

**STANDING COMMITTEE ON
ENVIRONMENT AND PUBLIC AFFAIRS**

INQUIRY INTO SHACK SITES IN WESTERN AUSTRALIA

**TRANSCRIPT OF EVIDENCE
TAKEN AT PERTH
TUESDAY, 3 AUGUST 2010**

SESSION TWO

Members

**Hon Brian Ellis (Chairman)
Hon Kate Doust (Deputy Chairman)
Hon Phil Edman
Hon Colin Holt
Hon Lynn MacLaren**

<008> L/4 [12:00:54 PM](#)

Hearing commenced at 12.01 pm

CAVANOUGH, MR FRED
Principal, Hilton Consultants,
residing at 30 Monk Street,
Kensington 6151, sworn and examined:

WATERS, MRS NOLA
President, Naval Base Holiday Park Residents Association,
residing at 41 Archidamus Road,
Coolbellup 6163, sworn and examined:

The CHAIRMAN: Thank you for coming in and on behalf of the committee I welcome you to this hearing. First off, I will introduce you to the committee. I am Brian Ellis, the chair of the committee; Hon Kate Doust is the deputy chair; Hon Lynn MacLaren is a member, and Hon Liz Behjat has joined us on the committee for today. I ask you to take the oath or the affirmation now, please.

[Witnesses took the oath or affirmation.]

The CHAIRMAN: Thank you. Could you please state your full name and the capacity in which you appear before the committee?

Mrs Waters: My name is Nola Waters and I am the president of the Naval Base residents association.

Mr Cavanaugh: Fred Cavanaugh, I represent my wife and myself as shack owners at Naval Base Holiday Park.

The CHAIRMAN: Thank you. You will have signed a document entitled “Information for Witnesses”. Have you read and understood that document?

The Witnesses: Yes.

The CHAIRMAN: These proceedings are being recorded by Hansard. A transcript of your evidence will be provided to you. To assist the committee and Hansard, please quote the full title of any document you refer to during the course of this hearing for the record. Please be aware of the microphones and try to talk into them. Ensure that you do not cover them with papers or make noises near them. As there is two of you, can one speak at a time so that it is clear for Hansard. I remind you that your transcript will become a matter for the public record. If for some reason you wish to make a confidential statement during today’s proceedings, you should request that the evidence be taken in closed session. If the committee grants your request, any public and media in attendance will be excluded from the hearing. Please note that until such time as the transcript of your public evidence is finalised, it should not be made public. I advise you that publication or disclosure of the uncorrected transcript of evidence may constitute a contempt of Parliament and may mean that the material published or disclosed is not subject to parliamentary privilege.

Would you like to make an opening statement or address us on your petition, please?

<009> B/4 [12:04:16 PM](#)

Mrs Waters: Thank you. There is very little I can say, apart from the fact that you will have received our submission. I have also tendered two documents and provided eight copies of each of those documents. One is a memo of agreement that we signed between ourselves and the City of

Cockburn. The other is an information sheet relating to conditions at the caravan park. I am open to questions and Mr Cavanough is open to questions.

The CHAIRMAN: Would you like to say anything in support of your submissions?

Mr Cavanough: We were not quite sure whether your inquiry was intended to cover our situation down at Naval Base. I say that because for I have known for many years that successive governments have moved to close what have been referred to as squatters shacks in the Mid West. We put in a submission just in case you were intending to look at our site. I make the point, as we did in the submission, that our situation in Naval Base is far different from the situation of those squatters. We are not squatters. Our holiday park has existed, we think, since the 1930s. An A-class reserve is set aside for the specific purpose of recreation and camping. It is vested in the City of Cockburn, which has the power to lease. As I say, it has been doing that on a formalised basis, albeit it annually, for all those years. It is a historical thing that is, as I say, different from the squatters' situation where the arguments have been that it is a health and hygiene issue up there. It is not where we are. Two ablution blocks service 178 individual shacks, and a rubbish disposal service is provided three times a week by the City of Cockburn. We are not posing a health or hygiene problem down there.

