



# FINGAL BAY HOLIDAY PARK PLAN OF MANAGEMENT

October 2023



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# PREAMBLE

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## INTRODUCTION

This Plan of Management establishes objectives, strategies and performance targets for the ongoing operation and development of Fingal 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 improved amenities and recreational facilities
- ❖ Providing a mix of accommodation types that respond to current and changing visitor needs
- ❖ 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) and adhere to the specific requirements stated in Division 3.6 of the Act. This requires Port Stephens Council, as Crown Land Manager of Fingal Bay Holiday Park, to adhere to the following requirements:

- ❖ The Crown Land Manager must undertake community engagement on a draft Plan of Management, including the preparation of a community engagement strategy in accordance with the Crown Land Management Act
- ❖ The Minister must review and approve the Plan of Management prior to adoption.
- ❖ Any future amendments to the adopted Plan of Management require community consultation and engagement.





### Step 1 Drafting the plan of management

1

- 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.



### Step 2 Notifying the landowner and seek Minister's consent to adopt

2

- 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.



### Step 3 Community consultation

3

Councils are required to publicly notify and exhibit PoM under section 38 of the LG Act

- Councils are not required to hold a public hearing under section 40A of the LG Act (exemption under clause 70A of the CLM Regulation).



### Step 4 Adopting a plan of management

4

- 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](mailto:council.clm@crowland.nsw.gov.au)) for record purposes.



## IMPLEMENTATION AND REVIEW

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This Plan of Management provides a long-term strategy for the management of Fingal Bay Holiday Park. It is anticipated that most 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

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This Plan of Management was placed on public exhibition from 000 to 000 in accordance with the requirements of section 38 of the Local Government Act 1993.



# BACKGROUND

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## HISTORY AND DESCRIPTION OF FINGAL BAY HOLIDAY PARK

Fingal Bay Holiday Park is located at Port Stephens on the NSW coast just to the north of Newcastle. The Park is located at 52 Marine Drive, Fingal Bay which lies on the coast to the south of Shoal Bay and the Port Stephens inlet.

Fingal Bay is surrounded by Tomaree National Park, which isolates Fingal Bay from Shoal Bay, Nelson Bay and Anna Bay.

The total area of the reserve occupied by the Fingal Bay Holiday Park is approximately 8.6 hectares.

The park is a favourite destination for families due to its facilities such as resort style swimming pool and children's playground and is positioned adjacent to Fingal Beach, a patrolled surfing beach. Additionally, the waters off Fingal Beach are an aquatic reserve and are a popular diving location in Port Stephens.

## CROWN LAND AND COUNCIL'S ROLE

### Background

The land occupied by Fingal Bay Holiday Park is managed 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:

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

### Port Stephens Regional Crown Reserve

The Port Stephens Regional Crown Reserve (Figure 2) is a land area that has been set aside for current and future public uses for a variety of purposes. The Crown Reserve included Crown Lands from Fern Bay in the South, along the Tomaree Peninsula, extending north of Karuah.

The Reserve includes an assortment of land uses and types throughout Port Stephens, including a large estuarine area featuring wetlands and mangroves, a variety of threatened and non-threatened species of flora and fauna, important Aboriginal sites and landscapes, areas connected with military activities and abundant public space for community use. Nelson Head has historically provided navigational aids to shipping and supports an old Pilot's cottage as well as volunteer coastal patrol services and telecommunications facilities.

The Port Stephens Crown Reserve allows for efficient planning and management, enhancement of the area through targeted improvement works as well as heightening community awareness of the ongoing challenges and opportunities this unique natural landscape presents to the region.

Included in this Crown Reserve is Fingal Bay Holiday Park and its connecting local beaches.

As Crown Land Manager, Port Stephens Council must manage this land in the public interest, considering the reserves position within the region and aligning with best practice for management of such land.



Figure 1. Locality map

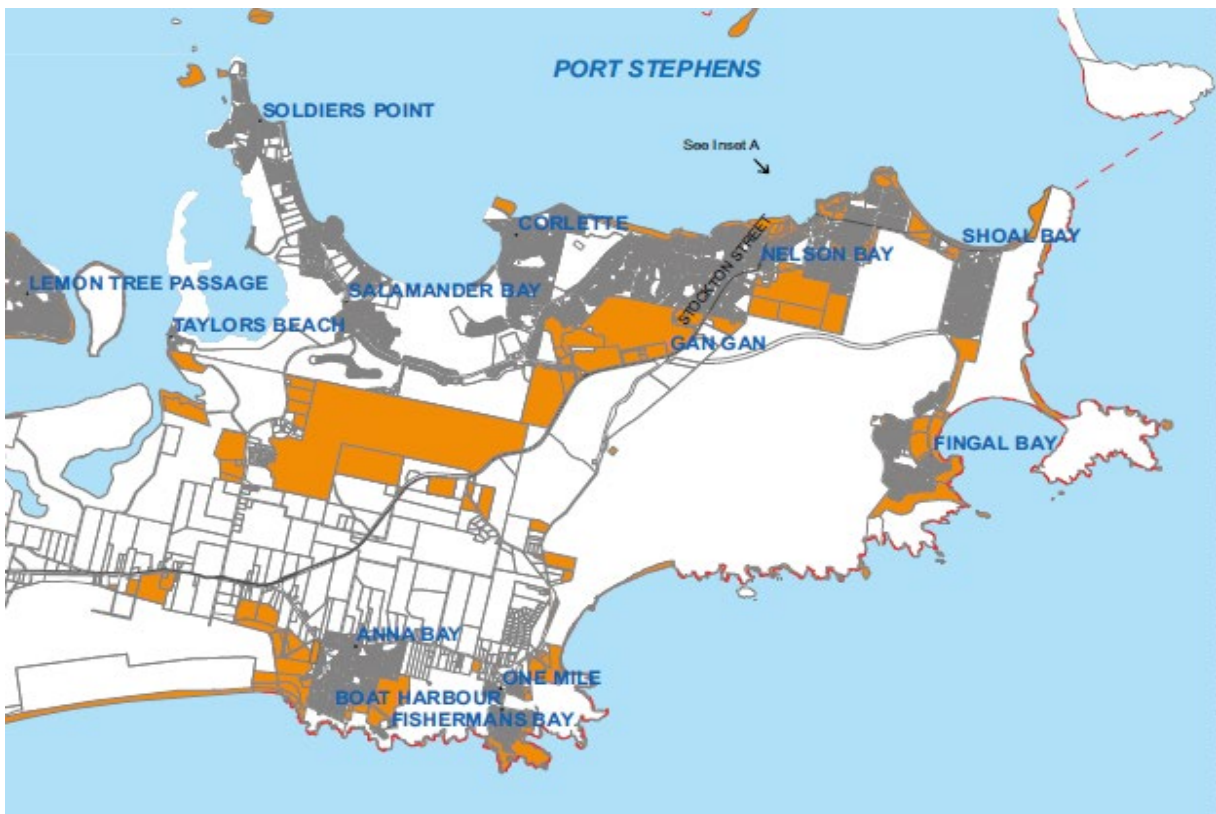


Figure 2. Port Stephens Crown Regional Reserve





## Reserve Status

The land occupied by Fingal Bay Holiday Park is known as Reserve 1037608. The land was reserved for Caravan Park purposes on 12 July 2013 and Council was appointed land manager on the same date.

