

ATTACHMENTS UNDER SEPARATE
COVER

ORDINARY COUNCIL MEETING
9 AUGUST 2022



PORT STEPHENS
C O U N C I L

INDEX

Item No	Attach. No	Attachment Title	Page No
COUNCIL REPORTS			
1	2	PLANNERS ASSESSMENT REPORT.	4
2	2	PLANNING PROPOSAL.	55
3	1	PLAN OF MANAGEMENT - SHOAL BAY HOLIDAY PARK.	106
3	2	PLAN OF MANAGEMENT - FINGAL BAY HOLIDAY PARK.	151
3	3	PLAN OF MANAGEMENT - HALIFAX HOLIDAY PARK.	200
3	4	HALIFAX HOLIDAY PARK POST EXHIBITION REPORT.	248
4	2	DRAFT NSW PUBLIC SPACES PRACTITIONER'S GUIDE.	265



DEVELOPMENT ASSESSMENT REPORT

APPLICATION REFERENCES

Application Number	16-2021-1018-1
Development Description	Shop-top housing – 3 apartments and ground floor business premises
Applicant	TORREN BELL BUILDING DESIGN
Land owner	MR W J KNAGGS
Date of Lodgement	24/11/2021
Value of Works	\$2,324,712.00
Submissions	1

PROPERTY DETAILS

Property Address	14 Market Street FINGAL BAY
Lot and DP	LOT: 8 DP: 252664
88B Restrictions on Title	N/A
Current Use	Shop top housing
Zoning	B1 NEIGHBOURHOOD CENTRE
Site Constraints	Acid Sulfate Soils – Class 5 Koala Habitat – Clear Coastal Management SEPP – Coastal environment area and coastal use area Stormwater Drainage Requirement Area
State Environmental Planning Policies	State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.**PROPOSAL**

The application seeks consent for the demolition of the existing building on site and construction of a three storey shop top housing development, refer to Figure 1. The shop top housing development will consist of a business premise on the ground floor, specifically a real estate agent fronting Market Street and residential apartments above. The ground floor will also be utilised for car parking and storage.

The proposal includes a total of three residential units. Two units are proposed on the first floor and each include two bedrooms, a media room, an open plan living and dining area with connection to a balcony for private open space. The second floor is proposed to contain a single dwelling comprising four bedrooms, open plan living and dining and two balconies.

The dwellings will be accessed via a shared entry on the ground floor from the laneway located along the buildings south eastern elevation. The entry lobby is provided with a lift and stair access, which can be accessed directly off the access from street or from each dwellings garage.

Each dwelling is provided with a separate garage and vehicular access, as is the ground floor business premise. The access arrangements result in three crossovers and garages within the laneway along the south eastern boundary and one to the rear (south western boundary).

No subdivision is proposed under this application.



Figure 1. Perspective of proposed shop top housing development

SITE DESCRIPTION

The subject site is legally identified as Lot 8 DP 252664 and generally known as 14 Market Street, Fingal Bay. The site is located on the corner of Market street and an unnamed lane way. Vehicular access to the site is currently provided from the laneway off Market Street. The site has a slight slope from the rear toward Market Street and currently contains a two storey building, refer to Figure 2. The existing building contains a business premise (real estate agent) on the ground floor and the first floor appears to be utilised as a dwelling. The rear of the site has a garage and grassed area. One medium sized tree exists within the sites southern corner.

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

The site is surrounded by a mixture of land uses along Market Street. The street block that the site resides within contains a mixture of commercial land uses including food and drink premise, grocery stores, hair dressers and a petrol station. Similar shop top housing developments exists to the north west of the site along Market Street. The remainder of the surrounding development is largely of residential nature with a mixture of densities. Fingal Bay Beach is located to the north east of the site.



Figure 2. Site Aerial

SITE HISTORY

The construction of the building pre-dates Council’s electronic records. Noting although there are a number of miscellaneous applications relating to the subject site. These are summarised in the table below.

Application No.	Proposal	Determination
16-1999-1488-1	Use of Road Reserve for Footway Dining	Approved with Condition October 1999
16-1999-1488-2	Modification to road reserve dining	Approved with Conditions November 1999
16-2005-1503-1	Alterations to ground floor cafe	Approved with Conditions in May 2006
16-2005-1503-2	Modification to car parking arrangements	Approved with Conditions 12 September 2006

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2005-1503-3	Modification to internal layout	Refused in August 2007
16-2005-1503-4	Modification to internal layout	Approved with conditions October 2007

SITE INSPECTION

A site inspection was carried out on 14 March 2022.

The subject site can be seen in Figures 3 and 8 below:



Figure 3. View of the site from Market Street



Figure 4. View of the site from Market Street and the laneway to the sites east



Figure 5. Rear of the existing building



Figure 6. Rear of the site viewed from the laneway



Figure 7. View of the site along laneway



Figure 8. The site and neighbouring development along Market Street

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.**PLANNING ASSESSMENT**

The application was assessed, and comments provided, by the following external agencies and internal specialist staff:

Internal

Development Engineer – The application was referred to Council's Development Engineer to review the proposed stormwater design and traffic impacts. It was determined that the proposed stormwater management arrangement was acceptable and that no water quality or on-site detention was required as per the DCP.

In regard to traffic, the referral noted that the proposed shortfall in car parking would increase the demand for on-street parking and may result in illegal parking in front of the proposed access points. It was recommended that a 'no stopping' line be installed within the laneway to further deter parking. It was also noted that a continuous, accessible path is required to be provided for pedestrian access to the development. It was therefore recommended that a condition be included requiring the applicant to provide a concrete footway (full concrete from boundary to kerb) for the perimeter of the development around the lane where are no new driveways.

Waste Management – The application was referred to Council's waste management officer for comment. It was determined that adequate waste provisions are proposed and the development was supported unconditionally.

Spatial Services – The application was referred to Spatial Services for addressing details. Addressing has been provided for each unit. An advice note has been included within the recommended conditions of consent listing the addressing allocated should the application be strata subdivided in the future.

Development Contributions – The application was referred to Council's contributions officer. It was determined that s7.11 contributions apply and a condition has been recommended.

Building Surveyor – The application was referred to Council's Building Surveyor. It was determined that the development was capable of meeting the provisions of the BCA.

External

Ausgrid – Given the site is located within the vicinity of Ausgrid assets the development was referred to Ausgrid for comment. Ausgrid's referral response noted supply of electricity requirements as well as construction requirements for development near Ausgrid assets. Overall, the application was supported. The Ausgrid referral response will be provided along with the determination should the application be supported.

Environmental Planning and Assessment Act 1979***Section 4.46 - Integrated development***

Section 4.46 of the Environmental Planning and Assessment Act 1979 (EP&A Act) provides that development is integrated development if in order to be carried out, the development requires development consent and one or more other approvals. The proposed development does not trigger integrated development in accordance with the Act.

Section 4.14 – Consultation and development consent (certain bushfire prone land)

The subject site is not located on bushfire prone land.

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.***Section 4.15 - Matters for consideration***

The proposal has been assessed under the relevant matters for consideration detailed in Section 4.15 of the EP&A Act.

Section 4.15(a)(i) - any environmental planning instrument

An assessment has been undertaken against each of the applicable environmental planning instruments (EPI's), as follows:

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP BASIX) was enacted to ensure that dwellings are designed to utilise less potable water and to minimise greenhouse gas emissions by setting energy and water reduction targets for residential houses and units.

A valid BASIX certificate (certificate no. 1251221M, dated 28 October 2021) has been submitted with the development application which demonstrates that the water, thermal comfort and energy requirements for the proposal have been achieved. The proposal is considered to satisfy the relevant provisions of SEPP BASIX.

State Environmental Planning Policy (Biodiversity and Conservation) 2021Chapter 2 Vegetation in Non-Rural Areas

Chapter 2 Vegetation in Non-Rural Areas of the Biodiversity and Conservation SEPP aims to protect the biodiversity values and preserve the amenity and other vegetation in non-rural areas of the State. The chapter works in conjunction with the Biodiversity Conservation Act 2016 and the Local Land Services Amendment Act 2016 to create a framework for the regulation of clearing of native vegetation in NSW.

Part 2.3 of the chapter contains provisions similar to those contained in the former (now repealed) clause 5.9 of Port Stephens Local Environmental Plan 2013 and provides that Council's Development Control Plan can make declarations with regards to certain matters. The chapter further provides that Council may issue a permit for tree removal.

The development application seeks consent for the removal of one existing tree located within the sites southern corner. The removal is supported given it is currently isolated, not significant and as landscaping is proposed by the applicant, consistent with Council's landscape technical specifications.

Chapter 4 Koala Habitat Protection 2021

This policy aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.

The site has been identified on Council's Koala Habitat Planning Map as being clear of koala habitat. A site inspection confirmed, the site is relatively clear of vegetation with only one tree existing on the site. The existing tree is not a koala feed tree. Therefore, the removal of this tree and the proposed development as a whole would not impact upon any nearby koala habitat. The proposal is therefore considered to be consistent with this policy.

State Environmental Planning Policy (Resilience and Hazards) 2021Chapter 2 Coastal Management

The subject land is located within the Coastal Environment and Coastal Use Area; as such the following general matters are required to be considered when determining an application.

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

As per Section 2.10 of Chapter 2 of the SEPP, development consent must not be granted for development within the coastal environment area unless the consent authority has considered whether the development will cause impact to the integrity of the biophysical and ecological environment, the values and natural coastal processes, marine vegetation, native vegetation and fauna and existing public open space and access to and along the foreshore.

The proposed development is not considered likely to cause adverse impacts to the coastal environment area particularly given the development seeks to demolish and replace an existing building of a similar nature. The site is largely cleared of vegetation, thereby minimising direct impacts to the ecological environment. Further, the proposed development incorporates appropriate stormwater management and is sufficiently setback from the Nelson Bay waterbody as to not result in any adverse impacts to the coastal environment.

As per Section 2.11 of Chapter 2 of the SEPP, development consent must not be granted for development unless the consent authority has considered existing and safe access to and along the foreshore, overshadowing and loss of views, visual amenity and scenic qualities and heritage values. The consent authority must also be satisfied that the development is designed and sited to avoid adverse impacts and to ensure the development has taken into account the surrounding built environment in its design.

The proposed development is an appropriate type and design for the coastal location. The proposed use of the site for shop top housing is consistent with the surrounding natural and built form character. The development has been designed to ensure that the visual amenity of the coast is not impacted through the selection of light materials and finishes. The building envelope and size of the development is also compatible with the natural setting and will not adversely impact views as determined by the view analysis prepared by Torren Bell Building Design. The view analysis demonstrates that site lines to the water's edge are not impacted by the proposed development nor the height exceedance.

Section 2.12 of Chapter 2 of the SEPP requires consideration to whether the development would increase the risk of coastal hazards. The proposed development is suitably designed and located away from coastal foreshore areas to not increase risk to coastal hazards.

As demonstrated above, the proposed development is consistent with the aims of the SEPP and the other matters for consideration stipulated under Clause 2.10, 2.11 and 2.12 can therefore be supported.

Chapter 4 Remediation of Land

Section 4.6 of Chapter 4 of the Resilience and Hazards SEPP requires the consent authority to consider whether land is contaminated, is in a suitable state despite contamination, or requires remediation to be made suitable for the proposed development.

It is noted that the NSW list of contaminated sites and list of notified sites published by the EPA does not identify the site as being contaminated, nor has previous record of contamination in Council's system. The land is not within an investigation area, there are no records of potentially contaminating activities occurring on the site, and the proposed shop top housing use is not listed as a possible contaminating use, per Table 1 of the Guidelines. Noting this, the proposed development satisfies the requirements of this policy.

State Environmental Planning Policy No. 65 – Quality Design of Residential Apartment Development

State Environmental Planning Policy State Environmental Planning Policy No. 65 – Quality Design of Residential Apartment Development (SEPP No. 65) aims to improve the quality of residential apartment development and provides an assessment framework ('the Apartment Design Guide) to facilitate the assessment of 'good design'.

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

SEPP No. 65 requires the consideration of any development application for residential accommodation to satisfy the applicable criteria against nine design quality principles. In addition, clause 6A of SEPP No. 65 states that any of the following ADG provision supersedes DCP controls in respect of the following matters:

- a) visual privacy;
- b) solar and daylight access;
- c) common circulation and spaces;
- d) apartment size and layout;
- e) ceiling heights;
- f) private open space and balconies;
- g) natural ventilation; and
- h) storage

Given the proposal contains less than 4 dwellings, SEPP No. 65 does not strictly apply. Notwithstanding, to ensure best practice design standards are achieved, the SEPP No. 65 principles have been used as a guide to inform the assessment of the building.

The proposed development was presented to Council's Urban Design Panel (UDP) on 13 December 2021. Following the 13 December 2021 meeting, the UDP noted that design amendments were required prior to the application being supported by the Panel. The design recommendations were as follows:

Built Form and Scale

- The design was considered ambitious given the narrowness of the site and its constraints with the proposal occupying the entire site leaving little opportunity for planting.
- The panel noted that the laneway footpath was narrow and that it is crossed in seven locations by vehicle crossings. It was noted that the design hadn't considered the cross fall of the laneway and the need to marry this slope with the level garage floors.
- The proposed landscaping within the laneway footpath wasn't supported given it would render the footpath unusable forcing pedestrian to use the laneway.
- The main entry door was noted as being narrow and uninviting. Given the door is used for egress, it is required to open outward which the panel noted would result in the door swinging across the path of pedestrians.
- Concern that the garage doors and waste service doors dominate the appearance of the building when viewed from the side lane. It was recommended that the number of vehicle crossings be reduced and that the ground floor setback be increased so that level transitions are accommodated within the site.
- It was noted that no survey plan had been provided with the DA which was requested in order to assess the degree of non-compliance with the LEP height limit.
- In regard to height exceedance, the Panel considered that a modest exceedance of the building of the control (particularly at Market Street), which corresponds with the degree of exceedances of neighbouring buildings, is potentially capable of support. However, the height of the rear section of the development was considered potentially problematic.
- It was noted that the minimum 2700mm floor to ceiling heights, required under the Apartment Design Guidelines (ADG), are unlikely to be achieved with the floor to floor levels nominated at the rear of the development.

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.**Density**

- The Panel noted that an appropriate density will be determined by an achievement of acceptable accesses (vehicular and pedestrian) to the site, reasonable height compliance, adequate circulation spaces and allowance for services, and adequate Private Open Spaces (POS).
- It was also noted that no communal space is proposed – either open or enclosed. This may be acceptable given the limited number of dwellings proposed, providing a high standard of private open spaces can be achieved.

Sustainability

- It was noted that no diagrammatic illustration was provided of solar access to Living areas and POS.
- Concern was raised that the shadow diagrams are incorrect. It was noted that Unit 3 is unlikely to receive useful winter sun to its living area or balcony, and it is uncertain whether the other two units will receive three hours of sun as required mid-winter.
- It was noted that no provision for electric vehicle charging, PV generation of electricity, rain water tanks, or summer sun shading have been included.
- It was recommended that an awning be included on the proposed retail component of the development to be consistent with surrounding development but to also provide weather protection to the street and shading for glazing. It was recommended that this be extended the laneway elevation to provide visual delineation between garage doors and the opening above as well as to provide shelter to the residential entry.

Landscape

- Landscaping within laneway footpath noted as not being acceptable.
- The zero setback on the ground level does not allow for transition between the footpath, carpark or pedestrian entries.
- It was suggested in the meeting that the garage doors could be set back into the façade to accommodate the transitions in gradient. This was not supported by the panel given the safety and security issues it may cause.
- The panel noted that the planters on the first floor would not be easily accessible for the purpose of maintenance and should be given further consideration.

Amenity

- Room sizes were considered appropriate however, circulation spaces within units and common areas were not considered satisfactory. It was noted that there is little leeway to accommodate any structural thickening or wall bracing, to provide service ducts, or to make inevitable minor adjustments that occur with CC level documentation.
- Some units propose the second bedroom only being served by a skylight. It was noted that this was not consistent with the Apartment Design Guidelines. Likewise, narrow voids and light wells are not acceptable. All habitable rooms – especially bedrooms – are required to have vertical window opening to the outside.
- Concern was raised regarding the extent of overlooking across the lane, to the residential property to the south east in particular, is unsatisfactory, given the nil setback and the narrowness of the lane. The panel recommended some screening to avoid excessive overlooking.

Safety

- The convenient and safe use of the footpath by pedestrians should not be compromised by the vehicle accesses.

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

- A long section through the lane footpath showing garage and internal space levels should be provided.
- Letter boxes need to be identified and should be secure – preferably located in the lobby.

Housing Diversity and Social Interaction

- Access from the street was not supported as it does not comply with accessibility requirements.

Aesthetics

- The simple, clean approach to the building exterior was supported. However, concern regarding the imposition of garage doors of different heights and dimensions, garbage store door, and other openings are not aligned with other openings or one another was noted. It was suggested that the setting in the ground floor wall from the laneway, possibly in combination with an element of the street awning carried onto the other exposed facades may address these concerns.

Design Quality

- The Panel considered it likely that a reduction in yield would be necessary to achieve a satisfactory outcome, or at least a reduction in the number of bedrooms in apartments.
- Car parking and vehicle crossings need considered design development, to ensure the footpath remains functional and compliant.
- The height of the rear of the development is considered problematic, and it was suggested that the south-western, elevated section of Unit 3 might better be used as a landscaped private open space.

Overall, the UDP was unable to support the development as presented in December 2021. They advised further information including a land survey, an accurate shadow analysis, solar access diagrams, sections and locations of infrastructure would be required.

The UDP noted that the development needs to address “tightness” and “awkwardness” of circulation areas, to ensure all habitable rooms have access to aspect, light and ventilation. Impacts of proposed vehicle crossings need to be reconsidered and should if possible be rationalized in extent.

The multiple issues outlined in the initial meeting arised from having an excessive number of vehicle entries, no deep soil landscape area, no communal space, limited private open spaces, very constrained and awkward circulation areas, no provision for pedestrians to make safe use of the narrow footpath and little evident consideration of the interface with other existing or likely future neighbouring developments.

Applicant Design Amendment

The applicant amended the design following the December 2021 meeting with the UDP, the amendments included:

- Removing 1 x bedroom from Unit 1 and Unit 2 and replacing them with media rooms resulting in each Unit providing a total of 2 x bedrooms both with access to natural light.
- Addition of an media nook and larger laundry in Unit 3 as a result of the removal of the skylight which were proposed to provide light to the third bedrooms in units 1 and 2.
- Addition of an awning over the residential entry and the commercial unit's frontage to Market Street.
- Amended pedestrian access door at street level to be a sliding door rather than a swinging door.
- An updated survey plan was provided which results in updated RLs on the plans.

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

The amended plans were provided to the UDP for further comment. Response from the UDP was received on 14 March 2022 which noted the following:

Site

The previously inaccurately represented comparative heights of other mixed use buildings in the street to the North have been corrected, with the proposal representing the greatest height exceedance in the street.

Ground Level

The development is proposed to have 4 separate vehicle entries from the public street. As the noted previously, this was considered undesirable by the Panel in that the levels were problematic, the facades at ground were dominated by garage doors, and the narrow public footpath was dominated by driveways & vehicles reversing.

Addressing the levels issue has produced garage floor levels each different to the surrounding spaces, with multiple steps either up or down at doorways (no landings) and a hazardous step next the lobby to the Lift.

All floors

Floor to floor heights are unachievable at 3000mm if a 2700mm ceiling height is to be provided. 3050mm is the absolute minimum that can achieve an ADG compliant outcome.

Residential floors

Media rooms are without access to natural light and ventilation and are of limited use for Media given the lack of acoustic separation from the apartment. These rooms are likely to be used as windowless bedrooms, which is not compliant with the ADG.

These rooms are not compliant with the ADG (noting that with 3 units, the ADG is not triggered). However, the top floor apartment could still readily be converted to two dwellings - giving 4 dwellings in total.)

Top Floor

Media Nook not supported due to similar issues to Media Rooms.

Entry

The residential entry is even more constrained than the original iteration, with more level changes and a sliding entry door, which is inappropriate. Circulation for residents and visitors is constrained. Level changes are inconvenient, and are hazardous in some instances. Moving furniture in and out would be a big challenge and not appropriate to a new building.

Setbacks

Previous comments in respect to reduced separation distances to neighbouring properties have not been addressed. Depending upon any notification responses from surrounding property residents and owners, this may or may not be considered an issue.

Infrastructure

Downpipes, meter boards, water tanks, air-con compressor units, fire booster pumps (if required) are not indicated as suggested, and may require further mods to the design.

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

Following on from the above UDP comments, the design was further amended, including:

- Reduction in size of Unit 1's garage from a double to single space garage and the consolidation of the crossover for Unit 1's garage and the commercial spaces garage. The amendments address the domination of the streetscape by garages and also reduce crossovers along the laneway frontage from three to two. These amendments also address level issues noted by the UDP.
- Amendments to the pedestrian entry and foyer to make it larger and less constrained as noted by the panel.
- Increase in the floor to ceiling height from 2450mm to 2700mm, with minimum 3050mm floor to floor heights in Unit 3. As a result, compliance with the ADG is achieved and appropriate space for servicing is available.

The plan amendments do not address all items made in the 14 March 2022 UDP meeting. Notwithstanding, the following is noted:

- Given the proposal includes only three units, it is not considered to be a scale that would warrant a communal space.
- Private open space proposed for each unit is largely compliant with ADG numerical requirements excluding Unit 1 which proposes a 9.57m² balcony, therefore representing a very minor 0.43m² variation to the 10m² requirement. Given the minor variation and that the minimum depth is exceeded, it is considered that the non-compliance can be supported.
- A condition has been recommended that a footpath be constructed along the laneway frontage to improve pedestrian accessibility and address the UDP concerns. It is noted however that this laneway is largely utilised as a service laneway for vehicle access and therefore is not highly used by pedestrians.
- Deep soil planting is not proposed given the development proposes a 100% site coverage with a commercial use on the ground floor. This form of development is acknowledged in the ADG as being acceptable subject to acceptable stormwater management and alternative forms of planting being provided on the structure. Landscaping is provided on the structure and Council's Development Engineer supported the proposal from a stormwater perspective.
- All residential levels meet the ADG minimum floor to ceiling height of 2.7m. The applicant provided a response from a structural engineer noting that this was sufficient and would be maintained post construction.
- Council cannot presuppose illegal use of the media rooms and nooks to be for bedrooms. Notwithstanding, a condition has been recommended on the consent prohibiting their use as bedrooms.
- Given the development and other adjoining buildings are built to the boundary, separation distances are not catered for or required. Notwithstanding, given the presence of the laneway along the sites boundaries, the development will be a minimum of 16m from the nearest neighbouring property balcony to the south. The distance to the site to the east exceeds ADG requirements. It is further noted that no objections were raised during notification of the application.
- Infrastructure including location of downpipes, service areas and stormwater has been provided with the application and appropriately incorporated into the design.

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

Given the above and the modifications to the plans, the proposed development as amended, has been assessed against the nine design quality principles and the ADG as outlined below.

Apartment Design Guide	
Quality design principles	
Principle	Assessment
Principle 1: Context and neighbourhood character	<p>Principle 1 identifies that good design responds and contributes to its context, with context being established by the key natural and built features of an area. Responding to context involves identifying the desirable element of an area's existing or future character.</p> <p>The site is located on the commercial strip in Fingal Bay, which is characterised by mixed used developments including shop top housing of a similar scale and design to the proposed development. The existing and approved mixed use developments located along Market Street are not only of a similar design to the proposed (shop top housing) but also of a similar form and height. The existing development located at 6 Market Street contains commercial development on the ground floor, two levels of residential development above and is built to each boundary. This building has an existing height of 9.2m, also exceeding the PSLEP height limit. The building is located directly adjacent to the site at 12 Market Street and contains commercial development on the ground floor and residential on the first floor. The building as it currently exists has a height of 6.3m. It is noted however, that a DA has recently been approved by Council on the site (16-2021-1067-1) which includes the addition of another level resulting in a height of 9.33m to the lift overrun, which is also above the PSLEP 2013 height limit.</p> <p>Beyond the commercially zoned land, development is largely characterised by residential developments of different scales, with a maximum building height of 9m. The proposed development is suitably setback from neighbouring residential development as a result of the laneway.</p> <p>Noting the existing and approved neighbouring developments along the commercial strip along Market Street and suitable separation from nearby residential developments, it is considered that the proposal is consistent with the site context and neighbourhood character. Moreover, the existing building is underutilised in its current form and out of character with the adjoining buildings to the west along Market Street.</p>
Principle 2: Built form and scale	<p>Principle 2 identifies that good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>The proposed development has a maximum height of 9.88m</p>

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

	<p>above the existing ground level, which is non-compliant with the 8m limit as per the PSLEP height of buildings map. The development therefore proposes a 23.5% variation to the 8m height limit. The built form and scale of the development is considered acceptable when taking into consideration other commercial developments along Market Street, which exceed the height limit.</p> <p>In addition, the proposal seeks to provide a commercial premise on the ground floor and balconies on each upper level achieving an active street frontage and passive surveillance, which is consistent with the design of neighbouring commercial developments on Market Street.</p> <p>Appropriate setbacks are also provided from the development to neighbouring residential developments as a result of the existing laneway around the site.</p> <p>Council's Urban Design Panel considered the proposal to be an attractive architectural design from an aesthetic perspective that will complement the Market Street streetscape.</p>
<p>Principle 3: Density</p>	<p>Principle 3 stipulates that good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>The proposal has an FSR of 0.90:1. In accordance with the PSLEP, no FSR controls apply. The proposed development density is considered to be appropriate for the sites B1 Neighbourhood Centre zoning and density context. A high level of amenity is provided for future residents.</p>
<p>Principle 4: Sustainability</p>	<p>Principle 4 identifies that good design combines positive environmental, social and economic outcomes. Further, that good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents.</p> <p>A valid BASIX certificate has been submitted with the development. Each unit achieves sufficient solar access and ventilation to reduce powered heating and cooling demand.</p>
<p>Principle 5: Landscape</p>	<p>Principle 5 specifies that good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity.</p> <p>The proposal includes 100% site coverage and therefore landscape opportunity is limited. Landscaping is provided through planter boxes located on the ground floor and each unit's balcony. It is considered the proposed landscaping scheme is suitable noting the infill nature of the development and small lot size. The proposed landscaping will complement the built form of the development and contribute to amenity in each apartment.</p>

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

<p>Principle 6: Amenity</p>	<p>Principle 6 provides that good design positively influences internal and external amenity for residents and neighbours. Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, and ease of access for all age groups and degrees of mobility.</p> <p>All apartments are provided with a high level of amenity with generous floor areas, balconies and all rooms of suitable size with access to natural light and ventilation.</p>	
<p>Principle 7: Safety</p>	<p>Principle 7 identifies that good design optimises safety and security within the development and public domain.</p> <p>Pedestrian access to the residential component of the development been minimised to one public access and internal garage access from each dwelling.</p> <p>Furthermore, the presence of private open space and habitable rooms along all frontages will provide good passive surveillance to both Market Street and the laneway.</p>	
<p>Principle 8: Housing diversity and social interaction</p>	<p>Principle 8 specifies that good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Given the proposed developments scale is only three units, it is considered the apartment mix is appropriate with two x 2 bedrooms apartments and one x 4 bedroom apartment proposed.</p> <p>Further, no communal open space has been provided which is not considered necessary given the small scale of the yield, being only three units.</p>	
<p>Principle 9: Aesthetics</p>	<p>Principle 9 provides that good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design also uses a variety of materials, colours and textures.</p> <p>The amended design has minimised the number of garages and access points on the south east elevation to improve the visual appears and streetscape. The design has also incorporated an awning to the pedestrian access and commercial frontage to easily identify these access points.</p> <p>The proposed material and finishes are considered to be appropriate for the site and surrounding development and were supported by the UDP.</p>	
<p>Assessment Criteria</p>		
<p>Control / Requirement</p>	<p>Proposed</p>	<p>Compliance / Comment</p>

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

<p><i>3A-1 – Site analysis</i></p> <p>Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.</p>	<p>Site analysis plan submitted.</p>	<p>Yes – provided.</p>
<p><i>3B-1 Orientation</i></p> <p>Building types and layouts respond to the streetscape and site while optimising solar access within the development.</p>	<p>The building is located within the commercial strip of Fingal Bay and is orientated toward Market Street with the commercial component being located on the ground floor with access directly from Market Street.</p> <p>The proposed development suitably responds to the desired future character of the area. The proposal is generally consistent with the bulk and scale of surrounding developments within the commercial area and provides visual interest to the property.</p> <p>The site optimises solar access to the development.</p>	<p>Yes – complies.</p>
<p><i>3B-2 Orientation</i></p> <p>Overshadowing of neighbouring properties is minimised during mid-winter.</p>	<p>Shadow diagrams have been submitted with the application. Given the orientation of the building, overshadowing impact is confined to the residential dwelling to the south east (16 Market Street).</p> <p>The dwelling to the south east continues to receive three hours of solar access during mid-winter, which is considered appropriate noting the ADG requirements. This is also compliant with Councils requirements in that any adjoining dwelling must maintain a minimum of 3</p>	<p>Yes – complies.</p>

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

	hours between 9am – 3pm.	
<p><i>3C-1 Public Domain Interface</i></p> <p>Transition between private and public domain is achieved without compromising safety and security.</p>	<p>The proposed development provides an appropriate transition between private and public space given it is a commercial use on the ground floor. An awning has been provided over the proposed commercial premise entry to assist in the delineation of the private and public space. Along the laneway frontage an awning has been provided over the residential entry point, which again delineates between the private and public space.</p>	Yes – complies.
<p><i>3C-2 Public Domain Interface</i></p> <p>Amenity of the public domain is retained and enhanced.</p>	<p>The proposed development provides an appropriate transition between private and public space given it is a commercial use on the ground floor. An awning has been provided over the proposed commercial premise entry to assist in the delineation of the private and public space. This is consistent with surrounding developments along Market Street.</p> <p>As previously noted, an awning has also been provided over the residential entry point, which again delineates between the private and public space.</p>	Yes – complies.
<p><i>3D-1 Communal and Public Open Space</i></p> <p>An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.</p> <p>Numerical design criteria:</p>	<p>Communal open space has not been provided for the proposed development. The development only includes three residential units and one commercial unit on the ground floor. Given the granular scale of the development and that each unit is generally consistent with private open space</p>	No – non-compliance supported.

