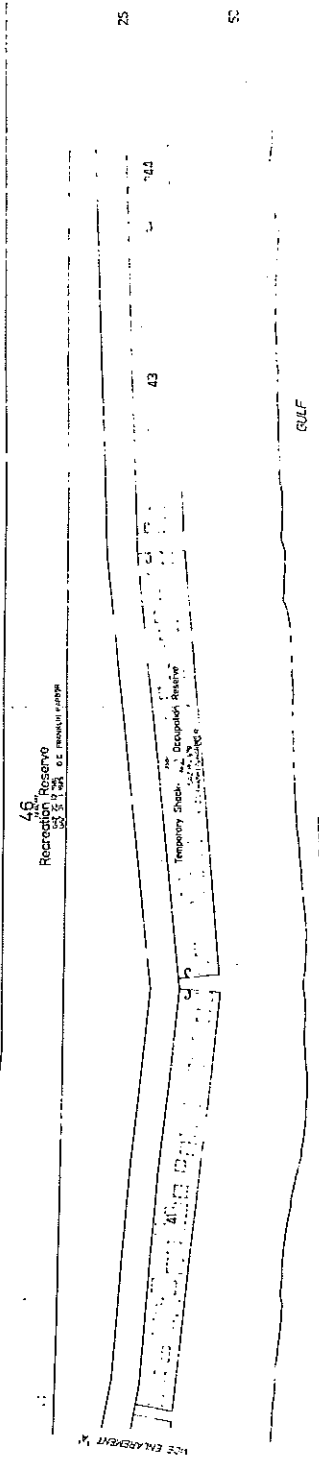
LUCKY BAY

1	2	3	4
5	6	7	8
9	10	11	12



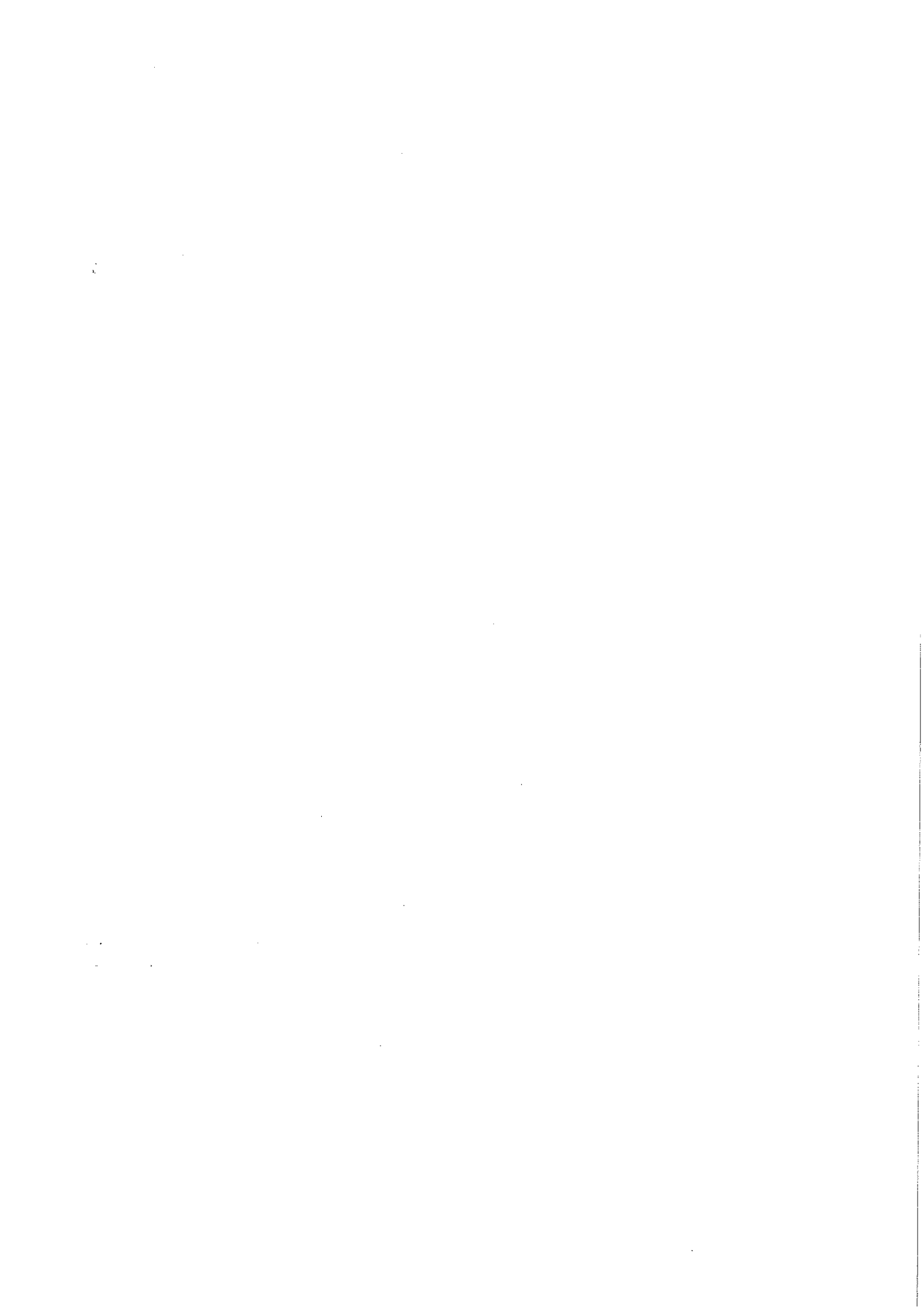
WILTON 1
D.C. FRANKLIN HARBOR
(Plyford Ward)