The land surrounding the park to the north, south and east is Crown land reserved for public recreation purposes and Council is also the appointed land manager of those reserves (Figure 3).

Reserve 1037608 is categorised as General Community Use as shown in Figure 3. Details of the reserve are set out in Table 1 below.

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

<b>Reserve Number</b>	1037608
<b>Gazettal Date</b>	12 July 2013
<b>Reserve purpose</b>	Caravan Park
<b>Land parcel/s</b>	Lot 419 DP 257378
<b>Area (Ha)</b>	8.607 ha
<b>LEP zoning</b>	RE1 Public Recreation
<b>Assigned category/categories</b>	General Community Use

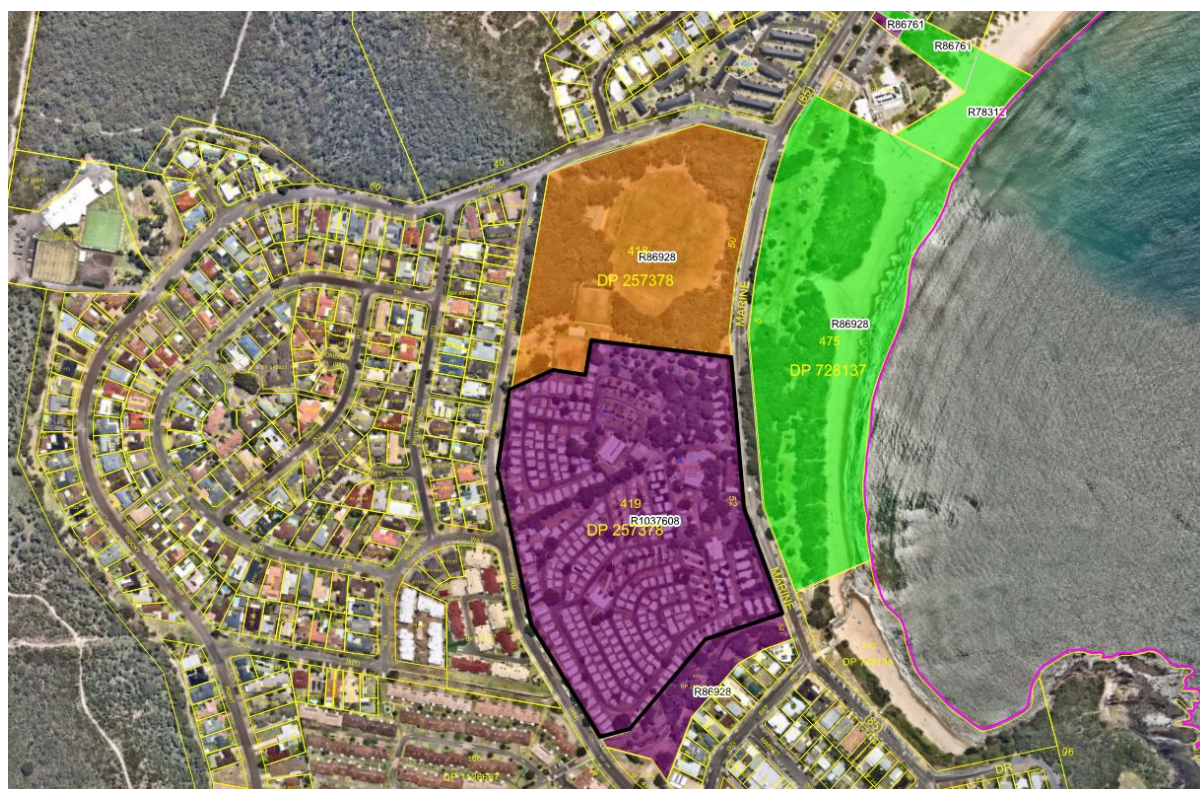


Figure 3. Locality map showing Crown reserves by purple (General Community Use), orange (Sportsground) and green (Natural Area).





Figure 4. Reserve 1037608 shown by black outline

STRATEGIC DIRECTION

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## GUIDING PRINCIPLES

Seven guiding principles define the way in which Fingal 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, Fingal 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 Fingal 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 Fingal 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

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#### Aim

Create, enhance, or maintain a diverse range of recreational facilities, accommodation offerings and associated infrastructure consistent with current trends of modern holiday parks. 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 to support future sustainability.
- ❖ Ensure design, construction and maintenance of recreational facilities complies with the relevant regulations.

#### Objective 2 - Accommodation Upgrades and Improvements

- ❖ Consider opportunities to provide additional and multi-use short-term Sites and Cabin Spaces.
- ❖ Consider upgrades to existing tourist sites in general to ensure suitable surfaces and access.
- ❖ Consider opportunities to upgrade holiday van sites to multi use, drive through, powered van 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 and disposal of resources.
- ❖ Design, construct and maintain the Park using ecologically sensitive materials.
- ❖ Seek opportunities to minimise maintenance and operational energy requirements.
- ❖ Consider opportunities to improve energy reading measures.
- ❖ Consider the installation of solar collectors on Holiday Park buildings.

#### Objective 4 – Facility and Infrastructure Upgrades

- ❖ Consider opportunities to improve current amenity facilities including water, sewer, and fire hydrants infrastructure.
- ❖ Continue to improve electrical infrastructure.
- ❖ Consider opportunities to improve caravan access via road widening.
- ❖ Review essential services (water, sewer, power, and stormwater) and consider reading measure improvements.
- ❖ Consider continuing the use of Helipad mesh and/or synthetic turf products to mitigate impacts of repetitive vehicle use on grass.
- ❖ 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 amenities consistent with the Australian Standards.



