



SHOAL BAY HOLIDAY PARK PLAN OF MANAGEMENT

June 2023



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PREAMBLE



INTRODUCTION

This Plan of Management establishes objectives, strategies and performance targets for the ongoing operation and development of Shoal Bay Holiday Park.

Successful implementation of the Plan will:

- ❖ Improve sustainable resource management
- ❖ Improve facilities for guests
- ❖ Increase capacity to address changing market demands
- ❖ Improve the Park's commercial operating position
- ❖ Increase visitation and local economic activity
- ❖ Improve park amenity and facilities, without compromising the existing character

KEY MANAGEMENT ACTIVITIES

This Plan of Management establishes the actions by which Port Stephens Council will address the requirements and expectations of the NSW Government, visitors, residents, businesses, community groups and the wider regional community.

The key management activities addressed in this Plan include:

- ❖ Providing additional and improved amenities and recreational facilities
- ❖ Providing a mix of accommodation types that respond to current and changing demand
- ❖ Ongoing compliance with the applicable technical standards and regulations
- ❖ Implementing strategies to improve occupancy rates in the shoulder and low seasons
- ❖ Incorporating environmental sustainability practices into development and management activities
- ❖ Introduce energy efficient products and renewables and reduce plastic waste
- ❖ Implementing a high standard of risk management practices
- ❖ Exploring opportunities to increase revenue and reduce operating costs

VISION STATEMENT

To conserve and maintain the natural environment of the Holiday Park while providing a range of recreation and accommodation opportunities for visitors and optimise a return to the community

THE PLAN OF MANAGEMENT PROCESS

A Plan of Management is a statutory instrument that provides strategic planning and governance for the management and use of Crown and Community Land.

Plans of management set out objectives and performance targets and provide for active land management and use, including the issuing of tenures over the land.

A Plan of Management must be prepared in accordance with the Crown Land Management Act 2016 (CLMA) and Local Government Act 1993 (LGA), and adhere to the specific requirements stated in Division 3.6 of the CLMA. This requires Port Stephens Council, as Council Crown Land Manager of Shoal Bay Holiday Park and adjoining Bernie Thompson Reserve, to adhere to the following statutory processes in preparing the Plan of Management:



Step 1	Drafting the plan of management <ul style="list-style-type: none">➤ The PoM should meet all the minimum requirements outlined in section 36(3) of the LG Act and identify the owner of the land (templates provided).➤ Any activities (including tenure or development) to be undertaken on the reserve must be expressly authorised in the PoM to be lawfully authorised.➤ Councils must obtain written advice from a qualified native title manager that the PoM and the activities under the PoM comply with the NT Act.
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Step 2	Notifying the landowner and seek Minister's consent to adopt <ul style="list-style-type: none">➤ The department as the landowner is to be notified of the draft PoM prior to public exhibition of the plan under s39 of the LG Act.➤ Councils are also required to seek the department's written consent to adopt the draft PoM (under clause 70B of CLM Regulation). The department's consent can be sought at the same time as notifying the landowner of the draft plan.
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Step 3	Community consultation <p>Councils are required to publicly notify and exhibit PoM under section 38 of the LG Act</p> <ul style="list-style-type: none">➤ Councils are <u>not</u> required to hold a public hearing under section 40A of the LG Act (exemption under clause 70A of the CLM Regulation).
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Step 4	Adopting a plan of management <ul style="list-style-type: none">➤ If there are any changes to the plan following public exhibition of the draft PoM, councils must seek the department's consent to adopt the PoM.➤ Council resolution of a PoM that covers Crown land should note that the PoM is adopted pursuant to section 40 of the LG Act in accordance with 3.23(6) of the CLM Act.➤ Once a council has adopted the PoM, a copy of the adopted PoM should be forwarded to the department (council.clm@crowland.nsw.gov.au) for record purposes.
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IMPLEMENTATION AND REVIEW

This Plan of Management provides a long-term strategy for the management of Shoal Bay Holiday Park. It is anticipated that the majority of the works described will be implemented over a five to seven-year period. Priorities for works and funding will be addressed on an annual basis to meet operational and stakeholder needs.

This plan is to be reviewed every five years, or as required to ensure that it remains relevant and useful.

COMMUNITY CONSULTATION

This Plan of Management was placed on public exhibition from 23 February 2023 to 6 April 2023 in accordance with the requirements of section 38 of the Local Government Act 1993. One submission supporting the Plan of Management was received.



BACKGROUND



HISTORY AND DESCRIPTION OF SHOAL BAY HOLIDAY PARK

Shoal Bay Holiday Park is located at Port Stephens on the NSW coast just to the north of Newcastle. It is located at Shoal Bay which lies on the southern shores of the Port Stephens inlet to the east of Nelson Bay.

The Park lies close to the corner of Shoal Bay Road and Government Road. It has frontage to Shoal Bay Road in the north and adjoins existing residential development to the west. A public pathway running east-west defines the southern boundary of the Park up until it meets an adjoining Crown Reserve. The pathway continues through the Reserve along its southern boundary and towards the east. This part of the pathway also lies within the defined area of the Holiday Park. Another Crown Reserve on the southern side of the pathway has been developed as Seniors Living Housing.

The Park, being a facility that solely provides accommodation for tourists, operates 24/7 with no closure periods.

A portion of the Park is located on Crown Reserve 1037609 and a portion is located on Council owned freehold land.

The total area of land occupied by the Shoal Bay Holiday Park is approximately 3.57 hectares.

Crown Reserve 77932 adjoins the Park immediately to the east and this land has a north-south orientation running parallel with and fronting Government Road. This area is identified as Precinct 1A and is heavily utilised by the general public for car parking, predominantly for people accessing the extensive adjacent Crown foreshore reserves as well as the shopping and commercial development on the eastern side of Government Road. A vehicular exit point has also been established through this site, allowing users of the Park to exit onto Government Road and eliminating the conflict between vehicles and pedestrians on Shoal Bay Road.

CROWN LAND AND COUNCIL'S ROLE

Background

The land occupied by Shoal Bay Holiday Park is partially owned by the State of New South Wales and partially owned by Port Stephens Council. Port Stephens Council has provided a long-standing function as Crown Land Manager for three Holiday Parks located within the Council area and Port Stephens Regional Crown Reserve. These parks are known as:

- ❖ Shoal Bay Holiday Park;
- ❖ Halifax Holiday Park, and
- ❖ Fingal Bay Holiday Park.

To ensure that these valuable properties are managed in a manner that will result in the optimum benefit to the community, Council in partnership with NSW Government, determined the need to undertake a review of the Holiday Park businesses. The purpose was to establish appropriate strategies to guide future improvement and development of the Holiday Parks in line with the principles of the Crown Land Management Act 2016.

Figure 1: Locality map showing boundaries of land covered by this Plan of Management



Figure 2: Boundaries of Land covered by this Plan of Management





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Description of Council's Freehold Land

The Council owned lands occupy the western portion of the Park. These lands cover an area of 2.3 hectares and comprise the following, as illustrated in white on Figure 4 over page:

- ❖ Lot 116 DP 1121203 – 1.4 hectares;
- ❖ Lot 1 DP 593555 – 0.6 hectares;
- ❖ Lot 3 DP 716089 – 0.3 hectares;

These parcels are all reasonably regular in shape and are contiguous. The largest, being Lot 116, fronts Shoal Bay Road as well as the residential development immediately to the west. The smallest portion is Lot 3 DP 716089 which is found to the south of the residential development and adjacent to the Park.

The freehold portion of the caravan park provides for the amenities and laundry block found close to the entry together with an open grassed recreation area. It also provides the entirety of the Park's on-site accommodation in the form of cabins of varying ages and qualities and a group of permanent tents on Lot 3 at the rear. The freehold portion of the Park also provides some sites with ensuite amenities as well regular tourist sites and some camp sites.

Description of Reserve 1037609

Reserve 1037609 is Crown Land reserved for Caravan Park purposes and Port Stephens Council is the appointed land manager. The reserve is comprised of part Lot 1 DP 1225747 as illustrated in blue on Figure 4 over page. It is located immediately to the east of and is contiguous with the Council freehold land. The Reserve has a total area of approximately 1.27

hectares and is utilised as part of the caravan park.

Elements of the caravan park which are located within this Reserve include the Reception and Office building located at the front of the Park (part of this building is also located on the Shoal Bay Road reserve) as well as the Camp Kitchen, Tennis Court and Recreation Centre. The area also provides a number of short-term dwelling sites and these are generally used as tourist van sites and also for semi-permanent holiday vans.

Reserve 1037609 is categorised as General Community Use as shown in Figure 5. Details of the reserve are set out in Table 1.

Description of Reserve 77932

Reserve 77932 is Crown Land and Port Stephens Council is the appointed land manager. The reserve is known as part Lot 1 DP 1225747 (yellow on Figure 4 over page) and is located immediately to the east of Reserve 1037609. The Reserve has a total area of 0.81ha with approximately 0.37ha covered by this Plan of Management and used as public access car parking.

That part of Reserve 77932 covered by this Plan of Management is categorised as General Community Use as shown in Figure 5. Details of the reserve are set out in Table 2.