5333-01



IN TERRA
L/I D TENURE MAP

1	2	3	4	5	6	7	8	9	10	11	12
13	14	15	16	17	18	19	20	21	22	23	24
25	26	27	28	29	30	31	32	33	34	35	36



3. MANAGEMENT ISSUES

3.1 Coastal Erosion.

Shack sites 1-125 are situated in a "Ribbon" form, on a low primary sand dune. The security of the shacks on sites 1 - 12 is being immediately threatened by coastal erosion. The Fargher Maunsell report quoted below indicates that those on sites 13 - 26 are also possibly at risk.

The first twelve shacks are immediately adjacent to High Water Mark, whereas shacks on sites 13 - 125 are located a progressively increasing distance from High Water Mark.

Sites A - C are located in a filled area adjacent to the Lucky Bay community hall. The hall and an amenity block are on Section 46.

The Coastal Management Branch of the Department of Environment and Planning has advised that "The extent of (future) erosion cannot be accurately assessed and may ultimately threaten the proposed reclamation area. Therefore the Coastal Management Branch would not recommend permanent development in this area. The Coastal Management Branch recommends against the proposed freeholding of the Lucky Bay shacks behind the present shack sites."

A coastal stability study by Fargher Maunsell (Consulting Engineers) (Anonymous, 1985) for the Department of Lands indicated that "... all shacks will be subject to significant unacceptable risks from seawater inundation over the next 100 years. These risks arise from a combination of coastal erosion, potentially high sea levels relative to shack levels and the flooding of access roads."

A study undertaken for Council by Lange, Dames and Campbell Australia Pty Ltd (Consulting Engineers and Planners) (Dames, 1988) concluded that "On the basis of this it would appear that any new development work should be deferred until a more precise evaluation of the consequences of the problem has been carried out."

Verbal advice from the Coastal Management Branch cautions against endeavouring to delay the undermining of shacks by protection works such as walls, groins and the like. Probable consequences would be a lowering of the beach, the failure of the engineering works themselves, and transfer of the erosion problem eastwards to presently stable areas.

Examples of the first two of these effects are now evident at sites 1 - 12. Because of this it will be important, as sites are vacated, for the primary dune system to be re-established as far as possible and for all foreign materials to be removed.

Clearly a permanent settlement based on freehold tenure is out of the question. The options for Council and the shackowners in relation to the overall question of future coastal erosion and inundation, given the support of the Minister of Lands, are as follows.

The recommendations of this Management Plan are for adoption of the second option.

Occupy the existing sites until the encroaching sea makes each site untenable. Gradually abandon shack occupation of Lucky Bay, OR

As each site becomes untenable, and if the shackowners are willing to meet the cost, relocate to filled sites further inland, accepting that there is a possibility that these new sites will also be overcome by encroachment by the sea at some time during the next one hundred years.

Because adoption of the second option would be at the choice of the Council and shackowners the Government should be indemnified against any claims arising from its adoption (eg for the loss of assets due to storm action).

3.2 Vegetative Cover.

Where there is a substantial primary dune in front of the shacks, there is naturally occurring vegetation. Fargher Maunsell has identified that such vegetation has an important role in preventing deflation of the dune by the wind.