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

<ul style="list-style-type: none"> Communal open space has a minimum area equal to 25% of the site area. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (midwinter). 	<p>requirements, providing communal open space is not considered necessary.</p>	
<p><i>3D-2 Communal and Public Open Space</i></p> <p>Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting</p>	<p>As above, communal open space has not been provided.</p>	<p>N/A</p>
<p><i>3D-3 Communal and Public Open Space</i></p> <p>Communal open space is designed to maximise safety.</p>	<p>As above, communal open space has not been provided.</p>	<p>N/A</p>
<p><i>3D-4 Communal and Public Open Space</i></p> <p>Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood.</p>	<p>N/A – no public open space is provided.</p>	<p>N/A</p>
<p><i>3E-1 Deep Soil Zones</i></p> <p>Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.</p> <p>Numerical design criteria:</p> <ul style="list-style-type: none"> Site area greater than 1,500 m² – minimum dimension 6m and 7% 	<p>Deep soil zones have not been provided on the site. The development proposes a 100% site coverage with a commercial use on the ground floor, which is acknowledged within the ADG as being acceptable subject to acceptable stormwater management and alternative forms of planting are provided on the structure.</p>	<p>Yes – complies.</p>

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

<p>of site area.</p> <p>However, the design criteria may not be possible on some sites including:</p> <ul style="list-style-type: none"> • Central business district. • Constrained sites. • High density areas. • Commercial centres. • Where there is 100% site coverage or non-residential uses at ground floor. 	<p>Council's Development Engineer reviewed the proposal and found that the application appropriately addressed stormwater requirements. Landscaping is provided on the structure with planters provided in southern corner of the building. Further landscaping is provided on the first floor and second floor to assist in improving residential amenity and an attractive façade when viewed from the public domain.</p>	
<p><i>3F-1 Visual Privacy</i></p> <p>Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.</p> <p>Numerical design criteria:</p> <p>Building height up to 12m (4 storeys):</p> <ul style="list-style-type: none"> • Habitable rooms and balconies - 6m. • Non habitable rooms – 3m. • Building height up to 25 metres (5-8 storeys): • Habitable rooms and balconies - 9m. • Non habitable rooms – 4.5m. <p>Building height over 25m (9+ storeys):</p> <ul style="list-style-type: none"> • Habitable rooms and balconies - 12m. • Non habitable rooms – 6m. • No separation is required between blank walls. • An additional 3 m separation is required when adjacent to a different zone which permits 	<p>The proposed development is three stories in height (9.51m) and proposes to be built to the boundary. This is generally consistent with surrounding development along the commercial precinct on Market Street.</p> <p>The building adjoining to the north east (12 Market Street) is also built to the shared boundary meaning that no windows or balconies are proposed along these elevations. Therefore, as per the ADG no building separation is required.</p> <p>Given the presence of the laneway along the sites remaining boundaries, the development will be a minimum of 16.2m from the neighbouring properties to the south west as well as to the site to the south east. It is noted that the balconies on the second floor have been provided with planter boxes, which are approximately 0.5m wide and will reduce the potential for overlooking and adverse</p>	<p>No – non-compliance supported.</p>

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

<p>lower density residential development to provide a transition in scale and increased landscaping.</p>	<p>privacy impacts. These setbacks comply with the separation distances required by the ADG. It is considered that these setbacks meet the intent of Objective 3F-1 and is therefore supported on merit.</p>	
<p><i>3F-2 Visual Privacy</i> Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.</p>	<p>Each unit is provided with private open space that is separate from communal open spaces and access paths. It is considered that the design of the development achieves a reasonable level of privacy without compromising solar access and ventilation.</p>	<p>Yes – complies.</p>
<p><i>3G-1 Pedestrian Access and Entries</i> Building entries and pedestrian access connects to and addresses the public domain.</p>	<p>The proposed development includes a clearly defined residential entry lobby, which is highlighted through the proposed awning. The commercial entry is also highlighted through use of an awning. It is considered that both building entries are clearly identifiable.</p>	<p>Yes – complies.</p>
<p><i>3G-2 Pedestrian Access and Entries</i> Access, entries and pathways are accessible and easy to identify.</p>	<p>As noted above, the residential and commercial entries have been clearly defined, this has been achieved through the use awnings over the access points to celebrate the entrances making them easily identifiable.</p>	<p>Yes – complies.</p>
<p><i>3G-3 Pedestrian Access and Entries</i> Large sites provide pedestrian links for access to streets and connection to destinations.</p>	<p>N/A – the site is not of a scale to provide pedestrian links throughout.</p>	<p>N/A</p>

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

<p><i>3H-1 Vehicle Access</i></p> <p>Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.</p>	<p>The proposed vehicle access points and pedestrian access via the entry lobby are separated appropriately.</p> <p>A condition has been included on the consent requiring the construction of pedestrian pathway along the length of the site to improve pedestrian accessibility.</p>	<p>Yes – complies.</p>
<p><i>3J-1 Bicycle and Car Parking</i></p> <p>Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.</p> <p>Numerical design criteria:</p> <ul style="list-style-type: none"> • on sites that are within 800m of a railway station or light rail stop in the Sydney Metropolitan Area; or • on land zoned, and sites within 400m of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre <p>The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever less.</p> <p>The car parking need for a development must be provided off-street.</p>	<p>As per Chapter B8 of the PSDCP, 5 car parking spaces are required for the residential component and 1.65 for the commercial component. The proposal provides 4 car parking spaces for the residential component and therefore a 1 space shortfall being for a visitor space.</p> <p>Only 1 space is provided for the commercial component and is therefore non-compliant by 0.65 spaces.</p> <p>The proposed parking non-compliance is considered acceptable and is discussed further in the assessment against Chapter B8 of the PSDCP.</p>	<p>No – Minor non-compliance supported.</p>
<p><i>3J-2 Bicycle and Car Parking</i></p> <p>Parking and facilities are provided for other modes of transport.</p>	<p>Bicycle parking is available within apartment’s garages.</p>	<p>Yes – complies</p>

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

<p><i>3J-3 Bicycle and Car Parking</i></p> <p>Car park design and access is safe and secure</p>	<p>Each garage will be accessed individually for residents of each dwelling. The pedestrian access from the lobby to the garages will be lockable to ensure each garage is safe and secure.</p>	<p>Yes – complies</p>
<p><i>3J-4 Bicycle and Car Parking</i></p> <p>Visual and environmental impacts of underground car parking are minimised.</p>	<p>N/A - underground car parking not proposed.</p>	<p>N/A</p>
<p><i>3J-5 Bicycle and Car Parking</i></p> <p>Visual and environmental impacts of on-grade car parking are minimised.</p>	<p>On-grade car parking is proposed. The car parking is accessed via the laneway to the sites east. The car parking and access is not visible to the primary frontage to Market Street as per the ADG requirements.</p>	<p>Yes – complies</p>
<p><i>3J-6 Bicycle and Car Parking</i></p> <p>Visual and environmental impacts of above ground enclosed car parking area minimised.</p>	<p>Car parking is not exposed and not visible from on the primary street frontage.</p>	<p>Yes – complies.</p>

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

<p><i>4A-1 Solar and Daylight Access</i></p> <p>To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.</p> <p>Numerical design criteria:</p> <ul style="list-style-type: none"> • In all other areas (i.e. areas outside Sydney metropolitan area, Newcastle and Wollongong local government areas), living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid-winter • A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter. 	<p>Each unit's living space and private open space receives a minimum of 3 hours of direct sunlight between 9am – 3pm in mid-winter.</p>	<p>Yes – complies</p>
<p><i>4A-2 Solar and Daylight Access</i></p> <p>Daylight access is maximised where sunlight is limited.</p>	<p>The design suitably captures solar access opportunities through siting of balconies and windows.</p>	<p>Yes – complies.</p>
<p><i>4A-3 Solar and Daylight Access</i></p> <p>Design incorporates shading and glare control, particularly for warmer months.</p>	<p>Adequate shading and glare control are incorporated throughout the development.</p>	<p>Yes – complies.</p>
<p><i>4B-1 Natural Ventilation</i></p> <p>All habitable rooms are naturally ventilated.</p>	<p>All habitable rooms can be naturally ventilated.</p>	<p>Yes – complies.</p>
<p><i>4B-2 Natural Ventilation</i></p> <p>The layout and design of single aspect apartments maximises natural ventilation.</p>	<p>No single aspect apartments are proposed.</p>	<p>N/A</p>

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

<p><i>4B-3 Natural Ventilation</i></p> <p>The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents.</p> <p>Numerical design criteria:</p> <ul style="list-style-type: none"> • At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. • Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line. 	<p>All apartments are cross ventilated.</p>	<p>Yes – complies</p>
<p><i>4C-1 Ceiling Heights</i></p> <p>Ceiling height achieves sufficient natural ventilation and daylight access.</p> <p>Numerical design criteria: Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <ul style="list-style-type: none"> • Habitable rooms – 2.7m. • Non-habitable rooms – 2.4m, • Two storey apartments – 2.7m for main living area floor and 2.4 m for second floor where it does not exceed 50% of the apartment area. • Attic spaces – 1.8m at the edge of the room with a 30 degree minimum ceiling slope. • If located in mixed use areas – 3.3m for ground floor and first floor to promote future flexibility of use. 	<p>All habitable rooms have a minimum ceiling height of 2.7m.</p> <p>The ground floor commercial space has a floor to ceiling height of 3.1m, which is non-compliant with the 3.3m requirement for shop top housing. Given the small scale of the commercial unit and the minor nature of variation, the floor to ceiling height is considered acceptable. The ceiling will also comply with BCA standards.</p>	<p>No – non-compliance supported.</p>
<p><i>4C-2 Ceiling Heights</i></p> <p>Ceiling height increases the sense of space in apartments and provides for</p>	<p>Ceiling heights are considered appropriate with a minimum floor to ceiling height of 2.7m.</p>	<p>Yes - complies.</p>

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

<p>well-proportioned rooms.</p>		
<p><i>4C-3 Ceiling Heights</i></p> <p>Ceiling heights contribute to the flexibility of building use over the life of the building.</p>	<p>The site is within a commercial area, although given the proposal is only for a three storey development and no major retail proposed on the ground floor, it is not considered necessary that the ground floor to ceiling height level be amended to be 3.3m.</p>	<p>No – non-compliance supported.</p>
<p><i>4D-1 Apartment Size and Layout</i></p> <p>The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.</p> <p>Numerical design criteria: Apartments are required to have the following minimum internal areas:</p> <ul style="list-style-type: none"> • Studio – 35 m² • One bedroom – 50 m² • Two bedroom – 70m² • Three bedroom – 90m² • An additional 5m² is required for apartments with more than one bathroom. • An additional 12m² is required for a fourth, and further additional bedrooms. • Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms. 	<p>The following minimum internal areas have been proposed:</p> <ul style="list-style-type: none"> • Two bedroom – 111m², and • Four bedroom – 242m². <p>All of the proposed apartments comply with the minimum areas required by the design criteria.</p> <p>All habitable rooms include a window on an external wall. The media nook and media rooms in all apartments do not have access to external windows. A condition has been recommended noting that these rooms are not to be converted to bedrooms.</p>	<p>Yes – complies.</p>

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

<p><i>4D-2 Apartment Size and Layout</i></p> <p>Environmental performance of the apartment is maximised.</p> <p>Numerical design criteria:</p> <ul style="list-style-type: none"> • Habitable room depths are limited to a maximum of 2.5 x the ceiling height. • In open plan layout (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window. 	<p>All apartments have been designed with an open plan layout. All apartments comply with the maximum 8m depths from a window.</p>	<p>Yes – complies.</p>
<p><i>4D-3 Apartment Size and Layout</i></p> <p>Apartment layouts are designed to accommodate a variety of household activities and needs.</p> <p>Numerical design criteria:</p> <ul style="list-style-type: none"> • Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space). • Bedrooms have a minimum dimension of 3m (excluding wardrobe space). • Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none"> - One bedroom apartments - 3.6m. - Two or three bedroom apartments – 4m. • The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts. 	<p>Proposed master bedrooms have a minimum area of 16m² and all other bedrooms have been provided with a minimum area of 9m².</p> <p>All bedrooms have a minimum dimension of 3m (excluding wardrobe space).</p> <p>All living rooms have a minimum width of 4.4m.</p>	<p>Yes – complies.</p>

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

<p><i>4E-1 Private Open Space and Balconies</i></p> <p>Apartments provide appropriately sized private open space and balconies to enhance residential amenity.</p> <p>Numerical design criteria – all apartments are required to have primary balconies as follows:</p> <ul style="list-style-type: none"> • Studio apartments – 4m². • One bedroom apartments – 8m² with a depth of 2m. • Two bedroom apartments – 10m² with a depth of 2m. • Three + bedroom apartments – 12m² with a depth of 2.4m. • For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m 	<p>The units are provided the following minimum areas for balconies:</p> <ul style="list-style-type: none"> • Unit 1 (two bedrooms) – 9.57m² with a minimum depth of 2.9m. • Unit 2 (two bedrooms) – 11.8m² with a minimum depth of 2.7m. • Unit 3 (four bedrooms) – 17.16m² with a minimum depth of 3.3m <p>The proposed balconies generally comply with the ADG numerical requirements excluding Unit 1, which proposes a 9.57m² balcony, therefore representing a 0.43m² variation to the 10m² requirement. Given the minor variation and that the minimum depth is exceeded it is considered that the non-compliance can supported.</p>	<p>No – minor non-compliance supported.</p>
<p><i>4E-2 Private Open Space and Balconies</i></p> <p>Primary private open space and balconies are appropriately located to enhance liveability for residents.</p>	<p>All balconies areas are located adjacent to open plan living/dining spaces.</p>	<p>Yes – complies.</p>
<p><i>4E-3 Private Open Space and Balconies</i></p> <p>Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.</p>	<p>The balconies have been designed to be incorporated within the overall of design of the facade. Balconies compromise a mix of rendered masonry concrete and glass balustrades. The design of the balconies maintain visual privacy and allow for and range of uses on the balconies as per the ADG objectives.</p>	<p>Yes – complies.</p>

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

<p><i>4E-4 Private Open Space and Balconies</i></p> <p>Private open space and balcony design maximises safety.</p>	<p>The proposed balcony design achieves an adequate level of safety.</p>	<p>Yes – complies.</p>
<p><i>4F-1 Common Circulation and Spaces</i></p> <p>Common circulation spaces achieve good amenity and properly service the number of apartments.</p> <p>Numerical design criteria:</p> <ul style="list-style-type: none"> • The maximum number of apartments off a circulation core on a single level is eight. • For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40. 	<p>There is one lift proposed to service a total of three units complying with this provision.</p>	<p>Yes – complies.</p>
<p><i>4F-2 Common Circulation and Spaces</i></p> <p>Common circulation spaces promote safety and provide for social interaction between residents.</p>	<p>Common circulation areas have been designed to promote safety however, have not been designed to encourage social interaction. Given the scale of the development, it is not considered that spaces for social interaction is necessary.</p>	<p>No – minor non-compliance supported.</p>
<p><i>4G-1 Common Circulation and Spaces</i></p> <p>Adequate, well designed storage is provided in each apartment.</p> <p>Numerical design criteria –in addition to storage in kitchens, bathrooms and bedrooms the following storage is provided:</p> <ul style="list-style-type: none"> • Studio apartments – 4m². • One bedroom apartments – 6m². • Two bedroom apartments – 8m². • Three + bedroom apartments – 	<p>Appropriate storage is provided within apartments and within the garages for each apartment.</p>	<p>Yes – complies.</p>

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

<p>10m².</p> <ul style="list-style-type: none"> At least 50% of the required storage is to be located within the apartment. 		
<p><i>4G-2 Common Circulation and Spaces</i></p> <p>Additional storage is conveniently located, accessible and nominated for individual apartments.</p>	<p>Storage spaces are accessible for residents.</p>	<p>Yes – complies.</p>
<p><i>4H-1 Acoustic Privacy</i></p> <p>Noise transfer is minimised through the siting of buildings and building layout.</p>	<p>Noise transfer will be minimised noting the separation of living areas to adjoining properties and the direction balconies facing north.</p>	<p>Yes – complies.</p>
<p><i>4H-2 Acoustic Privacy</i></p> <p>Noise impacts are mitigated within apartments through layouts and acoustic treatments.</p>	<p>The layouts will adequately mitigate any potential noise impacts within apartments.</p>	<p>Yes – complies.</p>
<p><i>4J-1 Noise and Pollution</i></p> <p>In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings.</p>	<p>The proposed development is not located in a noisy or pollutant environment, such as near a major road, rail line or beneath a flight path.</p>	<p>N/A.</p>
<p><i>4J-2 Noise and Pollution</i></p> <p>Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.</p>	<p>The proposed development is not located in a noisy or hostile environment, such as near a major road, rail line or beneath a flight path.</p>	<p>N/A</p>
<p><i>4K-1 Apartment Mix</i></p> <p>A range of apartment types and sizes is provided to cater for different household</p>	<p>Given the small scale of the development, two x 2 bedroom units and one x 3 bedroom unit is proposed to be provided. The proposed</p>	<p>Yes – complies.</p>

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

types now and into the future.	apartment mix is considered appropriate for the context of the locality and scale of the yield.	
<i>4K-2 Apartment Mix</i> The apartment mix is distributed to suitable locations within the building.	The two x 2 bedroom units are located on the first floor and the one x 3 bedroom unit on the second floor. The location of the units is considered to be appropriate.	Yes – complies.
<i>4L-1 Ground Floor Apartments</i> Street frontage is maximised where ground floor apartments are located.	N/A – no ground floor apartments are proposed.	N/A.
<i>4L-2 Ground Floor Apartments</i> Design of ground floor apartments delivers amenity and safety for residents.	N/A – no ground floor apartments are proposed.	N/A
<i>4M-1 Facades</i> Building facades provide visual interest along the street while respecting the character of the local area.	The design includes façade articulation, variety in materials and window design to provide visual interest to the building. The colour of the design is largely white and complemented through the incorporation of planter boxes on balconies, differing window sizes and balcony designs. The design will complement the Market Street frontage and provides a steel awning on the ground floor to delineate between the commercial premises from the residential units above.	Yes – complies.

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

<p><i>4M-2 Facades</i></p> <p>Building functions are expressed by the façade.</p>	<p>Building entries are clearly defined through the provision of awning over both the residential and commercial entry.</p>	<p>Yes – complies.</p>
<p><i>4N-1 Roof Design</i></p> <p>Roof treatments are integrated into the building designed and positive respond to the streets.</p>	<p>The development proposes a flat roof, which is recessed below parapets to allow for the roof to be integrated into the design.</p>	<p>Yes – complies.</p>
<p><i>4N-2 Roof Design</i></p> <p>Opportunities to use roof space for residential accommodation and open space are maximised.</p>	<p>Given the scale of the design, rooftop open space is not considered necessary.</p>	<p>No – minor non-compliance supported.</p>
<p><i>4N-3 Roof Design</i></p> <p><i>Roof design incorporates sustainability features.</i></p>	<p>The roof has not been designed to incorporate sustainability features. An advice note has been recommended regarding the installation of PV solar panels on the roof the development.</p>	<p>No – non-compliant, condition recommended to address.</p>
<p><i>4O-1 Landscape Design</i></p> <p>Landscape design is viable and sustainable.</p>	<p>The landscape design is considered to be viable and sustainable.</p>	<p>Yes – complies.</p>
<p><i>4O-2 Landscape Design</i></p> <p>Landscape design contributes to the streetscape and amenity.</p>	<p>The landscaping proposed contributes to the streetscape and amenity.</p> <p>It is noted that the existing site only contains one existing tree, which is proposed to be removed. This tree does not contribute to the streetscape and therefore is supported for</p>	<p>Yes – complies.</p>

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

	removal in this regard.	
<p><i>4P-1 Planting on Structures</i></p> <p>Appropriate soil profiles are provided.</p>	<p>Deep soil planting is not proposed. It is considered that the planter boxes proposed provide appropriate soil volume for plant growth.</p>	<p>Yes – complies.</p>
<p><i>4P-2 Planting on Structures</i></p> <p>Plant growth is optimized with appropriate selection and maintenance.</p>	<p>The location of landscaping will encourage growth and is capable of being appropriately maintained.</p>	<p>Yes – complies.</p>
<p><i>4P-3 Planting on Structures</i></p> <p>Planting on structures contributes to the quality and amenity of communal and public open spaces.</p>	<p>There is no communal and public open space proposed. Notwithstanding, the proposed landscaping located along the building’s façade is considered to positively contribute to the public domain and streetscape.</p>	<p>Yes - complies.</p>
<p><i>4Q-1 Universal Design</i></p> <p>Universal design features are included in apartment design to promote flexible housing for all community members.</p> <p>Numerical design criteria:</p> <ul style="list-style-type: none"> • A benchmark of 20% of the total apartments incorporate the Liveable Housing Guidelines silver level universal design features. 	<p>Given the proposed development includes only three units, this control is not considered necessary.</p>	<p>N/A</p>
<p><i>4Q-2 Universal Design</i></p> <p>A variety of apartments with adaptable designed are provided.</p>	<p>Given the proposed development includes only three units, this control is not considered necessary.</p>	<p>N/A</p>

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

<p><i>4Q-3 Universal Design</i></p> <p>Apartment layouts are flexible and accommodate a range of lifestyle needs.</p>	<p>The unit layouts are considered to be flexible and capable of accommodating a range of lifestyle needs.</p>	<p>Yes – complies.</p>
<p><i>4R-1 Adaptive Reuse</i></p> <p>New additions to existing buildings are contemporary and complementary and enhance an area’s identity and sense of place.</p>	<p>The proposed development does not involve any additions to existing buildings.</p>	<p>N/A.</p>
<p><i>4R-2 Adaptive Reuse</i></p> <p>Adapted buildings provide residential amenity while not precluding future adaptive reuse.</p>	<p>The proposed development does not involve any additions to existing buildings.</p>	<p>N/A.</p>
<p><i>4S-1 Mixed Use</i></p> <p>Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.</p>	<p>The proposed development is a mixed use development with a commercial premise (real estate agent) proposed on the ground floor. The commercial premise fronts Market Street similarly to other developments within the street. The commercial premise provides an active street frontage.</p>	<p>Yes – complies</p>
<p><i>4S-2 Mixed Use</i></p> <p>Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents.</p>	<p>The two residential levels of the building have been appropriately integrated into the building design. Pedestrian access to the residential component and commercial component are separate as is car parking.</p>	<p>Yes – complies</p>
<p><i>4T-1 Awnings and Signage</i></p> <p>Awnings are well located and complement and integrate with the building design.</p>	<p>Awnings are provided over both the commercial and residential entries and integrated into the building design.</p>	<p>Yes – complies.</p>

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

<p><i>4T-2 Awnings and Signage</i></p> <p>Signage responds to the context and desired streetscape character.</p>	<p>N/A - no signage is proposed.</p>	<p>N/A.</p>
<p><i>4U-1 Energy Efficiency</i></p> <p>Development incorporates passive environmental design.</p>	<p>A valid BASIX certificate has been submitted. Adequate natural light will be provided to habitable rooms.</p>	<p>Yes – complies.</p>
<p><i>4U-2 Energy Efficiency</i></p> <p>Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer.</p>	<p>A valid BASIX certificate has been provided. The development is considered to incorporate sufficient passive solar design to optimise heat storage in winter and reduce heat transfer in summer.</p>	<p>Yes – complies.</p>
<p><i>4U-3 Energy Efficiency</i></p> <p>Adequate natural ventilation minimises the need for mechanical ventilation.</p>	<p>The proposed development is generally compliant with the ADG’s design criteria for 4B-3 Natural Ventilation.</p>	<p>Yes – complies.</p>
<p><i>4V-1 Water Management and Conservation</i></p> <p>Potable water use is minimised.</p>	<p>A valid BASIX certificate has been provided. A condition of consent requiring compliance with the BASIX has been imposed.</p>	<p>Yes – complies</p>
<p><i>4V-2 Water Management and Conservation</i></p> <p>Urban stormwater is treated on site before being discharged to receiving waters.</p>	<p>Given the scale of the proposed development and existing impervious area of the site, no stormwater quality controls are required.</p>	<p>Yes - complies</p>
<p><i>4V-3 Water Management and Conservation</i></p> <p>Flood management systems are integrated into the site design.</p>	<p>N/A – the site is not flood prone.</p>	<p>N/A</p>

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

<p><i>4W-1 Waste Management</i></p> <p>Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.</p>	<p>Waste storage is provided separately within each garage to not impact building entry, streetscape or amenity of residents.</p>	<p>Yes – complies.</p>
<p><i>4W-2 Waste Management</i></p> <p>Domestic waste is minimised by providing safe and convenient source separation and recycling.</p>	<p>Domestic and recycling waste bins will be provided to ensure no co-mingling.</p>	<p>Yes – complies.</p>
<p><i>4X-1 Building Maintenance</i></p> <p>Building design detail provides protection from weathering.</p>	<p>The proposal includes the use of rendered brick and scyon line board cladding, both components in white finishes to ensure longevity and minimise weathering. Coverings are provided over the balconies as well as hood over windows and doors for protection.</p>	<p>Yes – complies.</p>
<p><i>4X-2 Building Maintenance</i></p> <p>Systems and access enable ease of maintenance.</p>	<p>Accessible services areas have been proposed.</p>	<p>Yes – subject to conditions.</p>
<p><i>4X-3 Building Maintenance</i></p> <p>Material selection reduces ongoing maintenance costs.</p>	<p>Robust materials that will weather well have been proposed. Conditions requiring graffiti removal have been recommended to be imposed.</p>	<p>Yes – complies, subject to conditions of consent.</p>

Port Stephens Local Environmental Plan 2013 (LEP)

Clause 2.3 – Zone Objectives and Land Use Table

The subject site is zoned B1 Neighbourhood Centre in accordance with the PSLEP 2013. The proposed development is defined as ‘shop top housing’ given a commercial premise is proposed to be located on the ground floor and dwellings located above. Shop top housing is permissible with consent in the B1 Neighbourhood Centre zone.

It is noted that a real estate agent is considered to be a ‘business premise’ which is proposed to be located on the ground floor of the development. Business premises falls within the broader definition of a ‘commercial premise’ and are therefore permissible with consent in the B1 Neighbourhood Centre zone.

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

The proposal is considered to be consistent with the objective of this zone, in that it will contribute to providing a small scale business use (real estate agent) that will service the needs of the people who live or work in the Fingal Bay area.

Clause 2.7 – Demolition requiring development consent

Clause 2.7 identifies that the demolition of a building or work may be carried out only with development consent, unless identified as exempt development under an applicable environmental planning instrument.

The proposed development requires the demolition of the existing building on site. Accordingly, conditions of consent have been included in order to mitigate potential impacts to adjoining properties and the locality during demolition works.

Clause 4.1B – Minimum lot sizes for dual occupancies, multi-dwelling housing and residential flat buildings

Clause 4.1B specifies the minimum lot size required to facilitate development for the purposes of dual occupancies, multi dwelling housing and residential flat buildings in order to achieve planned residential density in certain zones.

This clause does not apply to land zoned B1 Neighbourhood Centre.

Clause 4.3 – Height of Buildings

In accordance with the Height of Buildings map, the maximum height permissible on the site is 8m. The proposed development has a maximum height of 9.88m and is therefore non-compliant with Clause 4.3. The proposed height results in a variation of 23.5% and therefore is required to be reported to Council for determined.

Given the above, a Clause 4.6 variation has been prepared for the proposal and is provided at Attachment 1.

Clause 4.6 – Exceptions to development standards

As discussed against Clause 4.3 above, the application includes a variation to the maximum height limit. The development standard is 8m and the proposed height is 9.88m, representing a 23.5% variation.

A request to vary the building height development standard has been submitted by the applicant in accordance with Clause 4.6 of the PSLEP. The request has been reviewed and the following is noted:

- The proposed height is considered to be appropriate for the context and character of the area as surrounding development along the commercial strip is characterised by 2 and 3 storey developments in the form of 'shop top housing' similar to the proposal.
- Despite the percentage and numerical extent of the variation, it is observed the building will be constructed to an of RL18.15 when measured from the Finished Floor Level (FFL) at the Market Street elevation, noting the adjoining shop top buildings to the west are constructed to an RL between 18.39 (4 Market Street) and 18.04 (6–10 Market Street). Consequently this establishes a consistent street wall height that will enhance the intended character of Market Street and creates a proportional relationship to the scale of the street and public domain.
- The existing and approved development along the Market Street commercial strip demonstrates a higher density transition in the context and character of the locality, in which the proposal is consistent with. Moreover, the existing building in its current form is out of context with the character of the area having regard to the existing and approved shop top housing developments to the west.

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

- Despite the proposed height variation, the proposal results in negligible off site impacts including visual and amenity impacts, overshadowing and view loss as demonstrated by shadow diagrams and a Visual Impact Assessment prepared by the applicant.
- The proposal is generally compliant with the Apartment Design Guidelines and the Port Stephens Council Development Control Plan (DCP) controls.
- The objectives of Clause 4.3 are achieved despite the non-compliance with the numerical standard.
- The underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable.

It is considered that the applicant's written Clause 4.6 variation request adequately demonstrates that there are sufficient environmental planning grounds to justify contravening the maximum building height standard and compliance with the standard is unnecessary in the circumstances of this application.

On this basis, the height variation is supported. A detailed assessment against clause 4.6 can be found at Attachment 1 of this report.

Clause 5.10 – Heritage conservation

The site has not been identified as heritage listed item nor is it within a heritage listed area or within proximity to an item of heritage significance. The site is subject to significant prior ground disturbing works, which indicate a low likelihood of uncovering undiscovered Aboriginal artefacts. Notwithstanding, an advisory not has been added regarding the stop work procedures to be adopted in the event an Aboriginal object is uncovered.

Clause 5.21 – Flood Planning

The subject site is not flood prone land.

Clause 7.1 – Acid Sulfate Soils

The subject land is mapped as containing potential Class 5 acid sulfate soils. The proposed development is not anticipated to entail excavations below 5 metres and therefore it is not expected that acid sulfate soils would be encountered during works.

Clause 7.2 – Earthworks

The application proposes minor earthworks on the site to achieve a level building platform as well as works to construct footings. The earthworks are considered minor in nature particularly given the site is relatively flat and that the development has been designed to respond to the change in ground level.

Clause 7.6 – Essential Services

The subject site is serviced by reticulated water, electricity and sewer. In addition, the application has demonstrated that stormwater drainage resulting from roof and hard stand areas can be catered for in accordance with Councils requirements. The subject land also maintains direct access to Market Street and the unnamed laneway to the sites south east meeting the requirements of this clause.

Section 4.15(a)(ii) - any draft environmental planning instrument that is or has been placed on public exhibition

There are no draft EPI's relevant to the proposed development.

Section 4.15(a)(iii) – any development control plan

Port Stephens Development Control Plan 2014

The Port Stephens Development Control Plan 2014 (DCP) is applicable to the proposed development and has been assessed below.

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

Chapter B1 – Tree Management

The proposed development contains one existing tree on the site, which is proposed to be removed. Given the tree is isolated it is not considered likely to contain habitat. The removal of the tree is therefore supported.

Chapter B2 – Natural Resources

The site does not contain items of environmental significance nor is it within 500m of these items. The proposal is also not seeking to utilise biodiversity offsets, does not contain noxious weeds and is located on land mapped as being clear of koala habitat. This chapter therefore does not apply to the proposed development.

Chapter B3 – Environmental Management

Acid Sulfate Soils

The objective of this DCP Chapter is to ensure that developments do not disturb, expose or drain Acid Sulfate Soils (ASS) and cause environmental damage. As detailed within clause 7.1 discussion above, the subject land is mapped as containing potential Class 5 acid sulfate soils. The proposed development is not anticipated to entail excavations below 5 metres, therefore it is not expected that acid sulfate soils would be encountered during works.

Noise

The separation distances incorporated into the development will limit any significant impacts on the adjoining development. The impacts of the development during construction could be limited through conditions of consent which limit construction work hours and mitigate noise derived from ventilation and air conditioning systems. Subject to conditions, the application is satisfactory in regards to noise management.

Earthworks

As discussed at clause 7.2 above the proposed development involves minor earthworks to establish a level building platform and construct footings. The impacts of the proposed earthworks can be mitigated through conditions of consent. The proposal is therefore consistent with requirements outlined in Councils DCP relating to earthworks.

Chapter B4 – Drainage and Water Quality

A stormwater management plan was submitted with the application. Council's Development Engineer reviewed the stormwater management plan and found it to be consistent with the DCP. A condition of consent has been recommended in the consent requiring the provision of detailed engineering plans, prior to the issue of a construction certificate.

Chapter B8 – Road Network and Parking

The potential impacts of the development on the local road network have been assessed and it has been determined that subject the surrounding network can cater for the minor increased demand in traffic generation from the proposal.

The proposed access arrangements are considered to be suitable and compliant with Council requirements. However, Council's Development Engineer has recommended that a continuous concrete accessible path be provided along the perimeter of the site. A condition to this effect has been recommended.

Figure BU identifies the on-site parking requirements for the development as follows:

Development type	DCP requirement	Parking requirement	Proposed
Shop top housing	<ul style="list-style-type: none"> 1 car space for one and two bedroom 	Unit 1 (2 bedrooms) – 1 car park	Unit 1 (2 bedrooms) – 1 car park

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

	dwellings <ul style="list-style-type: none"> • 2 car spaces for three > bedroom dwellings • 1 visitor space for every three dwellings 	Unit 2 (2 bedrooms) – 1 car park Unit 3 (4 bedrooms) – 2 car parks 1 visitor space	Unit 2 (2 bedrooms) – 1 car park Unit 3 (4 bedrooms) – 2 car parks 0 visitor space
Business premise	<ul style="list-style-type: none"> • 1 car space per 40m² floor area • 1 bike space per 200m² floor area 	Business premise – 66m ² in floor area = 1.6 car spaces	1 car space
Total		6.6 (7)	5

In accordance with the above, the proposal is non-compliant with the DCP car parking requirements and proposes a shortfall of 2 car parking spaces as a result of not providing a visitor space and enough car parks to cater for the business premise.

Control B8.6 of the DCP notes that Council may consider a reduction in car parking spaces if a current land use has been approved with a parking shortfall and the proposed parking concession does not exceed the current shortfall for the approved use calculated in accordance with Figure BU. The business premise currently exists on-site without an allocated car parking space. Therefore, notwithstanding non-compliance with the Figure BU car parking requirements, the proposal represents a parking improvement to what currently exists on site by providing 1 additional car parking space. Taking this into consideration and the historical deficiency the shortfall of car parking is therefore acceptable.

Given the sites constraints (width and overall area), it is considered that providing a visitor space is not viable given it may compromise the design of the residential car parking, storage areas and pedestrian access currently provided on the ground floor. Further, the development is designed to provide separate garages for each dwelling, meaning a visitor space would likely follow the same design creating functionality issues due to access for visitors and potentially exacerbate concerns raised by the UDP regarding the domination of garages along the developments frontage to the laneway. It is therefore considered that the shortfall associated with no visitor space is acceptable.

Further to the above, the proposed shortfall is considered acceptable given there is ample on-street car parking within the sites vicinity, particularly along the Market Street and within the laneway to the sites rear. It is acknowledged however, that as a result of the proposed development some on-street car parks will be removed given the number of crossovers proposed along the sites south eastern boundary.

Council's Development Engineers have recommended that the applicant install a 'no stopping' line along driveway crossovers to deter illegal parking in front of driveways. A condition has been recommended regarding this.

Chapter C – Development Types

The proposed development is defined as shop top housing. Chapter C does not provide specific controls for shop top housing. The proposed development was therefore assessed against SEPP 65 and the Apartment Design Guidelines (ADG). Notwithstanding, the proposal has also been assessed against Chapter C2 of the DCP given the proposed commercial premises on the ground floor and the site location being within a B1 Neighbourhood Centre zone.