## STRATEGIC DIRECTION

### THREE: SITE MANAGEMENT AND COMMERCIAL SUSTAINABILITY

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#### Aim

Develop a sustainable revenue base to support the long-term management and development of Fingal 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 diverse accommodation range to provide both affordable family holiday accommodation and premium accommodation options.
- ❖ 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.
- ❖ Ensure prohibited activities are adequately discouraged.
- ❖ 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

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The purpose of this Plan of Management is to provide a strategic and statutory basis for improvements, management, and operations within Fingal 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

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## OVERVIEW OF THE SITE

### Current Use of the Site

The land is currently improved with:

- ❖ Reception and office building
- ❖ 135x powered sites including 6x with ensuite
- ❖ 1x 3 bedroom deluxe house
- ❖ 30x villas
- ❖ 244x holiday van sites
- ❖ 3x Amenities buildings with laundries
- ❖ Camp kitchen and barbeque area
- ❖ Games room
- ❖ Children's playground
- ❖ Swimming pool

The accommodation offerings are occupied by holiday makers on short term letting arrangements either through Port Stephens Beachside Holiday Parks or one of the many online booking platforms.

The structures were last valued on 17 May 2023 with a total depreciated value of almost \$10m. Weighted average remaining useful life (RUL) scores were attributed to each component of each building with an average RUL of 32.83 years attributed across all assets

and 37.81 years across the non-lettable assets.

### Future Use of the Site

Potential uses of land categorised as General Community Use are many and varied. Council encourages a wide range of uses of its community land but does not propose to change or expand the use of the land from a holiday park.

Instead, following assessment and evaluation of the Fingal Bay Holiday Park site, operations and development potential has identified a range of opportunities to improve the performance of the Park.

This Plan separates Fingal Bay Holiday Park into seven (7 no.) distinct precincts, each with its own unique character and values as defined by land use, function, character, and location. This chapter outlines the 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 Fingal Bay Holiday Park's Precincts





## KEY CONSTRAINTS AND OPPORTUNITIES

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

### Strengths

- ❖ Fingal Bay Holiday Park's location and proximity to Fingal Beach
- ❖ Short distance to attractive natural assets including Port Stephens Lighthouse, Shark Island Nature Reserve and Tomaree National Park
- ❖ Established visitor base with continued re-visitation
- ❖ Variety of accommodation offerings and price-points
- ❖ Located within an established tourism area
- ❖ Suitably maintained and serviced
- ❖ Positive reputation as a preferred holiday destination

### Weaknesses

- ❖ Existing Amenity facilities are aging and require improvement or replacement
- ❖ Some instances where the existing accommodation and recreational facilities are not the most effective use for the site it occupies
- ❖ Exiting road layout creates difficulty manoeuvring large vehicles

### Opportunities

- ❖ Additional revenue by converting low yielding sites, to high yielding sites.
- ❖ Reconfiguration to increase total short-term lettable accommodation and multiple use
- ❖ Installation of additional drive through and/or large van sites where appropriate, which generate the greatest return
- ❖ relocation of children's recreational facilities to a safer more secluded area
- ❖ Widening of existing road to accommodate ease to manoeuvre oversized vehicles
- ❖ Installation of a 2<sup>nd</sup> entry / exit gate at Farm Road to reduce traffic movements within the Holiday Park

### 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 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. An opportunity exists to improve, extend, and replace services depending upon other initiatives and needs within the Park and/or maintenance considerations. This Opportunity 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, rainwater 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, extended, and temporarily closed. 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 accommodation options. Where necessary and consistent with current market expectations, additional sites will be introduced in identified sections of the park replacing the sites' current use. Tourist van drive through sites with ensuite facilities are now a sought-after option for many guests. In addition, the Park provides sites suitable for short-term tented and caravan accommodation.

Accommodation sites which currently contain semi-permanent Holiday Van accommodation may be better suited to drive-on tourist uses.

The semi-permanent Holiday Vans are privately owned managed under the Holiday Parks (Long-term Casual Occupation) Act 2002. The permanent (caretaker) site in Precinct 5 is a Council owned cabin managed under the Residential Tenancies Act 2012.

## Guest Facilities

Fingal Bay Holiday Park currently provides a range of amenity and recreational facilities for visitors. To remain competitive as a holiday destination, some of these facilities require refurbishment or relocation consistent with anticipated guest usage and prevailing marketplace expectations.

Works for consideration include renovation / redevelopment of the existing swimming pool amenity building and the relocation of playground facilities.

## Landscaping

The Park has remnants of native vegetation which provide a basis for ongoing landscaping programs. An opportunity exists to continue minimised maintenance by maintaining helipad mesh or using synthetic turf products to upgrade sites enhancing the visual amenity of the Park whilst reducing the reliance on potable water usage and intensive daily maintenance.



## PRECINCT 1



Figure 6: Precinct 1 – Fingal Bay Holiday Park

### Overview & Description

The area defined as Precinct 1 features the primary entry and is the current activity point for the Fingal Bay Holiday Park. The Precinct features recreational areas, including the swimming pool, children's playground and barbecue facilities, and an amenity building and visitor parking. Precinct 1 also contains the only exit road for the Holiday Park, which present an opportunity for future enhancement for ease of access. In addition, this precinct includes powered van sites as well as tourist cabins.

It is important that this precinct is maintained and enhanced as required, considering its proximity to recreational areas and Fingal Beach, to ensure the ongoing marketability of Fingal Bay Holiday Park.

Key existing features of Precinct 1 include:

- ❖ 56 powered caravan sites (short-term sites)
- ❖ 12 tourist cabins (short-term sites)
- ❖ Barbecue facilities
- ❖ Amenities building w/ laundry
- ❖ Waste disposal w/ recycling station and dump point
- ❖ Swimming pool & pump house
- ❖ Children's playground
- ❖ Visitor car park
- ❖ Primary entry and exit road
- ❖ Housekeeping shed
- ❖ Muster point / Emergency evacuation site
- ❖ 2 entry boom gates & 1 exit boom gate.

### Desired Future Character

Precinct 1 encompasses the Parks primary entry point and provides a variety of recreational and communal facilities that target the demographic and trends of modern holiday parks. The desired future of Precinct 1 utilises its proximity to Fingal Beach and adapts



consistent with trends of modern holiday parks increasing accessibility and suitability for oversized holiday vehicles. Precinct 1 will be revised, relocating key recreation facilities to another Precinct. The Precinct will be maintained and enhanced as required, sustaining the visual appeal of the park to ensure ongoing marketability.