The site is devoid of any natural vegetation, so it is not an environmental issue. There are 178 shacks and it is either grassed or bituminised for the roads. I draw that distinction between what you may be looking at in the Mid West. If you are extending your inquiry to us, that is the difference. If you are inclined after your inquiry to make any recommendations about our park, I invite you to come down and have a look and see how it exists. It may well be that you think that what we have down there is a template for other sites.

The CHAIRMAN: We are looking at all the so-called shacks. It is interesting that you point out the difference between what you have compared to the Wedge and Grey communities we have just had in. Is this formal arrangement you have with the council renewed every year?

Mr Cavanough: They send us, in effect, a rate notice. We said in the submission that it is very similar to normal residential rates. This year they were in excess of \$1 100 per shack. We have to sign a new lease agreement every year. We know we are there temporarily and we can be evicted at any time. As far as I know, until now, there have been no moves by the council to get rid of us.

The CHAIRMAN: What is your understanding of your security with the council; do you have any views on where you see the shacks at Naval Base progressing to a formal arrangement or are you happy with the arrangement you have now? Do you need some sort of security for the future? Councils can change and policies can change.

Mr Cavanough: You are right; councils do change. In the past, Cockburn council has put our site on its own heritage list. We do not think it is from council, but some officers of the council are currently thinking about perhaps evicting us and making it a caravan park. I know there is a shortage of caravan parks around the state. Whether it has been an administrative burden I do not know. That has been mooted apparently at officer level. That is seemingly based on the premise that the shacks are not up to residential standard. That is not our fault because the lease agreement we sign every year is very restrictive as to what we can and cannot do.

<010> G/2 [12:09:25 PM](#)

[12.10 pm]

There is water supply on the site but it is not reticulated to each unit. We have access to water but there is no access to electricity. They are saying that because of that lack of facilities, we are not up to normal residential standards but, as I say, that is not our fault. In fact, they impose restrictions on us and any upgrading of the shack is subject to council approval, so it is rather limiting on what we can do. A lot of us would not mind paying more and being able to upgrade our facilities. It is

178 potential customers for Western Power if we are all able to put power onto our sites and upgrade the living conditions. That is one option.

The CHAIRMAN: Just another quick question, I am partly being a devil's advocate here, but what is your argument to why should Naval Base not be developed for public access and enjoyment for the public?

Mr Cavanough: It is open to the public. People come there and still swim at the beach. As Nola said in her submission, the committee does provide a couple of annual events, which attract a big following at Easter and Christmastime, but it is available to the public. There is a shop on the site and it does significant trade from businesses around the area like Alcoa, which go there for their morning and afternoon tea and lunch or whatever. Certainly the public is not prevented from coming on site.

The CHAIRMAN: Are the facilities sufficient for the public who are coming in now? With those sites that you have there, does that restrict the access to the public? Even though you are saying that some members of the public can get in, is that sufficiently enough public access at this stage?

Mr Cavanough: They can come on site. They drive around the site and they can use the beach. They use one of the two ablution blocks as a public facility with toilets and showers.

Hon KATE DOUST: How often would you use the shack yourself? Is it weekly, nightly or just occasionally?

Mr Cavanough: You can stay overnight, but in the past I tended to use it every second weekend. I take my grandkids down there. It is a good little beach there.

Hon KATE DOUST: It is a very good beach down there. I see in the documents you have given us today that there are some quite strict guidelines about usage.

Mr Cavanough: Very.

Hon KATE DOUST: Are you able to lend it to friends or other people?

Mr Cavanough: They say immediate family.

Hon KATE DOUST: Okay.

Mr Cavanough: Friends of ours have used our shack, I must admit.

Mrs Waters: I think the general idea is that you can have other people down there with you but the leaseholder must be on the site if it is anyone outside your family.