The native vegetation on the inland dunes and on the low lying areas subject to occasional inundation is virtually undisturbed although the land holder's sheep are not excluded from the area.

Future management actions will need to be directed to maintaining the existing cover on the primary dune and re-establishing it in the rehabilitation of former shack sites.

The retention of the native vegetation cover on inland dune systems must be a high priority. The same applies to the low lying areas, where not affected by relocation of shacks in accordance with this Plan.

3.3 Impact of shacks.

The shacks have had two main impacts on the area. The first is the visual impact created by the alterations to the land necessary for access and occupation by the shacks and their associated buildings (which all vary greatly in style and condition). This is contributed to by the power lines, water tower and other objects normally associated with a residential waterfront environment.

Beyond the planting of screening trees and shrubs and some improvements in general tidiness there is little that can be done to improve the aesthetics of the existing shack area. However there is the opportunity to improve the visual appearance of Relocation Site areas by shack design selection, undergrounding power and planting species which are suited to the harsh environment.

Secondly, access to much of the beach is physically and psychologically restricted by the close proximity of the waterfront shacks to each other. This is seen as being an advantage for protection of the primary dune vegetation from extra degradation. Three specific sites are currently established to provide public access to the beach. Such access should continue to be provided as the area changes under this Plan.

3.4 Relocation Site development.

The Lange, Dames and Campbell Relocation Site proposal on the next page depicts the proposed sites as an extension to the west, and then east, of the filled area now accommodating the hall and acceptable sites. This is seen as being the only viable option for resiting as it locates shacks as close to the beach as possible.

Fargher Maunsell establishes a level of 3.1 m AHD to which the Relocation Sites must be filled to avoid inundation from flooding of the adjoining low lying lands.

In the absence of a common effluent system (not recommended because of cost) an individual site area of 1 200 m² was initially recommended by the S.A. Health Commission for effluent disposal in the case of freehold allotments. As the relocation sites will not be freehold, but recreational leasehold sites, negotiations with the Health Commission have confirmed that individual sites of 600 m² (with a common septic disposal system for each two allotments) will be satisfactory at Lucky Bay.

This increase in shack site area over the existing sites has the inevitable effect of extending the length of the area required for an equivalent number of shacks. While the first twelve Relocation Sites can be accommodated, consideration should be given to an alternative land division pattern for future Relocation Sites.

Options are available which would still provide all sites with pedestrian access to the beach which does not cross a road.

The provisions of planning, building, health and other legislation applicable to development on the relocation sites will be enforced by Council.

Lange, Dames and Campbell identified that existing structures at Lucky Bay cannot be moved and must be demolished as sites are vacated. Council will encourage shackowners to adopt building designs which allow ready removal or which may even be slid to another location.

3.5 Land acquisition.

The establishment of the Relocation Sites in accordance with the Lange, Dames and Campbell proposal requires the acquisition of land from the adjoining perpetual lease. The extent of land acquired should provide the opportunity for the possible alternative land division configuration.

For economy and efficiency, the full area needed for relocation of sites 1 - 125 should be included in the initial acquisition.