## Current Constraints

- ❖ The children's playground is currently bordered by Marine Drive to the east and Barkala Street, the only exit road within the park, to the west. The playgrounds' location presents a minor safety concern due to proximity to two high traffic roads.
- ❖ A Norfolk Island Pine (*Araucaria heterophylla*) is located along the fence line separating Marine Drive from the children's playground. The tree is protected in New South Wales by the Biodiversity Conservation Act 2016 and will need to be considered in relocating the playground facilities.
- ❖ Any future works that reconfigure or create new sites will need to comply with the applicable provisions of the Local Government (General) Regulation 2021, most notably new/reconfigured short-term sites must be within 100m of existing amenities block.
- ❖ The road network along Barkala Street is constrained due to its narrow path and sharp corner causing difficulties with manoeuvring oversized vehicles through the primary exit.
- ❖ Vegetation separating the swimming pool facilities from Barkala Street provide a structural root system supporting the foundation of the swimming pool. Removing the vegetation would expose the foundation and should be considered with future works.

## Improvement Opportunities

- ❖ The children's playground should be relocated to a more secluded area of the holiday park to increase safety of its use. An opportunity exists to relocate the playground to a more suitable location central within Precinct 7.
- ❖ The children's playground is currently situated on a prime location with views of the beach and access, presenting an opportunity to enhance accommodation offerings and position this precinct as a premium site location. An opportunity exists to redevelop this site into accommodation that responds to current and future demands such as cabins or drive through caravan sites.
- ❖ Installing an exit gate alongside Cabin 301 to reduce the flow of traffic at the main gate
- ❖ Works to widen Barkala Street could be considered to allow for larger vehicles to pass through the exiting corner.
- ❖ The amenities building and laundry adjoining the swimming pool present an opportunity for future enhancement. Because of its proximity to other facilities, the building is a strong communal hub and should be upgraded to reflect its consistent use.
- ❖ The 2 entry boom gates and 1 exit boom gate Access Control System will be upgraded.

## Key Management Priorities

Explore opportunities to:

- ❖ Relocate the children's playground to a more secluded and central location within the Holiday Park.
- ❖ Create additional revenue via enhancing accommodation offerings such as drive through sites or additional cabins along the perimeter of the precinct previously occupied by the children's playground.
- ❖ Expand and develop the current amenities building.
- ❖ Widen the primary exit road along Barkala Street





Figure 7. Swimming Pool



Figure 8. Children's playground





## PRECINCT 2



Figure 9: Precinct 2 – Fingal Bay Holiday Park

### Overview and Description

The area defined as Precinct 2 sits at the south-eastern-most end of Fingal Bay Holiday Park. This Precinct is bounded by a fence to the east, separating the park from Marine Drive and to the south separating the park from land functioning as a stormwater drainage link and pathway system from Farm Road to Marine Drive.

The precinct is adjacent to the primary entry point for the holiday park and includes the check-in and check-out Reception and a large, attached villa known as the Surf House.

In addition, this Precinct includes a diverse range of accommodation options including tourist cabins, villas, powered sites, drive through and tent camping sites with ensuites.

It is important that this precinct is maintained utilising its ocean views and proximity to Fingal Beach to ensure the ongoing marketability of Fingal Bay Holiday Park.

Key existing features of Precinct 2 include:

- ❖ Main office / Reception & 'Surf House'
- ❖ 9 powered motorhome sites
- ❖ 6 Villas (premium accommodation)
- ❖ 1 Villa - disability access (SV7)
- ❖ 6 powered ensuite drive through sites (short-term sites)
- ❖ 5 Cabins (movable dwellings)
- ❖ 2 Cabins - disability access
- ❖ 1 powered tent site with ensuite
- ❖ 1 exit boom gate.



Figure 10. Villa 512 in Precinct 2





## Desired Future Character

This precinct provides a variety of accommodation options which target different demographic groups. Precinct 2 will maintain its diverse accommodation range to provide both affordable family holiday accommodation and premium accommodation options consistent with trends of modern holiday parks. Precinct 2 will continue to utilise its proximity to Fingal Beach and ocean views.

## Current Constraints

- ❖ Any future works that reconfigure or create new sites will need to comply with the applicable provisions of the Local Government (General) Regulation 2021, most notably new/reconfigured short-term sites must be within 100m of existing amenities block.
- ❖ 5 existing short-term sites are outside 100m radius of an amenity block, all other sites within this precinct are currently within 100m of the amenities block.
- ❖ Drinking water catchment must overlay any future proposed work will need to comply with Clause 7.8 of the PSLEP.

## Improvement Opportunities

- ❖ The existing range of accommodation options require minimal scope for improvement as they reflect the desired future character of the precinct.
- ❖ In future planning documentation, consider the 5 existing short-term sites which are not located 100m from an amenity building.
- ❖ Consider a program of future renovations as required.
- ❖ The 1 x exit boom gate Access Control System will be upgraded.

## Key Management Priorities

Explore opportunities to:

- ❖ Continue to maintain Precinct 2 as a Precinct that offers a diverse range of accommodation options and utilises its proximity to Fingal Beach and maintains its beach views.



Figure 11. Main office/reception





## PRECINCT 3



Figure 12: Precinct 3 – Fingal Bay Holiday Park

### Overview and Description

The area defined as Precinct 3 in Figures 5 and 12 predominately features semi-permanent Holiday Van Owner sites situated between Rumaï Street and Pinaroo Street. In Addition, powered tent sites and a powered caravan site are also located in the precinct along Rumaï Street. The road network is configured in an oval formation with access off Impara Street and exits onto Pinaroo Street.

A proportion of the site, including the 4 semi-permanent holiday Van Owner sites, borders the reserve 86928, functioning as a stormwater drainage line and public pathway system, to the south of Fingal Bay Holiday Park.

Key existing features of Precinct 3 include:

- ❖ 60 Holiday Van Owner sites (short-term sites)
- ❖ 3 powered tent sites (short-term sites)
- ❖ 1 powered caravan sites (short-term sites)



## Desired Future Character

The proposed future for Precinct 3 is a diversified character of accommodation types consistent with the trends of modern holiday parks. The Precinct will reconfigure and replace accommodation to respond to current and future demand.

This involves allowing for an increase in the Ensuite Drive Through sites to provide accommodation options to meet an increase in oversized vehicles and the demand for parking ease.