Hon KATE DOUST: I was curious. We listened to evidence earlier today about the other facilities where they had a very high turnover of people coming and going and using their facilities. I was wondering whether even though the guidelines are there, that actually happened at your location. I know that your site is a lot more permanent. I actually know a friend who sleeps there every night, and she has done so for the last 30-odd years. She has her own home located nearby but she sleeps at the shack. That is a habit she has gotten into and it is the only place that she can sleep at, apparently. She just loves being there. I was just curious about the frequency and who else would have access.

Mr Cavanough: Clearly in the guidelines you are talking about, you are not able to live there permanently. There is a maximum of 13 weeks in a year you are allowed to spend down there. It was never intended to be a permanent residence.

The CHAIRMAN: I will pass on over to Hon Lynn MacLaren in a minute. Just on that, do you leave the keys for other friends to come and use your shack?

Mr Cavanough: No.

Mrs Waters: No.

The CHAIRMAN: So you do not have the multiples of people that Wedge and Grey have that come and use those facilities?

Mr Cavanough: I once again draw the distinction between Wedge and Grey. If they have no controls over the squatters, I do not know whether it is a good thing that they can come and go as they like. Perhaps they should not be there in the first place. I do not want to can Wedge and Grey, but I keep drawing the distinction that we are different from them. We are there by authority of the government through Landgate and through the City of Cockburn by leases. It is a very historical thing that has been the case for the proverbial last 100 years.

Hon LYNN MacLAREN: I just wanted to ask you a couple of question about how well you are serviced by the local council. Who would be your representative on council for the residents' association, or do you have anyone on the council who looks after you in particular or that you vote for when local council elections are up?

Mrs Waters: No. At various times over the years there have been quite a few councillors who have owned a shack down there, so they have represented us, but we do not have anyone on council that actually —

Hon LYNN MacLAREN: So you are not considered to be in a particular ward, even though the council provides you with services?

Mrs Waters: We are in the Central Ward, so we could call on the councillors who represent the Central Ward.

Hon LYNN MacLAREN: Okay. I am very interested to know whether you have any issues with safety or security there. You are right on the main road and quite isolated. Do you ever have any worries about how secure you are overnight, if you are sleeping there every night or on occasion?

Mrs Waters: Not really. There is a fence that goes right along the roadside now, so that has made it a little bit more secure from passing traffic.

Hon LYNN MacLAREN: So you do not have people breaking in?

Mrs Waters: Very few.

Hon LYNN MacLAREN: That is good.

The CHAIRMAN: Getting back to the leases, they are renewed every year like rates, you are saying, but for what tenure? Is it annual?

Mr Cavanough: Just for the ensuing 12 months.

The CHAIRMAN: I thought I read somewhere that in some cases it was up to 21 years.

Mrs Waters: No.

The CHAIRMAN: That must have been another area.

Mrs Waters: I have brought a copy of the memo of agreement, and that comes out when the notice comes out and we have to sign it and send it back, and it is definitely only for 12 months.

The CHAIRMAN: Okay.

Hon KATE DOUST: So the fees that are actually listed here at the top of the agreement, the \$874 rental and \$35 FESA levy and the \$57 security patrol service levy, they are the only fees and charges you pay for having a place on that site?

Mrs Waters: That is right, but if you notice at the top it does say 2007. That was the most recent one that I could find.

Hon KATE DOUST: So the fees have obviously gone up in that time, have they?

Mrs Waters: The fees have gone up.

Mr Cavanough: For the 2009–10 financial year, they were \$1 124 in total. No doubt they will be more this year.

Mrs Waters: Yes, they are due to come out in the next month, so they probably will be. The City of Cockburn has had a four and a half per cent rate increase, so I would imagine that ours would go up by a similar amount.

Hon LYNN MacLAREN: So it is tied to rates, is it, or is that just an indicator that you use?

Mrs Waters: It is not tied directly to the current rates but it normally goes up approximately the same as the rate rise per residential homes in Cockburn.

Hon LIZ BEHJAT: I noticed in your submission to the committee that you say that the sites are powered by solar panels. Were these something that were put in individually by each owner, or did the city —

Mrs Waters: No; they were put in by individual people. Not all the sites have solar panels. Some still retain gas lights.

