

## **SUMMARY OF LEGAL ADVICE REGARDING LOT 424 HALIFAX HOLIDAY PARK**

*On 27 November 2018, Port Stephens Council at its Ordinary Meeting resolved to make public a summary of the legal advice it obtained concerning the status of the land known as Lot 424 Halifax Holiday Park.*

A Plan of Management (**POM**) for Halifax Holiday Park was endorsed by Port Stephens Council on 11 May 2010. At the time, Council resolved to exclude Lot 424 from the POM.

The NSW Government incorporated Lot 424 into the Crown Land reserve known as Halifax Holiday Park Reserve 91621 (**the Reserve**) in September 2013 and changed its purpose to 'Caravan and Camping Park'. Prior to that, the purpose of Lot 424 was 'Public Recreation'.

When Lot 424 became part of the Reserve, it became subject to the same reservations and trusts as Halifax Holiday Park. The Halifax Holiday Park Reserve Trust became trustee of Lot 424 as well as Halifax Holiday Park.

The incorporation of Lot 424 into the Reserve meant that from September 2013 it was subject to the same POM as for Halifax Holiday Park. Council's 11 May 2010 resolution to exclude Lot 424 from the POM could no longer be effected.

The *Crown Land Management Act 2016* now authorises Councils appointed to manage dedicated or reserved Crown land to manage the land as if it were public land under the *Local Government Act 1993*. As a result, a POM must be adopted for all Crown land a Council manages as community land. For Port Stephens Council, this means the POM for the Reserve will include Lot 424.