## Current Constraints

- ❖ To facilitate the requirements of a diverse range of accommodation, it may be necessary to remove a portion of pre-existing Semi-Permanent Holiday Van sites, powered tent sites and powered caravan site between. The sites that would require demolition reside between Rumaïy Street and Kalyan Street and are bordered by the pedestrian footpath. 13 Holiday Van Sites, 3 Powered Tent Sites and 1 Powered Caravan Site would need to be considered for adjustment.
- ❖ Rumaïy Street may become too congested with the addition of drive through sites
- ❖ Any future works that reconfigure or create new sites will need to comply with the applicable provisions of the Local Government (General) Regulation 2021, most notably new/reconfigured short-term sites must be within 100m of existing amenities block (note: all sites within this precinct are currently within 100m of an amenities block).
- ❖ This precinct is located within Flood Prone Land - Probable Maximum Flood

Level 2020 and flood prone land subject to further investigation any future proposed work will need to meet the flood management requirements of the PSLEP.

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

## Improvement Opportunities

- ❖ There is considerable demand for an increase in larger caravan sites to accommodate oversized vehicles. An opportunity for increasing drive through sites or creating larger van sites within the park can be accommodated between Rumaïy Street and Kalyan Street. This location is ideal as it would expand the surrounding cluster of caravan sites bordering Precinct 1, 2 and 5.
- ❖ Consider the potential opportunity to align Quandong Street in Precinct 1 to Kalyan Street to reduce congestion along Rumaïy Street.

## Key Management Priorities

Explore opportunities to:

- ❖ Consider converting current semi-permanent caravan sites between Rumaïy Street and Kalyan Street into drive through caravan sites.
- ❖ Consider the opportunity to align Quandong Street to Kalyan Street.





## PRECINCT 4



Figure 13: Precinct 4 – Fingal Bay Holiday Park

### Overview and Description

The area defined as Precinct 4 sits at the southern-most end of Fingal Bay Holiday Park. This Precinct is bounded by a fence to the west, separating the park from Farm Road and to the south, separating the park from reserve 86928, functioning as a stormwater drainage link and public pathway system.

Precinct 4 is populated by a single accommodation type being 67 Semi-permanent Holiday Van Sites, sitting within three main groups.

Key existing features of Precinct 4 include:

- ❖ 67 Holiday Van Owner sites (short-term sites)

### Desired Future Character

The character and usage of Precinct 4 should remain as a single accommodation type,

reflecting the current demand to retain Semi-permanent Van Owner sites within the Fingal Bay Holiday Park.

### Current Constraints

- ❖ Any future works that reconfigure or create new sites will need to comply with the applicable provisions of the Local Government (General) Regulation 2021, most notably new/reconfigured short-term sites must be within 100m of existing amenities block.
- ❖ Drinking water catchment must overlay any future proposed work will need to comply with Clause 7.8 of the PSLEP.
- ❖ This precinct is located within Flood Prone Land - Probable Maximum Flood Level 2020 and flood prone land subject to further investigation any future proposed work will need to meet the flood management requirements of the PSLEP.





## Improvement Opportunities

- ❖ Consider a program of future renovations as required.
- ❖ Minimal scope for improvement of this precinct as the existing accommodation is fit for purpose.
- ❖ An opportunity exists to install a 2<sup>nd</sup> entry / exit point on Farm Road for use by semi – permanent Holiday Van Owners.

## Key Management Priorities

Explore opportunities to:

- ❖ Continue to maintain Precinct 5 as a Precinct predominantly accommodating semi-permanent Holiday Van Sites to satisfy the current demand.
- ❖ Develop a scope of works and install a 2<sup>nd</sup> exit / entry point on Farm Road for use by semi – permanent Holiday Van Owners.



## PRECINCT 5



Figure 14: Precinct 5 – Fingal Bay Holiday Park

### Overview and Description

The area defined as Precinct 5 is predominately populated by semi-permanent Holiday Van Sites. In addition, this precinct includes powered caravan and tent sites.

Precinct 5 is bounded by a fence to the west, separating the park from Farm Road. The northern border of the precinct follows a sewerage pathway system from Farm Road to the recreational facilities located in Precinct 7.

The south border of precinct 5 contains an amenity building including female, male and disability accessible facilities, a laundry including clothes lines and a waste disposal location including a recycling station. This amenity building services the short-term sites located in Precincts 1, 2, 3 and 5.

Key existing features of Precinct 5 include:

- ❖ Amenities building including a Laundry and clothes lines
- ❖ Waste disposal including Recycling Station
- ❖ 46 Holiday Van Owner sites (short term)
- ❖ 1 permanent site (long term)
- ❖ 2 powered caravan / tent sites (short term)
- ❖ 7 powered tent sites (short term)
- ❖ 1 powered van site (short term)

### Desired Future Character

The current use as predominantly semi-permanent Holiday Van Sites is the desired future character for Precinct 5. The Amenity building will provide upgraded services for Precincts 1, 2, 3 and 5 consistent with current trends of modern parks.





## Current Constraints

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

## Improvement Opportunities

- ❖ Consider a program of future renovations as required which may require the removal of permanent Holiday Vans.
- ❖ Minimal scope for improvement of this precinct as the existing accommodation is fit for purpose.

- ❖ An opportunity exists to install a 2<sup>nd</sup> entry / exit point on Farm Road for use by semi – permanent Holiday Van Owners.
- ❖ There is increasing demand for larger caravan sites to accommodate oversized vehicles. An opportunity exists to review the existing sites between Nowrairie St and the Hunter Water easement to expand the offering for oversized caravans.

## Key Management Priorities

Explore opportunities to:

- ❖ Continue to maintain Precinct 5 as a Precinct predominantly accommodating semi-permanent Holiday Van Sites to satisfy the current demand.
- ❖ Develop a scope of works and install a 2<sup>nd</sup> exit / entry point on Farm Road for use by semi – permanent Holiday Van Owners.



Figure 15. Amenities building





## PRECINCT 6



Figure 16: Precinct 6 – Fingal Bay Holiday Park

### Overview and Description

The area defined as Precinct 6 predominately contains semi-permanent Holiday Van sites. In addition, this precinct includes powered tent sites.

Precinct 6 sits at the north-western most end of Fingal Bay Holiday Park. This Precinct is bounded by a fence to the west, separating the park from Farm Road and to the north, separating the park from a separately managed Council Tennis Court and public pathway. The southern border of the Precinct is bounded by a sewerage system and pathway connecting to the recreational facilities in Precinct 7.