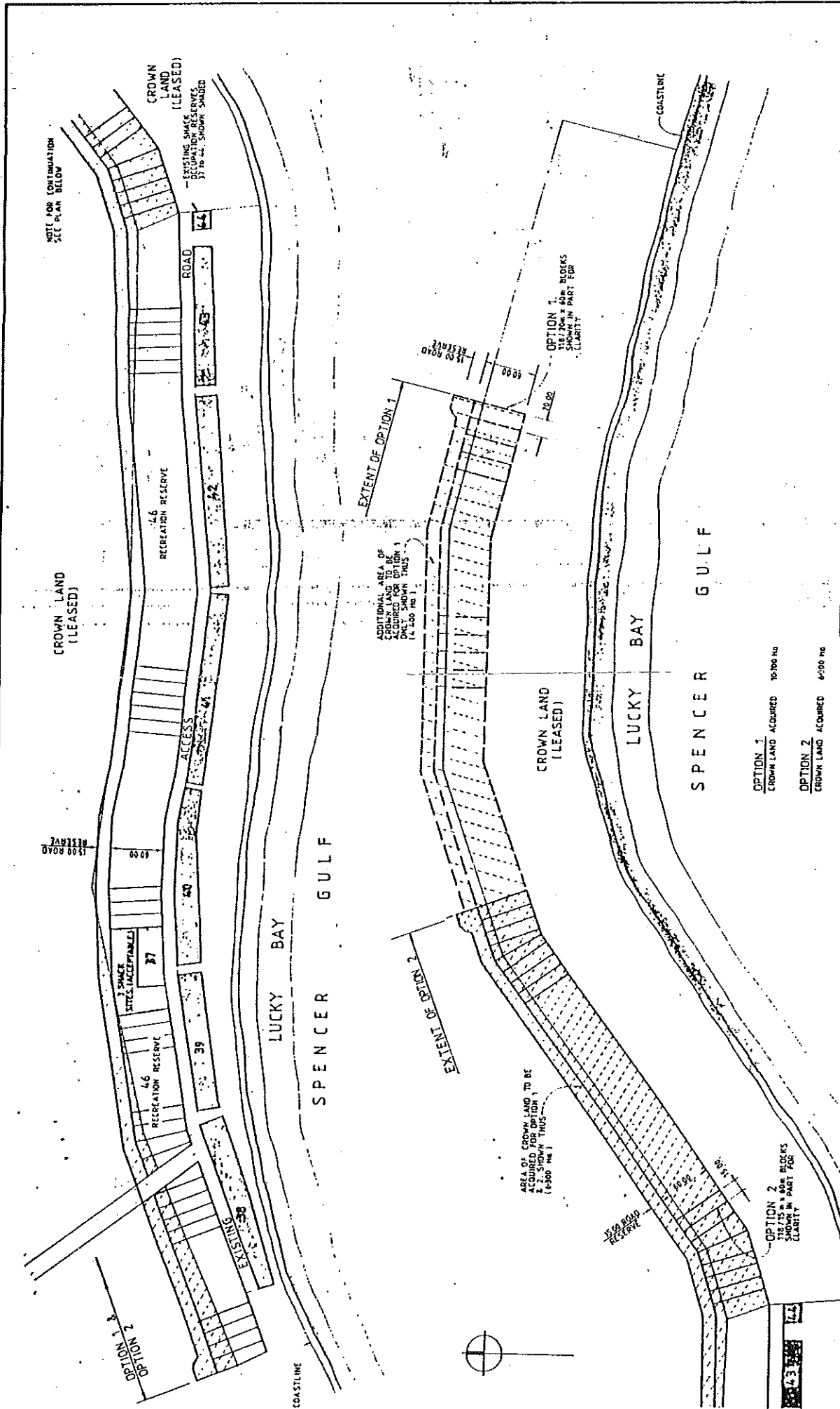
Survey will be required. This will provide the opportunity, if required by Council, for survey of the individual Relocation Sites.

3.6 Land tenure.

It was established in 3.1 that freehold tenure of sites is out of the question. The following is proposed to bring the Lucky Bay Shack Area fully under Council's control while meeting the Government's requirement of an expiring tenure which allows the resumption of the shack sites as coastal conditions dictate the future occupation of the area.

A 30 year Miscellaneous Lease issued to Council over existing Sites 13 - 125 and A - C will be reviewed each 10 years. Should the degree of threat from coastal erosion not have altered substantially, Council have satisfactorily fulfilled its management obligations under this Plan and an overwhelming public demand not be perceived for the vacation of the waterfront, then it is proposed that the lease would be extended for a further ten years i.e. the 30 year term would be restored.

Adjustments would also be made at that time to the areas within the lease to take account of the vacation of any of the existing sites and the development of further Relocation Sites.



		LANGIE, JAMES AND CAMPBELL AUSTRALIA PTY. LTD. CONSULTING ENGINEERS AND PLANNERS 1 Bagot Street, North Adelaide SA, 5006 Phone 267-8777	
		LUCKY BAY SHACK AREA OPTIONAL REDEVELOPMENT AREA	
Director		Drawn	D.K.
Survey		Design	
		Checked	
		Principal	



Council will continue to issue annual tenure over the existing waterfront sites until vacated (including Sites 1 - 12). However registered underleases will be offered to occupiers of the acceptable and Relocation Sites for terms up to the term then available under the head lease. These would be revised as the head lease term is adjusted.

3.7 Site administration

Issue of the 30 year lease has several implications for site administration. Council believes that the classification "life tenure/non-acceptable" will no longer be appropriate. The tenure expectations of shack site occupiers will need to be accommodated within the above tenure proposals. In particular, "life tenure" will no longer be available, and the tenure expectations for sites 1 - 12 will change.