Hon LIZ BEHJAT: And generators?

Mrs Waters: Yes.

Hon LIZ BEHJAT: So they are permitted? You can have generators?

Mrs Waters: Yes, there is nothing to say you cannot have a generator. People have tended to go away from them because of the noise, and the solar panels work quite well.

Hon LIZ BEHJAT: With regard to the conditions of tenancy that you have provided to the committee, does the council come around and check to make sure that people are complying completely with these conditions? I notice here an interesting one that says “no spirituous liquor shall be stored on the premises by the tenant”.

Hon KATE DOUST: A bit of prohibition there!

Hon LIZ BEHJAT: How do you manage that one?

Mrs Waters: I have always taken it that they meant that when you are not there, you do not leave liquor there. But, yes, there is certainly liquor on the site when people are there. I have always taken that to mean that you do not leave it there when you go away.

Hon LIZ BEHJAT: But they do not actually come around and physically inspect the premises?

Mrs Waters: No.

Mr Cavanough: There is an officer of the council whose duties incorporate looking after this and taking applications for improvements to the shacks and getting them through the system, including out at Landgate. To that extent, there is a bit of oversight of what happens down there.

<011> I/4 [12:19:28 PM](#)

[12.20 pm]

Mrs Waters: They come around and check spasmodically, possibly if there has been not so much a complaint but when somebody from down there has rang the council with an issue. They do not come down on a regular basis.

Mr Cavanough: If I could just go back to the question about safety issues. The council has in the past couple of years fenced the alignment of Cockburn Road. It was not so much worried about children going in but about children running out onto the road. That protected the people who live down there. It also put a fence on the escarpment. It is on a cliff face. Once again, children cannot fall onto the rocks near the beach. Those safety issues have been addressed by the council in recent times.

The CHAIRMAN: On the issue of complying with regulations, what about complying with legislation and planning schemes and codes, including the Building Code of Australia? If you do not comply, would you be able to?

Mr Cavanough: The answer to that is no. Once again, the restrictions that have been put in place by the council over the years as to what people can and cannot build—With the increase in building standards and ours being kept down, the gap is increasing as time goes by.

Mrs Waters: Before you can do any improvements to the site, you have to submit plans to council and have them approved by the council. That has been in place for quite a few years.

The CHAIRMAN: So the council sets the standard?

Mrs Waters: Yes.

The CHAIRMAN: Do any working fishermen occupy these sites?

Mr Cavanough: No. I am not aware of any in recent times.

Hon LYNN MacLAREN: Do you have anything to do with the local Indigenous owners or traditional custodians in that area?

Mrs Waters: No, not that we are aware of any.

Hon LYNN MacLAREN: Are there any issues about identified heritage sites nearby?

Mrs Waters: No. The only site is not so much an Indigenous site, but a site from the very early Peel settlement. We are led to believe quite a lot of work is going on on the other side of the road for the Peel settlement. The person running the site on the hill, Dr Shane Burke, has identified that when the settlement was there, the hospital and the store were set up on the site where our shacks are. But there have been no Indigenous issues.

Mr Cavanough: It is an historical site dating back to 1829, which is why we raised the question as to whether, in fact, it might be considered for Western Australian Heritage Council listing rather than just the City of Cockburn

Hon LYNN MacLAREN: Is it still on the City of Cockburn heritage list?

Mrs Waters: Yes.

Mr Cavanough: We believe so.

The CHAIRMAN: You talked about the heritage benefits. In your view are there any economic benefits to the council, state or nation from the Naval Base settlement sites?

Mr Cavanough: I personally think that the state has suffered from the removal of many heritage sites and buildings in the past, including those in the central business district. I think anything that has a history approaching 100 years is part of the old Western Australian holiday spirit, if you like. It used to be serviced by a train from Fremantle, which we think extended to Rockingham. There is still evidence on the site that the train line ran right through the middle of the park. I doubt whether there is a financial benefit to the state or the nation; however, whether or not that is the case, there are reasons that we should preserve things that have a significant historical background.