Precinct 6 sits to the rear of the Precinct 7 recreation facility, which includes an amenity

building, games room, bike hire station and camp kitchen

Key existing features of Precinct 6 include:

- ❖ 79 Holiday Van Owner sites (short-term sites)
- ❖ 4 powered tent sites (short-term sites)

### Desired Future Character

- ❖ The current use as predominantly semi-permanent Holiday Van Sites is the desired future character for Precinct 6.



## Current Constraints

- ❖ Any future works that reconfigure or create new sites will need to comply with the applicable provisions of the Local Government (General) Regulation 2021, most notably new/reconfigured short-term sites must be within 100m of existing amenities block.
- ❖ Drinking water catchment must overlay any future proposed work will need to comply with Clause 7.8 of the PSLEP

## Improvement Opportunities

- ❖ Consider a program of future renovations as required which may require the removal of permanent Holiday Vans.
- ❖ The existing accommodation options require minimal scope for improvement of this precinct as they reflect the desired future character of the precinct.
- ❖ An opportunity exists to install a 2<sup>nd</sup> entry / exit point on Farm Road for use by semi – permanent Holiday Van Owners.

## Key Management Priorities

Explore opportunities to:

- ❖ Continue to maintain Precinct 5 as a Precinct predominantly accommodating semi-permanent Holiday Van Sites to satisfy the current demand.
- ❖ Develop a scope of works and install a 2<sup>nd</sup> exit / entry point on Farm Road for use by semi – permanent Holiday Van Owners.





## PRECINCT 7



Figure 17: Precinct 7 – Fingal Bay Holiday Park

### Overview and Description

The area defined as Precinct 7 sits in the northern-eastern most end of the Fingal Bay Holiday Park. Precinct 7 is bounded by a fence to the east, separating the park from Marine Drive and to the North separating the park from the Fingal Bay Oval and a public pathway.

The Precinct features a games room, camp kitchen, barbeque facilities, bike hire station and recently renovated amenity building, which includes a disability access and a laundry. Precinct 7 includes a variety of accommodation options including powered tent sites and tourist villas.

It is important that this precinct is maintained in utilising its proximity to recreational facilities and Fingal Beach to ensure the ongoing marketability of Fingal Bay Holiday Park.

Key existing features of Precinct 7 include:

- ❖ 51 Powered Tent Sites (short-term sites)
- ❖ 8 Villas
- ❖ 8 Beach Villas
- ❖ Boat Trailer Parking
- ❖ 3 Barbeque facilities
- ❖ Dump Point
- ❖ Games Room
- ❖ Camp Kitchen
- ❖ Bike Hire Station
- ❖ Disability Accessible Amenity Building and Laundry
- ❖ Work shed and maintenance compound.

### Desired Future Character

Precinct 7 is the Fingal Bay Holiday Parks main recreational hub, providing a variety of facilities that target the trends of modern holiday parks. The desired future of Precinct 7 utilises its proximity to Fingal Beach and adapts consistent with trends of modern holiday parks. The future character of Precinct 7 is the continued focus on providing a variety





of accommodation options which attract a wide range of demographic.



Figure 18. Villa 302 in Precinct 7



Figure 19. Villa 408 in Precinct 7

## Current Constraints

- ❖ The use of vehicles on the powered tent sites within the precinct can have an impact on the terrain.
- ❖ The current powered tent sites cannot be used by caravans and some camper trailers due to insufficient sewerage facilities. This presents a lost opportunity to address the demand of a multi-use space and does not address the target market for Fingal Bay Holiday Park.
- ❖ Any future works that reconfigure or create new sites will need to comply with the applicable provisions of the Local Government (General) Regulation

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

## Improvement Opportunities

- ❖ An opportunity exists to relocate the children's playground within Precinct 1 to Precinct 7. By relocating the playground, recreational activity will shift to Precinct 7 and address the Precincts desired future character as a recreational hub. The children's playground presents an opportunity for improvement by incorporating a shade sail for sun safety.
- ❖ Temporary Helipad mesh has been used to mitigate the impacts of repetitive vehicle use on powered tent sites. This measure should be continued with the future use of synthetic turf products considered to reduce potable water usage.
- ❖ An opportunity exists to repurpose the current powered tent sites into a multi-use location. This aligns with the desired future character of Precinct 7 providing a variety of accommodation options targeting varying demographics. Consideration for improvements include extending the current sewerage system through the powered tent sites to allow for use from caravans and camper trailers.

## Key Management Priorities

Explore opportunities to:

- ❖ Relocate the children's playground from precinct 1 to precinct 7.
- ❖ Continue the use of Helipad mesh to protect the powered tent site terrain.
- ❖ Consider the use of synthetic turf products for future developments.
- ❖ Explore opportunities to extend and improve the current sewerage system to allow additional site uses on the powered tent sites.



## 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 Fingal 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 to 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 Government planning controls including the current Local Environmental Plan (LEP)
- ❖ The compatibility of the proposal with the reserved purpose of Caravan Park;
- ❖ The compatibility of the proposal with the RE1 Public Recreation Zone;
- ❖ 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
- ❖ Compliance with the Native Title Act 1993 (Cth) and the Aboriginal Land Rights Act 1984.

## IMPLEMENTATION PLAN

To facilitate the ongoing improvement of Fingal 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
- ❖ The management responsibility and public availability of the development to Park users
- ❖ 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
1 & 7	Relocation of children's playground from Precinct 1 to Precinct 7.	Medium
1	Conversion of children's playground location to accommodation when available.	Low
1	Widening the corner of Barkala Street.	Medium
1	Upgrades to the amenity building and laundry.	Low
3	Aligning the road between Quandong Street and Kalyan Street.	Medium
3	Redeveloping a land parcel between Rumaity Street and Kalyan to increase drive through sites / larger van sites.	Medium
7	Expansion of the sewerage system to connect with powered tent sites between Gooyah Street and the northern boundary of Precinct 7.	Low
1 & 2	Upgrade entry / exit gates infrastructure and technologies	High
1	Redevelop tourist van sites	Medium
All	Upgrade water, sewer, fire hydrant infrastructure (staged)	Low
All	Upgrade electrical infrastructure as required	Medium

Table 2: Improvement Implementation Priority Matrix

# STATUTORY FRAMEWORK

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## INTRODUCTION

This Plan of Management has been prepared in accordance with the Crown Lands Management Act 2016 to provide a framework for the future management, use and development of Fingal 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 Division 1.1 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, licensed, 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 Division 3.6 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 Division 4.3 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 Parks, Camping Grounds and Moveable Dwellings) Regulation 2021. 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-liaible 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 for Fingal Bay Holiday Park.