Chapter C2 – Commercial

Reference	Control	Assessment
Objective C2.A Requirement C2.1-2.5	<p>Height</p> <ul style="list-style-type: none"> To ensure development is of an appropriate height that minimises privacy loss and over-shadowing To ensure that floor to ceiling height allows for flexible uses overtime 	<p>The proposal is subject to an 8m height limit as per Clause 4.3 of the PSLEP. The proposal is non-compliant with the height limit, proposing a maximum height of 9.88m. A Clause 4.6 variation has been prepared for the proposal and is provided at Attachment 1. As detailed within the Clause 4.6 variation, the proposed height variation is considered acceptable.</p> <p>Furthermore, the proposal is not considered to exacerbate privacy loss and over-shadowing given the presence of the laneway along the sites south eastern and southern boundaries, which provides an appropriate separation to neighbouring residential developments.</p> <p>Floor to ceiling heights for the residential levels are compliant with the DCP providing a minimum of 2.7m floor to ceiling heights.</p> <p>The commercial premise on the ground floor has a floor to ceiling height of 3.1m, non-compliant with the 3.5m requirement. It is considered that the reduced floor to ceiling height is acceptable given the variation is minor in nature and also as the size of the commercial premise, being a small retail area, presenting lower opportunity of a range of uses over time.</p>
Objective C2.B Requirement C2.6-C2.14	<p>Site Frontage and Setbacks</p> <ul style="list-style-type: none"> To ensure development provides continuity and consistency to the public domain 	<p>The commercial component of the building is built to the boundary, which is consistent with the DCP requirement and the existing streetscape along Market Street. The development is also built to the site boundaries ensuring a continuous active street frontage.</p>
Objective C2.C Requirement C2.15-C2.16	<p>Building Form and Massing</p> <ul style="list-style-type: none"> To ensure development reinforces, compliments and enhances the visual character of the street 	<p>The proposed built form and massing is not considered likely to result in unreasonable loss of amenity to adjacent properties or the public domain as discussed throughout this report.</p> <p>The commercial premise is consistent with other premises along Market Street and is complementary to the character of the area.</p>
Objective C2.D Requirement C2.17-C2.21	<p>Facades</p> <ul style="list-style-type: none"> To ensure street activation and passive surveillance through active street frontage To facilitate development that is safe 	<p>As assessed under the ADG section, the proposed development has incorporated appropriate building materials, colours and architectural elements to assist in reducing the perceived bulk of the development whilst also providing visual interest. The ground floor</p>

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

	<p>and secure for pedestrians and contributes to public domain safety by incorporating principles of CPTED, such as:</p> <ul style="list-style-type: none"> - Territorial re-enforcement - Surveillance - Access Control - Space/Activity Management <ul style="list-style-type: none"> • To ensure the bulk of large floor plate development is concealed by a sleeve of smaller buildings fronting the street 	<p>commercial premise will provide an active street frontage and vibrant façade above.</p>
<p>Objective C2.E Requirement C2.22</p>	<p>Awnings</p> <ul style="list-style-type: none"> • To ensure continuous awnings along pathways to provide shelter where most pedestrian activity occurs • To ensure awning design is integrated with the building façade to integrate with adjoining buildings 	<p>An awning has been provided for the extent of the commercial premise frontage to Market Street where much of the pedestrian activity will occur.</p>
<p>Objective C2.F Requirement C2.23-C2.24</p>	<p>Building Entries</p> <ul style="list-style-type: none"> • To provide clear direction to access points 	<p>The access point is recognisable from Market Street. The residential component of the development is provided with a separate access.</p>
<p>Objective C2.G Requirement C2.25-C2.26</p>	<p>Building Facilities and Services</p> <ul style="list-style-type: none"> • To appropriately locate building facilities and services that do not adversely impact on the public domain 	<p>Building facilities are not visible from the public domain.</p>
<p>Objective C2.H Requirement C2.27</p>	<p>Public Art</p> <ul style="list-style-type: none"> • To ensure that features of the public domain contribute to identity, character, safety, amenity and accessibility 	<p>N/A – whilst the proposed development does have a cost of work exceeding \$2 million, the proposal also involves residential development rather than wholly commercial development. It is therefore not considered necessary to provide public art for this development.</p>
<p>Objective C2.I Requirement C2.28-C2.30</p>	<p>Shipping Container Stacks</p> <ul style="list-style-type: none"> • To ensure development that proposes the use of shipping containers does not impact upon the amenity of the area 	<p>N/A – shipping containers are not proposed.</p>
<p>Objective C2.J Requirement C2.31-C2.35</p>	<p>Landscaping</p> <ul style="list-style-type: none"> • To enhance the appearance and amenity of developments through the retention and/or planting of large and medium sized trees • To encourage landscaping between buildings for screening • To ensure landscaped areas are consolidated and maintainable spaces that contribute to the open space structure of the area • To improve the aesthetics of commercial areas, especially major commercial road corridors, through landscape works and co-ordination of 	<p>The proposed landscaping scheme is considered appropriate for the proposed development and has been assessed against the provisions of the ADG.</p>

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

	<ul style="list-style-type: none"> architectural and signage elements To reduce hydrocarbon emission by providing shading of untendered vehicles To reduce energy consumption through microclimate regulation To reduce air borne pollution by reducing the heat island effect To intercept stormwater to reduce stormwater runoff 	
Objective C2.K Requirement C2.36	<p>Bulky good premises</p> <ul style="list-style-type: none"> Establish requirements for bulky goods premises Ensure the design of bulky goods contributes positively to the streetscape and public domain through quality architecture, materials and finishes 	N/A – the proposed development is not a bulky good premise but rather a business premise.
Objective C2.L	<ul style="list-style-type: none"> To ensure signage is complimentary to its surroundings 	N/A – no signage proposed.

Section 4.15(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

There are no matters within the regulations that are relevant to the determination of the application.

Section 4.15 (1)(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Social and Economic Impacts

The proposed development represents a modern mixed use development that will provide additional housing options in the area as well as the retention of the existing business premise (within a new building), which will provide jobs opportunities and contribute to Fingal Bay’s commercial viability.

The proposed development is not anticipated to have any adverse social and economic impacts.

Impacts on the Built Environment

The proposed development is considered to result in a positive impact to the built environment by providing a modern architecturally designed development within the Market Street commercial centre. Despite the proposed height limit exceedance, the proposal is considered to be appropriate for the context and character of the area as surrounding development along the commercial strip is characterised by 2 and 3 storey developments in the form of ‘shop top housing’ similar to the proposal.

Impacts on the Natural Environment

The proposed development is not considered to impact upon the natural environment as it does not contain any significant vegetation, koala habitat or threatened species habitat. The stormwater management has been appropriately designed to reduce potential impacts on the natural environment.

Section 4.15(1)(c) the suitability of the site for the development

The subject site already contains a shop top housing development. The proposal seeks to replace the existing building with a more modern development that takes advantage of the entire sites area. The proposed development is compatible with other development along the Market Street commercial strip and therefore considered suitable. The site in its current form is underutilised and out of character with the existing and approved built context.

Section 4.15(1)(d) any submissions made in accordance with this act or the regulations**Public Submissions**

The application was exhibited from 7 December 2021 to 12 January 2022 in accordance with the provisions of the Port Stephens Council Community Engagement Strategy. One submission was received with relation to the subject development proposal.

The submission received was in support of the proposed development noting that the Fingal Bay shopping strip was in need of an upgrade and that the finishes and façade are above average and will complement the area.

Section 4.15(1)(e) the public interest

The proposal is considered to be in the public interest as it will provide additional housing options in the area as well as a business premise that will provide job opportunities and contribute to Fingal Bay's commercial viability without adverse impacts to neighbouring properties. The proposed development will provide visual interest to the area as a result of the vibrant architectural design and selection of light materials and finishes.

Section 7.11 – Contribution towards provision or improvement of amenities or services (developer contributions)

Section 7.11 contributions apply to the proposal due to the two additional dwellings on site. A condition to this effect has been recommended on the consent.

DETERMINATION

The application is recommended to be approved by Council, subject to the recommended conditions.



Clause 4.6 – Exceptions to Development Standards

CLAUSE OBJECTIVES AND EXCLUSIONS

Clause 4.6(1) – Clause Objectives

Clause 4.6 provides a mechanism to vary the development standards, such as building height, prescribed within PSLEP 2013. The objectives of the clause are to provide an appropriate degree of flexibility in applying certain development standards to particular development, and to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Clause 4.6(2) – Exclusions to the operation of clause 4.6

The development standard(s) is not excluded from the operation of clause 4.6 (Refer clauses 4.6(2); 4.6(6); and 4.6(8) of PSLEP 2013).

PROPOSED REQUEST

Clause 4.6(3) – Request to vary development standards

The development application includes a written request to vary development standard(s) in the *Port Stephens Local Environmental Plan 2013* (PSLEP).

The relevant development standard(s) and the extent of the proposed variation(s) is:

Development Standard	Proposed Variation	Extent of Variation (%)
Clause 4.3 of the PSLEP 2013	1.88m	23.5 %

As the variation is greater than 10%, the development application will be determined by the elected Council.

Clause 4.6(3)(a) – Compliance is unreasonable or unnecessary

Clause 4.6(3)(a) requires the application to justify the contravention of the development standard(s) by demonstrating that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case. A written request was submitted by the applicant.

The Clause 4.6 request makes reference to *Wehbe v Pittwater Council (2007) LEC 827 (Wehbe)*, to which Chief Justice Preston noted that the starting point with any request for a variation is to demonstrate that compliance with the development standard is unreasonable or unnecessary which should generally be started by showing the proposal can meet the objectives of the development standard.

The Clause 4.6 request notes that that the objectives of the standard are achieved notwithstanding non-compliance with the standard in that:

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

- Many of the existing buildings along Market Street present to the street with an exceedance in the height limit with exception to the subject site and the site directly adjoining (12 Market Street). The streetscape elevation is illustrated in Figure 1 below. Taking the existing character and built form into consideration, the Clause 4.6 request argues that the proposed height is appropriate for the context and character of the Fingal Bay commercial area and suitably reflects the hierarchy of the commercial centre as required by the objectives of Clause 4.3 of the PSLEP 2013.

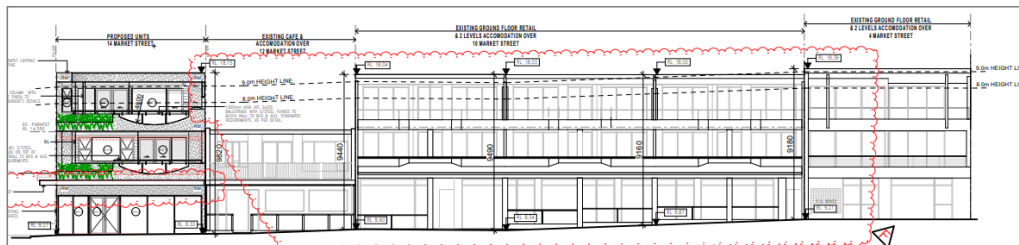


Figure 1. Existing Market St elevation with proposed building to the left

The Clause 4.6 request further argues that the fourth test set down in Wehbe is relevant to the proposal in that the development standard has been virtually abandoned or destroyed by the Council’s own actions in granting consents departing from the standard. The Clause 4.6 request notes that the height of the majority of the buildings in the commercial zoned area of Market Street have heights departing from the 8m development standard applicable, therefore demonstrating that the standard has been virtually abandoned or destroyed by Council’s granting of consent to those developments.

Clause 4.6(3)(b) – Sufficient environmental planning grounds

Clause 4.6(3)(b) requires an application to justify the contravention of the development standard(s) by demonstrating that there are sufficient environmental planning grounds to justify contravening the development standard.

The applicant submits that the potential environmental planning benefits justify the contravention of the development standard. The applicant notes that strict compliance with the standard is considered unnecessary as it would result in a two storey development, which would be inconsistent with the character of the commercial strip and visually jarring. The applicant further notes that strict compliance with the standard is considered to be unnecessary noting the proposal is consistent with adjoining heights and the character of the area.

Further, the proposal results in negligible off site impacts including visual and amenity impacts. The Clause 4.6 request refers to the Visual Impact Assessment (VIA) prepared by the applicant for the proposal. The VIA suggests that the sites most likely to experience views loss are the residential properties located behind the development to the south. The VIA notes that these properties would have a theoretical line of sight to either the water’s edge along Fingal Bay Beach or Tomaree Head. As such, the VIA focused on view loss to Fingal Bay Beach in line with the principles established in Tenacity Consulting v Warringah (2004) NSWLEC 140 as they are either the interface between land and water or likely to be iconic views.

The VIA assessed views from the neighbouring properties and their existing private open space by creating a series of view lines across the development site to those viewpoints, using a typical eye height for someone on the decks. It was determined that views from existing dwellings do not currently exist due to intervening topography or elements in the existing built environment, which obstruct that view or, where they do exist the proposed development, even with the non-compliance with the height limit, appears to have little or no impact.

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

In regard to amenity impact, it was noted that the proposed development does not result in significant overshadowing to neighbouring properties noting much of the shadows cast onto the existing laneway surrounding the site rather than neighbouring private open space areas.

It was further noted that the development has been designed to reduce the perceived bulk and scale through the inclusions of a low pitch skillion style roof. It is argued that requiring the building to comply with the height limit would reduce visual interest and quality of the design.

ASSESSMENT**Clause 4.6(4) – Assessment of request to vary development standards****Clause 4.6(4)(a)(i) - Adequacy of the applicant's request**

Clause 4.6(4)(a)(i) requires the consent authority to be satisfied the Clause 4.6 Application has adequately addressed the matters set out in clause 4.6(3) of the PSLEP listed above.

As stated in the preceding section, in *Wehbe* the Land and Environment Court identified five ways in which a request to vary a development standard may be determined to be well founded. These reasons include:

1. The objectives of the development standard are achieved notwithstanding non-compliance with the standard,
2. The underlying objective or purpose of the development standard is not relevant to the development,
3. The objective or purpose of the development standard would be defeated or thwarted if compliance was required,
4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard, and
5. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable or unnecessary as applied to the land.

The applicant's Clause 4.6 Variation request asserts that compliance with Clause 4.3 (height of buildings) is unreasonable or unnecessary having regard to the first test set down in *Wehbe*, being that the objectives of the standard are achieved notwithstanding non-compliance with the standard.

Having regard to the first test set down in *Wehbe*, it is noted that the objectives of Clause 4.3 is to ensure the height of buildings is appropriate for the context and character of the area and that building heights reflect the hierarchy of centres and land use structure.

The proposed height is considered to be appropriate for the context and character of the area as surrounding development along the commercial strip is characterised by 2 and 3 storey developments in the form of 'shop top housing' similar to the proposal. The existing development along the Market Street commercial strip demonstrates a higher density transition in the context and character of the area, in which the proposal is consistent with.

In regard to the objective requiring building heights to reflect the hierarchy of centres and land use structure, the hierarchy of centres is not disrupted given there are several existing 3 storey buildings on Market Street, which establish the hierarchy of the centre.

On this basis, it is considered that the objectives of Clause 4.3 are achieved, notwithstanding the numerical non-compliance. On this basis, compliance with the standard can be considered unnecessary in this instance.

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

The applicant also noted in their request that the fourth test set down in *Wehbe* applies to the proposal, being that the development standard has been virtually abandoned or destroyed by Council's own actions in granting consents departing from the standard. This was argued to be demonstrated by the existing three storey buildings along the Market Street commercially zoned land that exceed the 8m height limit.

As established in *Abrams v The Council of the City of Sydney (No 2) [2018] NSWLEC*, to demonstrate that a development standard has been abandoned or destroyed requires evidence of a 'pattern of abandonment such that the development standard can no longer be said to represent the existing and/or desired character of the locality'.

The previous three storey developments at No. 4 and 6 Market Street were granted consent under the PSLEP 2000. The height limit for these sites under PSLEP 2000 were 8m, which is the same height limit currently under the PSLEP 2013. Both these developments have been granted consent for a maximum height that exceeds 8m.

As previously noted, the objectives of Clause 4.3 is to ensure the height of buildings is appropriate for the context and character of the area and that building heights reflect the hierarchy of centres and land use structure. The current Clause 4.3 objectives were not present within the PSLEP 2000 and therefore not used to assess the buildings at No. 4 and 6 Market Street and therefore could not be abandoned as they did not form part of the height development standard. The only DA approved in the locality under the current PSLEP 2013 Clause 4.3 objectives is at 12 Market Street (16-2021-1067-1), which was approved with a maximum height of 9.33m. This DA alone fails to represent a pattern of abandonment of the development standard.

Accordingly, there is not sufficient evidence to demonstrate an overwhelming pattern of abandonment, as put forward by the applicant. The objectives of the standard are still relevant even when numerical non-compliance is proposed. In this regard, it is considered that the existing streetscape along Market Street is considered to be consistent with the Clause 4.3 objectives in that existing, approved and proposed buildings are all of a similar built form providing commercial premise on the ground floor and residential development on the upper floors, which are considered to be appropriate for context and character of the area, particularly when considering the B1 Neighbourhood Centre zoning. It is further noted, that the built form appropriately reflects the land use structure as required by the objectives of Clause 4.3.

The second, third and fifth tests set down in *Wehbe* are also not considered relevant to the current application, for the reasons set out below:

- The underlying purpose and objective of the maximum building height standard are still relevant to the development.
- The objective or purpose of the development standard would not be defeated or thwarted if compliance was required.
- The zoning of the subject site is suitable and the proposed development is permissible in the zone.

Clause 4.6(4)(a)(ii) - Public interest – consistency with objectives of the standard and objectives of the zone

Clause 4.6(4)(a)(ii) requires the consent authority to be satisfied the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

As outlined above, notwithstanding the non-compliance with the standard, the objectives of Clause 4.3 are achieved noting that the proposed development is considered to be suitable for the character of the area and will not result in adverse impacts to neighbouring properties.

Clause 4.6(4)(b) - Concurrence of the Secretary

In accordance with the assumed concurrence, notified in [Planning Circular PS 08-003](#), the concurrence of the Secretary has been obtained (Clause 4.6(4)(b) of PSLEP).

CONCLUSION

The proposed development is considered to satisfy the objectives of Clause 4.6 given it will achieve a better outcome for and from the development with consideration to the objectives of the development standard being achieved, notwithstanding the non-compliance. Accordingly, the proposal is considered to be appropriate in the context of the site.

Planning Proposal

Proposed amendment to Port Stephens Local Environmental Plan 2013
Rezoning of Lot 11 DP 841401, 4874 Nelson Bay Road, Nelson Bay

1

ITEM 2 - ATTACHMENT 2 PLANNING PROPOSAL.**FILE NUMBERS**

Council: To be provided following lodgement.
Department: To be provided at Gateway Determination.

SUMMARY

Subject land: Lot 11, DP 841401
4874 Nelson Bay Road, Nelson Bay

Proponent: Greenport Pty Ltd

Proposed changes: Amendment to Land Zoning Map, Lot size Map and Building height Map to enable development for hospital and housing on part of the land.

Area of land: 98ha

Lot yield: NA

BACKGROUND

The Planning Proposal seeks to amend the Port Stephens Local Environmental Plan 2013 to enable the redevelopment of part of the former Gan Gan Military Camp at Lot 11 DP 841401, 4874 Nelson Bay Road, Nelson Bay. The Planning proposal seeks to facilitate the following outcomes:

- Development of the northern end of the site for a hospital and for housing that may include multi dwelling housing, seniors housing or residential flat buildings,
- Protection and conservation of the balance of the site for its ecological value.

The site is centrally located between Nelson Bay, Anna Bay and Salamander Bay and enjoys a high level of accessibility. The site is at the intersection of Nelson Bay Road and Salamander Way and is well located to serve the needs of the surrounding population.

There has been a long-held desire to provide additional medical services in the form of a hospital in Nelson Bay rather than relying on Maitland or Newcastle for such services. The sites locality makes this an ideal site for a hospital. Development of the site for a hospital would provide a "Gateway Development"

ITEM 2 - ATTACHMENT 2 PLANNING PROPOSAL.

to Nelson Bay. In addition to a hospital the land could also provide opportunities for higher density housing targeted at an older population who would benefit from being located in close proximity to a hospital and other facilities and services.

As identified in this Planning Proposal, the following additional investigations will be provided following a Gateway determination:

- Traffic Study
- Additional Targeted studies with respect to powerful owl.
- Additional Aboriginal heritage investigation

SITE

The site (Lot 11 DP 841401, 4874 Nelson Bay Road, Nelson Bay) comprises an approximately 98ha parcel of irregularly shaped land, bordered by Nelson Bay Road and Gan Gan Road. The site is located approximately 950m east of the Salamander Shopping Centre and opposite existing sporting fields and open space.

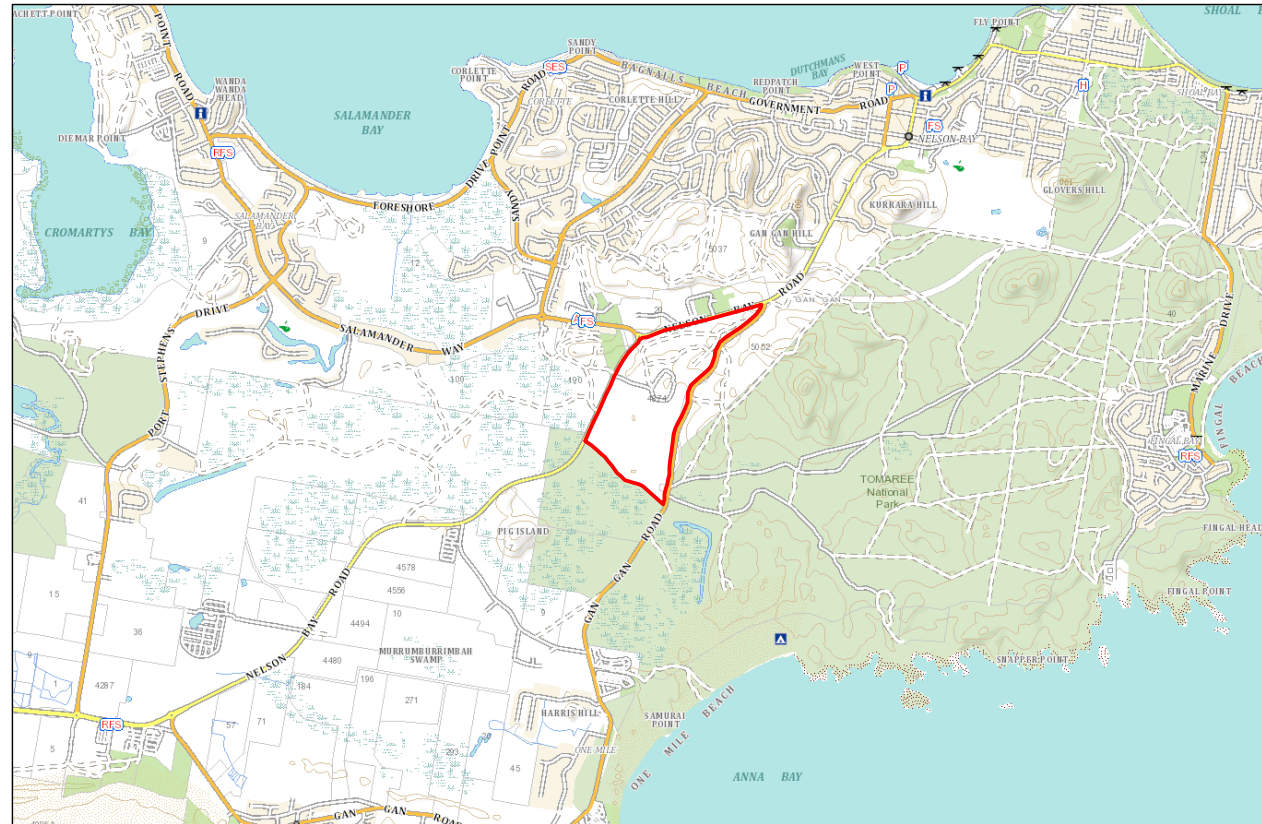
The area proposed for development is 24 hectares and represents 24.5% of the total site area of 98 hectares. The development area includes road and land for bushfire Asset Protection Zones. The net developable area is 14.81 hectares and excludes areas of retained vegetation proposed along Nelson Bay Road and areas to be managed as Asset Protection Zone. The balance of the land will be retained for conservation purposes.

The site was previously owned by the Department of Defence and was used as a troop staging and training camp during WWII, and continued as an army training camp thereon after up until 2000. The cleared areas and remnants of former buildings in the form of concrete slabs and footings remain, however actual buildings have been removed. The site is listed in the Port Stephens LEP as having local heritage value.

The site is predominantly native bushland, with an E2 Environmental Conservation zoning under the Port Stephens LEP. Large areas of bushland are located to the west south and east of the site and proposed development foot print is small when compared to the total area of bushland surrounding the site. Much of the adjacent bushland to the east is contained within the Tomaree National Park.

Figure 1 on (page 4) identifies the subject land

FIGURE 1 – Lot 11 DP 841401 (land the subject of the Planning Proposal is shown in red)



PART 1 – Objectives or intended outcomes

The Planning Proposal seeks to achieve the following outcomes:

- To amend the Port Stephens Local Environmental Plan 2013 to enable the redevelopment of part of the former Gan Gan Military Camp on Lot 11 DP 841401, for a hospital and housing that may include multi dwelling housing, seniors housing or residential flat buildings and;
- To protect and conserve the balance of the site for its ecological value.

PART 2 – Explanation of provisions

The objectives of the Planning Proposal will be achieved by the following amendments to the *Port Stephens Local Environmental Plan 2013*:

- Amend Land Zoning Map Sheet LZN_005E and LZN_005B for Lot 11, DP 841401 from E2 Environmental Conservation to SP2 Infrastructure Zone, R1 General Residential Zone and E2 Environmental Conservation Zone (**Attachment 3**)
- Amend Lot Size Map Sheet LSZ_005E and LSZ_005B from 40ha to 40 hectares and 450 m². (**Attachment 5**)
- Amend Height of Building Map Sheet HOB_005E from no limit to 15 metres, 12 metres and no limit (**Attachment 7**)

PART 3 – Justification

Section A – Need for the planning proposal**Q1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?**

The planning proposal does not result directly from any strategic study or report, however is consistent with the planning priorities and goals within the Port Stephens Local Strategic planning Statement 2020 and the Hunter Regional Plan 2036. This is discussed further in Section B - Strategic Planning Framework.

The Planning Proposal will enable the development of a long desired health care facility in a centrally located position between Salamander Bay, Anna Bay and Nelson Bay, as well as providing greater housing stock and diversity within the Port Stephens area.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The proposal can only be achieved through an amendment of the Port Stephens LEP 2013. The site is currently zoned E2 Environmental Conservation and as such does not permit any of the forms of development proposed. The planning proposal is the most appropriate means of achieving the objectives and providing the desired outcomes of the proposal.

Section B – Relationship to strategic planning framework**Q3. Will the planning proposal give effect to the objectives and actions of the Hunter Regional Plan or Greater Newcastle Metropolitan Plan?**Hunter Regional Plan 2036

The Hunter Regional Plan 2036 (HRP) was released in October 2016 as an update to the 2006 regional strategy. The HRP outlines the vision, goals and actions for sustainable growth in the Hunter region between now and 2036. The Planning Proposal is considered consistent and relevant with the following goals, directions and actions:

Goal 1: the leading regional economy in Australia

- Direction 6: Grow the economy of Mid Coast and Port Stephens
 - Action 6.5 – Plan for and provide infrastructure and facilities that support the ageing population.

ITEM 2 - ATTACHMENT 2 PLANNING PROPOSAL.

- Health care is acknowledged as a large provider of jobs and the sector is expected to grow. The site provides an opportunity to provide significant long term local employment whilst providing additional construction jobs.
- Direction 8: Promote innovative small business and growth in the service sectors
 - Action 8.6 – Determine potential to grow allied health services on land around hospitals and health services at Kurri Kurri, Belmont, Cessnock, Gloucester, Muswellbrook, Singleton, **Nelson Bay** and Dungog.

In addition to providing a hospital the proposal will provide significant new opportunities to develop complementary health services in the locality.

Goal 2: a biodiversity rich natural environment

- Direction 14: Protect and connect natural areas
 - Action 14.4 – Protect biodiversity by maintaining and, where possible, enhancing the existing protection of high environmental value areas; implementing appropriate measures to conserve validated high environmental value areas; developing local strategies to avoid and minimize the impacts of development on high environmental value and biodiversity corridors; and identifying offsets or other mitigation measures for unavoidable impacts.

The proposal minimises the impact on biodiversity by restricting development to the northern part of the site and avoiding areas of highest environmental value. Unavoidable impacts will be mitigated through an offset strategy potentially requiring acquisition of off-site biodiversity credits. The site is not within Watagan to Stockton Green Corridor which is fundamental to the conservation and biodiversity outcomes under the Regional Plan.

The site adjoins large areas of bushland including land within the Tomaree National Park that will be permanently protected for conservation purposes as indicated in **Figure 2**

Goal 4: Greater housing choice and jobs

- Direction 22: Promote housing diversity

ITEM 2 - ATTACHMENT 2 PLANNING PROPOSAL.

- Action 22.1 – Respond to the demand for housing and services for weekend visitors, students, seasonal workers, the ageing community and resource industry personnel.

Demand for seniors housing has been clearly identified and the Planning Proposal will provide suitably zoned land where seniors housing, aged care and other more compact forms of housing are permissible. Locating such housing close to medical and other services has positive community benefit. It is appropriate if the land is to be developed to achieve higher density outcomes on the site that warrant the loss of some vegetation from the site.

A high proportion of housing in Port Stephens is single detached dwellings. The planning proposal will allow more diverse and compact housing form suitable for an ageing population.

While the site could provide opportunity to integrate seniors housing and health services other housing forms that are not specifically seniors housing may also be suitable and would contribute to providing housing diversity in the locality.

The HRP also includes Local Government Narratives and in relation to Port Stephens indicates a projected population increase over the life of the plan of 18,550 persons and demand for a further 5,665 jobs. Unlike the 2006 plan the Hunter Regional Plan 2036 does not project housing and job demand for individual centres. However, the plan does provide priorities for Strategic Centres and in relation to Nelson Bay the priorities are:

- Maintain it as one of the primary tourist centres for the region and a hub for the Tomaree Peninsula
- Maintain retail and professional services for the surrounding communities
- Investigate opportunities for high-density development that maintains and enhances the tourist, recreational and residential appeal of the centre
- Balance the mix of permanent residential and tourist accommodation to enhance the vibrancy and appeal of the centre and surrounds

The Planning Proposal will facilitate the provision of a number of uses which would otherwise compete for space within the town centre itself and immediately surrounding area. It provides a significant opportunity for key health and medical professional services which would support the role of the area as the hub of the Tomaree Peninsula.

Greater Newcastle Metropolitan Plan 2036

The Greater Newcastle Metropolitan Plan 2036 (GNMP) is a priority action of the above referenced Hunter Regional Plan 2036. The Plan sets out strategies and actions that will drive sustainable growth across Cessnock City, Lake Macquarie City, Maitland City, Newcastle City and Port Stephens communities, which together make up Greater Newcastle. The Planning

ITEM 2 - ATTACHMENT 2 PLANNING PROPOSAL.

Proposal is considered consistent and relevant with the following outcomes, strategies and actions:

Outcome 1: Create a workforce skilled and ready for the new economy

- Strategy 4: Grow health precincts and connect the health network.
 - Action 4.1 – Hunter New England Health and the private health sector, working with the Greater Newcastle councils and Transport for NSW, will:
 - Facilitate the development of allied health, education, training, hotels, aged care services and research facilities at the John Hunter and East Maitland health precincts, strategic centres, and other major health precincts
 - Respond to public transport and road network improvements, and manage parking
 - Locate all new major health facilities in strategic centres, existing major health precincts or in locations that have a high level of public transport connectivity such as railway stations.
 - Action 4.2 – Greater Newcastle councils will amend local plans to:
 - Facilitate complimentary land uses within proximity of health precincts
 - Prioritise planning for seniors housing and aged care services close to frequent public transport and within centres.

The Planning proposal aligns with Outcome 1, Strategy 4 of the GNMP. The proposed rezoning will facilitate potential hospital and seniors housing development within the Port Stephens area.

Q4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another local strategy or strategic plan?

Port Stephens Local Strategic Planning Statement 2020 (LSPS)

The LSPS identifies a 20 year vision for land use in Port Stephens. The LSPS identifies land use planning actions to achieve the directions of the Hunter Regional Plan and Greater Newcastle Metropolitan Plan. The planning proposal is considered consistent with the following priorities within the LSPS:

- Priority 1: Support the growth of strategic centres and major employment areas
- Priority 4: Ensure suitable land supply
- Priority 5: Increase diversity of housing choice
- Priority 6: Plan infrastructure to support communities
- Priority 7: Conserve biodiversity values and corridors

The rezoning of land for a hospital in an accessible location between the Strategic Centre of Nelson Bay and the Local Centre of Salamander Bay will

ITEM 2 - ATTACHMENT 2 PLANNING PROPOSAL.

provide significant community benefits through greater employment and access to services in close proximity to people's residence – improving social and physical health and well-being. Additional housing choice in close proximity to services will also benefit the local community, particularly in terms of supporting an ageing Port Stephens population.

Port Stephens Community Strategic Plan 2018-2028

The Port Stephens Community Strategic Plan (CSP) is a cornerstone document of the NSW Government's Integrated Planning and Reporting Framework required for all local Governments. The purpose of the CSP is to:

- Identify community aspirations and priorities over the next ten years
- Outline council's role in delivering these priorities
- Work with other Governments and agencies to achieve our community's priorities
- Provide for community participation in decision making
- Provide a basis of accountability and consistency in reporting.

The planning proposal is considered consistent with the following focus areas, directions and objectives within the CSP:

Focus Area 1: Our Community

- Direction C1: Community diversity
 - Objective C1.3 – Support needs of an ageing population.

Focus Area 2: Our Place

- Direction P3: Thriving and safe place to live
 - Objective P3.1 – Provide land use plans, tools and advice that sustainably support the community.

The Planning Proposal aligns with the objectives of the CSP. The residential component would support the needs of Port Stephens' ageing population. Further, objective P3.1 is supported through the provision of the long-awaited hospital within the Port Stephens area, which will provide health care in close proximity to the Nelson Bay and Salamander Bay centres and support the growing population.

Port Stephens Local Housing Strategy

The Greater Newcastle Metropolitan Plan requires councils to prepare local housing strategies to deliver housing close to jobs and services to create sustainable lifestyles in liveable communities. The Port Stephens Local Housing Strategy (Live Port Stephens) creates capacity for a diverse range of new homes close to established and planned employment hubs in Port Stephens and Greater Newcastle. Live Port Stephens will:

ITEM 2 - ATTACHMENT 2 PLANNING PROPOSAL.

- Ensure suitable land supply
- Improve housing affordability
- Increase diversity of housing choice
- Facilitate liveable communities.