The remaining 0.44ha is covered by the Generic Plan of Management, used for public recreation purposes and categorised part General Community Use and part Park.

Figure 3: Land tenures



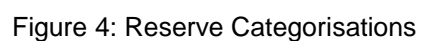
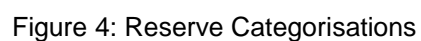




Table 1: Information about reserve covered by this plan of management.

Reserve Number	1037609
Gazettal Date	12 July 2013
Reserve purpose	Caravan Park
Land parcel/s	Part Lot 1 DP 1225747
Area (Ha)	1.27 ha
LEP zoning	RE2 Private Recreation
Assigned category/categories	General Community Use

Table 2: Information about reserve covered by this plan of management.

Reserve Number	77932
Gazettal Date	12 July 1957
Reserve purpose	Public recreation
Land parcel/s	Part Lot 1 DP 1125747
Total Area (Ha)	0.81 ha
Area covered by this Plan of Management	0.37 ha
LEP zoning	RE2 Private Recreation
Assigned category/categories	General Community Use

STRATEGIC DIRECTIONS



GUIDING PRINCIPLES

Seven guiding principles define the way in which Shoal Bay Holiday Park will be developed and managed into the future. These principles have informed the performance targets and objectives within this plan of management and are reflected throughout this document.

In its future ongoing operations and development, Shoal Bay Holiday Park aims to:

1. Protect and enhance the surrounding environment.
2. Provide a range of recreational activities.
3. Be financially and operationally sustainable.
4. Respect cultural heritage.
5. Enhance accessibility to visitors.
6. Respond to the needs of new and existing customers.
7. Maintain or improve customer satisfaction.

STRATEGIC DIRECTIONS

The objectives for Shoal Bay Holiday Park have been divided into three broad categories, or Strategic Directions. These Strategic Directions provide a framework which guides the development and operation of the Park and ensures the Park's vision and core principles are achieved.

STRATEGIC DIRECTION ONE: ENVIRONMENTAL PROTECTION AND LAND STEWARDSHIP

Aim

Improve the sustainability of Shoal Bay Holiday Park's operations and the quality of the surrounding natural environment.

Objective 1 – Vegetation, Habitat and Natural Land Management

- ❖ Minimise disturbance to natural vegetation.
- ❖ Implement practices and procedures consistent with Beachside Holiday Parks Environmental Management Plan.
- ❖ Maintain and implement a current Vegetation Management Plan for the Holiday Park.
- ❖ Seek opportunities to maintain and restore natural vegetation.
- ❖ Implement management strategies to protect the habitats of important native species.

Objective 2 - Waterways, Catchments and Coastal Protection

- ❖ To manage coastal processes and climate change while allowing for natural occurrences.
- ❖ Develop specific climate change adaptation plans in conjunction with the rest of the local government area.
- ❖ Review existing stormwater management procedures and seek opportunities to make improvements.
- ❖ Seek opportunities to use ecofriendly chemicals throughout the Park and ensure all chemicals used satisfy relevant guidelines and industry best practice.

Objective 3 – Fire Protection

- ❖ Implement and maintain best practice fire management strategies.
- ❖ Provide and maintain adequate fire control access;
- ❖ Provide and maintain fuel free and fuel reduced zones where necessary.
- ❖ Ensure biannual fire safety inspections of the Park are completed and records maintained.
- ❖ Ensure an annual fire safety statement is provided and records kept.

Objective 4 – Aboriginal and Non-Aboriginal Cultural Values

- ❖ Identify and protect significant Aboriginal and Non-Aboriginal culture sites.
- ❖ Ensure access is provided to significant Aboriginal sites.
- ❖ Provide educational and interpretative signage where desirable and appropriate.



STRATEGIC DIRECTION

TWO: SITES AND ACCOMMODATION

Aim

Create, enhance or maintain a diverse range of recreational facilities, accommodation offerings and associated infrastructure. Successful achievement of this aim requires consideration of the changing demands and requirements of visitors and the local community.

Objective 1 – Recreational Facilities

- ❖ Maintain and upgrade designated recreation areas to cater for a range of recreational activities.
- ❖ Consider opportunities to improve the range of facilities offered to guests, such as the provision of a swimming pool and new entertainment and recreational facilities.
- ❖ Ensure design, construction and maintenance of recreational facilities complies with the relevant regulations.

Objective 2 - Accommodation Upgrades and Improvements

- ❖ Consider opportunities to provide additional Sites and Cabin Spaces.
- ❖ Consider upgrades to existing tourist sites in general to ensure suitable surfaces and access.
- ❖ Consider opportunities to upgrade semi-permanent holiday van sites to cabins and powered tourist sites.
- ❖ Ensure site presentation, maintenance and compliance standards are in place and enforced.
- ❖ Protect and enhance the visual amenity of the Park and adjoining land.
- ❖ Conduct upgrades in accordance with best practices for environmental responsibility and sustainability.

Objective 3 – Waste and Energy Management

- ❖ Implement strategies to reduce the incidence of litter and dumping.
- ❖ Design new and upgraded facilities to ensure the responsible use of resources.
- ❖ Design, construct and maintain the Park using ecologically sensitive materials.
- ❖ Seek opportunities to minimise maintenance and operational energy requirements.
- ❖ Consider the installation of solar collectors on Holiday Park buildings.
- ❖ Consider an upgrade of the street lighting network utilising solar structures where possible.

Objective 4 – Facility and Infrastructure Upgrades

- ❖ Consider opportunities to install synthetic turf on Sites to reduce wear and tear.
- ❖ Consider opportunities to improve caravan access via road widening.
- ❖ Consider new technologies and infrastructure to improve guest security.
- ❖ Review essential services (water, sewer, power and stormwater) and upgrade if required.
- ❖ Avoid location of new services in or through natural areas.
- ❖ Ensure appropriate ongoing management and access regimes for public utilities.
- ❖ Ensure an appropriate road and pathway layout to allow efficient movement within and through the Park, including to recreational facilities.
- ❖ Ensure appropriate access and parking for emergency vehicles.
- ❖ Ensure disabled access is provided to community facilities and bathrooms consistent with the Australian Standards.



STRATEGIC DIRECTION

THREE: SITE MANAGEMENT AND COMMERCIAL SUSTAINABILITY

Aim

Develop a sustainable revenue base to support the long-term management and development of Shoal Bay Holiday Park. Sustainable revenue ensures that the Holiday Park contributes to the economy of the local region, providing amenity that will help make the region a great place to live, work and visit.

Objective 1 – Awareness of the Holiday Park

- ❖ Identify and consider potential to address new and emerging market opportunities.
- ❖ Prepare and implement an annual marketing and promotional strategy.
- ❖ Actively monitor the short-term holiday rental market within the Port Stephens area and take actions to remain competitive as a unique and attractive holiday offering.

Objective 2 – Improved Revenue Opportunities

- ❖ Design accommodation that responds to current and future demand and can generate a consistent income stream.
- ❖ Operate with the objective to self-fund the ongoing management of the Holiday Park and make a substantial contribution to the management of the reserved lands.
- ❖ Maintain existing cabins to provide affordable family holiday accommodation.
- ❖ Investigate opportunities to provide additional accommodation.
- ❖ Identify and investigate additional revenue sources.

Objective 3 - Safety and Risk Management

- ❖ Prepare and implement best practice health, safety and risk management plans.

- ❖ Explore opportunities to improve security measures within the Park.
- ❖ Ensure prohibited activities are adequately discouraged and implement suitable measures to address problems specific to particular areas.
- ❖ Carry out regular risk management inspections for all infrastructure and implement maintenance and repairs as required.
- ❖ Carry out regular inspections to ensure appropriate tree and vegetation maintenance and intervention is undertaken.



REVIEW PROCESS

The purpose of this Plan of Management is to provide a strategic and statutory basis for improvements, management and operations within Shoal Bay Holiday Park.

To ensure that the key objectives and performance targets of the Holiday Park are adhered to over the life of the Plan of Management, the Crown Land Manager must periodically review the Park's improvements, management and operations in line with the adopted key objectives.

The Plan of Management is to be reviewed every 5 years, or as required, to ensure the plan remains relevant to the operational direction of the park, in line with community's expectations for the land and consistent with any changes in legislation.

Prior to the drafting of the next Plan of Management, it is essential that the Crown Land Manager reviews the performance of the Holiday Park against the objectives and targets outlined in this Plan of Management.



SITE ANALYSIS & PRECINCT IMPROVEMENTS



OVERVIEW OF THE SITE

Assessment and evaluation of the Shoal Bay Holiday Park site, operations and development potential has identified a range of opportunities to improve the performance of the Park.

This Plan separates Shoal Bay Holiday Park into seven (qty x7) distinct precincts, each with

its own unique character and values as defined by land use, function, character and location. This chapter outlines the current status and future potential for each precinct, and includes management actions to improve the commercial, functional and/or environmental performance of each precinct.