## **Rural Fires Act 1997**

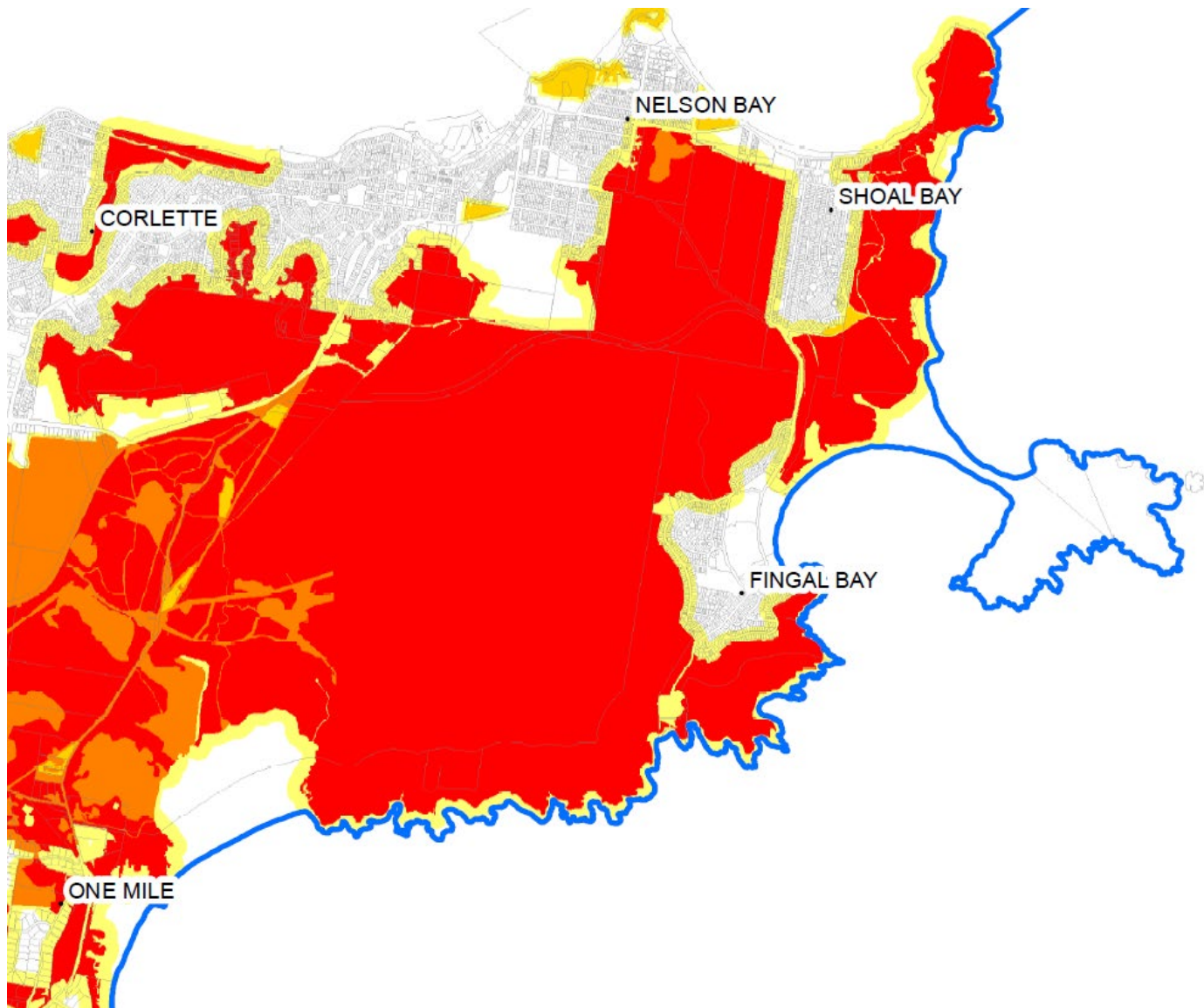
Amendments to the Rural Fires Act 1997 have led to the mapping of bush fire prone lands and a requirement for development proposals to respond to the requirements of the "Planning for Bushfire Protection 2006" Guidelines. In addition, the Act now defines several different land uses including tourist 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 surrounded by 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 their categorisation.






Figure 20: Fingal Bay Holiday Park Bushfire Prone Land Mapping





**Legend**


 Port Stephens LGA

**Category**

 Vegetation Category 1

 Vegetation Category 2

 Vegetation Category 3

 Vegetation Buffer



## 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 homeowners 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 homeowners; and
- ❖ Rules to clarify and streamline the process for owners selling their home on site.

In accordance with the Residential (Land Lease) Communities Act 2013 The Land Manager will administer community agreements in accordance with the Act and Crown Lands' policies and guidelines.

## 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) (NT Act).

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.

Council's certified native title manager has assessed the Improvement Opportunities and Key Management Actions against the future act pathways set out in the NT Act and has provided advice to Council on the pathways available to it under that Act.

## Aboriginal Land Rights Act 1983 (NSW)

In New South Wales, the Aboriginal Land Rights Act 1983 (ALRA) was introduced 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 (Resilience and Hazards) 2021

State Environmental Planning Policy (Resilience and Hazards) was introduced in 2021 as part of the NSW Government's Coastal Reforms Package. The SEPP applies to the coastal zone of the State as defined in the Coastal Management Act 2016 (the CMA).

The aim of the 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 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 (Planning Systems) 2021

State Environmental Planning Policy (Planning Systems) 2021 commenced in March 2021. 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 6 of the 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 the council is the owner of any land on which the development is to be carried out, or
- b) the development is to be carried out by the council, or
- c) 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 (Transport and Infrastructure SEPP) provides that certain types of works do not require development consent under Part 4 of the EP&A Act.

Chapter 2 of the Transport and 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 30m<sup>2</sup> 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 100m<sup>2</sup>.

Clause 2.73 of the Transport and 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 2.73 (3) of the Infrastructure SEPP provides that development for any of the following purposes may be carried out by or on behalf of a public authority without consent, on a public reserve under the care or control of the public authority:



- (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 artwork) 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 2.73(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 2.74 several additional works may be able to be undertaken as exempt development on a Crown reserve where a plan of management has been adopted. 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 (Housing) 2021

Development for the purpose of caravan parks and camping grounds is regulated under local environmental plans (LEPs) and State Environmental Planning Policy (Housing) 2021.