With the exception of existing sites 1 - 12, the Government's building restrictions should also no longer apply. The work to be undertaken on the shacks on the remaining sites after authorisation of this Plan should only be controlled by Council's building and planning powers.

3.8 Funding.

Under the Government's Shack Site Policy the cost of relocation from existing sites shall be met by the shackowners.

At Lucky Bay such costs will include the filling of the new area, road construction, water supply and power services, and the cost of survey and land acquisition. Clearly these will be substantial and can only be afforded by the Lucky Bay community if the relocation is phased in over time (as proposed in this Plan).

In many similar shack areas in South Australia shackowners pay council and water rates plus a site rental of not less than \$140 pa. At Lucky Bay shackowners pay council rates and a \$50 site rental currently intended to meet just the cost of the water supply scheme.

To fund this Plan it is proposed that Council establish a fund from an annual levee on all shackowners. This levee will initially be at least to the extent of the Government's minimum shack site rental (currently \$140).

Council will explore with shackowners any advantage of paying an increased contribution in the early years of the fund. It will also monitor the fund as it builds up to identify any opportunity to eventually reduce the level of contribution.

4. FUTURE ACTIONS AT THE LUCKY BAY SHACK AREA

As described in the "Introduction", the aim of this Management Plan is, by appropriate management actions, to create the circumstances in which the Minister of Lands will approve the issue to Council of Miscellaneous Lease tenure for a term of 30 years over sites not immediately threatened by coastal erosion at Lucky Bay.

This requires the institution of a programmed, economically viable relocation from sites as the existing shacks are substantially damaged by coastal erosion.

The specific actions, and the party to be responsible for their implementation, are described in the following section of this Plan. Unless specifically excluded by reference in the following section, the costs of the required actions will be met directly by the Lucky Bay shackowners or through funds made available by them to Council.

The actions are listed in the expected order of implementation.

4.1 Authorization of this Management Plan.

To allow Council to initiate the recommended actions, this Management Plan requires authorization by the Minister of Lands. The Department of Lands is requested to make such a recommendation to the Minister at the earliest possible opportunity.

4.2 Shack area classification.

The Lucky Bay Shack Area will cease to be classified in the category "life tenure/non-acceptable".

4.3 Indemnity for Government.

Council will indemnify, and keep indemnified, the Government from any claims arising from occupation of the Lucky Bay Shack Area.

4.4 Management of the area by Council.

Council will continue to exercise its control over the Lucky Bay shack area in consultation with shackowners. It will co-ordinate all facets of the Plan on behalf of the shackowners, and ensure that the Plan is implemented to the Minister's satisfaction.

Council will continue to exercise its local government responsibilities in respect to the area, taking into account the "temporary" nature of the settlement at Lucky Bay. These will apply to any building renovations or construction, except that Council will ensure that the Government's building restrictions for life tenure/non-acceptable sites will continue to be applied and policed for existing sites 1 - 12 (only).

Council will ensure that no action is taken to maintain existing erosion protection measures, that no further such protection will be attempted by shackowners, and that any shack substantially damaged by the action of the sea will be immediately demolished and not replaced on its former site.

Shackowners will do their best to protect and maintain existing vegetative cover on the primary dune system.

Appropriate paths and access tracks to the beach front will be defined to minimise the impact of nearby recreational activities on the dunes. Vehicles will be prohibited from the dunes and beach front, other than on roadways and approved parking areas. The latter will be provided at Council's cost to enable visitors to the area to gain access to the beach.

4.5 Fund for implementation of Management Plan.

Council will establish a separate fund for which it will be wholly accountable to the shackowner contributors at all times. All shackowners will contribute to this fund annually at a rate agreed between Council and the shackowners. Initially such rate shall be not less than the Government's minimum shack rental at the time.

The fund proceeds shall be directed to the cost of implementing this Management Plan at Lucky Bay and specifically shall enable Council and shackowners (amongst other things) to:

- * Develop Relocation Sites and associated access and public utilities.
- * Undertake all surveys required to implement the recommended actions.
- * Acquire land for the Relocation Site development.
- * Meet all costs associated with the land tenure proposals.
- * Undertake the required 10 yearly reviews of the area.