Live Port Stephens is the overarching strategy to guide land use planning decisions for new housing in Port Stephens, with the following outcomes and priorities relevant to the Planning Proposal:

Outcome 1: Ensure suitable land supply

- Priority 1.1: Ensure adequate supply of new housing
- Priority 1.2: Remove barriers to unlock housing supply.

Outcome 3: Increase diversity of housing choice

- Priority 3.2: Encourage a range of housing types and sizes
- Priority 3.3: Enable better planning for diverse lifestyles.

The Local Housing Strategy identifies a need to encourage a range of housing types and sizes the R1 General Residential provides for a range of housing outcomes. The housing strategy identifies that there is a latent demand for housing on smaller lots, higher density housing types and seniors housing that could be accommodated on the site.

The Planning Proposal supports achievement of the above outcomes and objectives through the provision of space for alternate forms of housing. This unlocks housing supply in an area in close proximity to existing and proposed infrastructure and services, and promotes land use with shared facilities that can connect the older residents who will live on the site. The Planning Proposal aligns with the relevant outcomes and objectives of “Live Port Stephens”.

Additionally, the Planning Proposal complies with “Appendix 1 – Greenfield Housing Criteria” (see below).

Table 1 – Greenfield Housing Criteria

Constraint	Relevance	Complies
Aircraft Noise	The land is below the 25 Australian Noise Exposure Forecast (ANEF) contour. Proposals on land affected by ANEF contour 25 or above are “unacceptable” for residential purposes under AS 2021 to 2015.	Yes. Site not impacted by aircraft noise.
Bushfire	Rezoning requests on land identified as bush fire prone (on Council's Bush Fire Prone Land	Yes. Asset Protection zones, alternate access routes and firefighting services can be

ITEM 2 - ATTACHMENT 2 PLANNING PROPOSAL.

	Map) must demonstrate consistency with the strategic principles contained within Planning for Bush Fire Protection 2019.	<p>incorporated into development plans.</p> <p>The preliminary bushfire assessment undertaken for the site indicates an Asset protection Zone of 67 metres will need to be established for special fire protection uses. Some trees can potentially be retained within APZ areas although for the hospital these areas could also be used for car parking.</p> <p>The proposed road provides alternative access points to and from the site.</p>
Flooding	The land is not categorised as Flood Planning Area. Rezoning requests for land in a Flood Planning Area must be lodged with a flood study demonstrating the land is suitable for development.	Yes. The site is not located within a flood planning area.
Land Slope	The land has a slope of less than 18 degrees. Rezoning requests for land that has a slope greater than 18 degrees must be lodged with a bulk earthworks plan demonstrating that the final landform will not exceed 18 degrees, and a geotechnical report demonstrating that the final landform will achieve an appropriate level of stability.	A bulk earthworks plan is provided. Provision is made for some vegetation retention within the site. While the earthworks plan provides for a constant grade across the site, variations to slope across the site would be likely to accommodate building pads. The critical point is that extent of earthworks will require the majority of the site to be reshaped.
Biodiversity	The land is not identified as containing high biodiversity value, as per the NSW Department of Planning, Industry and Environment's Biodiversity Values Map	Yes. The planning proposal is accompanied by a Preliminary flora and fauna assessment. The proponent commits to further targeted ecological studies and preparation Biodiversity Development Assessment Report (BDAR),

ITEM 2 - ATTACHMENT 2 PLANNING PROPOSAL.

	<p>published on the NSW Department of Planning, Industry and Environment website. Rezoning requests for land identified as containing high biodiversity value must be lodged with a Biodiversity Development Assessment Report (BDAR).</p> <p>The proposal avoids land containing native vegetation. Rezoning requests for land containing 0.5 ha of native vegetation must be lodged with a Preliminary Flora and Fauna Assessment and commit to preparing a BDAR prior to public exhibition.</p>	<p>Approximately 70 hectares of land representing 71% of the site is proposed for conservation.</p> <p>A targeted Powerful Owl Survey of the site has been undertaken in May 2021 following previous observations in 2015.</p>
Mineral Resources	<p>The land is greater than 500 metres from any known mineral resource (rezoning requests for land within 500 metres of a known mineral resource must be lodged with evidence of consultation with the NSW Department of Planning, Industry and Environment and any relevant operator).</p>	<p>There are no known resources impacted by the proposal.</p>
Non-Aboriginal Cultural heritage	<p>Rezoning requests that are likely to impact on an item of environmental heritage (identified in the Port Stephens Local Environmental Plan 2013) must submit a Statement of Heritage Impact that considers the impact on heritage values, including the setting of the items and</p>	<p>The Gan Gan army site is identified as a site of local significance in the LEP. The proposed development footprint does not impact the former army camp area noting that the majority of the infrastructure has been removed.</p> <p>Development of the site would provide an opportunity to</p>

ITEM 2 - ATTACHMENT 2 PLANNING PROPOSAL.

	any archaeological remains.	acknowledge the previous use of the site.
Aboriginal Cultural Heritage	<p>Rezoning requests should include an initial assessment of the likelihood of Aboriginal cultural heritage values including:</p> <ul style="list-style-type: none"> • a search of the Aboriginal Heritage Information Management System (AHIMS); • determination of whether the sites include landscape features that indicate the likely presence of aboriginal objects; • site inspections; and • consultation with the Aboriginal community. 	<p>An AHIMS search has been undertaken which identifies 2 aboriginal sites located outside the proposed development footprint. An A preliminary aboriginal heritage assessment was undertaken in 2003. The report identifies that the site is of potential significance to the Aboriginal community. Further investigation of the site is warranted.</p>
Drinking Water Catchment	<p>Rezoning requests on land within a drinking water catchment must be able to be connected to reticulated sewer or able to demonstrate a neutral or beneficial effect (NorBE) on water quality in accordance with Hunter Water Corporation requirements.</p>	<p>Yes. The portion of the site subject to the planning proposal is not located in a mapped drinking water catchment.</p>
Infrastructure and Services	<p>The land is able to be serviced by essential infrastructure. Rezoning requests must be lodged with evidence demonstrating that infrastructure is:</p> <ul style="list-style-type: none"> • currently available; or • scheduled to be available (must be confirmed in writing from service providers). <p>Rezoning requests must be lodged with evidence demonstrating the</p>	<p>The site is in close proximity to existing trunk services and the Salamander Shopping centre.</p> <p>Servicing is not expected to be a constraint to development. An Existing Hunter Water reservoir and sewer pump station are located close to the site.</p>

ITEM 2 - ATTACHMENT 2 PLANNING PROPOSAL.

	connection of essential services to the land is economically feasible. On land remote from existing essential infrastructure, an infrastructure delivery strategy is to be submitted.	
PFAS	Rezoning requests for land in the PFAS Management Zones identified on the Williamtown Management Area Map on the EPA website will need to demonstrate that likely future development would be compatible with the detected levels of PFAS in the area and on the site.	Yes. The site is not located on land identified on the Williamtown Management Area Map.

Comprehensive Koala Plan of Management

The Port Stephens Comprehensive Koala Plan of Management was adopted by Council in 2002 and includes Appendix 2 “Performance Criteria for Rezoning Requests” which require that Council must be satisfied that a rezoning would:

- Not result in development within areas of Preferred Koala Habitat or defined Habitat Buffers;

There is an area of Preferred Koala Habitat in the southern part of the site which is entirely within the area mapped by WSP Parsons Brinckerhoff as high ecological constraint and therefore the proposal will not result in any development in these areas. There are no defined Habitat Buffers for the site.

- Allow for only low impact development within areas of Supplementary Koala Habitat and Habitat Linking Areas;

There will be no development within the Habitat Linking Area on the site which is within the area mapped as high ecological constraint with no proposal for development. As the majority of the site is mapped as Supplementary Koala Habitat there is likely to be a portion of the site which will include development which does not meet the “low impact” criteria. However, the detailed investigations of the supplementary habitat area by WSP including Koala SAT and call playback has established that within the northern section of the site there is no sign of koala activity or koala habitation. Retention of almost 80%

ITEM 2 - ATTACHMENT 2 PLANNING PROPOSAL.

of the site with connection to adjoining areas will ensure the objective of low impact will be achieved.

- Minimize the removal of any individuals of preferred koala food trees, where ever they occur on the site; and

The investigations by WSP indicate that there will not be significant numbers of individual preferred koala food trees within the northern part of the site and that it will be possible to ensure that any removal of individual preferred food trees is minimized. Notwithstanding, surveys to date have found no sign of koala activity or koala habitation within the northern part of the site.

- Not result in development which would sever koala movement across the site. This should include consideration of the need for maximizing tree retention on the site generally and for minimizing the likelihood of impediments to safe/unrestricted koala movement.

The planning proposal seeks to identify areas for development in the northern part of the site and provide permanent conservation status for higher ecological value areas in the southern part of the site and as such will not result in development which would sever koala movement across the site. Preserving adequate koala movement corridors through the site will be achieved by the retention of almost 80% of the site for conservation purposes.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

Yes, the planning proposal is consistent with relevant State Environmental Planning Policies or where there is a potential inconsistency that inconsistency is justified. Consideration of the relevant SEPPs is described in the table below:

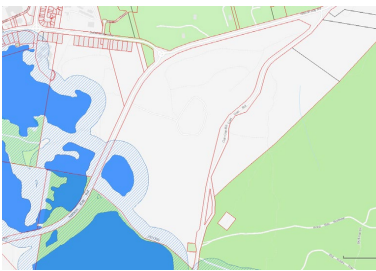
Table 2 – Relevant State Environmental Planning Policies

SEPP	Relevance	Consistency and Implications
SEPP (Koala Habitat Protection) 2020	This SEPP aims to encourage proper conservation and management of habitat areas for koalas by requiring plans of management before development consent can be granted and identifying core koala habitat and including it in environmental protection zones.	The proposal is considered to be consistent with the SEPP. The Ecological Constraints Report (WSP 2017) confirms no core koala habitat will be impacted and further identifies that there is no evidence of use of the northern part of the site by koalas. The area of core koala habitat on the southern part of the site will be retained within an environmental protection zone.

ITEM 2 - ATTACHMENT 2 PLANNING PROPOSAL.

SEPP 55 – Remediation of Land	This SEPP applies to land across NSW and states that land must not be developed if it is unsuitable for a proposed use because of contamination.	The proposal is consistent with the SEPP. A Preliminary Site Contamination Investigation was undertaken for Defence in May 2003 and indicated the majority of the site has a low potential for contamination due to activities on the site largely being restricted to the main facility area, the tracks within the bushland and the associated infrastructure. Areas of potential contamination relate mainly to use of pesticides around buildings, cleaning products and operation of septic sewage systems and are therefore minor and concentrated around the main camp area.
SEPP (Housing for Seniors or people with a Disability) 2004	The SEPP aims to encourage provision of housing for seniors, including residential care facilities.	<p>The proposal is considered to be consistent with the aims of the SEPP.</p> <p>The planning proposal has potential to increase the of housing that meets the needs of seniors or people with a disability.</p> <p>The planning proposal seeks to provide housing in proximity to the hospital site that is also within close to other existing services including Physiotherapy, churches, shopping pathology.</p> <p>Site related requirements identified in the SEPP including pathways for access, appropriate bushfire protection measures can be incorporated into the design of future development</p>
SEPP (Coastal Management) 2018	This SEPP aims to promote an integrated and coordinated approach to planning in the coastal zone and	The proposal is considered to be consistent with the SEPP. The planning proposal has no impact on natural coastal areas and is therefore consistent with the SEPP in relation to those aspects. The coastal wetland at the

ITEM 2 - ATTACHMENT 2 PLANNING PROPOSAL.

	<p>mapping 4 coastal management areas for management of development.</p>	<p>southern end of the site will be unaffected by the proposal.</p> <p>Mapped wetland are shown in the image below.</p>  <p>Coastal Wetlands Map</p>
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Q6. Is the planning proposal consistent with applicable Ministerial Directions?

An assessment of relevant Ministerial Directions against the planning proposal is provided in the table below.

Table 2 – Relevant Ministerial Directions

Ministerial Direction	Aim of Direction	Consistency and Implications
1. EMPLOYMENT AND RESOURCES		
1.1 Business and Industrial Zones	The objectives of this direction are to encourage employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified strategic centres.	This planning proposal is consistent with this direction. It will provide employment growth in a suitable location within the nominated Nelson Bay specialized centre precinct without impacting the viability of the existing town centre at Salamander and will actively support the viability of the Nelson Bay centre precinct.
1.5 Rural Lands	The objectives of this direction are to protect the	The planning proposal is consistent with this

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	<p>agricultural production value of rural land, facilitate the orderly and economic use and development of rural lands, assist in the proper management, development and protection of rural, minimise the potential for land fragmentation and land use conflict in rural areas, encourage sustainable land use practices, and support the delivery of the actions outlined in the New South Wales Right to Farm Policy.</p>	<p>direction. It is consistent with all relevant local and regional strategic plans (refer Section B) and protects the environmental values in the southern portion of the site.</p>
2. ENVIRONMENT AND HERITAGE		
2.1 Environment Protection Zones	<p>The objective of this direction is to protect and conserve environmentally sensitive areas.</p>	<p>Environmental studies do indicate the southern part of the site is the most environmentally sensitive part of the site and this area is proposed to be conserved. The removal of vegetation can be offset through purchase of biodiversity credits and other mitigation measures including the installation of nest boxes. The indicative cut fill plan identifies opportunities to reduce the impact on hollow bearing trees and native fauna by excluding part of the site from any earthworks. The indicative development footprint shown in the master plan requires the removal of 5 hollow bearing trees in area A, 5 trees in Area B, 9 trees in Area C 10 trees in the proposed road serve. A significant number of hollows will be retained within APZ areas and the remainder of the site.</p>

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		Council's DCP requires nest boxes to be installed at a ratio of two replacement hollows for each hollow tree to be removed.
2.2 Coastal Management	The objective of this direction is to protect and manage Coastal areas of NSW.	It is considered that the planning proposal is consistent with this direction. The site is not in an immediate coastal location and is not subject to coastal hazards. Development of part of the site will support appropriate development within the coastal zone providing important urban services for the Nelson Bay precinct.
2.3 Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	The planning proposal is considered to be consistent with this direction. Although the site has some cultural heritage significance, there were never significant structures on the site and none of the wartime timber structures which formed the main camp area have survived. Development of part of the site can therefore be undertaken in a manner which is not in conflict with the heritage value and history of the site. Assessment of the site in accordance with the OEH 2010 guidelines for aboriginal heritage will also enable development of the planning proposal to ensure consistency with this direction. Investigations

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		undertaken in 2003 provided an indication previous aboriginal occupation of the land.
2.6 Remediation of Contaminated Land	The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.	The planning proposal is considered to be consistent with this direction. A Preliminary Site Contamination Investigation was undertaken in May 2003 and indicated the majority of the site has a low potential for contamination due to activities on the site largely being restricted to the main facility area, the tracks within the bushland and the associated infrastructure. Areas of potential contamination relate mainly to use of pesticides around buildings, cleaning products and operation of septic sewage systems and are therefore minor and concentrated around the main camp area.
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT		
3.1 Residential Zones	The objectives of this direction are to encourage a variety and choice of housing types to provide for existing and future housing needs, make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and minimise the impact of residential development on the environment and resource lands.	The planning proposal is consistent with this direction. The proposed rezoning permits multi dwelling housing, seniors housing and residential flat buildings offers a broadened choice of building types in the housing market, whilst making the efficient use of the hospital proposed to be located adjacent to the seniors housing.
3.4 Integrating Land Use	The objective of this direction is to ensure that urban structures, building	It is considered that the planning proposal is

ITEM 2 - ATTACHMENT 2 PLANNING PROPOSAL.

<p>and Transport</p>	<p>forms, land use locations, development designs subdivision and street layouts achieve the sustainable transport objectives.</p>	<p>consistent with this direction. The key location of the site in relation to existing urban areas and adjacent to the major transport corridor within the peninsula are recognized in the Port Stephens Planning Strategy and development of part of the site will support the planning objectives for this direction.</p>
<p>4. HAZARD AND RISK</p>		
<p>4.1 Acid Sulfate Soils</p>	<p>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p>	<p>Yes. The site is not mapped as being affected by Acid Sulphate soils.</p>
<p>4.4 Planning for Bushfire Protection</p>	<p>The objectives of this direction are to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, to encourage sound management of bush fire prone areas.</p>	<p>The planning proposal is considered to be consistent with this direction. Preparation of a bushfire hazard assessment will be required for any future Development Applications on the site. Indicative APZ requirements are indicated on the concept masterplan. It is noted that hospitals and seniors housing are identified as special fire protection purpose.</p>
<p>5. REGIONAL PLANNING</p>		
<p>5.10 Implementation of Regional Plans</p>	<p>The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional plans.</p>	<p>The planning proposal is considered to be consistent with the Hunter Regional Plan 2036. The planning proposal is consistent with key goals and directions of the regional plan to support town centres and</p>

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		strategic centres, increase opportunities for local employment and also to protect the Watagans to Stockton environmental corridor.
--	--	--

Section C – Environmental, social and economic impact**Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

The planning proposal is supported by an Ecological Constraints Report prepared by WSP Parsons Brinckerhoff (February 2017) which builds on an earlier Preliminary Ecological Assessment (July, 2015) with additional detailed site survey and investigation to support more detailed conclusions. The assessment identifies the known or likely presence of one threatened flora species and two threatened fauna species as well as two Endangered Ecological Communities on the site. However, both EECs are located only in the southern part of the site on the lower lying land which includes a significant coastal wetland. The habitat of the threatened Wallum Froglet is also associated with this wetland.

The Constraints report assessment confirms that provided the southern part of the site is conserved and protected there is potential for development within the northern part of the site without significant impacts. There is no critical habitat present and there is minimal likelihood that threatened species, populations or ecological communities, or their habitats will be adversely affected by the proposal.

The Ecological Constraints Report (WSP 2017) establishes that two (2) threatened ecological communities, two (2) species of threatened plant and some twenty-nine (29) fauna species have a moderate or greater chance of occurring within the total site. Assessments of significance have been conducted (WSP 2019) for each of these and the outcome of the assessment in each case is that impacts are not significant at either State or National level.

Further, targeted powerful owl surveys were undertaken during May 2021. No Powerful Owl activity was recorded in the proposed development areas during targeted survey in the species known nesting period, and there were no signs of the species using potential hollow trees for breeding purposes within the area. No evidence was observed of regular or habitual use of the previously recorded locations of Powerful Owl in 2015.

The absence of any active breeding or 'nest trees' within the proposed development areas across multiple targeted surveys over a 6 year period (2015 and 2021) indicate it is highly unlikely that the species is using these areas for breeding. A male Powerful Owl was heard calling and observed over a single night within an area of vegetation to the south-east of the proposed development area. To date, the majority of observations of Powerful Owl (2015 and 2021) during the species nesting period have occurred in the southern portion of the project's wider study area, currently proposed for conservation. Given the repeated records of the species within the study area it is likely the species is using habitats within the study area as part of the local foraging

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range. It is also likely that given the presence of relatively high density of hollow trees across the study area and wider locality that the species is using habitats outside of the proposed development areas for potential breeding habitat.

While the planning proposal will result in the loss of a relatively small proportion of potential habitat for the species, no known breeding habitat or nest trees will be impacted.

The site adjoins substantial areas of bushland and in that context development of the site result in a relatively small loss of existing bushland. The master plan provides for retention of a high number of the hollow bearing trees located on the site. An indicative cut/fill plan has been prepared which avoids earthworks where the majority of hollow bearing trees are located. Refer to **Attachment Nine** Further mitigation measures could be incorporated into future development.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The planning proposal will not result in any other significant physical environmental impacts. There is no likelihood of acid sulfate soils in the northern section of the site and water quality can be managed to ensure no impact on the freshwater wetlands within and to the south of the site. Development of a site masterplan in response to further studies will ensure movement of fauna through the site, including koalas, is not significantly impacted.

Q9. Has the planning proposal adequately addressed any social and economic effects?

The planning proposal will facilitate development which will generate a substantial increase in local economic output and employment. This positive benefit will occur at both the construction and operating phases of the project and relate to the development and operation of the hospital and the seniors living community.

The estimated cost of the construction, of what could be developed within the area under consideration for rezoning, and based on the premise that a 15,000m² hospital and 295 dwellings with amenities are constructed, is in the order of \$290million. The combined direct and flow-on impact in terms of output would be in the order of \$665million. It will generate 564 direct jobs over the life of construction and 1,589 combined direct and flow-on jobs. The total increase in wages and salaries during the construction phase is estimated at over \$127million. The details are in the table below.

Impact Summary of construction of hospital and residential

Impact Summary	Direct Effect	Supply-Chain Effect	Consumption Effect	Total Effect
----------------	---------------	---------------------	--------------------	--------------

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Output (\$M)	\$289.960	\$262.598	\$112.347	\$664.904
Employment (Jobs)	564	657	368	1,589
Wages and Salaries (\$M)	\$45.710	\$55.186	\$26.131	\$127.027
Value-added (\$M)	\$89.699	\$98.216	\$61.313	\$249.229

Source: Castlecrest, ABS.

Once fully operational, the hospital and residential community proposed achievable by this rezoning, could have an annual operating impact of almost \$24 million. This would generate \$49 million in direct and flow output, 173 EFT direct and 81 indirect jobs. Direct wages and salaries of almost \$13 million would be generated with almost \$16 million generated in direct value add.

Impact Summary of operating phase of the hospital and residential community

Impact Summary	Direct Effect	Supply-Chain Effect	Consumption Effect	Total Effect
Output (\$M)	\$23.865	\$8.266	\$16.902	\$49.032
Employment (Jobs)	173	26	55	254
Wages and Salaries (\$M)	\$12.958	\$2.221	\$3.931	\$19.110
Value-added (\$M)	\$15.972	\$3.770	\$9.224	\$28.966

Source: Castlecrest 2020

In addition to the quantifiable economic benefits of the potential development, there will be other non-quantifiable social and economic benefits associated with the development and operation of a hospital and seniors living community. These benefits relate to improved primary health care, access to ancillary healthcare facilities, development of cultural and community facilities off-site to respond to the growing seniors' market, the release of family housing as seniors take up specialised accommodation, increased availability and choice of housing, improved quality of life, reduced youth unemployment and more sustainable retail sector less reliant on peak tourist trade. The project will help build the capacity of health and commercial services to reach critical mass enabling and expansion of service provision. The new medical/hospital facilitates and seniors living will likely have a catalytic impact on related services, amenities and facilitates and generate subsequent external investment.

Section D – State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

Public infrastructure is adequate for the development which would be facilitated by the planning proposal. Water, sewerage, electricity and

communications infrastructure are all present adjacent to the site and able to be augmented for the proposed development.

Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

Consultation with relevant State and Commonwealth agencies can be undertaken following a Gateway Determination. It is envisaged that the following agencies will be consulted with:

- Transport for New South Wales
- NSW Rural Fire Service
- NSW Office of Environment and Heritage

PART 4 – Mapping

The proposed map layer amendments are included as attachments to the Planning Proposal as follows:

Attachment One – Locality Plan

Attachment Two – Current Zoning Plan LZN_LZN 005E and LZN 005B

Attachment Three – Proposed Zoning Map – Map Amendment to Land Zoning Map – Sheet LZN_005E and LZN_005B from E2 Environmental Conservation Zone to SP2 Infrastructure (Hospital), R1 General Residential Zone and E2 Environmental Conservation Zone.

Attachment Four – Current Lot Size Map LSZ_005E and LSZ_005B

Attachment Five – Proposed Lot Size Plan – Map amendment to Lot Size Map – Sheet LSZ_005E and LSZ_005B from AB3 40ha to 40 hectares and 450 m².

Attachment Six – Current Height of Building Map Sheet HOB_005E and HON_005B

Attachment Seven – Proposed Height of Buildings Map – Map amendment to Height of Buildings Map – Sheet HOB_005E and HOB005B from no control to 11.9 metres and 14.9 metres and no control.

Attachment Eight – Site masterplan

Attachment Nine – Indicative Cut/Fill Plan

PART 5 – Community consultation

Community consultation will be undertaken in accordance with the Gateway determination.

Notice of the public exhibition period will be placed in the local newspaper, The Examiner. The exhibition material will be on display at the following locations during normal business hours:

- Council's Administration Building, 116 Adelaide Street, Raymond Terrace
- Tomaree Library, Town Centre Circuit, Salamander Bay

The planning proposal will also be available on Council's website.

PART 6 – Project timeline

The additional technical information, studies and investigations identified in the Planning Proposal will be completed within the following timeframes, should the Planning Proposal receive a Gateway determination:

Additional Aboriginal heritage Investigations 8 months

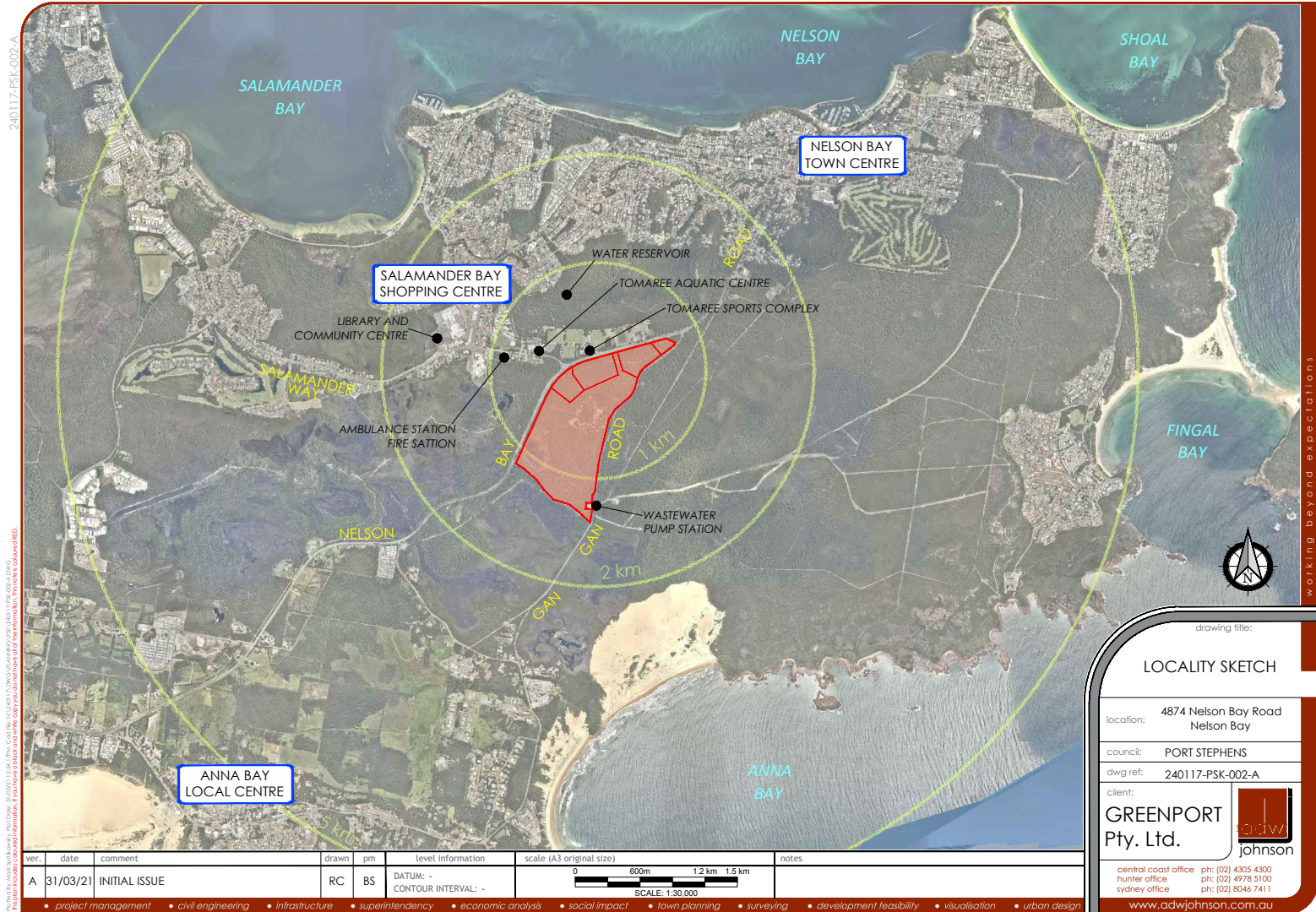
Additional Flora and Fauna Investigations with respect to powerful owl
Seasonal May/ June.

Traffic Assessment Report 6 months.

Given the above a 12 months timeframe to complete the required studies in considered reasonable.

Attachment One

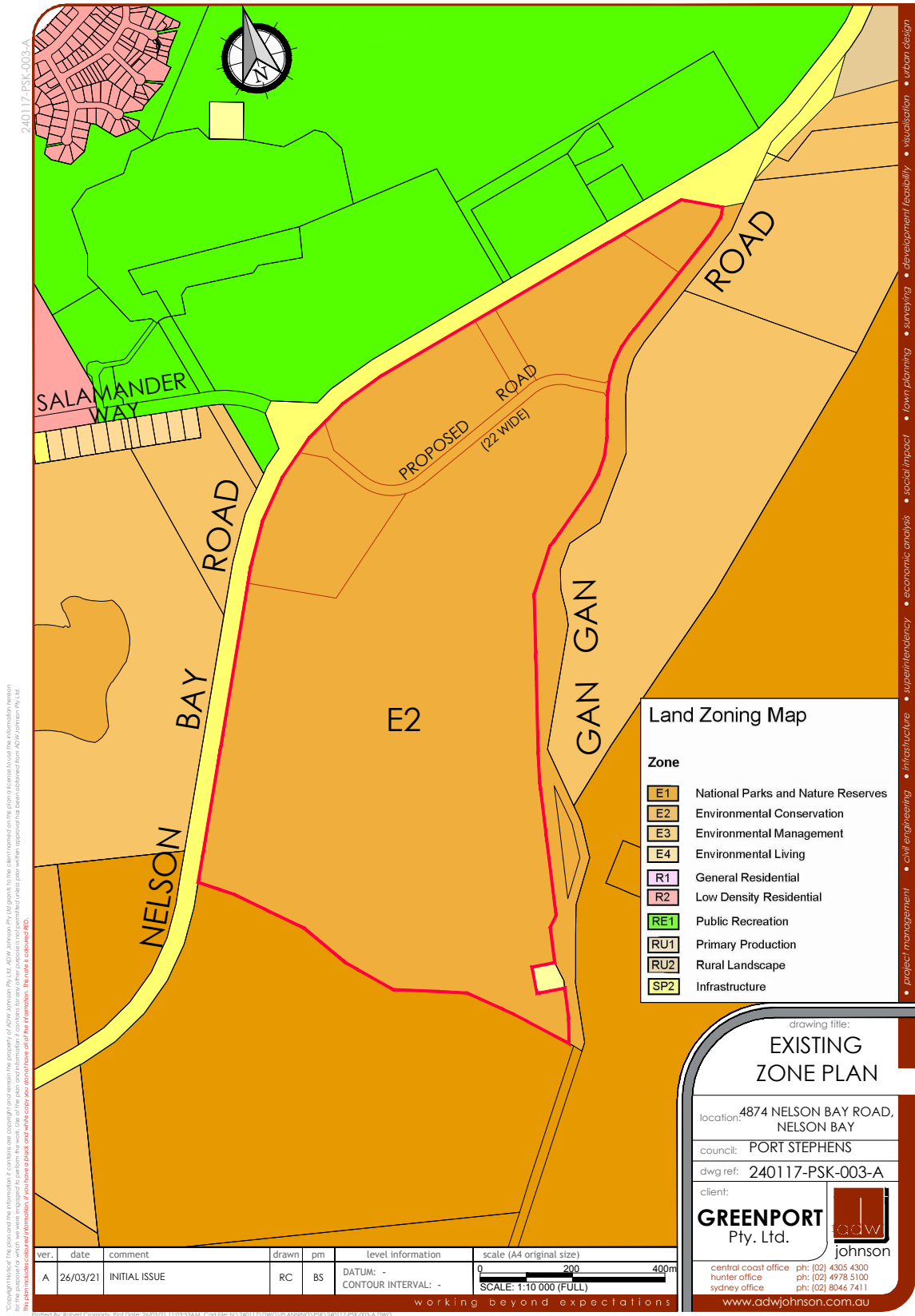
Locality Plan



Attachment Two

Current Zoning Plan LZN_LZN 005E and LZN 005B

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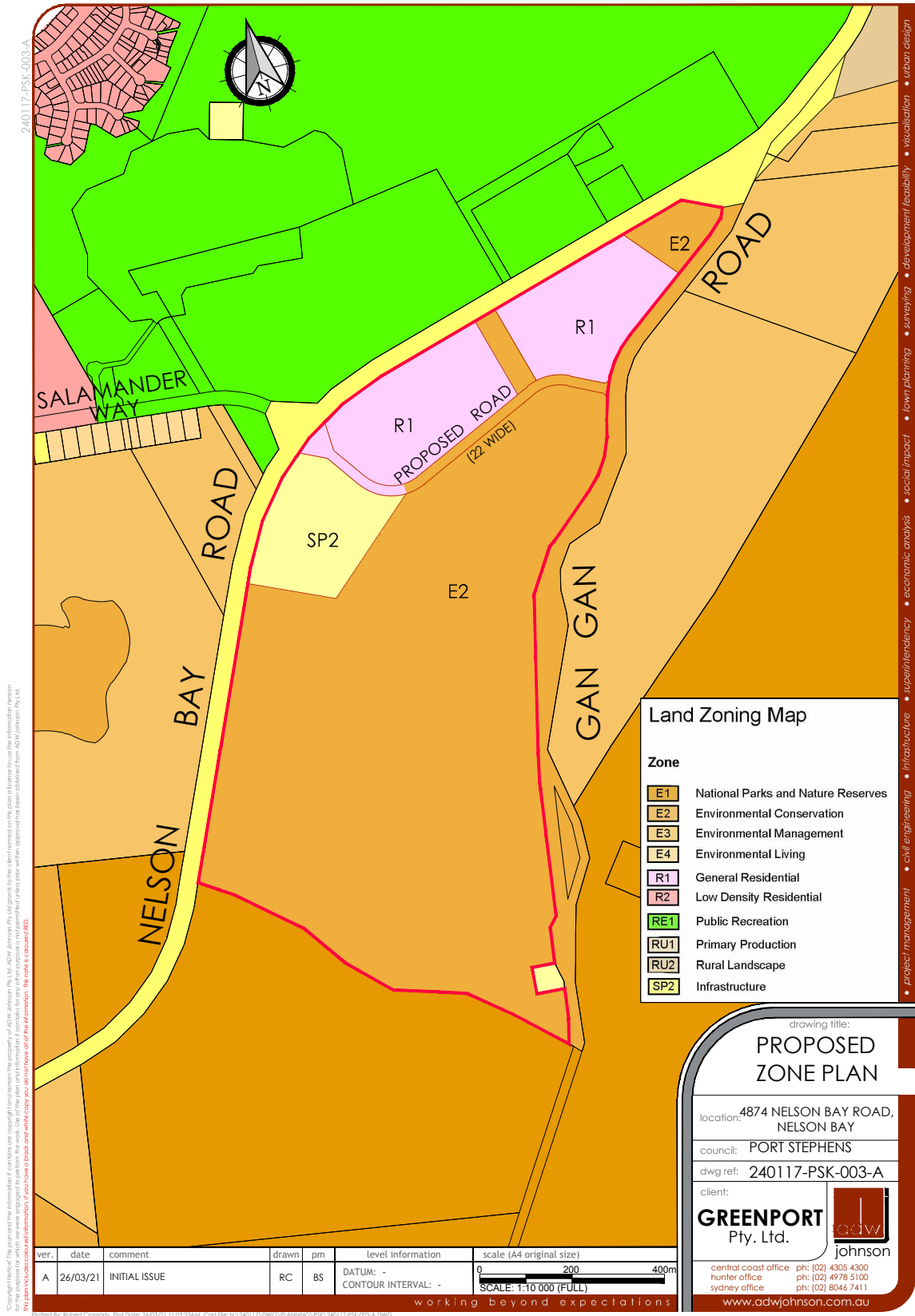
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Attachment Three