An LEP regulates whether caravan parks or camping grounds are permitted or prohibited on any land. However, Housing SEPP 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.

Housing SEPP 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, Housing SEPP allows moveable dwellings to be installed in caravan parks and camping grounds without development consent being required under clause 131 (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 Fingal Bay Holiday Park is the RE1 Public Recreation Zone. The provisions in the LEP with respect to this Zone are as follows:

## Zone RE1 Public Recreation

### Objective of the Zone:

- ❖ To enable land to be used for public 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:

Bee keeping; Environmental facilities; Environmental protection works; Flood mitigation works; Home occupations; Roads.

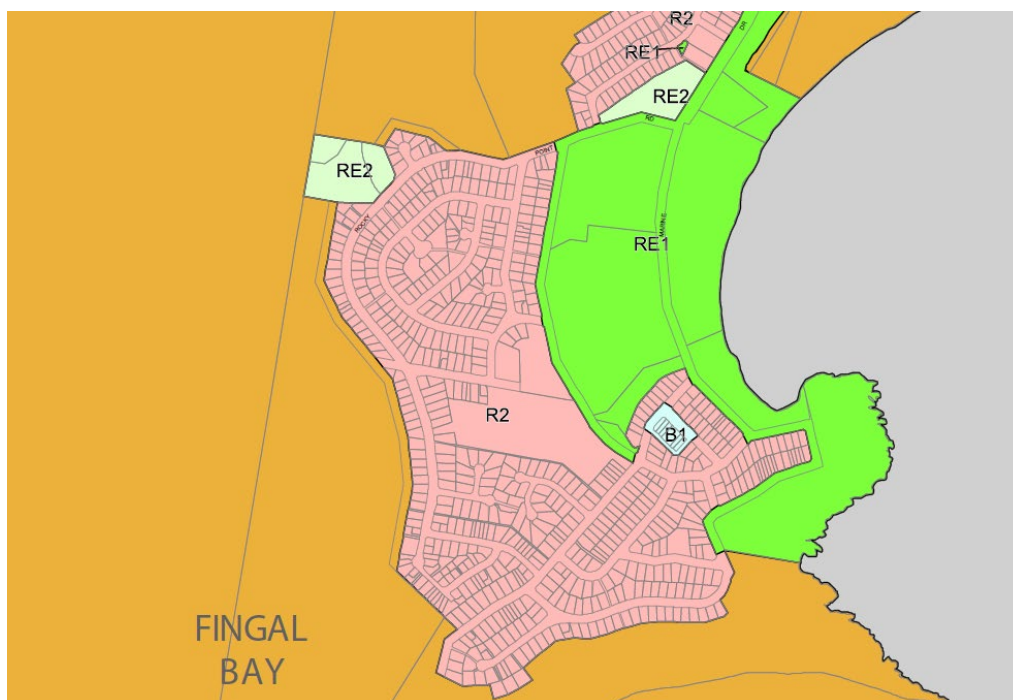
### Permitted with consent:

Airstrips; Aquaculture; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Centre-based child care facilities; Community facilities; Depots; Educational establishments; Eco-tourist facilities; Emergency services facilities; Flood mitigation works; Function centres; Helipads; Heliports; Home-based child care; Information and education facilities; Jetties; Kiosks; Markets; Mooring pens; Mooring; Neighbourhood shops; Plant nurseries; Port facilities; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Research stations; Respite day care centres; Restaurants or cafes; Tourist and visitor accommodation; Water recreation structures; Water supply systems; Wharf or boating facilities

### Prohibited:

Water treatment facilities; any other development not specified in item 2 or 3 (Permitted without consent and Permitted with consent).

Figure 21: 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.

### Port Stephens Coastal Management Program 2024

A Coastal Management Program has been adopted by Port Stephens Council with approval from the Minister for Environment in November, 2024.

The Port Stephens CMP provides for the coordinated management of land within the coastal zone from the risks of coastal hazards including coastal erosion, tidal inundation and coastal inundation. The Port Stephens CMP does not include any actions specific to the Final Bay Holiday Park, however there are range of LGA wide actions and actions related to the protection of adjoining or associated land and assets including at Fingal Bay Foreshore Reserve and Fingal Beach that have been considered in the development of this Plan of Management. Further information regarding the CMP, including a copy of the final document and associated studies undertaken during its development, can be found on Council's website.

<https://www.portstephens.nsw.gov.au/environment/environmental-plans-and-strategies/coastal-management-program>

## Other Statutory and Policy Documents

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

- ❖ Native Vegetation Act 2003;
- ❖ Threatened Species Conservation Act 1995;
- ❖ Disability (Access to Premises - Buildings) Standards 2010, Disability Discrimination Act 1992
- ❖ Coastal Crown Land Guidelines 2023 [Coastal Crown Land Guidelines \(PDF, 288 KB\)](#)

# 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 AUTHORISATIONS



## 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.

There are no current leases or licences issued over any part of the Reserve.

### 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 2021, 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"> <li>21 years</li> </ul>	<ul style="list-style-type: none"> <li>kiosk, café and refreshment purposes</li> <li>commercial retail uses associated with the facility (e.g. sale or hire of sports goods)</li> <li>caravan parks and camping grounds</li> </ul>
Licence	<ul style="list-style-type: none"> <li>5 years</li> </ul>	<ul style="list-style-type: none"> <li>Educational or cultural purposes, including concerts, dramatic productions and galleries</li> <li>recreational purposes, including fitness classes, dance classes</li> <li>café/kiosk areas</li> <li>sale of goods or services that are ancillary to community land use and reserve purpose</li> </ul>
Short-term licences and events	<ul style="list-style-type: none"> <li>short term licences - 12 months</li> <li>events – 1 day</li> </ul>	<ul style="list-style-type: none"> <li>public speeches, meetings, seminars and presentations, including educational programs</li> <li>functions (including conferences and seminars, commemorative functions, book launches, film releases, balls, and similar activities)</li> <li>displays, exhibitions, fairs, fashion parades and shows</li> <li>events (including weddings, corporate functions, and community gatherings)</li> <li>concerts and other performances, including both live performances and film (cinema and TV)</li> <li>broadcasts associated with any event, concert, or public speech</li> <li>engaging in an appropriate trade or business delivering a public address, community events; auctions, markets and similar activities</li> </ul>
Other estates	n/a	Public utilities and works as per s46 of the LG Act.

Table 3: Express authorisations



Prepared by APP Corporation in consultation with Port Stephens Council, community and stakeholders.