The seven precincts are detailed in the below site map:

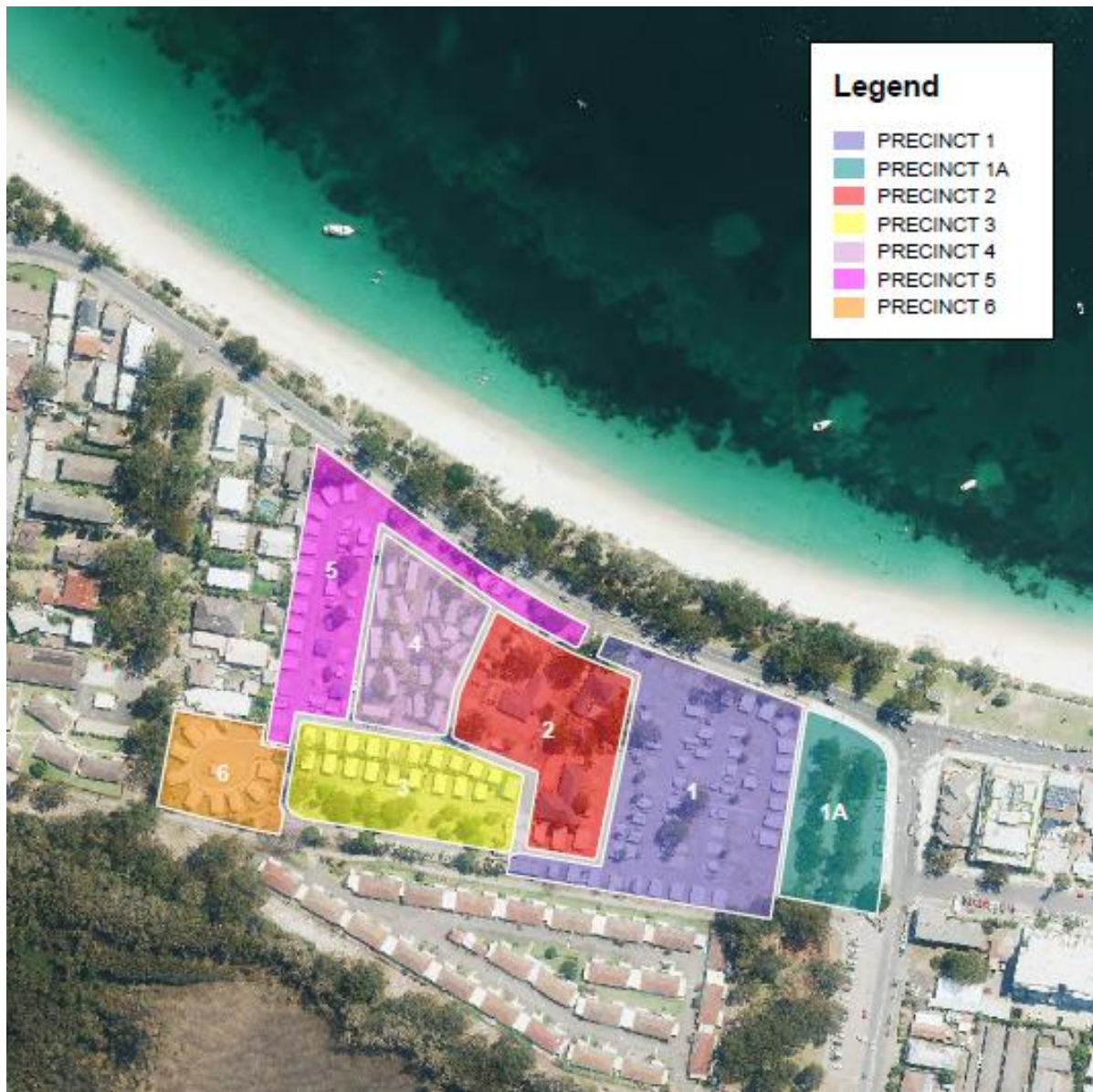


Figure 5: Overview of Shoal Bay Holiday Park's Precincts



KEY CONSTRAINTS AND OPPORTUNITIES

The following 'SWOT' analysis summarises the current status and future potential of Shoal Bay Holiday Park. This has been used to inform and prioritise operational and development activities across all precincts.

Strengths

- ❖ Shoal Bay Holiday Park's location and proximity to Shoal Bay
- ❖ Direct water and beach access
- ❖ Proximity to Shoal Bay shops and restaurants
- ❖ Short distance to attractive natural assets including Zenith Beach, Wreck Beach and Tomaree Mountain
- ❖ Established visitor base with continued re-visitation
- ❖ Variety of accommodation offerings and price-points
- ❖ Located within an established tourism area
- ❖ Generally well maintained and serviced
- ❖ Positive reputation as a preferred holiday destination

Weaknesses

- ❖ Existing recreational facilities are aging and require improvement
- ❖ Multiple instances where the existing accommodation is not the highest and best use for the site it occupies
- ❖ Internal road layout creates difficulty maneuvering large vehicles
- ❖ Significant wear and tear of sites caused by high turnover during peak seasons

Opportunities

- ❖ Additional revenue by converting low yielding sites, to high yielding villas/cabins/powered tourist sites
- ❖ Reconfiguration to increase total lettable accommodation
- ❖ Installation of additional cabins where appropriate, which generate the greatest return
- ❖ Upgrade of recreational facilities to provide competitive advantage over alternative short stay accommodation options

Threats

- ❖ Potential loss in revenue due to disruption created by improvement works

- ❖ "Check-In, Check-Out" process causes significant congestion during peak periods.
- ❖ Price point for cabin accommodation facing competition from other short-term stay options

OVERVIEW OF IMPROVEMENTS

The proposed improvements capitalise on the Park's existing strengths and address existing weaknesses. The intention is to address elements throughout the Park in stages, according to priority and impact. In this way the operational, environmental and financial sustainability of the Park will be progressively improved as budget and resourcing allows.

Services

Essential services such as water, sewer, power and stormwater are already found within the Park. Over time some of these services will need to be improved, extended or replaced depending upon other initiatives and needs within the Park and/or maintenance considerations. Opportunities for improved services will be explored to ensure they remain cost effective, efficient and where possible consistent with prevailing technologies, environmental best practice and greenhouse gas emission targets.

Ongoing stormwater management and modification will continue to be planned, consistent with changing infrastructure and development within the Park as well as surrounding land. As part of the ongoing management of the Park, other initiatives should be explored, including water minimisation strategies such as water meter monitoring, rain water capture and storage to provide water for toilet systems and irrigation.

Other basic services provided in the Park include the road system and visitor car parking. Where necessary and consistent with other initiatives, some internal roads may be altered or possibly closed. Management strategies will also be investigated to ensure parking is available for short-term visitation to the Park. The overall aim is to provide enhanced amenity for Park guests while maintaining appropriate levels of servicing and



access consistent with the requirements of the Regulations.

Accommodation and Site Types

The Holiday Park currently supports a range of high-quality cabin accommodation. Where necessary and consistent with current market expectations, older cabins will be refurbished or replaced. Additional cabins will be introduced in identified sections of the Park. Tourist van sites with ensuite facilities are now a sought-after option for many guests. In addition, the Park provides sites suitable for short-term tented lodging and serviced safari tents. Accommodation sites which currently contain holiday van accommodation may be better suited to tourist van sites or cabins.

Guest Facilities

Shoal Bay Holiday Park currently provides a range of amenities and recreational facilities for visitors. To remain competitive as a holiday destination, some of these facilities require refurbishment and/or expansion consistent with anticipated guest usage and prevailing marketplace expectations. Additional recreation facilities are proposed as part of future development works. In addition, a new amenities building has been installed which has greatly improve the quality of facilities within Shoal Bay Holiday Park.

Works for consideration include expansion and redevelopment of the existing entertainment precinct including the addition of a swimming pool / water park or other suited recreational improvements, and upgraded camp kitchen/cooking facilities for park guests.

Landscaping

The Park has remnants of native vegetation which provide a basis for ongoing landscaping

programs. An opportunity exists to minimise ongoing maintenance by installing synthetic turf in some areas, enhancing the visual amenity of the Park whilst reducing the reliance on potable water usage and intensive daily maintenance.

The landscaping strategy may be extended to enhance accommodation areas, key pedestrian linkages, guest facility areas and Park boundary treatments.



PRECINCT 1A



Figure 6: Precinct 1A – Shoal Bay Holiday Park

Overview & Description

The area defined as Precinct 1A sits outside Shoal Bay Holiday Park at the eastern most end. The precinct on Crown Land has always been utilised by the general public as a car park however has never been officially recognised. Some years ago Council formalised an access point from Shoal Bay Holiday Park to Shoal Bay Road.

Desired Future Character

Shoal Bay town is a busy hamlet for locals and tourists. An opportunity exists to create additional car parking spaces in this precinct that will enhance the overall visitor experience and support both the Holiday Park and local businesses as well as users of the adjacent Crown foreshore reserve and parkland.

Current Constraints

- ❖ Drinking water catchment overlay any future proposed work will need to comply with Clause 7.8 of the PSLEP.

Improvement Opportunities

- ❖ Construct a structured public car park to increase parking spaces on Shoal Bay foreshore.

Key Management Priorities

Formalise the car park and install smart parking to increase parking spaces to support the Shoal Bay foreshore and town centre.