Proposed Zoning Map - Map Amendment to Land Zoning Map - Sheet LZN_005E and LZN_005B from E2 Environmental Conservation Zone to SP2 Infrastructure (Hospital), R1 General Residential Zone and E2 Environmental Conservation Zone

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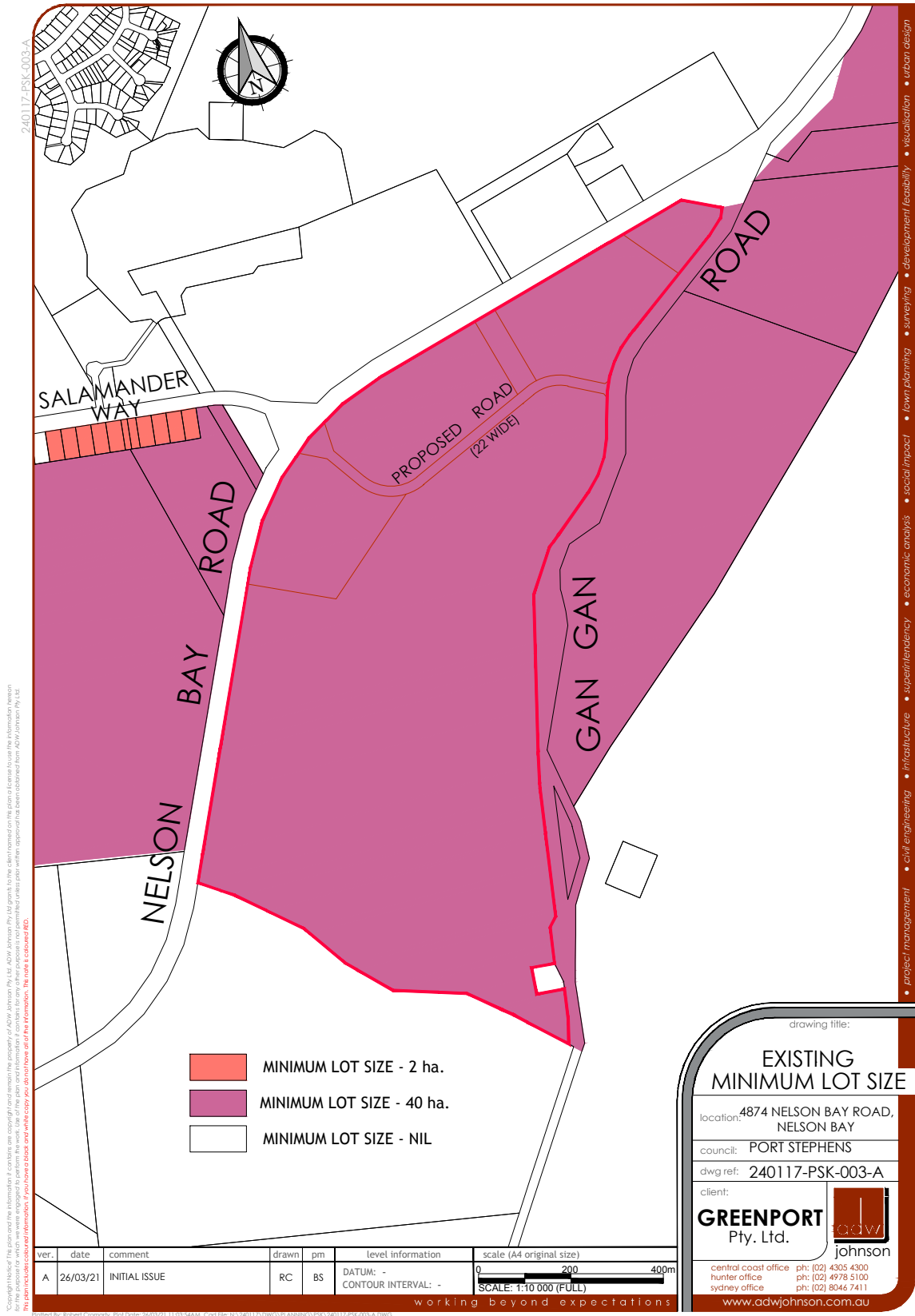
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Attachment Four

Current Lot Size Map LSZ_005E and LSZ_005B

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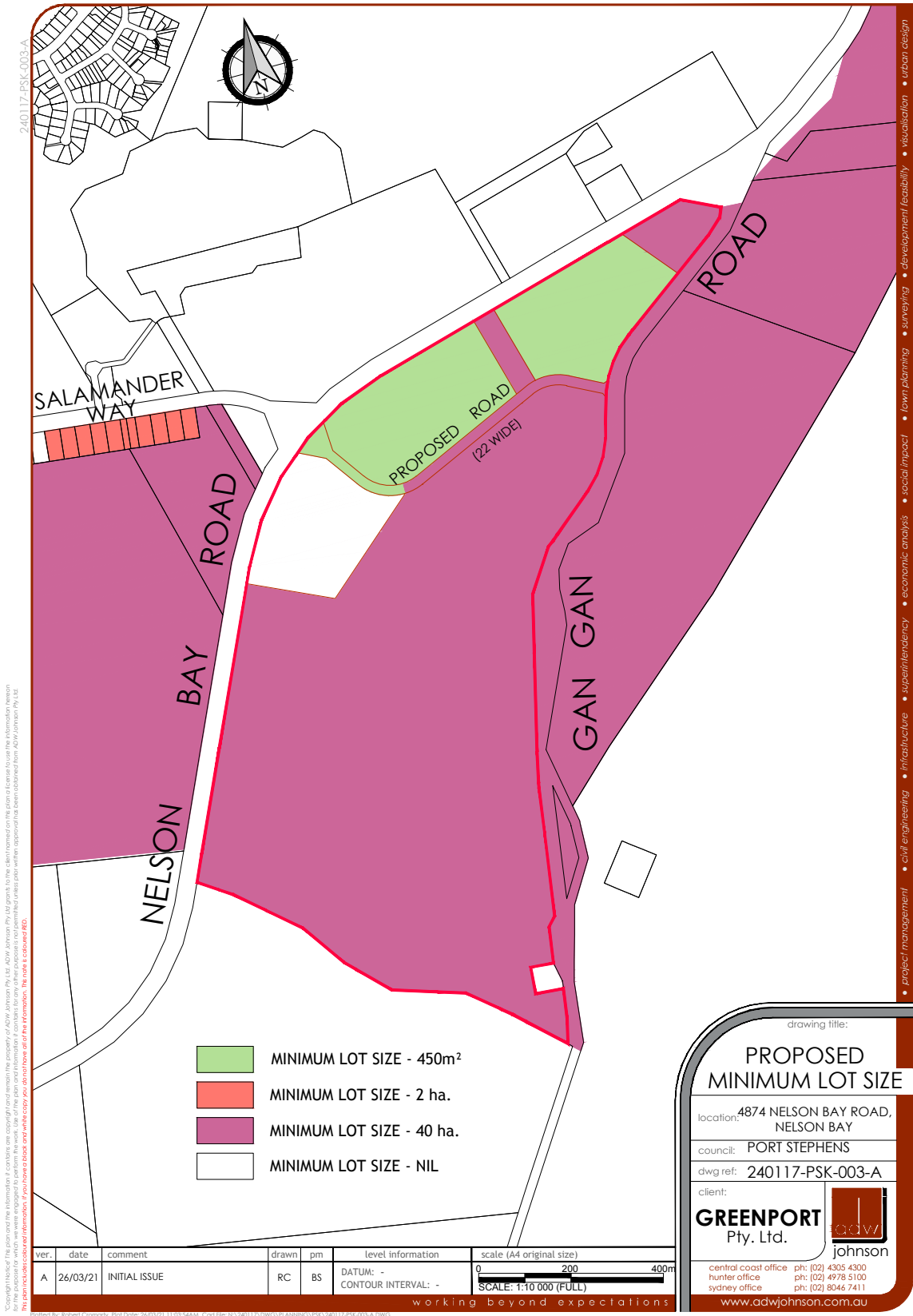
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Attachment Five

Proposed Lot Size Plan - Map amendment to Lot Size Map - Sheet LSZ_005E and LSZ_005B from AB3 40ha to 40 hectares and 450 m²

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Attachment Six

Current Height of Building Map Sheet HOB_005E and HON_005B.

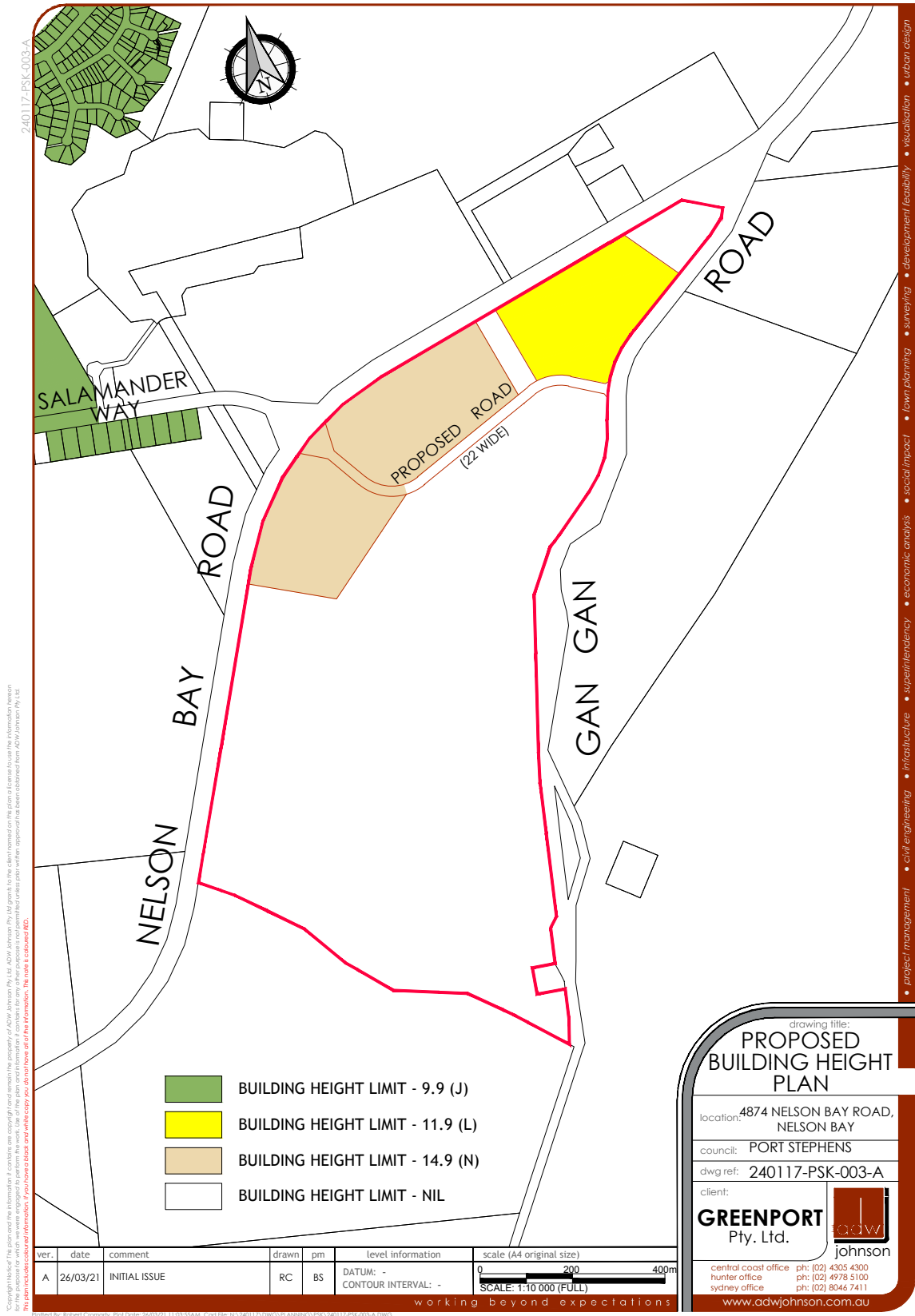
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Attachment Seven

Proposed Height of Buildings Map - Map amendment to Height of Buildings Map - Sheet HOB_005E and HOB005B from no control to 11.9 metres and 14.9 metres and no control

ITEM 2 - ATTACHMENT 2 PLANNING PROPOSAL.

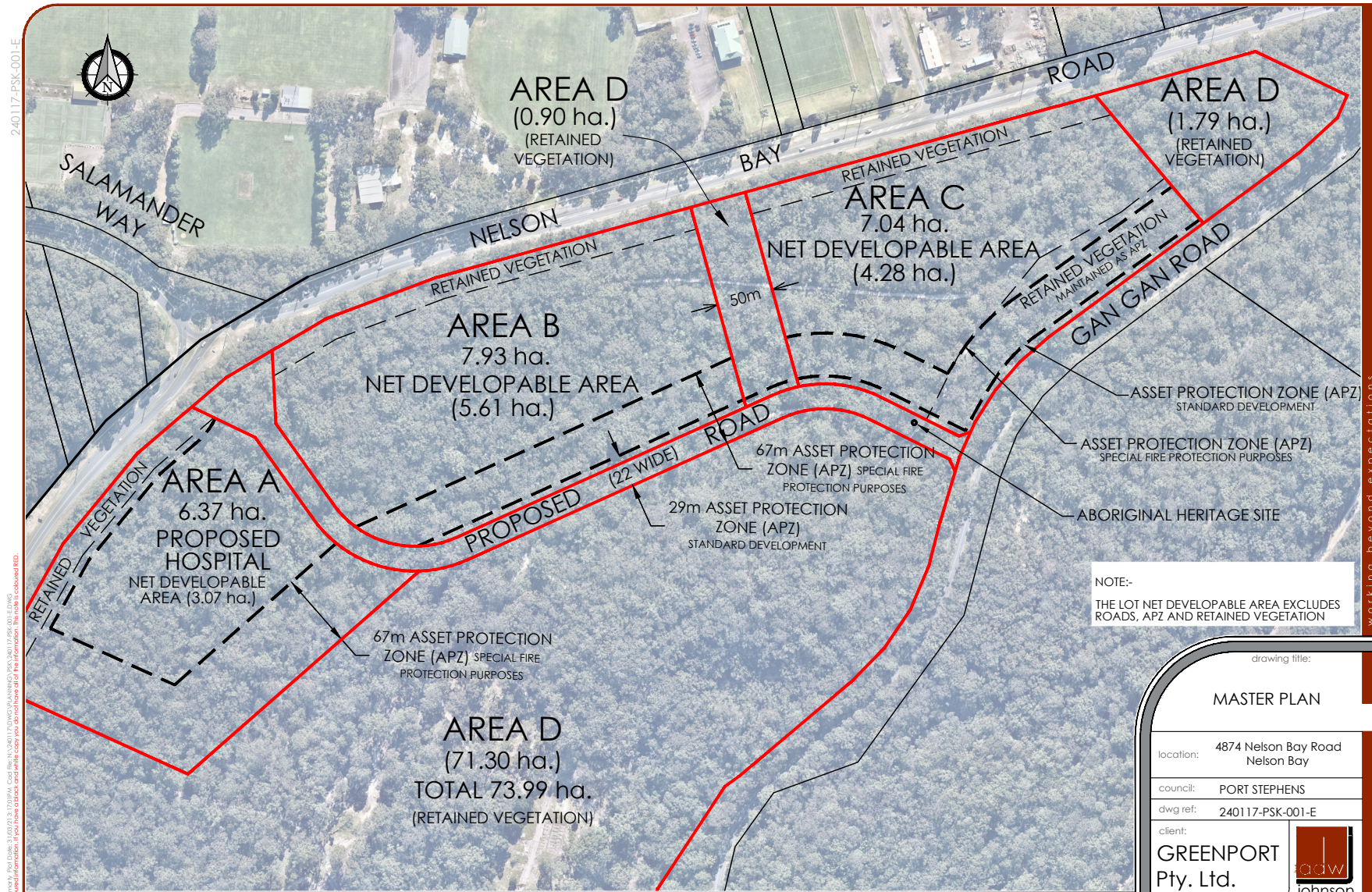


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Attachment Eight

Site Masterplan



240117-PSK-001-E

Prepared by Robert Conway, Proj Date: 31/03/21, 31/03/21 PM, Cost Ref: N3240117-PSK-001-E, DWG No: 240117-PSK-001-E, DWG No: 240117-PSK-001-E, DWG No: 240117-PSK-001-E. This plan includes copyright information. If you have a black area while copy, do not have all of the information. This work is copyright ADJ.

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NOTE:-
THE LOT NET DEVELOPABLE AREA EXCLUDES ROADS, APZ AND RETAINED VEGETATION

drawing title:
MASTER PLAN

location: 4874 Nelson Bay Road
Nelson Bay

council: PORT STEPHENS

dwg ref: 240117-PSK-001-E

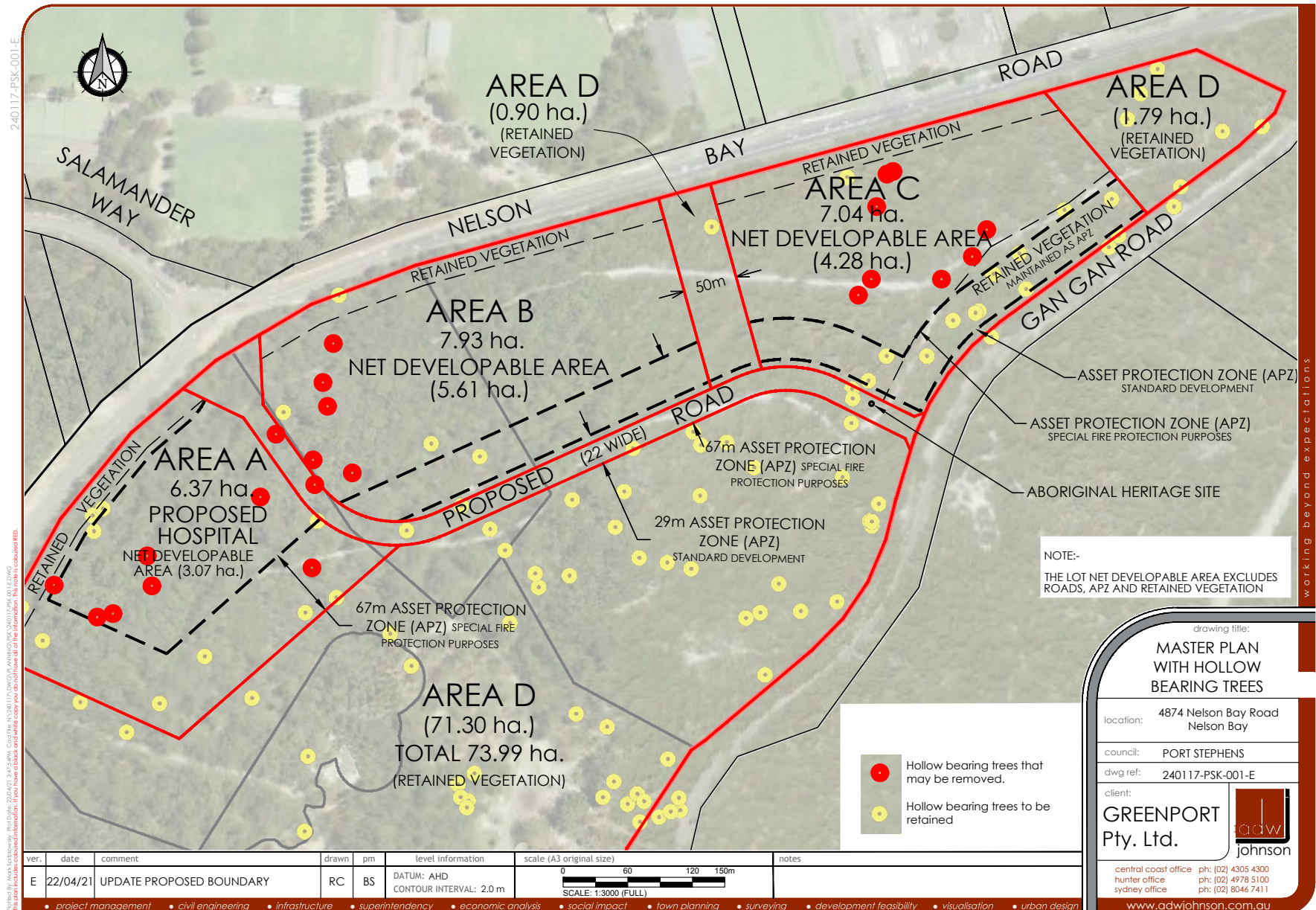
client:
GREENPORT Pty. Ltd.

central coast office ph: (02) 4305 4300
hunter office ph: (02) 4978 5100
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ver.	date	comment	drawn	pm	level information	scale (A3 original size)	notes
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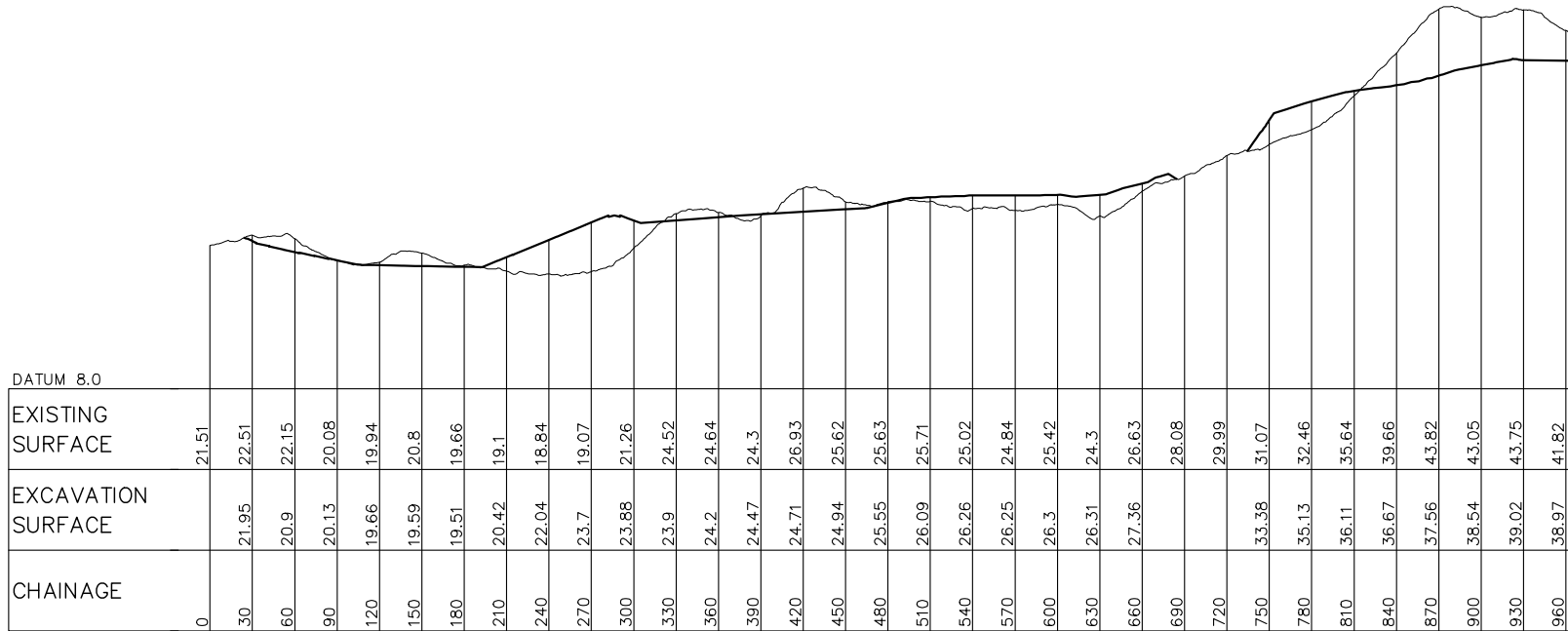
Attachment Nine

Indicative Cut/Fill Plan



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240117-DA-001-D



SITE SECTION SS1

HORIZONTAL SCALE 1:3000

VERTICAL SCALE 1:400

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SITE REGRADE PLAN

location: 4874 Nelson Bay Road
Nelson Bay

council: PORT STEPHENS

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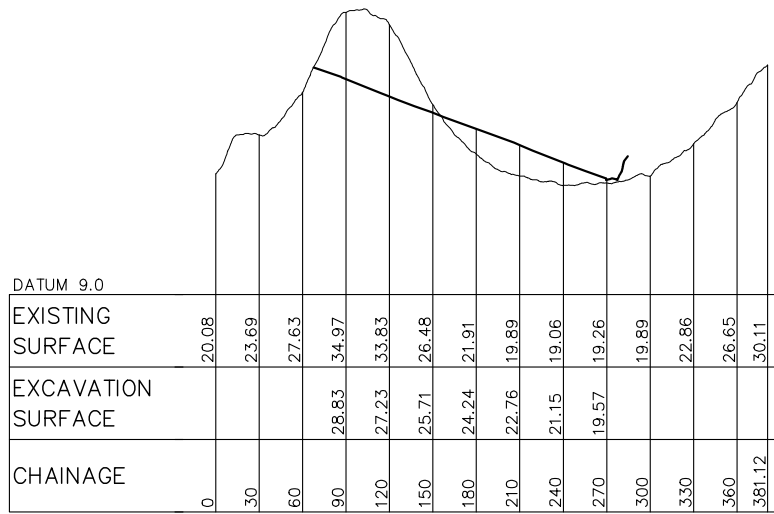
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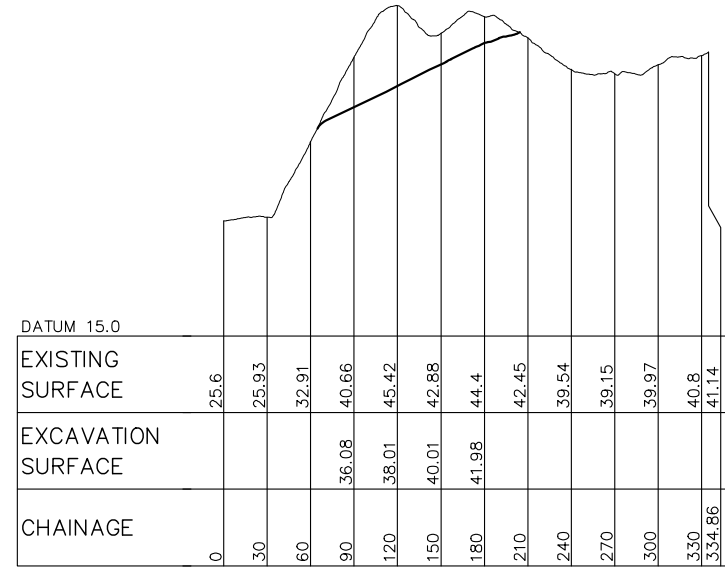
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SITE SECTION SS2
HORIZONTAL SCALE 1:3000
VERTICAL SCALE 1:400



SITE SECTION SS3
HORIZONTAL SCALE 1:3000
VERTICAL SCALE 1:400

Project by: Robert Connolly, Ptd Date: 26/03/21, 11:50:09AM, Cadd file: N:\240117\DWG\PLANING\DA\240117-DA-001-D.DWG
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council: PORT STEPHENS

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hunter office ph: (02) 4978 5100
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SHOAL BAY HOLIDAY PARK PLAN OF MANAGEMENT

July 2022



CONTENTS

PREAMBLE	4	PRECINCT 1A	19
INTRODUCTION.....	5	Overview & Description.....	19
KEY MANAGEMENT ACTIVITIES.....	5	Desired Future Character	19
VISION STATEMENT	5	Current Constraints.....	19
THE PLAN OF MANAGEMENT PROCESS ..	5	Improvement Opportunities.....	19
IMPLEMENTATION AND REVIEW.....	6	PRECINCT 1.....	20
BACKGROUND.....	7	Overview & Description.....	20
HISTORY AND DESCRIPTION OF SHOAL BAY HOLIDAY PARK	8	Desired Future Character	20
CROWN LAND AND COUNCIL'S ROLE	8	Current Constraints.....	20
Background	8	Improvement Opportunities.....	21
Port Stephens Regional Crown Reserve	8	Key Management Priorities.....	21
Description of Council's Freehold Land	9	PRECINCT 2.....	22
Description of Reserve 1037609.....	9	Overview and Description	22
STRATEGIC DIRECTIONS	10	Desired Future Character	22
GUIDING PRINCIPLES	11	Current Constraints.....	22
STRATEGIC DIRECTIONS	11	Improvement Opportunities.....	23
STRATEGIC DIRECTION ONE: ENVIRONMENTAL PROTECTION AND LAND STEWARDSHIP.....	11	Key Management Priorities.....	23
STRATEGIC DIRECTION TWO: SITES AND ACCOMMODATION	12	PRECINCT 3.....	24
STRATEGIC DIRECTION THREE: SITE MANAGEMENT AND COMMERCIAL SUSTAINABILITY	13	Overview and Description	24
REVIEW PROCESS	14	Desired Future Character	24
SITE ANALYSIS & PRECINCT IMPROVEMENTS	15	Current Constraints.....	24
OVERVIEW OF THE SITE.....	16	Improvement Opportunities.....	24
KEY CONSTRAINTS AND OPPORTUNITIES.....	17	Key Management Priorities.....	25
OVERVIEW OF IMPROVEMENTS	17	PRECINCT 4.....	26
Services.....	17	Overview and Description	26
Accommodation and Site Types	18	Desired Future Character	26
Guest Facilities.....	18	Current Constraints.....	26
Landscaping.....	18	Improvement Opportunities.....	26
		Key Management Priorities.....	26
		PRECINCT 5.....	27
		Overview and Description	27
		Desired Future Character	27
		Current Constraints.....	27

ITEM 3 - ATTACHMENT 1 PLAN OF MANAGEMENT - SHOAL BAY HOLIDAY PARK.



Improvement Opportunities.....	28	Residential (Land Lease) Communities Act 2013	36
Key Management Priorities.....	28	Holiday Parks (Long-Term Casual Occupation) Act 2002.....	36
PRECINCT 6.....	29	Native Title Act 1993 (Commonwealth)	36
Overview and Description	29	State Environmental Planning Policy (Coastal Management) 2018.....	37
Desired Future Character.....	29	Coastal Management Act 2016	37
Current Constraints	29	State Environmental Planning Policy – Infrastructure	38
Improvement Opportunities.....	29	State Environmental Planning Policy No. 21 – Caravan Parks.....	39
Key Management Priorities.....	29	PORT STEPHENS LOCAL ENVIRONMENTAL PLAN 2013.....	40
INTERNAL REVIEW PROCESS	30	OTHER PLANNING REGULATIONS, CONTROLS AND STRATEGIES.....	41
IMPLEMENTATION PLAN	31	NSW Coastal Planning Guideline: Adapting to Sea Level Rise.....	41
STATUTORY FRAMEWORK.....	32	Other Statutory and Policy Documents.....	41
INTRODUCTION.....	33	Property and Lot Boundaries	43
Crown Land Management Act 2016	33		
The Environmental Planning and Assessment Act 1979.....	33		
The Local Government Act 1993	34		
Rural Fires Act 1997	34		

TABLE OF FIGURES

Figure 1: Port Stephens Council Regional Crown Reserve.....	8
Figure 2: Overview of Shoal Bay Holiday Park’s Precincts	16
Figure 3: Precinct 1A – Shoal Bay Holiday Park.....	19
Figure 4: Precinct 1 – Shoal Bay Holiday Park.....	20
Figure 5: Precinct 2 – Shoal Bay Holiday Park.....	22
Figure 6: Precinct 3 – Shoal Bay Holiday Park.....	24
Figure 7: Precinct 4 – Shoal Bay Holiday Park.....	26
Figure 8: Precinct 5 – Shoal Bay Holiday Park.....	27
Figure 9: Precinct 6 – Shoal Bay Holiday Park.....	29
Figure 10: Improvement Implementation Priority Matrix.....	31
Figure 11: Shoal Bay Holiday Park Bushfire Prone Land.....	35
Figure 12: Port Stephens Council LEP (2013).....	40
Figure 13: Shoal Bay Holiday Park Lot Boundaries.....	43
Figure 14: Shoal Bay Holiday Park Lot Boundaries (Aerial).....	44

PREAMBLE

ITEM 3 - ATTACHMENT 1 PLAN OF MANAGEMENT - SHOAL BAY HOLIDAY PARK.