4.6 Land acquisition.

Council will verify the extent of land required for the full relocation project. It will negotiate its acquisition from the adjoining landholder before seeking formal approval from the Minister of Lands to surrender of the land to the Crown and arranging survey.

The Department of Lands will undertake documentation of the acquisition.

4.7 Relocation Site Development and Allocation.

Within two years of the authorization of this Plan, Relocation Sites 1 - 12 will be developed in the pattern proposed by Lange, Dames and Campbell. Development standards will be the responsibility of Council except that development will be undertaken within Government statutes, filling will be to at least 3.1 m₂AHD, and the area of each new site will be not less than 600 m² unless otherwise agreed by S.A. Health Commission and shackowners.

Additional Relocation Sites will then be developed just ahead of anticipated need. In its design of the land division pattern for these additional sites, Council will seek a practical means of ensuring that each site has direct access to the beach and that this access does not cross a road.

The physical development works, which will be controlled by Council, may be undertaken by Council, contractors or shackowners.

Relocation Sites will only be allocated to the owners of shacks on the existing sites. There will be no development of sites for occupation by other than such shackowners.

4.8 Survey.

Following the final filling of Relocation Sites 1 - 12, survey will be undertaken to define at least the outer boundary of the development, road to be opened and the twelve sites expected to be vacated first.

Further survey will be required to facilitate the anticipated later boundary and tenure changes.

4.9 Tenure.

The formal approval of the Minister of Lands will then be sought through the Department of Lands to the following tenure changes:

- * Resumption of all reserves in the area and the rededication of areas not committed to the following tenures.

- * Dedication of new roads.
- * Issue of a Miscellaneous Lease, or Leases, to the District Council of Franklin Harbor over existing sites 13 - 125 (less any sites on which shacks have been demolished because of damage), acceptable sites A - C, and Relocation Sites 1 - 12. Further relocation sites will also be made subject to Miscellaneous Lease.

The lease term shall be 30 years and the Department of Lands' minimum rental for Miscellaneous Leases, as fixed from time to time, should apply.

- * Any application lodged by or on behalf of Council for consent to underlease Relocation Sites should receive approval. Consent should also be forthcoming to any transfer of an underlease.

The Council will continue to offer annual licence tenure to the occupiers of existing sites (including sites nos 1 - 12). This annual tenure will be cancelled on one month's notice following substantial damage to the shack.

Council will offer to the occupiers of sites A - C and all Relocation Sites the choice of annual tenure or a registered underlease for a term appropriate to the head lease at the time of registration.

Site occupiers shall be individually responsible for all costs associated with the issue and maintenance of the tenure of their sites.

4.10 Shack replacement and site rehabilitation.

The shacks on existing sites 1 - 12 are expected to be the first which would be affected by the sea. As they sustain substantial damage they will be demolished. The owners of these shacks will be offered Relocation Sites 1 - 12 on which to build new holiday homes.

Similarly, any other shacks substantially damaged by the action of the sea will be demolished. Their owners are to be offered the opportunity to re-establish holiday homes on the Relocation Sites which Council is required to ensure are developed ahead of this need.

Council will ensure that vacated sites are rehabilitated by the clearing of debris and as much other foreign matter as possible and with the planting of suitable recolonizing species to promote restoration of the primary dune system.

4.11 Community Services.

At Council's cost, the access road across the low-lying tidal flat will be built up to a sufficient height to allow access to the area at all times, and suitable drainage pipes or culverts will be installed to allow tidal flow.

Land adjacent to the existing community hall will be reserved by Council as a site for the relocation of the existing shop or other community service development.

4.12 Management Plan Review.

At ten yearly intervals, at the initiative of Council, the operation of this Management Plan will be reviewed. The absence of substantially accelerated coastal erosion and an overwhelming public demand for the removal of shacks from Lucky Bay, and the successful operation and up-dating of the Plan to the satisfaction of the Minister of Lands, will be the basis of the granting of a ten year extension to the term of the Miscellaneous Lease/s.

5. REFERENCES

Anonymous. (1985). 'Review of Shack Sites at 20 Locations on the Coast of South Australia', Final Report, Vol 2. (Fargher Maunsell).

Dames, J. (1988). 'Lucky Bay Shack Relocation - Engineering Considerations'. (Lange, Dames and Campbell Aust Pty Ltd).

Elleway, R.(A/Chairman)(1983). 'Review of the classification of non-acceptable shack sites'. (The Govt of South Australia).