PRECINCT 1



Figure 7: Precinct 1 – Shoal Bay Holiday Park

Overview & Description

The area defined as Precinct 1 sits at the Eastern-most end of Shoal Bay Holiday Park. This precinct is bounded by a fence to the Western end, separating the holiday park from an external car park which sits on Crown Land. The precinct features a mixture of holiday van sites and powered tourist van sites, with a storage shed located at the rear of the precinct. This site also features the reconfigured exit of the holiday park.

Key existing features of Precinct 1 include:

- ❖ 23 holiday van sites (short-term sites under occupancy agreement for exclusive use for 150-180 days per year)
- ❖ 57 powered tourist van sites (short-term sites)
- ❖ Storage shed
- ❖ Exit
- ❖ Garbage and recycling compound
- ❖ Dump point

Desired Future Character

As this precinct is located in a secluded part of the holiday park with views to the beach, an opportunity exists to enhance the accommodation offerings and position this precinct as premium location.

Current Constraints

- ❖ Any future works that reconfigure or create new sites will need to comply with the applicable provisions of the LG Regs 2021, most notably new/reconfigured short-term sites must be within 100m of existing amenities block.
- ❖ There are currently 13 holiday van sites (J9, N2, N4, N6, N8, N10, N12, N14, N16, O13, O12, O11, O10) and 6 powered tourist van sites (N9, N11, N13, N15, M16) that are not within 100m of the existing amenities block.
- ❖ Drinking water catchment overlay any future proposed work will need to comply with Clause 7.8 of the PSLEP.



- ❖ An existing sewer line runs through the middle of the precinct.
- ❖ The road network in the precinct is constrained, which causes difficulties with manoeuvring vehicles into bays.

as raised cabins along the perimeter of the precinct.

Improvement Opportunities

- ❖ Existing holiday van sites along the Eastern perimeter of this precinct may present an opportunity for conversion to powered sites or cabin accommodation.
- ❖ As parking is limited within this precinct, there is an opportunity to explore raised or stilted cabins, inclusive of on-grade parking. This would increase the amount of onsite parking and may provide improved views for cabin occupants.
- ❖ The powered tourist sites accessible from Kingfish Avenue, Luderick Close, Marlin Way and Nannigai Place to be retained to ensure an ongoing mix of site types.

Key Management Priorities

Explore opportunities for additional revenue via enhanced accommodation offerings such





PRECINCT 2



Figure 8: Precinct 2 – Shoal Bay Holiday Park

Overview and Description

The area defined as Precinct 2 is the focal point of Shoal Bay Holiday Park, featuring the main entry of the park, reception, amenities building, communal and recreational areas. In addition, this precinct includes holiday van and powered tourist van sites, as well as a beach house (former manager's residence now used as tourist accommodation). It is important that this precinct is improved and maintained as a recreation hub to ensure the ongoing marketability of Shoal Bay Holiday Park.

Key existing features of Precinct 2 include:

- ❖ 14 powered tourist van sites (short-term sites)
- ❖ 3 holiday van sites (short-term sites)
- ❖ Existing amenities block
- ❖ Conference centre with kitchen
- ❖ Games room
- ❖ Tennis court
- ❖ Undercover BBQ area
- ❖ Additional BBQ
- ❖ Kitchen

- ❖ Reception
- ❖ Muster point
- ❖ The beach house

Desired Future Character

This precinct provides a variety of recreational and communal facilities for visitors, targeting the demographics and trends of modern holiday parks.

Current Constraints

- ❖ Any future works that reconfigure or create new sites will need to comply with the applicable provisions of the LG Regs 2021, most notably new/reconfigured short-term sites must be within 100m of existing amenities block (all sites within this precinct are currently within 100m of an amenities block).
- ❖ Existing games room / tennis court / BBQ is currently functional but in need of an upgrade and possible reconfiguration.



- ❖ Drinking water catchment overlay any future proposed work will need to comply with Clause 7.8 of the PSLEP.
- ❖ An existing sewer line runs through the middle of the precinct, including the southern corner of the tennis court.

Improvement Opportunities

- ❖ Opportunity exists to redevelop the current entertainment area within this precinct. Items for consideration include:
 - Retention and, where required, renovation of the conference centre
 - Replacement of tennis court and games room with a swimming pool/recreational facility
 - Screening or a hedge around the conference centre to provide additional privacy
 - In order to facilitate this redevelopment, it may be necessary to demolish the row of tourist sites accessed via Kingfish Avenue (K1 to K9).
 - If the expanded entertainment precinct does not require demolition of K1 to K9, consider conversion of these sites to superior accommodation, such as reconfigured small cabins, powered sites on synthetic turf.
- ❖ Closure of the former vehicle exit point provides an opportunity for additional revenue through reconfiguration for vehicle/boat parking or possible creation of additional sites.
- ❖ Expansion of the entertainment precinct may create an opportunity to explore the relocation or installation of additional cabins or powered sites in the area currently occupied by the grassed recreation area and muster point.
- ❖ Upgrade entry gate infrastructure and technologies to improve guest security

Key Management Priorities

Expand and develop the entertainment precinct, explore opportunities for additional accommodation sites near the Park entry, upgrade entry gate infrastructure.



PRECINCT 3



Figure 9: Precinct 3 – Shoal Bay Holiday Park

Overview and Description

The area defined as Precinct 3 features a mixture of cabins and tented sites, between Eagleray Road and Perch Place, with additional access from Groper Drive. A cottage is also located in the precinct, as well as a BBQ and waste bin storage.

Key existing features of Precinct 3 include:

- ❖ 24 powered tent sites (short-term sites)
- ❖ 19 villas (self-contained moveable dwellings)
- ❖ 1 cottage (self-contained moveable dwellings)
- ❖ Waste bins
- ❖ BBQ

Desired Future Character

A mixture of accommodation types should be retained within this precinct.

Current Constraints

- ❖ Any future works that reconfigure or create new sites will need to comply with the applicable provisions of the LG Regs 2021, most notably new/reconfigured short-term sites must be within 100m of existing amenities block (all sites within this precinct are currently within 100m of an amenities block, with the exception of tent site P14).
- ❖ Drinking water catchment overlay any future proposed work will need to comply with Clause 7.8 of the PSLEP.

Improvement Opportunities

- ❖ Significant use and fast turnover in this Precinct during peak periods creates wear and tear of grassed areas and prevents effective maintenance. An opportunity exists to explore the installation on synthetic turf throughout this precinct.



Key Management Priorities

Enhance visual amenity and reduce maintenance burden by installing synthetic turf.





PRECINCT 4



Figure 10: Precinct 4 – Shoal Bay Holiday Park

Overview and Description

The area defined as Precinct 4 is populated solely by a single accommodation type; 18 outrigger villas. This precinct also features a BBQ.

Key existing features of Precinct 4 include:

- ❖ 18 outrigger villas (self-contained moveable dwellings)
- ❖ 1 BBQ

Desired Future Character

- ❖ Retention of premium accommodation options.

Current Constraints

- ❖ Any future works that reconfigure or create new sites will need to comply with the applicable provisions of the LG Regs 2021, most notably new/reconfigured short-term sites must be within 100m of existing amenities block.

- ❖ The outrigger villas are defined as self-contained moveable dwellings and therefore do not need to be within 100 metres of the amenities block as per Clause 111 of the LG Regs 2021.
- ❖ Drinking water catchment overlay any future proposed work will need to comply with Clause 7.8 of the PSLEP.

Improvement Opportunities

- ❖ Minimal scope for improvement of this precinct as the existing cabin accommodation is fit for purpose.
- ❖ Consider a program of future renovations as required.

Key Management Priorities

Continue to offer this precinct as cabin accommodation.



PRECINCT 5



Figure 11: Precinct 5 – Shoal Bay Holiday Park

Overview and Description

The area defined as Precinct 5 provides a mixture of holiday and powered tourist van sites which are accessible from Imperador Place and Angelfish Road.

Key existing features of Precinct 5 include:

- ❖ 11 holiday van sites (short-term sites)
- ❖ 16 powered tourist van sites (short-term sites)
- ❖ 16 powered tourist van ensuite sites (short-term sites with ensuites)

Desired Future Character

- ❖ Retain some powered van sites to ensure a mix of accommodation types within the Park.
- ❖ Consider conversion of existing tourist van sites to short term accommodation sites.
- ❖ As holiday van sites are vacated or vacant possession is requested,

consider conversion to suitable short term accommodation sites.

Current Constraints

- ❖ Any future works that reconfigure or create new sites will need to comply with the applicable provisions of the LG Regs 2021, most notably new/reconfigured short-term sites must be within 100m of existing amenities block.
- ❖ There are currently 8 holiday van sites (A13, I1, I3, I5, I7, I9, I11, I13) and 1 powered tourist van site (A12) that are not within 100m of the existing amenities block.
- ❖ Drinking water catchment overlay any future proposed work will need to comply with Clause 7.8 of the PSLEP.

Improvement Opportunities

- ❖ As holiday van sites are vacated or vacant possession is requested, consider conversion to suitable accommodation sites



- ❖ Explore opportunities for installation of additional ensuites or a smaller communal amenities building
- ❖ Consider installation of synthetic grass on sites where required

Key Management Priorities

Ensure a mix of accommodation types throughout the park by maintaining powered tourist van sites in this precinct and enhance visual amenity and reduce maintenance burden by installing synthetic turf.