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) and adhere to the specific requirements stated in Division 3.6 of the Act. This requires Port Stephens Council, as Crown Land Manager of Shoal 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. Once adopted, developments and activities conducted on site must be carried out in accordance with the final Plan of Management

ITEM 3 - ATTACHMENT 1 PLAN OF MANAGEMENT - SHOAL BAY HOLIDAY PARK.



- ❖ Any future amendments to the adopted Plan of Management require community consultation and engagement

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.



BACKGROUND

ITEM 3 - ATTACHMENT 1 PLAN OF MANAGEMENT - SHOAL BAY HOLIDAY PARK.



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.

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 utilised for car parking and is identified as Precinct 1A, predominantly for people accessing the shopping and commercial development on the eastern side of Government Road.

A portion of the Park is located on the unzoned Shoal Bay Road Reserve immediately to the north of Reserve 1037609.

The total area of land given over to the Shoal Bay Holiday Park is approximately 3.57 hectares.

CROWN LAND AND COUNCIL'S ROLE

Background

The land occupied by Shoal Bay Holiday Park is partially is 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:

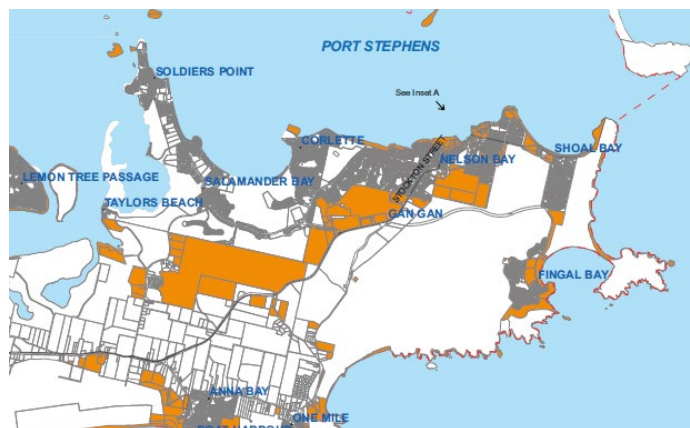
- ❖ Shoal Bay Holiday Park;
- ❖ Halifax Holiday Park, and
- ❖ Fingal Bay Holiday Park.

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.

Port Stephens Regional Crown Reserve

The Port Stephens Regional Crown Reserve 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.

Figure 1: Port Stephens Council Regional Crown Reserve



SHOAL BAY HOLIDAY PARK PLAN OF MANAGEMENT

ITEM 3 - ATTACHMENT 1 PLAN OF MANAGEMENT - SHOAL BAY HOLIDAY PARK.



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 Shoal 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.

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:

- ❖ 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 located immediately to the east of and is contiguous with the Council freehold land. The Reserve can be described as Lot 1 DP 1225747 which has a total area of 2.081 hectares. Part of the reserve, approximately 1.27 hectares, 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.

STRATEGIC DIRECTIONS

ITEM 3 - ATTACHMENT 1 PLAN OF MANAGEMENT - SHOAL BAY HOLIDAY PARK.



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.

ITEM 3 - ATTACHMENT 1 PLAN OF MANAGEMENT - SHOAL BAY HOLIDAY PARK.



**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.

ITEM 3 - ATTACHMENT 1 PLAN OF MANAGEMENT - SHOAL BAY HOLIDAY PARK.



**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.

ITEM 3 - ATTACHMENT 1 PLAN OF MANAGEMENT - SHOAL BAY HOLIDAY PARK.



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

ITEM 3 - ATTACHMENT 1 PLAN OF MANAGEMENT - SHOAL BAY HOLIDAY PARK.



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 2: Overview of Shoal Bay Holiday Park's Precincts

16 SHOAL BAY HOLIDAY PARK PLAN OF MANAGEMENT

ITEM 3 - ATTACHMENT 1 PLAN OF MANAGEMENT - SHOAL BAY HOLIDAY PARK.



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

ITEM 3 - ATTACHMENT 1 PLAN OF MANAGEMENT - SHOAL BAY HOLIDAY PARK.



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 3: 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.

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.



PRECINCT 1



Figure 4: 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)
- ❖ 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 2005, 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.

ITEM 3 - ATTACHMENT 1 PLAN OF MANAGEMENT - SHOAL BAY HOLIDAY PARK.



- ❖ 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.

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 as raised cabins along the perimeter of the precinct.





PRECINCT 2



Figure 5: 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). 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 2005, 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

ITEM 3 - ATTACHMENT 1 PLAN OF MANAGEMENT - SHOAL BAY HOLIDAY PARK.



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 6: 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 2005, 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.

SHOAL BAY HOLIDAY PARK PLAN OF MANAGEMENT

24

ITEM 3 - ATTACHMENT 1 PLAN OF MANAGEMENT - SHOAL BAY HOLIDAY PARK.



Key Management Priorities

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



25 SHC



PRECINCT 4



Figure 7: 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 2005, 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 2005.
- ❖ 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 8: 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 2005, 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.

ITEM 3 - ATTACHMENT 1 PLAN OF MANAGEMENT - SHOAL BAY HOLIDAY PARK.



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 9: 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 2005, 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 2005.
- ❖ 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

ITEM 3 - ATTACHMENT 1 PLAN OF MANAGEMENT - SHOAL BAY HOLIDAY PARK.



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 1993 (Cth) and the Aboriginal Land Rights Act 1984

ITEM 3 - ATTACHMENT 1 PLAN OF MANAGEMENT - SHOAL BAY HOLIDAY PARK.



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
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 10: Improvement Implementation Priority Matrix

STATUTORY FRAMEWORK

ITEM 3 - ATTACHMENT 1 PLAN OF MANAGEMENT - SHOAL BAY HOLIDAY PARK.



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 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, 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 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).

ITEM 3 - ATTACHMENT 1 PLAN OF MANAGEMENT - SHOAL BAY HOLIDAY PARK.



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-liable 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.

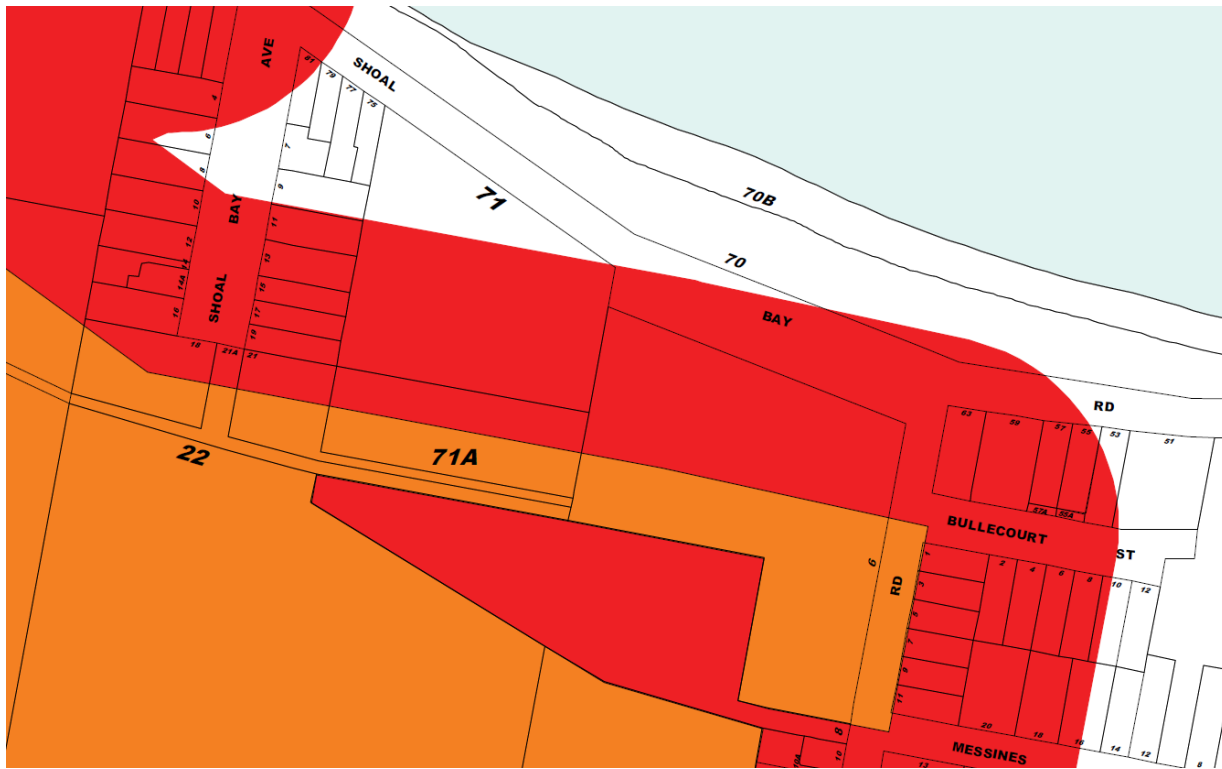
Crown Lands Division granted concurrence to the Trust prior to the current operational approval being issued by Port Stephens Council for Shoal Bay Holiday Park.

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.

ITEM 3 - ATTACHMENT 1 PLAN OF MANAGEMENT - SHOAL BAY HOLIDAY PARK.



Bushfire Prone Land - Certified 11/07/2004




	Vegetation Category 1
	Vegetation Category 2
	Vegetation buffer - 100m & 30m

Figure 11: Shoal Bay Holiday Park Bushfire Prone Land

ITEM 3 - ATTACHMENT 1 PLAN OF MANAGEMENT - SHOAL BAY HOLIDAY PARK.



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 the Future Acts regimes, and consulting with the relevant authority in relation to the proposed works.

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.

ITEM 3 - ATTACHMENT 1 PLAN OF MANAGEMENT - SHOAL BAY HOLIDAY PARK.



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 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

ITEM 3 - ATTACHMENT 1 PLAN OF MANAGEMENT - SHOAL BAY HOLIDAY PARK.



- 2. littoral rainforests that were previously protected by SEPP 14 and SEPP 26
- 3. Coastal vulnerability area — areas subject to coastal hazards such as coastal erosion and tidal inundation
- 4. 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 – Infrastructure

State Environmental Planning Policy (Infrastructure) 2007 (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,

ITEM 3 - ATTACHMENT 1 PLAN OF MANAGEMENT - SHOAL BAY HOLIDAY PARK.



- (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. 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)).

ITEM 3 - ATTACHMENT 1 PLAN OF MANAGEMENT - SHOAL BAY HOLIDAY PARK.



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.

Camping ground and caravan parks are development types permitted with consent in the RE2 zone.

Prohibited:

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

Figure 12: Port Stephens Council LEP (2013)



ITEM 3 - ATTACHMENT 1 PLAN OF MANAGEMENT - SHOAL BAY HOLIDAY PARK.



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;

- ❖ Native Vegetation Conservation Act 1999;
- ❖ Threatened Species Conservation Act 1995;
- ❖ Disability (Access to Premises - Buildings) Standards 2010, Disability Discrimination Act 1992

ITEM 3 - ATTACHMENT 1 PLAN OF MANAGEMENT - SHOAL BAY HOLIDAY PARK.

APPENDICES

ITEM 3 - ATTACHMENT 1 PLAN OF MANAGEMENT - SHOAL BAY HOLIDAY PARK.



Property and Lot Boundaries



Figure 13: Shoal Bay Holiday Park Lot Boundaries

43 SHOAL BAY HOLIDAY PARK PLAN OF MANAGEMENT

ITEM 3 - ATTACHMENT 1 PLAN OF MANAGEMENT - SHOAL BAY HOLIDAY PARK.



Figure 14: Shoal Bay Holiday Park Lot Boundaries (Aerial)

44 SHOAL BAY HOLIDAY PARK PLAN OF MANAGEMENT

ITEM 3 - ATTACHMENT 1 PLAN OF MANAGEMENT - SHOAL BAY HOLIDAY PARK.



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



FINGAL BAY HOLIDAY PARK PLAN OF MANAGEMENT

JULY 2022

FINGAL BAY HOLIDAY PARK PLAN OF MANAGEMENT

1



CONTENTS

..... 5	PRECINCT 1..... 20
PREAMBLE 5	Overview & Description..... 20
INTRODUCTION..... 6	Desired Future Character..... 20
KEY MANAGEMENT ACTIVITIES..... 6	Current Constraints 21
VISION STATEMENT 6	Improvement Opportunities..... 21
THE PLAN OF MANAGEMENT PROCESS .. 6	Key Management Priorities..... 21
IMPLEMENTATION AND REVIEW..... 7	PRECINCT 2..... 22
BACKGROUND 8	Overview and Description..... 22
HISTORY AND DESCRIPTION OF FINGAL BAY HOLIDAY PARK 9	Desired Future Character 22
CROWN LAND AND COUNCIL’S ROLE 9	Current Constraints 23
Background 9	Improvement Opportunities..... 23
Port Stephens Regional Crown Reserve 9	Key Management Priorities..... 23
Reserve Status 9	PRECINCT 3..... 24
STRATEGIC DIRECTIONS 11	Overview and Description..... 24
GUIDING PRINCIPLES 12	Desired Future Character 25
STRATEGIC DIRECTIONS 12	Current Constraints 25
STRATEGIC DIRECTION ONE: ENVIRONMENTAL PROTECTION AND LAND STEWARDSHIP..... 12	Improvement Opportunities..... 25
STRATEGIC DIRECTION TWO: SITES AND ACCOMMODATION 13	Key Management Priorities..... 25
STRATEGIC DIRECTION THREE: SITE MANAGEMENT AND COMMERCIAL SUSTAINABILITY 14	PRECINCT 4..... 26
REVIEW PROCESS 15	Overview and Description..... 26
SITE ANALYSIS & PRECINCT IMPROVEMENTS 16	Desired Future Character 26
OVERVIEW OF THE SITE..... 17	Current Constraints 27
KEY CONSTRAINTS AND OPPORTUNITIES..... 18	Improvement Opportunities..... 27
OVERVIEW OF IMPROVEMENTS 18	Key Management Priorities..... 27
Services..... 18	PRECINCT 5..... 28
Accommodation and Site Types 19	Overview and Description..... 28
Guest Facilities..... 19	Desired Future Character 28
Landscaping 19	Current Constraints 29
	Improvement Opportunities..... 29
	Key Management Priorities..... 29
	Overview and Description..... 30
	Desired Future Character..... 30
	Current Constraints 31

ITEM 3 - ATTACHMENT 2 PLAN OF MANAGEMENT - FINGAL BAY HOLIDAY PARK.



Improvement Opportunities	31	Residential (Land Lease) Communities Act 2013	40
Key Management Priorities	31	Holiday Parks (Long-Term Casual Occupation) Act 2002.....	40
PRECINCT 7	32	Native Title Act 1993 (Commonwealth)	40
Overview and Description	32	State Environmental Planning Policy (Coastal Management) 2018.....	41
Desired Future Character	32	Coastal Management Act 2016	41
Current Constraints	33	State Environmental Planning Policy – Infrastructure	42
Improvement Opportunities	33	State Environmental Planning Policy No. 21 – Caravan Parks.....	43
Key Management Priorities	33	PORT STEPHENS LOCAL ENVIRONMENTAL PLAN 2013.....	44
INTERNAL REVIEW PROCESS	34	OTHER PLANNING REGULATIONS, CONTROLS AND STRATEGIES.....	45
IMPLEMENTATION PLAN	34	NSW Coastal Planning Guideline: Adapting to Sea Level Rise.....	45
STATUTORY FRAMEWORK.....	36	Other Statutory and Policy Documents.....	45
INTRODUCTION.....	37		
Crown Land Management Act 2016	37		
The Environmental Planning and Assessment Act 1979.....	37		
The Local Government Act 1993	38		
Rural Fires Act 1997	38		



Figures

Figure 1: Port Stephens Council Regional Crown Reserve.....	10
Figure 2: Overview of Fingal Bay Holiday Park’s Precincts.....	17
Figure 3: Precinct 1 – Fingal Bay Holiday Park	20
Figure 4: Precinct 2 – Fingal Bay Holiday Park	22
Figure 5: Precinct 3 – Fingal Bay Holiday Park	24
Figure 6: Precinct 4 – Fingal Bay Holiday Park	26
Figure 7: Precinct 5 – Fingal Bay Holiday Park	28
Figure 8: Precinct 6 – Fingal Bay Holiday Park	30
Figure 9: Precinct 7 – Fingal Bay Holiday Park	32
Figure 10: Improvement Implementation Priority Matrix	35
Figure 11: Fingal Bay Holiday Park Bushfire Prone Land Mapping.....	39
Figure 12: Port Stephens Council LEP (2013).....	44
Appendix 13: Fingal Bay Holiday Park Map.....	48

Appendices

Appendix 1: Fingal Bay Holiday Park Lot Boundaries	47
Appendix 2: Fingal Bay Holiday Park Map.....	48

PREAMBLE

ITEM 3 - ATTACHMENT 2 PLAN OF MANAGEMENT - FINGAL BAY HOLIDAY PARK.



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.

ITEM 3 - ATTACHMENT 2 PLAN OF MANAGEMENT - FINGAL BAY HOLIDAY PARK.



IMPLEMENTATION AND REVIEW

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.



BACKGROUND

ITEM 3 - ATTACHMENT 2 PLAN OF MANAGEMENT - FINGAL BAY HOLIDAY PARK.



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 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.

Reserve Status

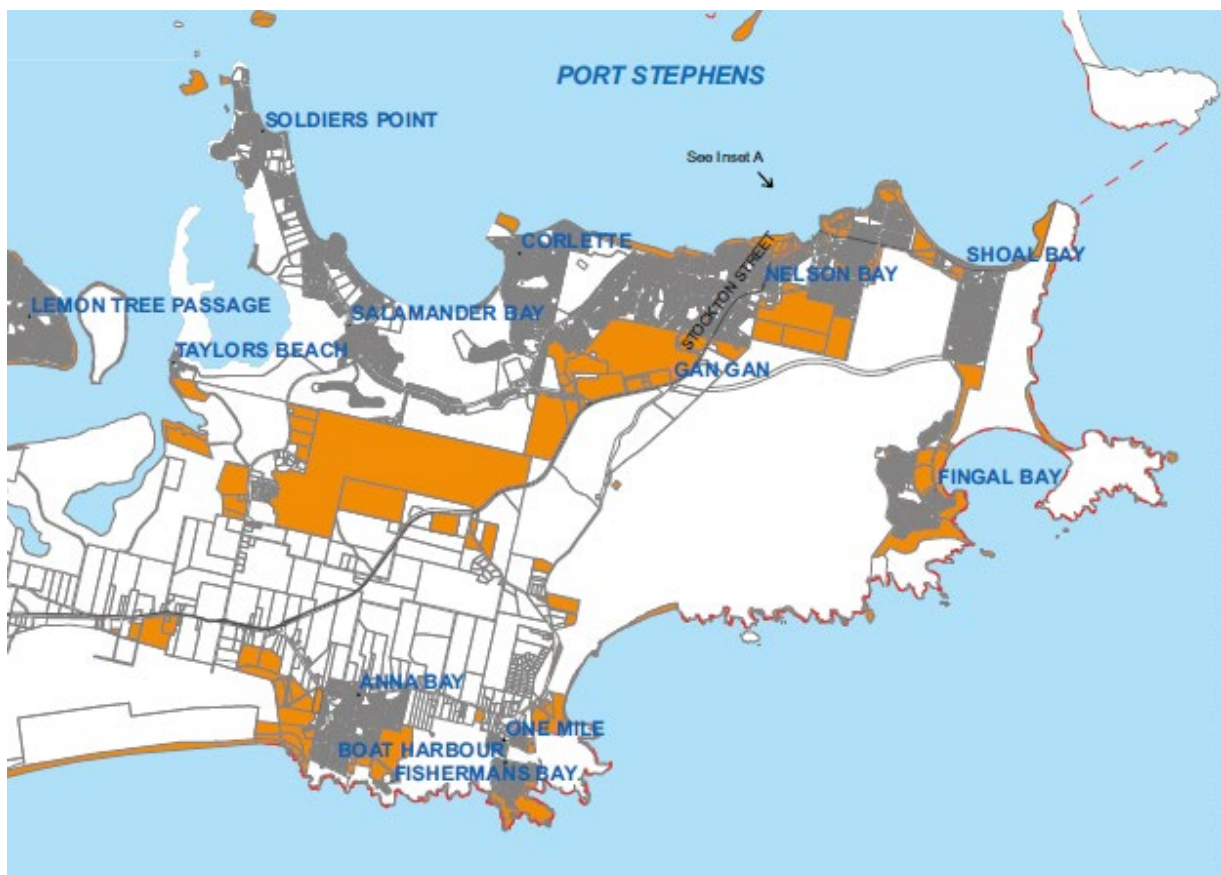
The land occupied by Fingal Bay Holiday Park is known as Reserve 1037608. The land was reserved for Caravan Park purposes on 12 July 2013 and Council was appointed land manager on the same date.

ITEM 3 - ATTACHMENT 2 PLAN OF MANAGEMENT - FINGAL BAY HOLIDAY PARK.



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 1: Port Stephens Council Regional Crown Reserve



STRATEGIC DIRECTIONS

ITEM 3 - ATTACHMENT 2 PLAN OF MANAGEMENT - FINGAL BAY HOLIDAY PARK.



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.

ITEM 3 - ATTACHMENT 2 PLAN OF MANAGEMENT - FINGAL BAY HOLIDAY PARK.



**STRATEGIC DIRECTION
TWO: SITES AND
ACCOMMODATION**

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.

ITEM 3 - ATTACHMENT 2 PLAN OF MANAGEMENT - FINGAL BAY HOLIDAY PARK.



**STRATEGIC DIRECTION
THREE: SITE MANAGEMENT
AND COMMERCIAL
SUSTAINABILITY**

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.

ITEM 3 - ATTACHMENT 2 PLAN OF MANAGEMENT - FINGAL BAY HOLIDAY PARK.



REVIEW PROCESS

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

ITEM 3 - ATTACHMENT 2 PLAN OF MANAGEMENT - FINGAL BAY HOLIDAY PARK.



OVERVIEW OF THE SITE

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 2: Overview of Fingal Bay Holiday Park's Precincts



ITEM 3 - ATTACHMENT 2 PLAN OF MANAGEMENT - FINGAL BAY HOLIDAY PARK.



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 2nd 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

ITEM 3 - ATTACHMENT 2 PLAN OF MANAGEMENT - FINGAL BAY HOLIDAY PARK.



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.

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 3: 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

ITEM 3 - ATTACHMENT 2 PLAN OF MANAGEMENT - FINGAL BAY HOLIDAY PARK.



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 2005, 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.
- ❖ 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.



PRECINCT 2



Figure 4: 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 (short-term 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 (short-term sites) with ensuite
- ❖ 1 exit boom gate.

Desired Future Character

This precinct provides a variety of accommodation options which target different

ITEM 3 - ATTACHMENT 2 PLAN OF MANAGEMENT - FINGAL BAY HOLIDAY PARK.



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 2005, 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.



PRECINCT 3



Figure 5: Precinct 3 – Fingal Bay Holiday Park

Overview and Description

The area defined as Precinct 3 in Figure 5 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)

ITEM 3 - ATTACHMENT 2 PLAN OF MANAGEMENT - FINGAL BAY HOLIDAY PARK.



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 2005, 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 6: 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; 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.

ITEM 3 - ATTACHMENT 2 PLAN OF MANAGEMENT - 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 2005, 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.
- ❖ 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 2nd exit / entry point on Farm Road for use by semi – permanent Holiday Van Owners.

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 2nd entry / exit point on Farm Road for use by semi – permanent Holiday Van Owners.

Key Management Priorities

Explore opportunities to:



PRECINCT 5



Figure 7: 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.

ITEM 3 - ATTACHMENT 2 PLAN OF MANAGEMENT - 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 2005, 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 2nd 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 2nd exit / entry point on Farm Road for use by semi – permanent Holiday Van Owners.



.PRECINCT 6



Figure 8: 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.

ITEM 3 - ATTACHMENT 2 PLAN OF MANAGEMENT - 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 2005, 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 2nd 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 2nd exit / entry point on Farm Road for use by semi – permanent Holiday Van Owners.



PRECINCT 7



Figure 9: 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

ITEM 3 - ATTACHMENT 2 PLAN OF MANAGEMENT - FINGAL BAY HOLIDAY PARK.



of accommodation options which attract a wide range of demographic.

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 2005, 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.

ITEM 3 - ATTACHMENT 2 PLAN OF MANAGEMENT - FINGAL BAY HOLIDAY PARK.



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

ITEM 3 - ATTACHMENT 2 PLAN OF MANAGEMENT - FINGAL BAY HOLIDAY PARK.



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 Rumaïy 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

Figure 10: Improvement Implementation Priority Matrix

STATUTORY FRAMEWORK

ITEM 3 - ATTACHMENT 2 PLAN OF MANAGEMENT - FINGAL BAY HOLIDAY PARK.



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

ITEM 3 - ATTACHMENT 2 PLAN OF MANAGEMENT - FINGAL BAY HOLIDAY PARK.



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-liable 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

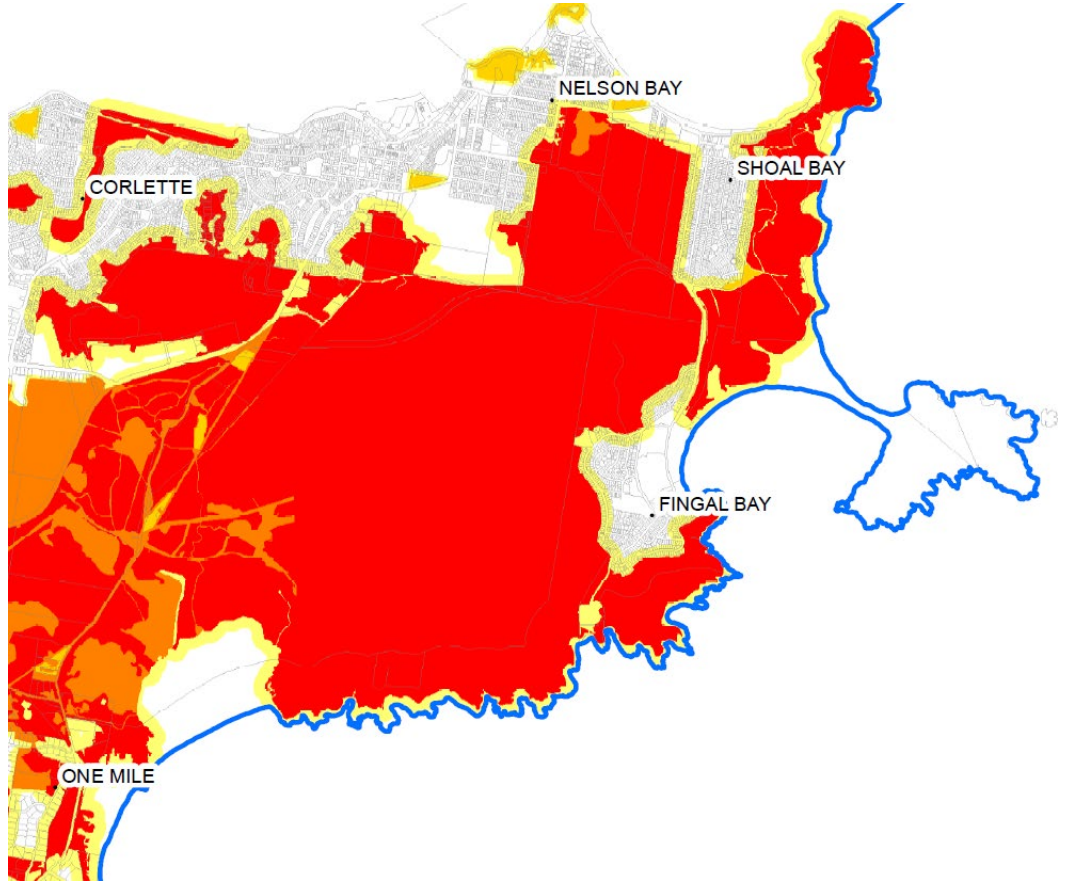
Amendments to the Rural Fires Act 1997 have led to the mapping of bush fire prone lands and a requirement for development proposals to respond to the requirements of the "Planning for Bushfire Protection 2006" Guidelines. In addition, the Act now defines several different land uses including tourist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

ITEM 3 - ATTACHMENT 2 PLAN OF MANAGEMENT - FINGAL BAY HOLIDAY PARK.



Figure 11: Fingal Bay Holiday Park Bushfire Prone Land Mapping



- Legend**
-  Port Stephens LGA
 - Category**
 -  Vegetation Category 1
 -  Vegetation Category 2
 -  Vegetation Category 3
 -  Vegetation Buffer

MANAGEMENT

ITEM 3 - ATTACHMENT 2 PLAN OF MANAGEMENT - FINGAL BAY HOLIDAY PARK.



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).

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 the Future Acts regimes, and consulting with the relevant authority in relation to the proposed works.

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.

ITEM 3 - ATTACHMENT 2 PLAN OF MANAGEMENT - FINGAL BAY HOLIDAY PARK.



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:

ITEM 3 - ATTACHMENT 2 PLAN OF MANAGEMENT - FINGAL BAY HOLIDAY PARK.



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 – Infrastructure

State Environmental Planning Policy (Infrastructure) 2007 (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,

ITEM 3 - ATTACHMENT 2 PLAN OF MANAGEMENT - FINGAL BAY HOLIDAY PARK.



- (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 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) 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 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 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)).

ITEM 3 - ATTACHMENT 2 PLAN OF MANAGEMENT - FINGAL BAY HOLIDAY PARK.



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.

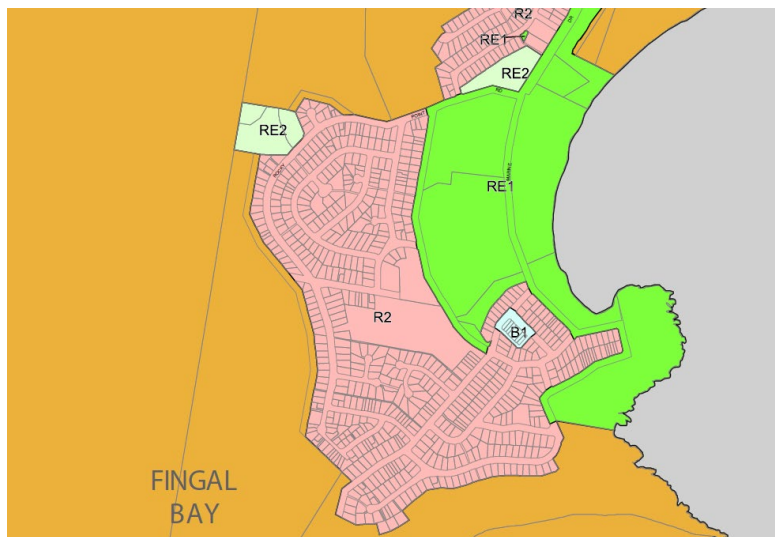
Permitted with consent:

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 12: Port Stephens Council LEP (2013)



ITEM 3 - ATTACHMENT 2 PLAN OF MANAGEMENT - FINGAL BAY HOLIDAY PARK.



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

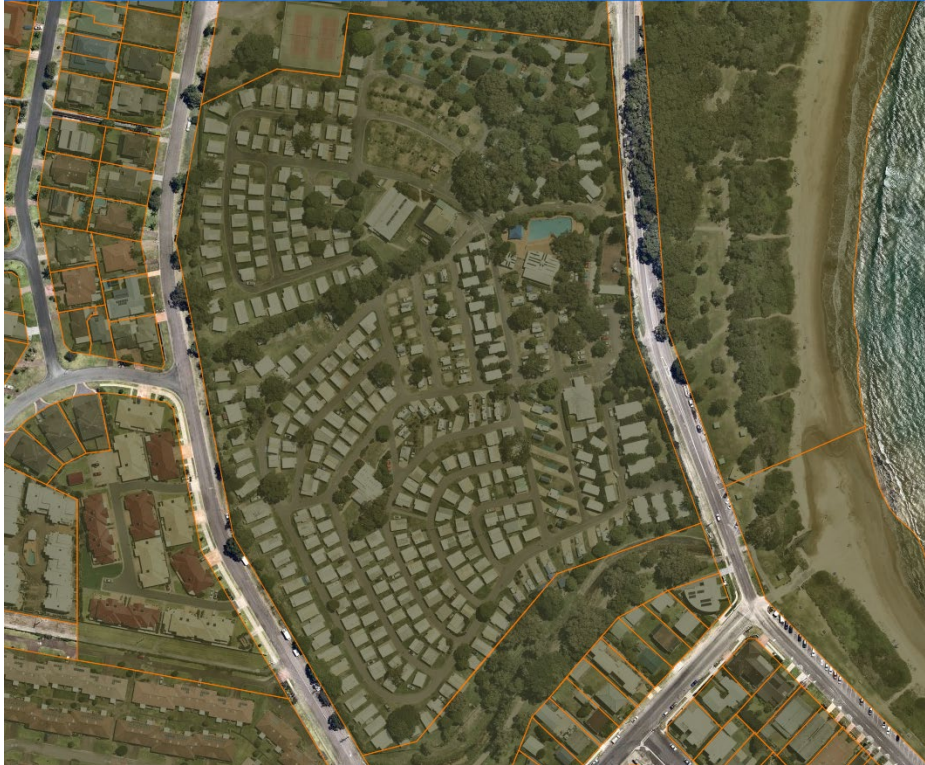
- ❖ Native Vegetation Conservation Act 1999;
- ❖ Threatened Species Conservation Act 1995;
- ❖ Disability (Access to Premises - Buildings) Standards 2010, Disability Discrimination Act 1992

APPENDICES

ITEM 3 - ATTACHMENT 2 PLAN OF MANAGEMENT - FINGAL BAY HOLIDAY PARK.