The CHAIRMAN: Your very existence could be classed as a tourist attraction.

Mr Cavanough: It could be.

Hon LYNN MacLAREN: Do you have any concerns about coastal erosion due to the pending sea level rise and severe storms? It has been a while since I have been on the beach side of Naval Base. How high up are you?

Mr Cavanough: It is built up from the beach. From the sea level it is probably up about 15 foot or something like that.

Hon LYNN MacLAREN: So you are not worried about being that close to the coast because you are high on a limestone ridge.

Mrs Waters: There was some erosion just south of the shacks a few years ago. That was in the Town of Kwinana area. They put up a limestone face to stop the road that went down into Alcoa from falling down. That was made very safe.

The CHAIRMAN: Would you like to make any other comments? We have your submissions and we have asked a number of questions, the answers to which have given us a fair bit of information. Have we overlooked anything? Would you like to submit anything else to us now?

Mr Cavanough: We are very happy that you have given us the opportunity to put in a submission and to hear our extra comments. Once again, if you are inclined to make any recommendations about this site, we would love for you to come down and see what is on the ground before you do so.

The CHAIRMAN: Thanks for the invitation; we have had a couple today. We could be having holidays for the next six months the way we are going!

Mrs Waters: We are very restricted, but if we are on site you are welcome to come down and stay. It is important that we have been given this opportunity.

Hon KATE DOUST: How often do you go down and stay at your shack?

Mrs Waters: Quite often over the summer period. I do not sleep down there a great deal now, because I have a medical condition that means I must have power at night. We use it quite a lot over the summer. During winter we do not stay down there very often. But we certainly go down there quite a lot during the day. It is such a beautiful place to sit and read a book or wander around. My son was down there two weeks ago and he went swimming. I thought it was awfully cold. We use it quite a lot during the day even in the winter.

Hon KATE DOUST: Earlier we heard about the importance of these sites in terms of building communities and helping young people do other things other than attach themselves to an iPod or a computer. Do you find that the same sense of community exists among your group?

Mrs Waters: There certainly is a sense of community. As I put in the submission, the committee does run things for the children. We have a wonderful fun day during the Christmas holidays. We run races and have a sandcastle competition. I say "competition", but there is no real winner because we award everyone who builds a sandcastle. At Easter the Easter bunny appears on the Sunday morning. He goes around the shacks. That forms quite a close community. The children catch up with friends that they see only when they go down there. My grandchildren quite enjoy going down there, as do Fred's grandchildren. It is a lovely place to go and catch up with people that you have not seen since last summer. It is a wonderful place to go. There are no PlayStations or things like that. The kids have to get out and do things outside.

Hon KATE DOUST: I am sure they will work out a way to tap into the solar power sooner or later!

Mrs Waters: They have their handheld things, but the site just means they get out. They usually leave them in the shack and go out and enjoy themselves.

Mr Cavanough: What is important to me is taking my grandchildren down there and letting them experience what would have been the hardship of the past. They notice the difference in lifestyle and appreciate what previous generations have gone through. It is really good.

<012> E/4 [12:29:24 PM](#)

The CHAIRMAN: That is a good point.

Mrs Waters: You did mention that we are involved with Coastcare, and we have planning days down there early in the winter. We get quite a roll-up of people, and children, who come down and help plant. I think the other Sunday morning we planted nearly 300 small shrubs on the cliff top,

and there was quite a group of children down there that morning who helped us, and we follow up by going and having a look at them and watering them and what have you over their first summer. So there are lots of things that we try to do to help the environment.

Hon KATE DOUST: Thank you for that.

The CHAIRMAN: I would just like to thank you for coming in again, and I would like to apologise also that, through some technical difficulties at the start, we were running late. I thank you for your patience in waiting, and thank you once again for your submission.

Mr Cavanough: Thank you, Mr Chairman, and members.

Mrs Waters: Thank you.

Hearing concluded at 12.30 pm