PRECINCT 6



Figure 12: Precinct 6 – Shoal Bay Holiday Park

Overview and Description

The area defined as Precinct 6 within Shoal Bay Holiday Park consists of a single accommodation type – 8 safari tents. A BBQ communal area is also featured in this location.

Key existing features of Precinct 6 include:

- ❖ 8 safari tents (self-contained moveable dwellings)
- ❖ BBQ area

Desired Future Character

- ❖ Retain the premium tented accommodation in this precinct

Current Constraints

- ❖ Any future works that reconfigure or create new sites will need to comply with the applicable provisions of the LG

Regs 2021, most notably new/reconfigured short-term sites must be within 100m of existing amenities block.

- ❖ The safari tents contain amenities and therefore do not need to be within 100 metres of the amenities block as per Clause 111 of the LG Regs 2021.
- ❖ Drinking water catchment overlay any future proposed work will need to comply with Clause 7.8 of the PSLEP

Improvement Opportunities

- ❖ This precinct is fit for purpose with little opportunity or need for future development in this precinct.

Key Management Priorities

Continue to offer this precinct as premium tented accommodation.



INTERNAL REVIEW PROCESS

This Plan of Management recommends several improvement projects for consideration over the coming 5 years.

The identified improvements serve as a guide to appropriate developments for Shoal Bay Holiday Park over the life of this Plan of Management. It is essential that each improvement is reviewed and assessed against the relevant regulatory framework, key management and development objectives of the Holiday Park and current customer demands. After such a review is conducted, the Crown Land Manager must assess whether the improvement proceeds or is subject variation, postponement or cancellation.

The following are some of the key issues that should still be considered by the Crown Land Manager when deciding whether a particular land use or development is to proceed within the Reserve.

- ❖ The provisions of relevant state and local planning controls including the current Local Environmental Plan
- ❖ The compatibility of the proposal with the notified purpose of the reserve which is Public Recreation
- ❖ The impact on the existing use of the Park and the wider reserve
- ❖ The compatibility with the Vision Statement and Management Principles for the Park
- ❖ The benefit the development would bring to the normal Park user
- ❖ The management responsibility and public availability of the development to Park users
- ❖ The provisions of the Native Title Act (Cth) and Aboriginal Land rights Act 1984.



IMPLEMENTATION PLAN

To facilitate the ongoing improvement of Shoal Bay Holiday Park, it is necessary to implement capital works and operational improvements in a manner which best suits Park management, minimises disruption to business, adds value to the Park and safeguards its ongoing financial sustainability.

The below table prioritises some of the specific precinct improvements, which will assist with the programming and implementation of improvements over the life of the Plan of Management.

Priority will be given to items which:

- ❖ Have greater importance because of a safety or regulatory issues
- ❖ Are essential pre-cursors for an item to be implemented in a later year
- ❖ Demonstrate the benefits to existing guests as well as new clients
- ❖ Have the potential to make a substantial change to the presentation and competitiveness of the property

PRECINCT	IMPROVEMENT	PRIORITY
1A	Construct structured public car park	High
1	Conversion of holiday van sites along North-Eastern edge to Cabins/Tourist Sites	Medium
1	Further conversion of holiday van sites to cabins/tourist sites when available	Medium
2	Redevelopment of Entertainment Precinct	High
2	Creation of structured car park at east boundary of Holiday Park	High
2	Installation off additional accommodation sites near amenities building	Low
2	Upgrade entry gate infrastructure and technologies	Medium
3	Installation of synthetic turf	Medium
3	Creation of additional sites within precinct	Low
5	Conversion of holiday van and tourist van sites along Shoal Bay Road to short term accommodation	Medium
5	Explore opportunities for further ensuites	Low
5	Convert holiday van sites to suitable accommodation sites when vacated	Low

Figure 13: Improvement Implementation Priority Matrix

STATUTORY FRAMEWORK



INTRODUCTION

This Plan of Management has been prepared in accordance with the Crown Land Management Act 2016 to provide a framework for the future management, use and development of Shoal Bay Holiday Park. Other legislation including environmental planning policies as well as guidelines and strategies also require consideration especially where any new development proposals are contemplated.

Crown Land Management Act 2016

The objects and principles for the management of Crown Land are listed in Sections 1.3 and 1.4 of the Crown Land Management Act 2016 (CLMA) and form the starting point for the preparation of Plans of Management. The principles of Crown Land Management are:

- a) that environmental protection principles be observed in relation to the management and administration of Crown land, and
- b) that the natural resources of Crown land (including water, soil, flora, fauna and scenic quality) be conserved wherever possible, and
- c) that public use and enjoyment of appropriate Crown land be encouraged, and
- d) that, where appropriate, multiple use of Crown land be encouraged, and
- e) that, where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained in perpetuity, and
- f) that Crown land be occupied, used, sold, leased, licenced or otherwise dealt with in the best interests of the State consistent with the above principles.

The CLMA and existing policy for the management of Crown land has always encouraged the appropriate commercial use of reserved Crown land. Commercial activity can meet the needs of public users of a reserve as well as generate the financial means to manage and improve the Crown Reserve system generally. A specific requirement of the CLMA is that the proceeds of commercial activities on reserved Crown land are to be

spent on the management of reserved Crown land.

The CLMA deals specifically with the management of reserves and matters related to the appointment and responsibilities of land managers. The purpose of establishing land managers is to allow reserved Crown land to be managed within a statutory framework.

Crown Land Managers have responsibility for the care, control and management of the Crown Land for the purposes for which the land is reserved or dedicated, or any other purpose authorised by a plan of management (section 3.38 of the CLMA).

The Environmental Planning and Assessment Act 1979

The Environmental Planning and Assessment Act 1979 (EP&A Act) provides the statutory basis for the development consent process in New South Wales. Section 4.15 of Part 4 of the EP&A Act outlines the factors that a Council must consider when assessing a Development Application. These include:

- ❖ any environmental planning instrument;
- ❖ any draft environmental planning instrument that has been placed on public exhibition and details of which have been notified to the consent authority.
- ❖ any development control plan;
- ❖ the regulations;
- ❖ the likely impacts of the development, including environmental impacts on both the natural and built environment, and social and economic impacts on the locality;
- ❖ the suitability of the site for the development;
- ❖ any submissions made in accordance with the Act or the Regulations; and
- ❖ the public interest.

The EP&A Act has a range of other provisions that may take effect depending upon the nature of a development proposal and the issues that may be encountered.

Notwithstanding the provisions of Part 4 of the Act, a public authority may take the role of determining authority where a Plan of Management has been adopted (refer to SEPP (Infrastructure) 2007).



Under Part 5 of the EP&A Act, a public authority is a "determining authority" for development that is permissible without consent and is being carried out by it or someone else on its behalf. This development is called an "activity". Within Part 5, section 5.5 requires a determining authority to "examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity".

Typically, the section 5.5 duty is addressed by way of an assessment report known as a Review of the Environmental Factors (REF). If the Part 5 planning pathway applies, CHPLM would need to consider all relevant environmental impacts, and set out ways in which it proposes to avoid and minimise adverse impacts on the environment. A REF may include matters such as impacts on the community, ecosystems, the environmental quality of a locality, pollution, safety and the cumulative environmental effect.

The Local Government Act 1993

Section 68 (Part F in the Table) of the Local Government Act 1993 requires the owner or manager of a caravan park to seek an approval from council to operate a caravan park and, in certain circumstances, the prior approval for the installation of moveable dwellings. A council can impose conditions on the operation and structure of a caravan park.

The standards for caravan parks are defined in the Local Government (Manufactured Homes, Caravan Park and Moveable Dwellings) Regulation 2005. The standards address such planning standards as site types, setbacks, size, and site coverage; road dimensions, amenities and the like.

Clause 74 of this Regulation provides that the prior approval of a council is not required for the installation of a relocatable home or an associated structure on a dwelling site within a caravan park so long as it is designed and constructed in accordance with the

requirements of the Regulations. This exemption is modified by sub clauses 6 and 7 which deal with installation on flood-labile land and moveable dwellings of more than one storey.