Appendix 1: Fingal Bay Holiday Park Lot Boundaries



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ITEM 3 - ATTACHMENT 2 PLAN OF MANAGEMENT - FINGAL BAY HOLIDAY PARK.



Appendix 13: Fingal Bay Holiday Park Map



ITEM 3 - ATTACHMENT 2 PLAN OF MANAGEMENT - FINGAL BAY HOLIDAY PARK.



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

ITEM 3 - ATTACHMENT 3 PLAN OF MANAGEMENT - HALIFAX HOLIDAY PARK.



HALIFAX HOLIDAY PARK PLAN OF MANAGEMENT

JULY 2022



CONTENTS

CONTENTS	2	Guest Facilities	18
PREAMBLE	4	Landscaping.....	18
INTRODUCTION	5	PRECINCT 1	19
KEY MANAGEMENT ACTIVITIES	5	Overview & Description.....	19
VISION STATEMENT	5	Desired Future Character	19
THE PLAN OF MANAGEMENT PROCESS ..	5	Current Constraints	19
IMPLEMENTATION AND REVIEW	6	Improvement Opportunities.....	20
BACKGROUND	7	Key Management Priorities.....	20
HISTORY AND DESCRIPTION OF HALIFAX HOLIDAY PARK	8	PRECINCT 2	21
CROWN LAND AND COUNCIL'S ROLE	8	Overview and Description	21
Management Context.....	8	Desired Future Character	21
Port Stephens Regional Crown Reserve	8	Current Constraints	21
Area of Reserve 91621	8	Improvement Opportunities.....	21
Reserve Status and Surrounding Lands	8	Key Management Priorities.....	22
STRATEGIC DIRECTIONS	10	PRECINCT 3	23
GUIDING PRINCIPLES	11	Overview and Description	23
STRATEGIC DIRECTIONS	11	Desired Future Character	23
STRATEGIC DIRECTION ONE:		Current Constraints	23
ENVIRONMENTAL PROTECTION AND		Improvement Opportunities.....	24
LAND STEWARDSHIP	11	Key Management Priorities.....	24
STRATEGIC DIRECTION TWO: SITES AND ACCOMMODATION	12	PRECINCT 4	25
STRATEGIC DIRECTION THREE: SITE MANAGEMENT AND COMMERCIAL SUSTAINABILITY	13	Overview and Description	25
REVIEW PROCESS	13	Desired Future Character	25
SITE ANALYSIS & PRECINCT IMPROVEMENTS	15	Current Constraints	25
OVERVIEW OF THE SITE	16	Improvement Opportunities.....	26
KEY CONSTRAINTS AND OPPORTUNITIES	17	Key Management Priorities.....	26
OVERVIEW OF IMPROVEMENTS	17	PRECINCT 5	27
Services.....	17	Overview and Description	27
Accommodation and Site Types	18	Desired Future Character	27
		Current Constraints	27
		Improvement Opportunities.....	28
		Key Management Priorities.....	28
		PRECINCT 6	29

ITEM 3 - ATTACHMENT 3 PLAN OF MANAGEMENT - HALIFAX HOLIDAY PARK.



Overview and Description	29	Residential (Land Lease) Communities Act 2013	39
Desired Future Character.....	29	Holiday Parks (Long-Term Casual Occupation) Act 2002.....	39
Current Constraints	29	Native Title Act 1993 (Commonwealth)	39
Improvement Opportunities.....	30	State Environmental Planning Policy (Coastal Management) 2018.....	40
Key Management Priorities.....	30	Coastal Management Act 2016	40
PRECINCT 7	31	State Environmental Planning Policy – Infrastructure	41
Overview and Description	31	State Environmental Planning Policy No. 21 – Caravan Parks.....	42
Desired Future Character.....	31	PORT STEPHENS LOCAL ENVIRONMENTAL PLAN 2013.....	43
Current Constraints	32	OTHER PLANNING REGULATIONS, CONTROLS AND STRATEGIES	44
Improvement Opportunities.....	32	NSW Coastal Planning Guideline: Adapting to Sea Level Rise.....	44
Key Management Priorities.....	32	Other Statutory and Policy Documents	44
INTERNAL REVIEW PROCESS	33	APPENDICES.....	45
IMPLEMENTATION PLAN	34	Property and Lot Boundaries	46
STATUTORY FRAMEWORK.....	35		
INTRODUCTION.....	36		
Crown Land Management Act 2016	36		
The Environmental Planning and Assessment Act 1979.....	36		
The Local Government Act 1993	37		
Rural Fires Act 1997	37		



PREAMBLE

ITEM 3 - ATTACHMENT 3 PLAN OF MANAGEMENT - HALIFAX HOLIDAY PARK.



INTRODUCTION

This Plan of Management establishes objectives, strategies and performance targets for the ongoing operation and development of Halifax 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) and adhere to the specific requirements stated in Division 3.6 of the Act. This requires Port Stephens Council, as Crown Land Manager of Halifax 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. Once adopted, developments and activities conducted on site must be carried out in accordance with the final Plan of Management.

ITEM 3 - ATTACHMENT 3 PLAN OF MANAGEMENT - HALIFAX HOLIDAY PARK.



- ❖ Any future amendments to the adopted Plan of Management require community consultation and engagement.

IMPLEMENTATION AND REVIEW

This Plan of Management provides a long-term strategy for the management of Halifax Holiday Park, Crown Reserve 91621. 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.



BACKGROUND

ITEM 3 - ATTACHMENT 3 PLAN OF MANAGEMENT - HALIFAX HOLIDAY PARK.



HISTORY AND DESCRIPTION OF HALIFAX HOLIDAY PARK

Halifax Holiday Park is located at on Crown Land at Nelson Head on the southern shores of the Port Stephens waterway, approximately halfway between the settlements of Nelson Bay and Shoal Bay. The Holiday Park was established in 1946 and quickly became a favourite holiday destination for visitors to Port Stephens, spearheading tourism to the region during the 1950s.

Located in a natural bushland setting, Halifax Holiday Park is surrounded by two calm water beaches, Shoal Bay and Little Beach.

The Park is a favourite destination for boating enthusiasts and is situated within proximity to a deep-water boat ramp, calm waters and a marina. Additionally, the waters off Halifax Park and Fly Point are an aquatic reserve and are the most popular diving locations in Port Stephens.

CROWN LAND AND COUNCIL'S ROLE

Management Context

The land is owned by the State of New South Wales and 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.

Port Stephens Regional Crown Reserve

The Port Stephens Regional Crown Reserve 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 include 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 the 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 Halifax 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.

Area of Reserve 91621

Reserve 91621 occupies a total area of 3.627 hectares. Halifax Holiday Park covers a total 3.2 Hectares of this Reserve. The Reserve boundary, including the area occupied by Halifax Holiday Park, are shown in the following plan.

Reserve Status and Surrounding Lands

Reserve 91621 is defined by Lots 1 & 2 DP 1118650 and Lot 424 DP 39728. The surrounding lands particularly to the north,

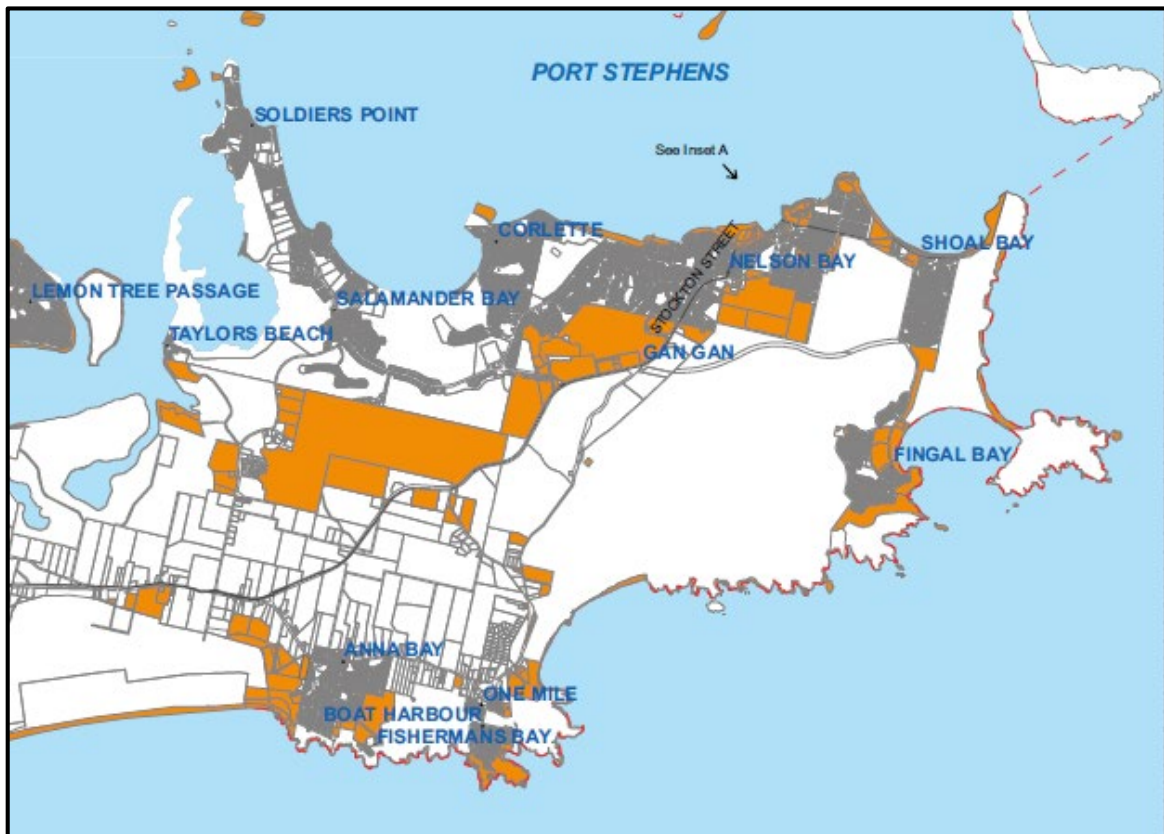
ITEM 3 - ATTACHMENT 3 PLAN OF MANAGEMENT - HALIFAX HOLIDAY PARK.



east and west constitute other Reserved lands and these can be set out as follows:

- ❖ Adjoining to the north and occupying most of the headland is Lot 4 DP 727756 which forms Reserve 67366 for Public Recreation. Other allotments to the west of the Holiday Park also constitute part of Reserve 67366.
- ❖ Within Lot 4 DP 727756 sits Lot 427 DP 39728 and this forms Reserve 170152 for Community and Heritage Purposes. This Lot and Reserve defines the area given over to the Pilot's Cottage, Museum, Café, Coastal Patrol and Telecommunications facilities.
- ❖ Also adjoining the Holiday Park to the north stretching up towards the headland and down to the south-east is Lots 7020 & 7021 DP 1126832 containing the balance of Reserve 81389 for Public Recreation.

FIGURE 1: Port Stephens Regional Crown Reserve



STRATEGIC DIRECTIONS

ITEM 3 - ATTACHMENT 3 PLAN OF MANAGEMENT - HALIFAX HOLIDAY PARK.



GUIDING PRINCIPLES

Seven guiding principles define the way in which Halifax 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, Halifax 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 Halifax 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 Halifax 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.

ITEM 3 - ATTACHMENT 3 PLAN OF MANAGEMENT - HALIFAX HOLIDAY PARK.



**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.

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 or entertainment precinct.
- ❖ 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 holiday van sites to cabins and powered tourist van sites.
- ❖ Ensure site presentation, maintenance and compliance standards are in place and enforced.
- ❖ Provide native vegetation and landscaping as determined by Council.
- ❖ 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 tourist sites to reduce wear and tear.
- ❖ Consider the need for additional toilet facilities.
- ❖ 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.
- ❖ Consider an appropriate road and pathway layout to allow efficient movement within and through the Park, including to recreational facilities.
- ❖ Insure appropriate access and parking for emergency vehicles.
- ❖ Ensure disabled access is provided to community facilities and bathrooms consistent with the Australian Standards.

ITEM 3 - ATTACHMENT 3 PLAN OF MANAGEMENT - HALIFAX HOLIDAY PARK.



**STRATEGIC DIRECTION
THREE: SITE MANAGEMENT
AND COMMERCIAL
SUSTAINABILITY**

Aim

Develop a sustainable revenue base to support the long-term management and development of Halifax 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 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.

Objective 4 – Leases and Licences

To enable leases and licences for appropriate uses.

The Crown Land Manager may enter a lease or licence for whole or part of the lands to which this Plan applies provided that:

- ❖ Management of the land is in accordance with this Plan of Management, relevant Crown Lands and Council policies and guidelines.
- ❖ The use of the land is in the public interest.
- ❖ The granting of the lease, licence or estate is in accordance with the relevant provisions of the Crown Land Management Act 2016 and the Local Government Act 1993.

REVIEW PROCESS

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

ITEM 3 - ATTACHMENT 3 PLAN OF MANAGEMENT - HALIFAX HOLIDAY PARK.



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

ITEM 3 - ATTACHMENT 3 PLAN OF MANAGEMENT - HALIFAX HOLIDAY PARK.



OVERVIEW OF THE SITE

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

This Plan separates Halifax Holiday Park into seven 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.

These seven precincts are detailed in the below site map:



FIGURE 2: Overview of Halifax Holiday Park's Precincts

ITEM 3 - ATTACHMENT 3 PLAN OF MANAGEMENT - HALIFAX HOLIDAY PARK.



KEY CONSTRAINTS AND OPPORTUNITIES

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

Strengths

- ❖ Location within an established tourism area
- ❖ Proximity to Shoal Bay Beach and Little Beach
- ❖ Direct water and beach access
- ❖ Proximity to Nelson Bay town centre
- ❖ Access to Little Beach Boat Ramp and Carpark
- ❖ Established visitor base with continued re-visitation
- ❖ Variety of accommodation offerings and price-points
- ❖ 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 manoeuvring 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/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, rainwater capture and storage to provide water for toilet systems and irrigation.

Further basic services provided in the Park include the internal road system. Where necessary and consistent with other initiatives, some internal roads may be altered or possibly closed. The overall aim is to provide enhanced amenity for Park guests while maintaining appropriate levels of servicing and access

ITEM 3 - ATTACHMENT 3 PLAN OF MANAGEMENT - HALIFAX HOLIDAY PARK.



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. Accommodation sites which currently contain holiday van accommodation will become available for drive-on tourist uses or cabins once vacated. In some circumstances, the conversion of former holiday van sites to tented lodging may be a suitable short-term opportunity to generate revenue until it is deemed appropriate for the installation of other permanent lettable accommodation in these locations.

Guest Facilities

Halifax 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 improved the quality of facilities within Halifax Holiday Park.

Works for consideration may include establishment of a second amenities block to service the eastern portion of the Park, improving barbecues and associated facilities, and expansion of the recreational area including the addition of a swimming pool or other appropriate facilities.

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 1



FIGURE 3: Precinct 1 – Halifax Holiday Park

Overview & Description

The area defined as Precinct 1 sits at the western-most end of Halifax Holiday Park. This precinct has direct access to Little Beach through an existing walkway, and currently features a mixture of accommodation, including quarterdeck villas and powered tourist van sites.

Key existing features of Precinct 1 include:

- ❖ 13 Quarterdeck Villas (self-contained moveable dwellings)
- ❖ 8 Powered tourist van sites (short-term sites)
- ❖ Reception
- ❖ Kiosk
- ❖ Groundskeepers Shed
- ❖ Housekeeping shed
- ❖ Beach access trail

Desired Future Character

As this precinct is closely located to the beach access trail, an opportunity exists to enhance the accommodation offerings and position this precinct as premium location. Relocation of existing back-of-house facilities in the south-western corner will support this intention and provide an opportunity to align the use of this area with the current accommodation stock.

Current Constraints

- ❖ Any future works that reconfigure or create new sites must comply with the applicable provisions of the Local Government (Manufactured Home Estates, Caravan parks, Camping Grounds and Movable Dwellings) Regulation 2005 (LG Regs 2005), most notably Clause 111 requiring new/reconfigured short-term sites to be within 100m of an amenities block (all sites within this precinct are currently

ITEM 3 - ATTACHMENT 3 PLAN OF MANAGEMENT - HALIFAX HOLIDAY PARK.



- within 100m of the existing amenities block).
- ❖ The existing villas are self-contained moveable dwellings and therefore do not need to be within 100 metres of the amenities block as per LG Regs 2005.
- ❖ Precinct 1 is partially constrained by high hazard flood fringe area (not currently identified in PSLEP, however it is included within Councils Flood Mapping) any future proposed work will need to meet the flood management requirements of the PSLEP.
- ❖ Darwin Drive becomes congested with people manoeuvring caravans onto sites. This is an issue given its location within the Park.

Improvement Opportunities

- ❖ An opportunity exists to relocate the existing groundskeeper shed to a smaller site in Precinct 5, directly adjacent to the existing housekeeping shed. The shed currently occupies a desirable location for accommodation and relocation of the shed would allow replacement with additional cabin accommodation.
- ❖ Existing tourist van sites 57 to 60 and 90 to 93 may be suitable for conversion to cabin accommodation. These sites are well located, with suitable access from both Darwin Drive and Brisbane Boulevard.
- ❖ There is opportunity to retain and reconfigure the former caretaker's accommodation to allow the installation of additional cabins.
- ❖ Upgrade entry gate infrastructure and technologies to improve guest security.

Key Management Priorities

Explore opportunities for additional revenue via enhanced accommodation offerings.
 Upgrade entry gate infrastructure.



PRECINCT 2



FIGURE 4: Precinct 2 – Halifax Holiday Park

Overview and Description

The area defined as Precinct 2 sits as an island of tourist van sites between Brisbane Boulevard and Darwin Drive. The Precinct provides caravan access from both roadways.

Key existing features of Precinct 2 include:

- ❖ 28 powered tourist van sites (short-term sites).

Desired Future Character

This precinct is best served by the retention of tourist van sites in the short term.

Current Constraints

- ❖ Any future works that reconfigure or create new sites will need to comply with the applicable provisions of the LG Regs 2005, 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 the amenities block).

- ❖ Precinct 2 is within the identified 'flood prone land investigation area' (not currently identified in PSLEP, however it is included within Councils Flood Mapping) any future proposed work will need to comply with applicable flood management requirements of the PSLEP.

Improvement Opportunities

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

ITEM 3 - ATTACHMENT 3 PLAN OF MANAGEMENT - HALIFAX HOLIDAY PARK.



Key Management Priorities

Provide a consistent precinct strategy through uniformity of accommodation types and enhance visual amenity and reduce maintenance burden by installing synthetic turf.





PRECINCT 3



FIGURE 5: Precinct 3 – Halifax Holiday Park

Overview and Description

The area defined as Precinct 3 features a mixture of accommodation sites and communal recreational facilities. The Precinct also features a new amenities block (completed October 2019), with toilets, showers, and a laundry. The Precinct’s location in the centre of the Park, and the presence of these key communal facilities, makes it the focal point for the Park and should be enhanced where applicable.

Key existing features of Precinct 3 include:

- ❖ 11 powered tent sites (short-term sites)
- ❖ 4 powered tourist van sites (short-term sites)
- ❖ Amenities block with toilets, showers, and a laundry

- ❖ Shaded BBQ area
- ❖ Kids playground
- ❖ Camp kitchen
- ❖ Substation

Desired Future Character

Enhancement of the communal and recreational facilities within this precinct will benefit Halifax Holiday Park as a whole. As this precinct is the focal point for recreation within the Park, it is important that investment is made to ensure the Park is equipped with communal facilities that make it competitive as a short-stay holiday choice.

Current Constraints

- ❖ The proposed new amenities block must comply with the applicable provisions of

ITEM 3 - ATTACHMENT 3 PLAN OF MANAGEMENT - HALIFAX HOLIDAY PARK.



the LG Regs 2005, most notably clause 107 to clause 119.

- ❖ Any future works that reconfigure existing or create new sites will need to comply with the applicable provisions of the LG Regs 2005, 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 the amenities block).
- ❖ The existing retaining wall and substation should be considered as part of any redesign.
- ❖ Tent sites 102 - 108 unlikely to be able to be moved due to retaining wall.
- ❖ Precinct 3 is within the identified 'flood prone land investigation area' (not currently identified in PSLEP, however it is included within Councils Flood Mapping) any future proposed work will need to comply with applicable flood management requirements of the PSLEP.

Improvement Opportunities

- ❖ An opportunity exists in this precinct to reconfigure the existing playground, landscaping, and BBQ area in order to facilitate the installation of a pool or splash area. Provision of this recreational feature would greatly enhance the marketability of the Holiday Park.
- ❖ Minimal opportunity exists to alter the accommodation within this precinct in the short term.

Key Management Priorities

Retention and enhancement of this area as the focal point of the Park and enhance recreational facilities to assist the Park's overall marketability.



PRECINCT 4



FIGURE 6: Precinct 4 – Halifax Holiday Park

Overview and Description

The area defined as Precinct 4 features a bank of 18 villas, an accessible cabin and 3 powered tourist van sites located between Melbourne Mall and Perth Parade. This precinct is well located near the Park’s entry, reception, amenities building and communal recreational facilities, providing premium accommodation options which capitalise on this proximity.

Key existing features of Precinct 4 include:

- ❖ 18 bay villas (self-contained moveable dwellings)
- ❖ 1 accessible cabin (self-contained moveable dwellings)
- ❖ 3 powered tourist van sites (short term sites)
- ❖ 1 residential parking site

Desired Future Character

Retention of premium accommodation options with strong visual linkages to adjacent communal facilities.

Current Constraints

- ❖ Any future works that reconfigure or create new sites will need to comply with the applicable provisions of the LG Regs 2005, most notably new/reconfigured short-term sites must be within 100m of existing amenities block (all sites are currently within 100m of the existing amenities block).
- ❖ Precinct 4 is within the identified 'flood prone land investigation area'. (not currently identified in PSLEP, however it is included within Councils Flood Mapping) any future proposed work will need to comply with applicable flood

ITEM 3 - ATTACHMENT 3 PLAN OF MANAGEMENT - HALIFAX HOLIDAY PARK.



management requirements of the PSLEP.

Improvement Opportunities

- ❖ Minimal opportunity exists to alter the accommodation within this precinct in the short term.

Key Management Priorities

Retain cabin accommodation and explore opportunities for further site conversion.





PRECINCT 5



FIGURE 7: Precinct 5 – Halifax Holiday Park

Overview and Description

The area defined as Precinct 5 runs along the north to north-eastern boundary of the reserve, abutting the neighbouring littoral rainforest. The Precinct features a mixture of site typologies, including holiday van sites, powered tourist van sites and large beach villas.

Key existing features of Precinct 5 include:

- ❖ 9 holiday van sites (short-term sites)
- ❖ 7 powered tourist van sites (short-term sites)
- ❖ 4 beach villas (self-contained moveable dwellings)
- ❖ Beach access trail

Desired Future Character

Removal of holiday van accommodation and replace with short-term accommodation such as powered tourist van or tent sites.

Current Constraints

- ❖ Sites to the west of site 26 are shallow which may limit their marketability and range of potential uses to smaller tourist sites.
- ❖ Any future works that reconfigure or create new sites will need to comply with the applicable provisions of the LG Regs 2005, 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).

ITEM 3 - ATTACHMENT 3 PLAN OF MANAGEMENT - HALIFAX HOLIDAY PARK.



- ❖ The littoral rainforest which exists on the neighbouring Crown Reserve site to the north must be considered in any future plans for the site.
- ❖ Precinct 5 is partially within the identified 'flood prone land investigation area'. (not currently identified in PSLEP, however it is included within Councils Flood Mapping) any future proposed work will need to comply with applicable flood management requirements of the PSLEP.

would allow short term use with minimal expense. In the long term, an opportunity exists to the look at alternative accommodation and cabin types which could be supported on a shallow footprint.

- ❖ Explore the opportunity to convert the western-most holiday van site in the Precinct to the new groundskeeper shed, replacing the existing groundskeeper shed in Precinct 1 with additional cabins or tourist sites.

Improvement Opportunities

- ❖ An opportunity exists to convert the existing holiday van sites to the east of site 27 to a combination of cabins and powered tourist van sites. This conversion may generate an increase in revenue for the sites.
- ❖ Conversion of the shallow holiday van sites west of Site 26 to tourist sites

Key Management Priorities

Ensure that a mixture of accommodation types is retained and consider alternative short and long term uses of the former holiday van sites.





PRECINCT 6



FIGURE 8: Precinct 6 – Halifax Holiday Park

Overview and Description

The area defined as Precinct 6 contains a large group of powered van and tent sites, located adjacent to the road network bounded by Perth Parade and Hobart Highway, including Adelaide Avenue and Sydney Street. The area is bounded by a fence on the eastern end, which separates Precinct 6 from Precinct 7.

Key existing features of Precinct 6 include:

- ❖ 54 powered tourist van sites (short-term sites)
- ❖ 7 powered tent sites (short-term sites)
- ❖ 3 BBQs

Desired Future Character

Retain powered tourist van sites to ensure long term mix of accommodation types and

consider the installation of ensuite to larger sites located along the boundary.

Current Constraints

- ❖ Any future works that reconfigure or create new sites will need to comply with the applicable provisions of the LG Regs 2005, most notably new/reconfigured short-term sites must be within 100m of existing amenities block.
- ❖ There are currently 9 short-term sites that are further than 100m from the existing amenities block (2 tourist van sites (164, 166) & 7 tent sites (40 to 45 and 165)).
- ❖ Precinct 6 is partially within the identified 'flood prone land investigation area'. (not currently identified in PSLEP, however it is included within Councils Flood Mapping) any future proposed work will need to comply with applicable flood management requirements of the PSLEP.

ITEM 3 - ATTACHMENT 3 PLAN OF MANAGEMENT - HALIFAX HOLIDAY PARK.



Improvement Opportunities

- ❖ Significant use and fast turnover in this Precinct during peak periods create wear and tear of grassed areas and prevents effective maintenance. An opportunity exists to explore the installation on synthetic turf throughout this precinct.
- ❖ Consider the installation of ensuite pods in this location, creating a precinct for ensuite tourist van sites charged at a premium rate.
- ❖ The angled bays in this precinct reduce the efficiency of the site. Reorientation

of these slabs may allow the installation of additional sites.

Key Management Priorities

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





PRECINCT 7



FIGURE 9: Precinct 7 – Halifax Holiday Park

Overview and Description

Precinct 7, defined as Lot 424, is a separate triangular portion of land to the east of Halifax Holiday Park.

This Precinct sits directly north of Lot 7021 / DP1126832, which facilitates public access from Beach Road to the nearby Shoal Bay beach.

NSW Government identified that to increase the financial viability of Halifax Holiday Park, Lot 424 should be included into the park as a camping area. In 2013, the NSW Government declared the land at Lot 424 legally part of the Halifax Holiday Park Reserve 91621 and the purpose changed from 'Public recreation' to 'Caravan and Camping Park'. The Gazette notification was published on 27 September 2013 (Folio 4221).

As this section of land is incorporated as part of the Crown Land Reserve, it must be included in the Plan of Management for this reserve. The area is not directly connected to Halifax Holiday Park as a fence exists between the two properties. Access exists via a separate driveway from Beach Road.

As the land is owned by the NSW Government, Council does not have the authority to re-gazette the allotment for Public Recreation.

Key existing features of Precinct 7 include:

- ❖ BBQ and picnic facilities

Desired Future Character

Open space, with additional recreational facilities to serve both the Holiday Park and the local community.

ITEM 3 - ATTACHMENT 3 PLAN OF MANAGEMENT - HALIFAX HOLIDAY PARK.



Current Constraints

- ❖ All proposed short-term sites will need to comply with the applicable provisions of the LG Regs 2005, most notably new short-term sites must be within 100m of existing amenities block. Currently this precinct is not within 100m of the existing amenities block.
- ❖ Existing vegetation on site, including coral trees (Exotic species) and native gums.

- ❖ An opportunity exists to explore the installation of a playground/community facility for use of the wider community. This would increase the amenity of Halifax Holiday Park whilst providing additional recreational space for the local community.

Key Management Priorities

Maintain area as open space.

Improvement Opportunities

- ❖ As this precinct is outside the 100m radius of the current amenities building, accommodation development within this area is not permissible without the construction of a new amenities building.



ITEM 3 - ATTACHMENT 3 PLAN OF MANAGEMENT - HALIFAX HOLIDAY PARK.



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 Halifax 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

ITEM 3 - ATTACHMENT 3 PLAN OF MANAGEMENT - HALIFAX HOLIDAY PARK.



IMPLEMENTATION PLAN

To facilitate the ongoing improvement of Halifax 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
1	Relocate Groundskeeping Shed and Install New Cabins/Tourist Sites	High
1	Conversion of Sites to Cabins	High
1	Reconfiguration of Former Caretakes Accommodation	Medium
2	Conversion of Holiday Van Sites to Powered Tourist Van Sites	Medium
2	Installation of Synthetic Turf	Medium
3	Installation of Pool or Splash Area	High
4	Conversion of Powered Sites to Cabin Accommodation	Low
5	Convert Identified Holiday Van Sites to Cabins	Low
5	Convert Identified Holiday Van Sites to Tourist Sites	Medium
5	Installation of New Groundskeeping Shed	High
6	Installation of Synthetic Turf	Medium
6	Explore Installation of Ensuite Sites	Medium
6	Renovation and/or realignment of Angled Bays/Sites	Low
7	Installation/upgrade of Playground	Medium

FIGURE 10: Improvement Implementation Priority Matrix

STATUTORY FRAMEWORK

ITEM 3 - ATTACHMENT 3 PLAN OF MANAGEMENT - HALIFAX HOLIDAY PARK.



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 Halifax 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, 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 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).

36 HALIFAX HOLIDAY PARK PLAN OF MANAGEMENT

ITEM 3 - ATTACHMENT 3 PLAN OF MANAGEMENT - HALIFAX HOLIDAY PARK.



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-liable 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.

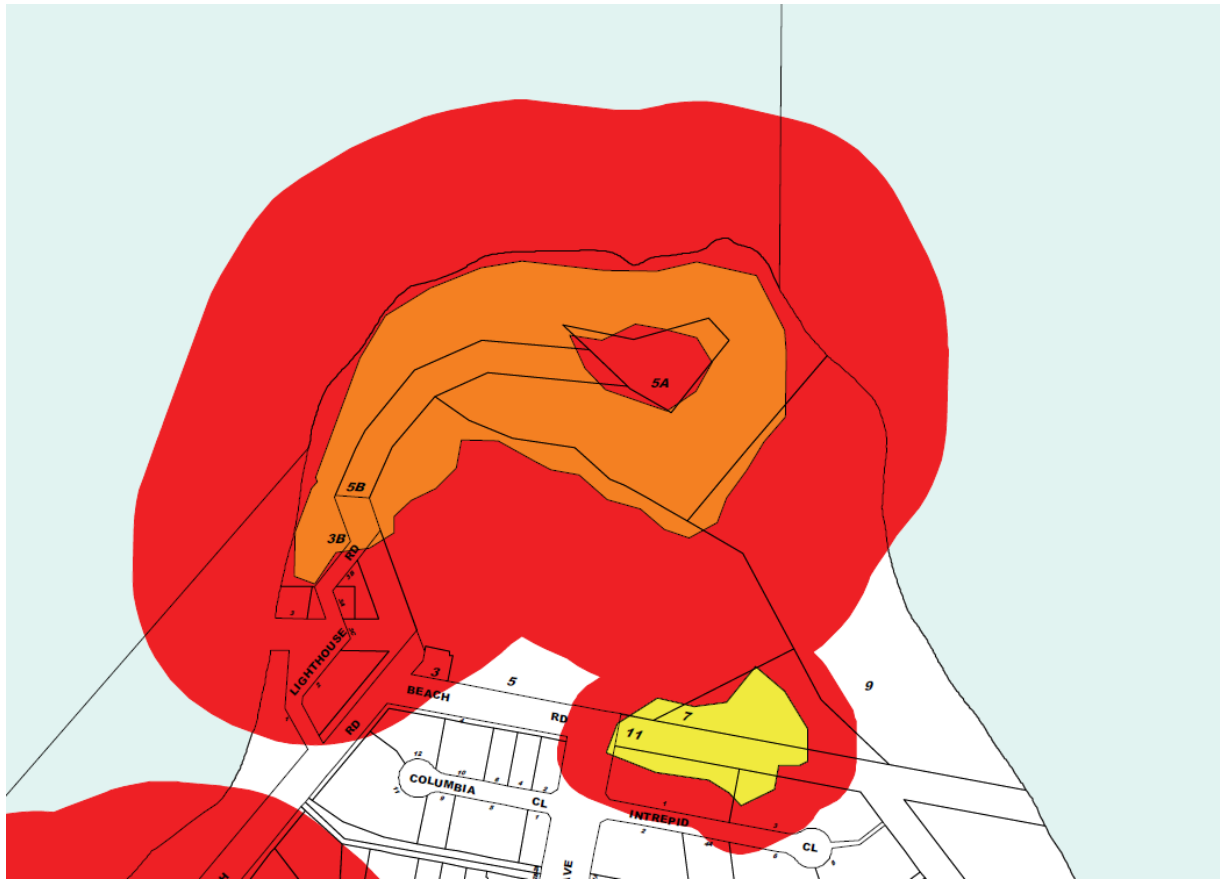
Crown Lands Division granted concurrence to the Trust prior to the current operational approval being issued by Port Stephens Council for Halifax Holiday Park.