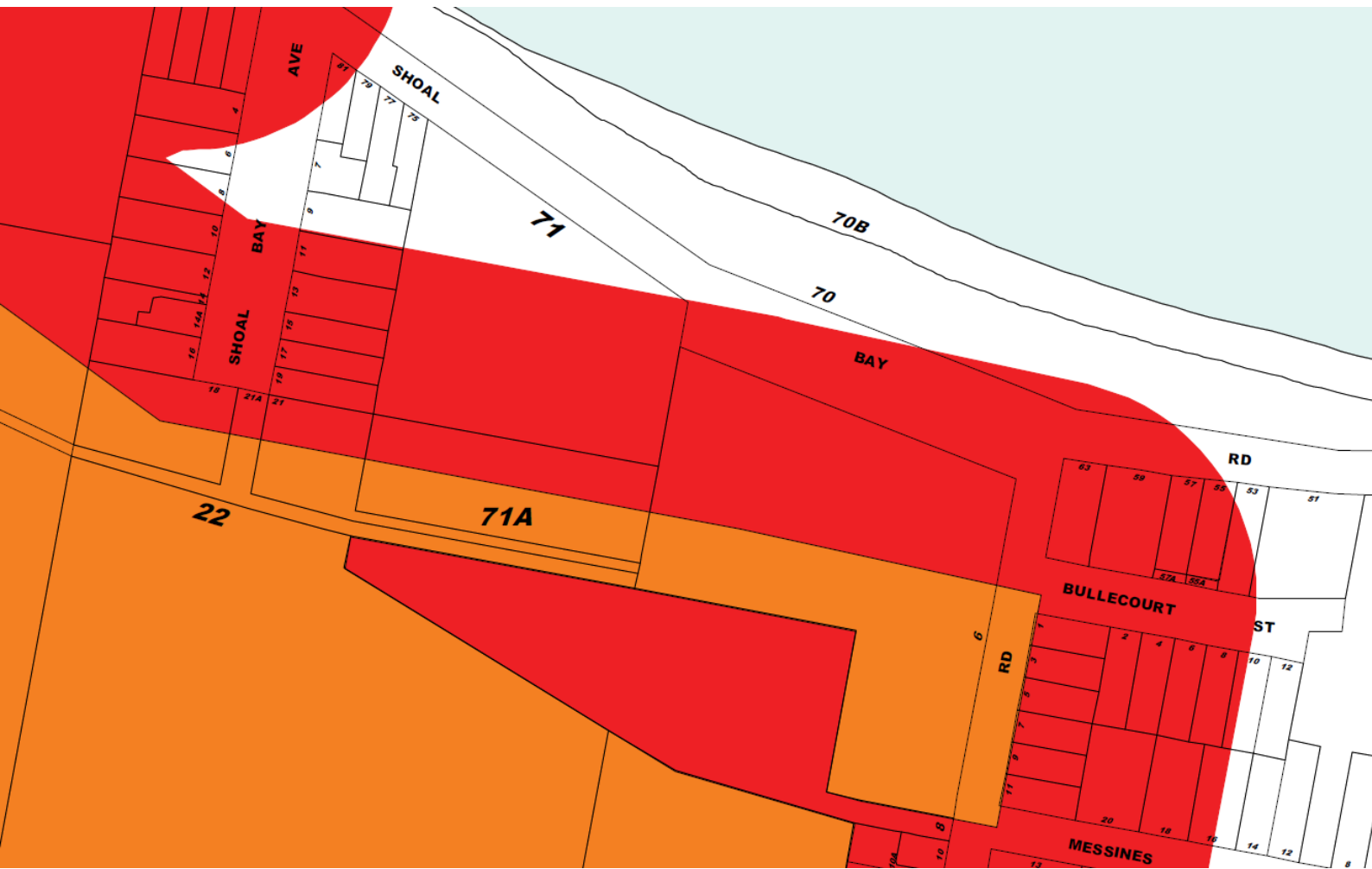
The Crown Land Management Act 2016 specifies that approvals of activities under the Local Government Act 1993 must comply with Plans of Management. A local council cannot grant an approval for an activity on dedicated or reserved Crown land under Part 1 of Chapter 7 (including Section 68) of the Local Government Act 1993 that contravenes a plan of management for the land.

Crown Lands Division granted concurrence to the Trust prior to the current operational approval being issued by Port Stephens Council as Council Crown Land Manager for Shoal Bay Holiday Park.

Rural Fires Act 1997

Amendments to the Rural Fires Act 1997 have led to the mapping of bush fire prone lands and a requirement for development proposals to respond to the requirements of the "Planning for Bushfire Protection 2006" Guidelines. In addition, the Act now defines several different land uses including tourist accommodation within the category of "special fire protection purpose". Development proposals coming within this category need to respond to a more restrictive set of requirements in the guidelines.

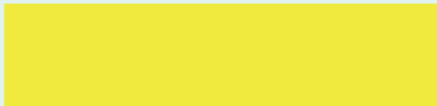
Bushfire Prone Land mapping found on the Port Stephens Council web sites indicates that much of the Reserve is designated as fire prone land. Where this designation occurs, and a proposal is for a special fire protection purpose, a bushfire safety authority must be obtained from the Rural Fire Service. This is usually achieved by way of a report prepared by a bushfire specialist and usually accompanies a development application. The below map shows these designated bushfire prone areas and they categorisation.



Bushfire Prone Land - Certified 11/07/2004



Vegetation Category 1



Vegetation Category 2



Vegetation buffer - 100m & 30m

Figure 14: Shoal Bay Holiday Park Bushfire Prone Land



Residential (Land Lease) Communities Act 2013

The Residential (Land Lease) Communities Act 2013 is the new act which repeals the Residential Parks Act 1998. The Residential Parks Act 1998 was developed by the Government to ensure the rights of permanent park residents and obligations of park owners were clearly defined and appropriate processes and procedures were implemented which recognised these rights.

The Residential (Land Lease) Communities Act 2013 was passed by both houses of the parliament on 14th November 2013. This Act provides appropriate protections for home owners while recognising the needs of operators to develop and sustain efficient and effective business operations. Key elements of the legislation include:

- ❖ Rules of conduct for operators and sanctions for non-compliance;
- ❖ Mandatory education for all new operators;
- ❖ A community-based approach to dealing with increases in site fees;
- ❖ Processes for making, amending and enforcing community rules;
- ❖ Arrangements for disclosure of information to prospective home owners; and
- ❖ Rules to clarify and streamline the process for owners selling their home on site.

Holiday Parks (Long-Term Casual Occupation) Act 2002

The Holiday Parks (Long-term Casual Occupation) Act 2002 and the associated Regulations set out the rights and obligations for owners of moveable dwellings in holiday parks in New South Wales. This Act provides for an occupation agreement, which runs for at least 12 months, between the manager of a caravan park and the owner of a moveable dwelling for the use of a site.

Some of the principal issues addressed by the Act include:

- ❖ Information that a park owner must provide prospective occupants;
- ❖ The form and content of agreements;
- ❖ What happens at the end of an agreement;
- ❖ Occupation fees and charges;

- ❖ The formation and amendment of Park Rules;
- ❖ Dispute resolution mechanisms and the role of the Consumer, Trader and Tenancy Tribunal constituted by the Consumer, Trade and Tenancy Tribunal Act 2001)
- ❖ The fate of abandoned goods (i.e. moveable dwelling) and sites.

The Land Manager will administer the holiday van occupancy agreements in accordance with the Act and Crown Lands' policies and guidelines.

Native Title Act 1993 (Commonwealth)

Native Title is the legal recognition of traditional rights and interests of Aboriginal and Torres Strait Islander people to land and waters. Native Title is recognised under the common law and is governed by the Native Title Act 1993 (Cth).

Native title can exist on any Crown land where the traditional owners can prove an unbroken connection to the land through their traditional law and customs. As a result, Crown land can only be dealt with strictly in accordance with the provisions of the Native Title Act.

Prior to any works commencing in accordance with this Plan of Management, Council's Native Title Manager must comply with the requirements of the Native Title Act, including determining if there is an appropriate valid native title pathway under the Future Acts regime, and consulting with the relevant authority in relation to the proposed works.

Council's certified native title manager has provided advice to Council on the requirements and its obligations in fulfilling the Improvement Opportunities and Key Management Actions set out in this document.

Aboriginal Land Rights Act 1983 (NSW)

In New South Wales, the Aboriginal Land Rights Act 1983 (ALRA) was introduced in 1983 to support Aboriginal communities' social and economic development.

The ALRA provides Land Councils with an opportunity to claim title to Crown land in NSW.

No works can be undertaken on any Crown land that is subject to a claim under the ALRA,



without the express written consent of the claimant land council.

State Environmental Planning Policy (Coastal Management) 2018

State Environmental Planning Policy (Coastal Management) was introduced in April 2018 as part of the NSW Government's Coastal Reforms Package. The Coastal Management SEPP applies to the coastal zone of the State as defined in the Coastal Management Act 2016 (the CMA).

The aim of the Coastal Management SEPP is to promote an integrated and coordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the CMA, including the management objectives for each coastal management area, by:

- a) managing development in the coastal zone and protecting the environmental assets of the coast, and
- b) establishing a framework for land use planning to guide decision-making in the coastal zone, and
- c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the definitions in the Coastal Management Act 2016.

The Coastal Management SEPP includes development controls for each of the specific coastal management areas being; Coastal wetlands and littoral rainforests area; coastal vulnerability area; coastal environmental area and coastal use area. Development in the coastal zone generally is not to increase the risk of coastal hazards and is to incorporate measures to manage risk to life and public safety from coastal hazards and respond to anticipated coastal processes.

Coastal Management Act 2016

The objectives of the CMA are to manage the coastal environment of New South Wales in a manner consistent with the principles of ecologically sustainable development for the social, cultural and economic well-being of the people of the State, and in particular:

- a) to protect and enhance natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience, and

- b) to support the social and cultural values of the coastal zone and maintain public access, amenity, use and safety, and
- c) to acknowledge Aboriginal peoples' spiritual, social, customary and economic use of the coastal zone, and
- d) to recognise the coastal zone as a vital economic zone and to support sustainable coastal economies, and
- e) to facilitate ecologically sustainable development in the coastal zone and promote sustainable land use planning decision-making, and
- f) to mitigate current and future risks from coastal hazards, considering the effects of climate change, and
- g) to recognise that the local and regional scale effects of coastal processes, and the inherently ambulatory and dynamic nature of the shoreline, may result in the loss of coastal land to the sea (including estuaries and other arms of the sea), and to manage coastal use and development accordingly, and
- h) to promote integrated and co-ordinated coastal planning, management and reporting, and
- i) to encourage and promote plans and strategies to improve the resilience of coastal assets to the impacts of an uncertain climate future including impacts of extreme storm events, and
- j) to ensure co-ordination of the policies and activities of government and public authorities relating to the coastal zone and to facilitate the proper integration of their management activities, and
- k) to support public participation in coastal management and planning and greater public awareness, education and understanding of coastal processes and management actions, and
- l) to facilitate the identification of land in the coastal zone for acquisition by public or local authorities to promote the protection, enhancement, maintenance and restoration of the environment of the coastal zone, and
- m) to support the objects of the Marine Estate Management Act 2014.

The CMA defines the coastal zone as comprising four coastal management areas. Each area has different characteristics and may at times overlap.

The four coastal management areas are:

1. Coastal wetlands and littoral rainforests area — areas which display the characteristics of coastal wetlands or littoral rainforests that were previously protected by SEPP 14 and SEPP 26



2. Coastal vulnerability area — areas subject to coastal hazards such as coastal erosion and tidal inundation
3. Coastal environment area — areas that are characterised by natural coastal features such as beaches, rock platforms, coastal lakes and lagoons and undeveloped headlands. Marine and estuarine waters are also included
4. Coastal use area — land adjacent to coastal waters, estuaries and coastal lakes and lagoon

State Environmental Planning Policy (State and Regional Development) 2011

State Environmental Planning Policy (State and Regional Development) 2011 (State and Regional Development SEPP) commenced in October 2011. Among other things this SEPP establishes what types of development constitute State Significant Development (SSD), State Significant Infrastructure (SSI) as well as Regional Development (in conjunction with Schedule 4A of the EP&A Act).

For the purpose of this SEPP, caravan parks are not development for 'tourist related purposes' for the purposes of SSD.

Schedule 7 of the State and Regional Development SEPP specifies development that is considered to be regionally significant for the purposes of the EP&A Act. Among other types of development, development that has a capital investment value of more than \$30 million is regionally significant development under Clause 2. In accordance with Clause 3, development with a CIV of more than \$5 million is also regionally significant development if:

- a) a council for the area in which the development is to be carried out is the applicant for development consent, or
- b) the council is the owner of any land on which the development is to be carried out, or
- c) the development is to be carried out by the council, or
- d) the council is a party to any agreement or arrangement relating to the development (other than any agreement or arrangement entered into under the Act or for the purposes of the payment of contributions by a person other than the council).

The determining authority for these types of developments is the Regional Planning Panel.

State Environmental Planning Policy (Transport and Infrastructure) 2021

State Environmental Planning Policy (Transport and Infrastructure) 2021 (Infrastructure SEPP) provides that certain types of works do not require development consent under Part 4 of the EP&A Act.

Clause 20 of the Infrastructure SEPP provides that a range of works are "exempt development" when carried out on behalf of a public authority. These works are itemised in Schedule 1 of the SEPP and include paths and ramps for disabled access, fencing, small decks, prefabricated sheds of up to 30m² in area, retaining walls up to 2m in height, landscaping including paving and access tracks, minor external and internal alterations to buildings, open car parks and demolition of buildings covering an area of up to 100m².

Clause 65(2)(d) of the Infrastructure SEPP provides that in respect of land reserved within the meaning of the Crown Land Management Act 2016, development can be carried out without the consent of the Minister for Lands, a trustee of the reserve or the Ministerial Land Corporation, or an administrator of the reserve, if the development is for the purposes of implementing a plan of management adopted for the land. It should be noted that where this occurs, a review of environmental factors (REF) under Part 5 of the EP&A Act is usually undertaken.

Clause 65 (3) of the Infrastructure SEPP provides that development for any of the following purposes may be carried out by or on behalf of a council without consent, on a public reserve under the care or control of the council:

- (i) roads, pedestrian pathways, cycleways, single storey car parks, ticketing facilities, viewing platforms and pedestrian bridges,
- (ii) recreation areas and recreation facilities (outdoor), but not including grandstands,
- (iii) visitor information centres, information boards and other information facilities,
- (iv) lighting, if light spill and artificial sky glow is minimised in accordance with the Lighting for Roads and Public Spaces Standard,



- (v) landscaping, including landscape structures or features (such as art work) and irrigation systems,
- (vi) amenities for people using the reserve, including toilets and change rooms,
- (vii) food preparation and related facilities for people using the reserve,
- (viii) maintenance depots,
- (ix) portable lifeguard towers,
- (x) environmental management works,

The provisions of this Policy mean that Port Stephens Council as Land Manager can undertake a range of works in accordance with Clause 65 (3). It also means that if formal Plans of Management are in place, works set out in those Plans of Management can be undertaken without the need for planning consent – except when the matters fall within the provisions of the Major Development SEPP.

Pursuant to the provisions of Clause 66 (2) a number of additional works may be able to be undertaken as exempt development on a Crown reserve where a plan of management has been adopted (subject to compliance with CLMA and Native Title Act requirements). The provisions of this SEPP are relevant to the future implementation of the actions in this Plan of Management, as well as to the ongoing management of the reserved land.

State Environmental Planning Policy No. 21 – Caravan Parks

Development for the purpose of caravan parks and camping grounds is regulated under local environmental plans (LEPs) and State Environmental Planning Policy No 21 – Caravan Parks (SEPP 21).

An LEP regulates whether caravan parks or camping grounds are permitted or prohibited on any particular land. However, SEPP 21 overlays this by providing that on land where development for a caravan park or camping ground is permitted with or without consent under an LEP, that development may only be carried out with the development consent of the council.

SEPP 21 requires a council to consider a range of social, economic and environmental matters in deciding whether to grant consent for development for a caravan park or camping ground. If the relevant LEP permits sites for long-term residence in a caravan park, then under the SEPP, the council must determine the number of sites (if any) that are suitable for long term residence and the number of sites that are suitable for short-term residence. In determining any DA for a park or ground, council is also required to consider all relevant matters under section 4.5 of the EP&A Act.

With limited exceptions, SEPP 21 allows moveable dwellings to be installed in caravan parks and camping grounds without development consent being required under clause 8(4A)).



PORT STEPHENS LOCAL ENVIRONMENTAL PLAN 2013

The Port Stephens Local Environmental Plan 2013 (LEP 2013) provides the primary planning framework for this study. The land-use zone for Shoal Bay Holiday Park is the RE2 Public Recreation Zone. The provisions in the LEP with respect to this Zone are as follows:

Zone RE2 Private Recreation

Objective of the Zone:

- ❖ To enable land to be used for private open space or recreational purposes.
- ❖ To provide a range of recreational settings and activities and compatible land uses.
- ❖ To protect and enhance the natural environment for recreational purposes.

Permitted without consent:

Exempt development. Works for the purpose of bee keeping or home occupations.

Development allowed only with development consent:

Aquaculture; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Centre-based child care facilities; Community facilities; Eco-tourist facilities; Electricity generating works; Emergency services facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Health services facilities; Home-based child care; Home businesses; Hotel or motel accommodation; Information and education facilities; Kiosks; Marinas; Markets; Mooring pens; Moorings; Neighbourhood shops; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Research stations; Respite day care centres; Restaurants or cafes; Roads; Roadside stalls; Serviced apartments; Water recreation structures; Water supply systems; Wharf or boating facilities.

Prohibited:

Health consulting rooms; Medical centres; Water treatment facilities; Any other development not specified in item 2 or 3.

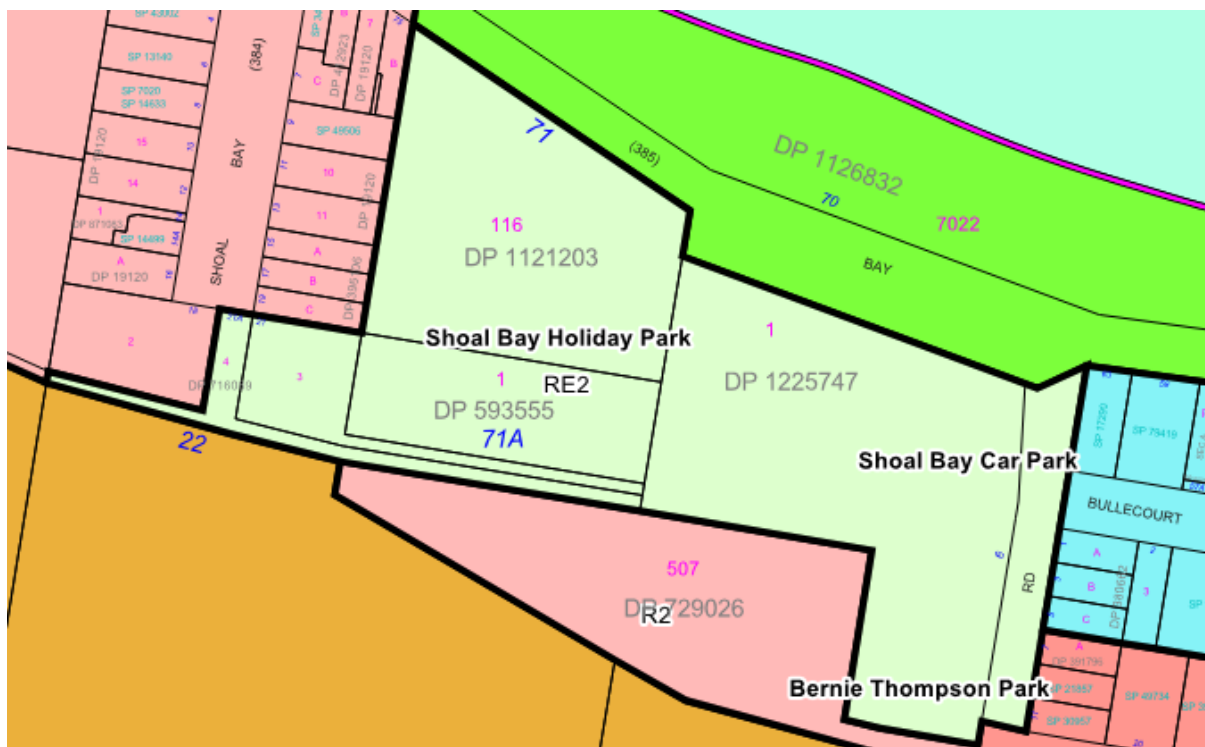


Figure 15: Port Stephens Council LEP (2013)



OTHER PLANNING REGULATIONS, CONTROLS AND STRATEGIES.

Port Stephens Council has a range of other planning controls and guidelines in place. These take the form of a Development Control Plan (DCP) which provide additional detail through the guidelines on how permissible uses may be developed on sites. Depending upon proposed activities, works or development proposals that may emerge over time, it may be that these planning controls require consideration.

NSW Coastal Planning Guideline: Adapting to Sea Level Rise

The NSW Coastal Planning Guideline: Adapting to Sea Level Rise (August 2010) has been prepared to provide guidance on how sea level rise is to be considered in land use planning and development assessment in coastal NSW. The guideline applies to all coastal areas of the state with the term 'Coastal areas' used broadly to refer to all land fronting tidal waters including coastline, beaches, coastal lakes, bays and estuaries and tidal sections of coastal rivers. It also includes other low-lying land surrounding these areas that may be subject to coastal processes in the future as a consequence of sea level rise.

The aim of the guideline is to promote ecologically sustainable development (ESD), and in particular to encourage a precautionary approach to land use planning and development assessment in light of potential sea level rise impacts in coastal areas.

The guideline adopts six coastal planning principles for sea level rise adaption. The principles should be applied in decision-making processes for land use planning and development assessment in coastal areas.

- ❖ [Principle 1](#) Assess and evaluate coastal risks considering the NSW sea level rise planning benchmarks.
- ❖ [Principle 2](#) Advise the public of coastal risks to ensure that informed land use planning and development decision-making can occur.

- ❖ [Principle 3](#) Avoid intensifying land use in coastal risk areas through appropriate strategic and land use planning.
- ❖ [Principle 4](#) Consider options to reduce land use intensity in coastal risk areas where feasible.
- ❖ [Principle 5](#) Minimise the exposure of development to coastal risks.
- ❖ [Principle 6](#) Implement appropriate management responses and adaptation strategies, with consideration for the environmental, social and economic impacts of each option.

In August 2010 the government also published a Flood Risk Management Guide. These documents have been prepared to assist local councils, the development industry and consultants to incorporate sea level rise planning benchmarks in risk management planning and risk assessments for new development. The Guides are to be read and applied in conjunction with existing relevant, manuals and policies.

Alterations and additions to existing buildings, construction of new buildings, installation of movable dwellings and other works proposed within the Holiday Park will address the relevant and applicable recommendations of the above-mentioned documents. In addition, the Land Manager will be required to address emerging policy and regulatory provisions related to the impacts of climate change and sea level rise.

Other Statutory and Policy Documents

There are a number of other documents relevant to the ongoing management of the reserve that have been considered in the preparation of this Plan including;

- ❖ Biodiversity Conservation Act 2016
- ❖ Disability (Access to Premises - Buildings) Standards 2010, Disability Discrimination Act 1992



Basis of Management



Categorisation of Land

All community land is required to be categorised as one or more of the following categories. Where the land is owned by the Crown, the category assigned should align with the purpose for which the land is dedicated or reserved.

The LG Act defines five categories of community land:

- **Park** – for areas primarily used for passive recreation.
- **Sportsground** – for areas where the primary use is for active recreation involving organised sports or the playing of outdoor games.
- **General community use** – for all areas where the primary purpose relates to public recreation and the physical, cultural, social, and intellectual welfare or development of members of the public. This includes venues such as community halls, scout and guide halls, and libraries.
- **Cultural significance** – for areas with Aboriginal, aesthetic, archaeological, historical, technical, research or social significance.
- **Natural area** – for all areas that play an important role in the area's ecology. This category is further subdivided into bushland, escarpment, foreshore, watercourse and wetland categories.

The land the subject of this Plan of Management is categorised as General Community Use.

Guidelines and core objectives

General Community Use land is defined in clause 106 of the LG (General) Regulation as land that may be made available for use for any purpose for which community land may be used, and does not satisfy the definition of natural area, sportsground, park or area of cultural significance.

The core objectives for community land categorised as general community use are to:

- promote, encourage and provide for the use of the land, and
- provide facilities on the land to meet the current and future needs of the local community and of the wider public:
 - in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and
 - in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

The current and proposed future uses of the lands detailed in pages 21-35 are consistent with the core objectives.



Express authorisation of leases and licences and other estates

Section 46 of the LG Act permits the granting of leases, licences and other estates over land classified as Community land. Any lease or licence must be for a use consistent with the reserve purpose(s), the assigned categorisation and zoning of the land and be authorised in the plan of management.

Leases and licences authorised by the plan of management

This plan of management expressly authorises the issue of leases, licences and other estates over the land covered by the plan of management, provided that:

- the purpose is consistent with the reserve purpose,
- the purpose is consistent with the core objectives for the category of the land,
- the lease, licence or other estate and the provisions of the lease, licence or other estate can be validated by the provisions of the *Native Title Act 1993* (Cth),
- where the land is subject to a claim under the *Aboriginal Land Rights Act 1983* the issue of any lease, licence or other estate will not prevent the land from being transferred in the event the claim is granted,
- the lease, licence or other estate is granted and notified in accordance with the provisions of the *Local Government Act 1993* or the Local Government (General) Regulation 2005, and
- the issue of the lease, licence or other estate will not materially harm the use of the land for any of the purposes for which it was dedicated or reserved.

Leasing and licensing fees will be charged in accordance with Council's adopted Fees and Charges.

Short-term licences and event bookings

Short-term licences may be issued for non-exclusive use of part of the premises for a maximum period of 12 months. Events are non-exclusive activities that take place a maximum of four times per year.

Fees for short-term casual bookings will be charged in accordance with the Council's adopted Fees and Charges at the time.

Native title and Aboriginal land rights considerations in relation to leases, licences and other estates

When planning to grant a lease or licence on Crown reserves, the council must comply with the requirements of the Commonwealth *Native Title Act 1993* (NT Act) and have regard for any existing claims made on the land under the NSW *Aboriginal Land Rights Act 1983*.

It is the role of the council's engaged or employed native title manager to provide written advice in certain circumstances to advise if the proposed activities and dealings are valid under the NT Act (see page 41 for more information).

Express authorisation of leases, licences and other estates – General Community Use

This plan of management expressly authorises the issue of leases, licences and other estates for the purposes set out in Table 3, or any other purpose Council deems appropriate having regard to this plan of management, legislation and Council Policy or Management Directive:



Type of tenure arrangement	Maximum term	Purpose for which tenure may be granted
Lease	<ul style="list-style-type: none"> 21 years 	<ul style="list-style-type: none"> kiosk, café and refreshment purposes commercial retail uses associated with the facility (e.g. sale or hire of sports goods) caravan parks and camping grounds
Licence	<ul style="list-style-type: none"> 5 years 	<ul style="list-style-type: none"> Educational or cultural purposes, including concerts, dramatic productions and galleries recreational purposes, including fitness classes, dance classes café/kiosk areas sale of goods or services that are ancillary to community land use and reserve purpose
Short-term licences and events	<ul style="list-style-type: none"> short term licences - 12 months events – 1 day 	<ul style="list-style-type: none"> public speeches, meetings, seminars and presentations, including educational programs functions (including conferences and seminars, commemorative functions, book launches, film releases, balls, and similar activities) displays, exhibitions, fairs, fashion parades and shows events (including weddings, corporate functions, and community gatherings) concerts and other performances, including both live performances and film (cinema and TV) broadcasts associated with any event, concert, or public speech engaging in an appropriate trade or business delivering a public address, community events; auctions, markets and similar activities
Other estates	n/a	Public utilities and works as per s46 of the LG Act.

Table 3: Express authorisations