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.

ITEM 3 - ATTACHMENT 3 PLAN OF MANAGEMENT - HALIFAX HOLIDAY PARK.



Bushfire Prone Land - Certified 11/07/2004



Vegetation Category 1



Vegetation Category 2



Vegetation buffer - 100m & 30m

FIGURE 11: Bushfire Prone Land

ITEM 3 - ATTACHMENT 3 PLAN OF MANAGEMENT - HALIFAX HOLIDAY PARK.



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.

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 the Future Acts regimes, and consulting with the relevant authority in relation to the proposed works.

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.

ITEM 3 - ATTACHMENT 3 PLAN OF MANAGEMENT - HALIFAX HOLIDAY PARK.



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 to facilitate ecologically sustainable development in the coastal zone and promote sustainable land use planning decision-making, and
- e) to mitigate current and future risks from coastal hazards, considering the effects of climate change, and
- f) 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
- g) to promote integrated and co-ordinated coastal planning, management, and reporting, and
- h) 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 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
- i) to support public participation in coastal management and planning and greater public awareness, education and understanding of coastal processes and management actions, and
- j) 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
- k) 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

ITEM 3 - ATTACHMENT 3 PLAN OF MANAGEMENT - HALIFAX HOLIDAY PARK.



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 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 – Infrastructure

State Environmental Planning Policy (Infrastructure) 2007 (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, visitor information centres, information boards and other information facilities,
- (iii) lighting, if light spill and artificial sky glow is minimised in accordance with

41 HALIFAX HOLIDAY PARK PLAN OF MANAGEMENT

ITEM 3 - ATTACHMENT 3 PLAN OF MANAGEMENT - HALIFAX HOLIDAY PARK.



- 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 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) 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 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)).

ITEM 3 - ATTACHMENT 3 PLAN OF MANAGEMENT - HALIFAX HOLIDAY PARK.



PORT STEPHENS LOCAL ENVIRONMENTAL PLAN 2013

The Port Stephens Local Environmental Plan 2013 (LEP 2013) provides the primary planning framework for plan of management. The land-use zone for Halifax Holiday Park is RE1 Public Recreation Zone. The provisions in the LEP with respect to this Zone are as follows:

1 Objectives of 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.

2 Permitted without consent

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

3 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; Moorings; 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

4 Prohibited

Water treatment facilities; Any other development not specified in item 2 or 3

FIGURE 12: Land Use Zoning (Port Stephens LEP 2013)



ITEM 3 - ATTACHMENT 3 PLAN OF MANAGEMENT - HALIFAX HOLIDAY PARK.



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

- ❖ Native Vegetation Conservation Act 1999;
- ❖ Threatened Species Conservation Act 1995;
- ❖ Disability (Access to Premises - Buildings) Standards 2010, Disability Discrimination Act 1992

44 HALIFAX HOLIDAY PARK PLAN OF MANAGEMENT

APPENDICES

ITEM 3 - ATTACHMENT 3 PLAN OF MANAGEMENT - HALIFAX HOLIDAY PARK.



Property and Lot Boundaries



FIGURE 13: Halifax Holiday Park Lot Boundaries

ITEM 3 - ATTACHMENT 3 PLAN OF MANAGEMENT - HALIFAX HOLIDAY PARK.



FIGURE 14: Halifax Holiday Park Lot Boundaries (Aerial)

47 HALIFAX HOLIDAY PARK PLAN OF MANAGEMENT

ITEM 3 - ATTACHMENT 3 PLAN OF MANAGEMENT - HALIFAX HOLIDAY PARK.



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



Property and Infrastructure Specialists



PLAN OF MANAGEMENT HALIFAX HOLIDAY PARK Post Public Exhibition Report

Prepared for: **Port Stephens Council**
APP Corporation Pty Limited
APP Project Number 12644

November 2019

ITEM 3 - ATTACHMENT 4 HALIFAX HOLIDAY PARK POST EXHIBITION REPORT.



Amendment, Distribution & Authorisation Record

Amendment Record

Revision	Description / Details	Date
1	Draft Report	30 Aug 2019
2	Final Report	31 October 2019
3		13 November 2019

Distribution

This Project Plan Is Prepared For Distribution to:

Copy No	Name / Location	Position	Organisation
1			
2			
3			
4			
5			
6			
7			
8			

Authorisation Record

Review by Project Director	Aidan Werry		13/11/2019
	<i>Name</i>	<i>Signature</i>	<i>Date</i>
Approval by Regional General Manager/ Executive Manager			
	<i>Name</i>	<i>Signature</i>	<i>Date</i>

Only the APP **Regional General Manager/Executive Manager** is authorised to approve amendments to this plan. The APP **Project Manager** is responsible for control, maintenance and issue of this plan, for disposal of any superseded documentation, and for informing other project participants of changes to the project plan in accordance with the APP procedure for **Project Planning**.

ITEM 3 - ATTACHMENT 4 HALIFAX HOLIDAY PARK POST EXHIBITION REPORT.





Contents

1. Introduction	5
2. Background & Context	7
3. Halifax Holiday Park Feedback	9
4. Conclusion & Recommendations	16

ITEM 3 - ATTACHMENT 4 HALIFAX HOLIDAY PARK POST EXHIBITION REPORT.



1. Introduction

Port Stephens Council has provided a long-standing function as Crown Land Manager for Halifax Holiday Park.

In accordance with the Crown Land Management Act (2016), the Plan of Management (PoM) for Halifax Holiday Park must be reviewed every five years to establish the objectives, strategies and performance targets for the ongoing operation and development of the Holiday Park. The recommendations contained in the PoM are intended for short term implementation (5-7 years) and priorities for works and funding are addressed on an annual basis to meet operational and stakeholder needs.

APP has been engaged by Port Stephens Council to review the PoM 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 Halifax Holiday Park, to adhere to the following requirements:

- The Crown Land Manager must undertake community engagement on a draft PoM, including the preparation of a community engagement strategy in accordance with the Crown Land Management Act.
- The Minister must review and approve the PoM prior to adoption. Once adopted, developments and activities conducted on site must be carried out in accordance with the final PoM.

The vision for the PoM is to conserve and maintain the natural environment of the Halifax Holiday Park while providing a range of recreation and accommodation opportunities for visitors and optimise a return to the community. The PoM sets out objectives and performance targets and provides for active land management and use, including the issuing of tenures over the land.

The PoM 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 the PoM includes:

- 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.
- Introducing 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.

ITEM 3 - ATTACHMENT 4 HALIFAX HOLIDAY PARK POST EXHIBITION REPORT.

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; and
- Improve park amenity and facilities, without compromising the existing character.

Public exhibition of the draft PoM commenced on 19 July 2019. The draft PoM was made available on the Port Stephens Council website and was displayed at Raymond Terrace Library and Tomaree Library.

The engagement process included two workshop sessions held on Tuesday 6 August and Saturday 10 August at the Elizabeth Waring Function Room, 4981 Nelson Bay Road, Nelson Bay. In addition to the workshops, feedback was also received via email to a project specific email address set up by Elton Consulting, with whom APP have partnered to develop the Community Consultation Strategy.

Feedback on the vision and objectives of the PoM was received from the community and summarised in this report. This report contains:

- A summary of the PoM, its purpose and structure.
- A review of submissions and feedback received.
- A response to each issue.
- A recommendation on how Council should proceed.

This post exhibition report is intended to be read in conjunction with the draft Halifax Holiday Park Plan of Management (June 2019).

ITEM 3 - ATTACHMENT 4 HALIFAX HOLIDAY PARK POST EXHIBITION REPORT.



2. Background & Context

This section of the report provides a brief background and site context for the Halifax Holiday Park.

Halifax Holiday Park is located on Crown Land at Nelson Head on the southern shores of the Port Stephens waterway, approximately half way between the settlements of Nelson Bay and Shoal Bay. The Holiday Park was established in 1946 and quickly became a favourite holiday destination for visitors to Port Stephens, spearheading tourism to the region during the 1950s.

Located in a natural bushland setting, Halifax Holiday Park is surrounded by two calm water beaches, Shoal Bay and Little Beach. The park is a favourite destination for boating enthusiasts and is situated within close proximity to a deep-water boat ramp, calm waters and a marina. Additionally, the waters off Halifax Park and Fly Point are an aquatic reserve and are the most popular diving locations in Port Stephens. To ensure the ongoing tourism success of the region, the PoM is structured around three Strategic Directions:

1. Environmental Protection and Land Stewardship
2. Site and Accommodation Opportunities
3. Site Management and Commercial Sustainability

The PoM provides seven guiding principles which define the way Halifax Holiday Park will be developed and managed into the future. These principles inform the performance targets and objectives within the PoM. In its future ongoing operations and development, Halifax 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.

Assessment and evaluation of the Halifax Holiday Park site, operations and development potential has identified a range of opportunities to improve the performance of the Park. It is important to note that the PoM does not result in development of the site for any purpose, it establishes the strategic and regulatory framework which any future development opportunity must consider.

This Plan separates Halifax Holiday Park into seven distinct precincts, each with its own unique character and values as defined by land use, function, character and location. The current status and future potential are identified for each precinct, and includes management actions to improve commercial, functional and/or environmental performance.

ITEM 3 - ATTACHMENT 4 HALIFAX HOLIDAY PARK POST EXHIBITION REPORT.



These seven precincts are detailed in the below site map:

Figure 1: Halifax Holiday Park Precinct Plan



Source: APP 2019

ITEM 3 - ATTACHMENT 4 HALIFAX HOLIDAY PARK POST EXHIBITION REPORT.



3. Halifax Holiday Park Feedback

The feedback received on the draft Halifax Holiday Park PoM is provided and responded to below.

Summary of Submission	Response
General Feedback	
Consultation Process	
<ul style="list-style-type: none"> The public raised concerns with the communication of the consultation sessions, particularly the session on 10/8/19 stating that the awareness of the sessions was low. The public were told they would be notified of consultative meetings and that information letters or emails could have been sent by Council to the community. 	<ul style="list-style-type: none"> The draft PoM and details of the consultation sessions were made available on the Port Stephens Council website. All residents of the Halifax Holiday Park were directly notified. Residents outside the Holiday Park were not directly notified, however they were welcome to attend the community sessions as advertised on Council’s website and in the local paper. All community members were able to provide feedback in person at the community sessions, as well as online through the Port Stephens Council website.
Revenue	
<ul style="list-style-type: none"> A comment relating to the commercial operation of the Holiday Park raised that the PoM seems viable and that the public is happy with the way it is currently running and the plans for the future. A comment provided concern that the report does not address that any increased revenue from Halifax Holiday Park will be competing with rental income from holiday rentals and putting council in conflict with the interests of local ratepayers. A submission questioned why the PoM does not include discussion of economic implications and costs for any proposed changes. The 2010 PoM also did not include any economic argument or costing. 	<ul style="list-style-type: none"> Noted. A guiding principle of the Halifax PoM is to be financially and operationally sustainable. The PoM does not consider the broader implications for the rental market, only how revenue can be maximised to maintain and improve customer experience whilst enhancing accessibility to visitors. The PoM identifies future development opportunities to upgrade the park in accordance with the strategic directions and guiding principles. Commitment to upgrades and associated costs are subject to further investigation and are addressed

ITEM 3 - ATTACHMENT 4 HALIFAX HOLIDAY PARK POST EXHIBITION REPORT.



Summary of Submission	Response
	annually within Councils budget and part of a separate process.
5-year Process	
<ul style="list-style-type: none"> A comment questioned the impact if there is no change over the next 5 years as it will not cost Council any extra to generate revenue from the Holiday Park. 	<ul style="list-style-type: none"> To ensure that Halifax Holiday Park is 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 PoM identifies future development opportunities to upgrade the park in accordance with the strategic directions and guiding principles. Commitment to upgrades and associated costs are subject to further investigation and are addressed annually within Councils budget. Council is not obligated to undertake any works recommended in the PoM, any works they do choose to implement are subject to further investigation.
Re-gazetting Lot 424 as a Park	
<ul style="list-style-type: none"> A number of comments urged all Councillors to contact the relevant Ministers to have Lot 424 turned into a General Park, separate from the Halifax Holiday Park. 	<ul style="list-style-type: none"> Noted.
Historic Levy for Protected Status of Lot 424	
<ul style="list-style-type: none"> A comment raised concern that the draft PoM does not mention the levy paid by original owners of units adjacent to Lot 424 for the protected status of the land. 	<ul style="list-style-type: none"> A historic levy paid for the protected status of Lot 424 (Precinct 7) should have been considered when Lot 424 was gazette by NSW Government for 'caravan and camping' use.
Precinct 1	
<ul style="list-style-type: none"> No objection was raised to the draft PoM relating to 'Precinct 1'. Two comments identified that they thought the plans were good. 	<ul style="list-style-type: none"> Noted.

ITEM 3 - ATTACHMENT 4 HALIFAX HOLIDAY PARK POST EXHIBITION REPORT.



Summary of Submission	Response
Precinct 2	
<ul style="list-style-type: none"> A comment queried the efficiency and cost of the proposed synthetic turf in precinct 2. A comment identified that the proposed synthetic turf is inconsistent with the environmental values of Port Stephens. 	<ul style="list-style-type: none"> Synthetic turf has been recommended in some short stay areas, as the high vehicle turnover wears down the grass. Synthetic turf is a more resistant surface that would reduce maintenance costs associated with replacing grass. Further investigation would be required if the recommendation was to be implemented.
Precinct 3	
<ul style="list-style-type: none"> No objection was raised to the draft PoM relating to 'Precinct 3'. Two comments identified that they thought the plans were good and were pleased that the amenities block is being kept in the same spot. 	<ul style="list-style-type: none"> Noted.
Precinct 4	
<ul style="list-style-type: none"> No objection was raised to the draft PoM relating to 'Precinct 4'. Two comments identified that they thought the plans were good. 	<ul style="list-style-type: none"> Noted.
Precinct 5	
<ul style="list-style-type: none"> No objection was raised to the draft PoM relating to 'Precinct 5'. Two submissions identified that they thought the plans were good. 	<ul style="list-style-type: none"> Noted.
Precinct 6	
<ul style="list-style-type: none"> A submission queried the efficiency and cost of the proposed synthetic turf in precinct 2. A submission identified that the proposed synthetic turf is inconsistent with the environmental values of Port Stephens. A submission urged for alternative solutions to synthetic turf. 	<ul style="list-style-type: none"> Synthetic turf has been recommended in some short stay areas, as the high vehicle turnover wears down the grass. Synthetic turf is a more resistant surface that would reduce maintenance costs associated with replacing grass. Further investigation would be required if the recommendation was to be implemented. Alternate solutions may be considered.

ITEM 3 - ATTACHMENT 4 HALIFAX HOLIDAY PARK POST EXHIBITION REPORT.



Summary of Submission	Response
Precinct 7	
No Change to Precinct 7	
<ul style="list-style-type: none"> A submission urged for there to be no change on Precinct 7 and that it be left for the community. The submission opposed the addition of any playground equipment and any removal of trees. A submission highlighted the view that the LGA needs open space and more trees. A submission raised that Council has indicated that to make Precinct 7 permanent open space a request to the NSW Government would have to be made. The submission asked how many people would have to make a submission to Council for this to be done? 	<ul style="list-style-type: none"> The PoM recommends that Precinct 7 be maintained as open space.
Removal of Trees	
<ul style="list-style-type: none"> A submission stated that if Coral trees are a danger, then the Coral trees in Shoal Bay should also be removed. The submission highlighted that Gum trees drop just as many branches. 	<ul style="list-style-type: none"> Noted – any removal of trees will be subject to further investigation.
Size of Precinct 7 vs Lot 424	
<ul style="list-style-type: none"> A number of comments stated that the report does not clearly explain why the area of Precinct 7 is not consistent with the boundary of Lot 424. Members of the public were concerned that the draft PoM contains the incorrect depiction of the relevant area and question why it is different. 	<ul style="list-style-type: none"> This was a mapping error in the draft PoM and will be rectified in the final PoM.
Support for re-gazetting of Precinct 7	
<ul style="list-style-type: none"> A comment raised that the draft PoM is acceptable and the plan for Precinct 7 is a relief, but that Council needs to support the re-gazetting of the land for permanent public space. 	<ul style="list-style-type: none"> The NSW Government identified that to increase the financial viability of Halifax Holiday Park, Lot 424 should be included into the park as a camping area. In 2013, the NSW Government declared the land at Lot 424 legally part of the Halifax Holiday

ITEM 3 - ATTACHMENT 4 HALIFAX HOLIDAY PARK POST EXHIBITION REPORT.



Summary of Submission	Response
<ul style="list-style-type: none"> Several submissions provided that the plans for Precincts 1-6 sound excellent but that Precinct 7 should remain in the hands of the public. 	<p>Park Reserve 91621 and the purpose changed from ‘Public Recreation’ to ‘Caravan and Camping Park’ The Gazette notification was published on 27 September 2013.</p> <p>As the land is owned by the NSW Government, Council does not have the authority to re-gazette the allotment for Public Recreation.</p> <p>The PoM supports retaining Precinct 7 as open space.</p>

Precinct 7 (5-year revision process)	
<ul style="list-style-type: none"> Several community members were reassured that Precinct 7 will remain the same but were keen to seek advice so this doesn't come up as an issue every 5 years. Several submissions highlighted that the management review occurs every 5 years with the same result, it has become a continued waste of rate payers time and money. The public believe that it is time for council to leave the management of this site and have it declared open space. 	<ul style="list-style-type: none"> The PoM is reviewed every five years to establish the objectives, strategies and performance targets for the ongoing operation and development of the Holiday Parks. The recommendations contained in the PoM are intended for short term implementation (5-7 years). The PoM has been 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 Halifax Holiday Park and Shoal Bay Holiday Park, to adhere to the following requirements: <ul style="list-style-type: none"> The Crown Land Manager must undertake community engagement on a draft PoM, including the preparation of a community engagement strategy in accordance with the Crown Land Management Act. The Minister must review and approve the PoM prior to adoption. Once adopted, developments and activities conducted on site must be carried out in accordance with the final PoM.

ITEM 3 - ATTACHMENT 4 HALIFAX HOLIDAY PARK POST EXHIBITION REPORT.



Summary of Submission	Response
Native Vegetation and Habitat	
<ul style="list-style-type: none"> Several submissions mentioned the importance of retaining native vegetation, preserving Koala habitat and corridors. Several submissions highlighted that Lot 424 is an environmentally sensitive area and often spot Koalas in this area. 	<ul style="list-style-type: none"> The PoM identifies future development opportunities in accordance with the strategic directions and guiding principles. Commitment to upgrades and associated costs are subject to further investigation and are addressed annually. Council is not obligated to undertake any works recommended in the PoM, any works they do choose to implement are subject to further investigation and must consider the legislative framework – including any environmental impacts.
Community use	
<ul style="list-style-type: none"> A submission provided that Precinct 7 is a beautiful green space, a little slice of nature for all to use (walkers, cyclists, visitors and residents). The submission raised the importance of leaving Precinct 7 for the community. 	<ul style="list-style-type: none"> Noted.
<ul style="list-style-type: none"> A submission raised that Precinct 7 should be maintained for the use of all community including visitors. The submission urged Council to investigate Beach Road and any levies that were paid. 	<ul style="list-style-type: none"> A historic levy paid for the protected status of Lot 424 (Precinct 7) should have been considered when Lot 424 was gifted to Halifax Holiday Park.
<ul style="list-style-type: none"> A submission provided that maintenance of 'Lot 424' has been conducted by local residents to enhance "nature reserve". It provides shade, space to relax, habitat for wildlife and spots for BBQs and other recreational activities. 	<ul style="list-style-type: none"> Noted.
<ul style="list-style-type: none"> Submissions raised that Lot 424 is utilized for picnics when the beach is full, and it should be retained for this purpose. 	<ul style="list-style-type: none"> The PoM recommends that Precinct 7 be maintained as open space.

ITEM 3 - ATTACHMENT 4 HALIFAX HOLIDAY PARK POST EXHIBITION REPORT.



Summary of Submission	Response
Future use of Precinct 7 (Lot 424)	
<ul style="list-style-type: none"> ▪ A submission raised concern with potential future two storey cabins that could be built on Precinct 7. This would require an amenities block which would be an eye sore, and would attract more people to an already crowded little beach. ▪ Submissions raised concern relating to visual impact, noise impact, drop in residential value, loss of public space, overcrowding of little beach, loss of shade, effect of vehicles on local parking, negative impact on wildlife associated with development of Precinct 7 as part of the Halifax Holiday Park. 	<ul style="list-style-type: none"> ▪ The PoM identifies future development opportunities in accordance with the strategic directions and guiding principles. Commitment to upgrades and associated costs are subject to further investigation and are addressed annually within Councils budget. ▪ The PoM is a strategic management document that needs to be reviewed every 5 years to ensure it maintains currency for effective park management and responds to changing trends in tourism. ▪ The PoM recommends that Precinct 7 be maintained as open space.

ITEM 3 - ATTACHMENT 4 HALIFAX HOLIDAY PARK POST EXHIBITION REPORT.

4. Conclusion & Recommendations

Public exhibition of the draft PoM for Halifax Holiday Park commenced on 19 July. The draft PoM was made available on the Port Stephens Council website and was displayed at Raymond Terrace Library and Tomaree Library.

The draft Halifax Holiday Park PoM has undergone community consultation in accordance with the Crown Land Management Act. APP have partnered with Elton Consulting to develop the Community Consultation Strategy.

The engagement process included two workshop sessions held on Tuesday 6 August and Saturday 10 August at the Elizabeth Waring Function Room, 4981 Nelson Bay Road, Nelson Bay. In addition to the workshops, feedback was also received via email to a project specific email address set up by Elton Consulting.

APP have reviewed the feedback that has been received from the community.

Overall the general sentiment received from the community consultation sessions was positive. Residents were content with the strategic direction and outcomes presented in the draft PoM, however, a number of community members were concerned about recommended improvements to the Holiday Park. The majority of feedback for Halifax Holiday Park related to the retention of Precinct 7 as open space, a key recommendation in the draft PoM.

Each submission received has been collated and categorised, and where relevant a response was provided to each issue. A number of submissions related to recommended park improvements, however, the PoM does not result in development of the site for any purpose, it establishes the strategic and regulatory framework which any future development opportunity must consider. Future development will be subject to further investigation and must be consistent with the regulatory framework.

The feedback has been reviewed and will be incorporated into the final Halifax Holiday Park PoM, where relevant.

ITEM 3 - ATTACHMENT 4 HALIFAX HOLIDAY PARK POST EXHIBITION REPORT.



Property and Infrastructure Specialists

Adelaide

61 8 8409 4280
Level 1
151 South Terrace
Adelaide SA 5000

Brisbane

61 7 3238 0400
Ground Floor
143 Coronation Drive
Milton QLD 4064

Canberra

61 2 9957 6211
Level 9
121 Marcus Clarke Street
Canberra ACT 2600

Melbourne

61 3 8866 0200
Level 7
420 St Kilda Road
Melbourne VIC 3004

Newcastle

61 2 4928 7600
Level 2
426 King Street
Newcastle NSW 2300

Perth

61 8 9224 6300
Level 4
181 Adelaide Terrace
Perth WA 6004

Sydney

61 2 9957 6211
Level 7
116 Miller Street
North Sydney NSW 2060

Tamworth

61 421 959 484
Suite 6
493 Peel Street
Tamworth NSW 2340

Wollongong

61 2 4220 6300
Suite 3, Level 1
6-8 Regent Street
Wollongong NSW 2500

APP Corporation Pty Limited ABN 29 003 764 770

app.com.au



NSW Public Spaces Charter

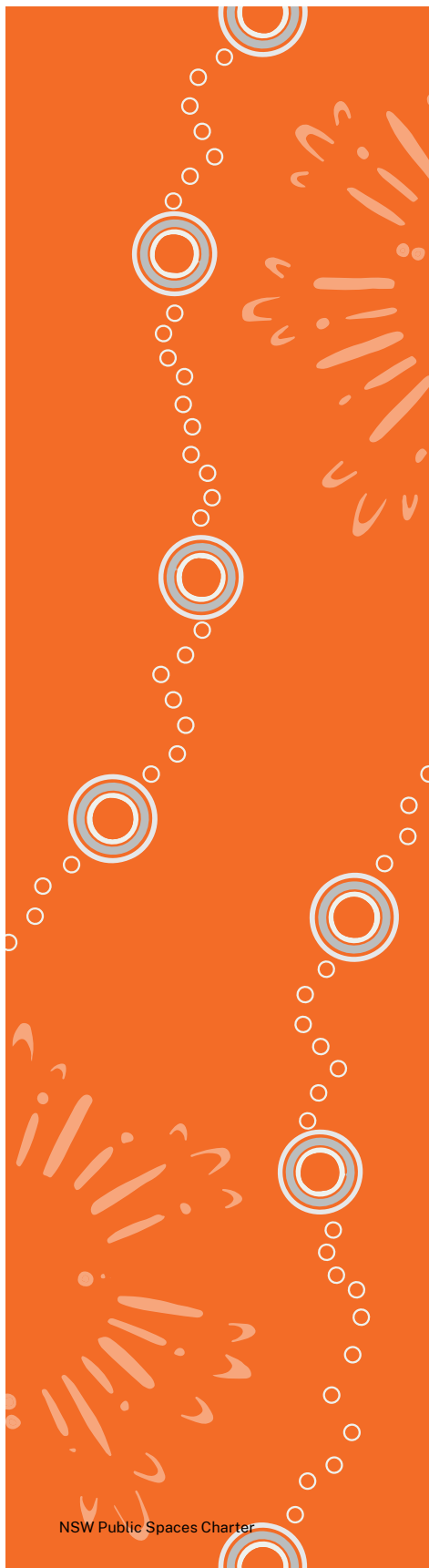
Draft Practitioner's Guide

June 2022



ITEM 4 - ATTACHMENT 2
GUIDE.

DRAFT NSW PUBLIC SPACES PRACTITIONER'S



NSW Public Spaces Charter



Acknowledgement of Country

The NSW Government acknowledges the Traditional Custodians of the land and pays respect to Elders past, present and future.

We recognise Aboriginal and Torres Strait Islander peoples' unique cultural and spiritual relationships to place and their rich contribution to society. NSW is Aboriginal land, so throughout this document Aboriginal peoples are referred to specifically, rather than First Nations or Torres Strait Islander peoples.

Aboriginal peoples take a holistic view of land, water and culture and see them as one, not in isolation to each other. The NSW Public Spaces Charter is based on the premise upheld by Aboriginal peoples that if we care for Country, it will care for us.

Published by the NSW Government

dpie.nsw.gov.au

NSW Public Spaces Charter

Image on front cover: Wagga Beach, Wagga Wagga. Courtesy of Wagga Wagga City Council.

Artwork (left) by Nikita Ridgeway.

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Penrith Producers
in Triangle Park, Penrith
Courtesy of Penrith City Council;
Photographer: Adam Hollingworth

Contents



Contents	3	The 10 Principles	
Introduction	4	Open and welcoming	8
Using the Practitioner's Guide	5	Community focused	12
Defining public space	7	Culture and creativity	16
		Local character & identity	19
Examples of success	42	Green and resilient	23
Monitoring and evaluation	45	Healthy and active	27
Resources	46	Local business & economies	30
		Safe & secure	33
		Designed for place	36
		Well-managed	39

Introduction

This Practitioner's Guide supports users to embed the 10 principles of the [NSW Public Spaces Charter](#) in their work. It provides advice, examples and resources for the planning, design, delivery, management and evaluation of public spaces.

The Practitioner's Guide is a companion to the charter and supports efforts to ensure everyone in NSW has access to high quality public spaces that allow them to enjoy and participate in public life.

This is Version 1.0 of the Practitioner's Guide and it will evolve to reflect feedback from signatories, contemporary practice and emerging research. To provide feedback on the guide, please complete the survey [here](#). We also welcome feedback and suggestions on the guide through PublicSpace@planning.nsw.gov.au.

The charter and Practitioner's Guide do not replace other non-statutory guidance or policies developed by government or more broadly through industry ratings system or global initiatives.

Become a signatory to the NSW Public Spaces Charter

Becoming a signatory will help your organisation to provide or advocate for better public spaces. You can access the charter's community of practice, advice on how to implement the charter, promotional opportunities and data sharing.

To become a signatory to the charter, register your interest by emailing PublicSpace@planning.nsw.gov.au

The [Great Public Spaces Toolkit](#) supports the charter and Practitioner's Guide with free resources to bring the charter's principles to life, including a growing set of in-depth case studies, evaluation tools and guides.



Using the Practitioner's Guide

The Practitioner's Guide provides advice on how to plan, design, manage and active public spaces to support each principle to help you apply the principles as they relate to your work and priorities. When applying any of the principles we encourage you to consider the charter's core values:



Connection to Country

All public space in NSW is on Country, which is at the core of every Aboriginal person's identity and sense of belonging. It is the place from which Aboriginal languages and cultures are derived, which determine families, kinship and communities. Aboriginal peoples are the Traditional Custodians of all public space in New South Wales. Acknowledging and valuing Aboriginal peoples and cultural knowledge when public space is planned, managed and delivered can promote and strengthen connection to Country and create healing for both Aboriginal communities and non-Aboriginal peoples too.

Courtesy of Adam Hollingworth



Equity and inclusion

Public space is a community asset that should support a society in which everyone can participate, prosper, and reach their potential. Inclusion in public spaces and in the processes to plan, design, manage and activate them is central to creating equitable public spaces and ensuring all people can access the benefits they provide.



Community engagement

Engaging the community as active participants in decision-making processes when planning, designing, managing and activating public space will help ensure that it reflects their values, needs and aspirations. Participatory processes, collaboration and co-design in public space projects help build trust, which then increases people's use of and attachment to the space. Ensuring that vulnerable and hard-to-reach communities are engaged in these processes leads to more welcoming and inclusive public space.

Key steps to implement the principles:

- Get prepared: understand what changes are needed
- Include initial engagement with the community and stakeholders at the start of the policy and planning process
- Conduct a trial period in the proposed area
- Evaluate the trial and update policy and planning instruments as needed
- Formalise changes through the most appropriate planning pathway
- Operationalise changes, including activation, compliance and regular communication with the community
- Monitor and evaluate the changes and set a review period.

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The charter and Practitioner's Guide have been developed to be incorporated into a broad range of mechanisms intended to plan, design, manage or activate public space.

Practitioner Type	Example Mechanisms
 The community	<ul style="list-style-type: none"> • Support and inform discussions on quality public space • Involved in design, planning and policy development
 Public space managers	<ul style="list-style-type: none"> • Plans of management • Organisational policies & strategies • Event or programming strategies • Contractor or consultant briefs • Event strategies and programs
 Strategic and statutory planners	<ul style="list-style-type: none"> • Planning proposals • Local planning instruments • Precinct plans • Strategic plans for local government areas, districts or regions
 Public policy makers	<ul style="list-style-type: none"> • Policy and advice to elected officials that informs government decisions and priorities including: <ul style="list-style-type: none"> - Community strategic plans - Planning policy - Economic policy - Environmental policy - Cultural policy - Social policy
 Local businesses and chambers of commerce	<ul style="list-style-type: none"> • Business plans • Support and inform discussions on quality public space • Event strategies and programs
 Industry bodies	<ul style="list-style-type: none"> • Member communications • Education and accreditation programs • Support and inform discussions on quality public space
 Development professionals	<ul style="list-style-type: none"> • Consultancy reports • Development of design brief, design documentation and design performance guideline
 Developers	<ul style="list-style-type: none"> • Project plans • Development applications • Social impact assessments • Service agreements and contracts

Defining public space

What is 'public space'?

The NSW Public Spaces Charter definition draws from the United Nations Charter of Public Space (adopted May 2013):

Public spaces are all places publicly owned or of public use, accessible and enjoyable by all for free and without a profit motive.

They include:

- Public open spaces – parks, gardens, playgrounds, public beaches, riverbanks and waterfronts, outdoor playing fields and courts, and bushland that is open for public access.
- Public facilities – public libraries, museums, galleries, civic/community centres, showgrounds and indoor public sports facilities.
- Streets – streets, avenues and boulevards; squares and plazas; pavements; passages and lanes; and bicycle paths.

What is Country?

The charter acknowledges that all public space in NSW is on Country. It is guided by the understanding provided by Dr Danièle Hromek, Budawang/Yuin in the [Connecting with Country draft framework \(2020\)](#):

'Country' (capital C) has a specific and significant meaning for Aboriginal peoples. In the Aboriginal sense of the word, Country relates to the nation or cultural group and land that we belong to, yearn for, find healing from and will return to. However, Country means much more than land, it is our place of origin in cultural, spiritual and literal terms. It includes not only land but also skies and waters. Country incorporates both the tangible and the intangible, for instance, all the knowledges and cultural practices associated with land. People are part of Country, and our identity is derived in a large way in relation to Country.

What is 'quality' public space?

Quality public space is reflected in its physical form, the activities it supports and the meaning it holds. We can evaluate the quality of public space by asking:

- Am I able to get there?
- Am I able to play and participate?
- Am I able to stay?
- Am I able to connect?

Use the [Evaluation Tool for Public Space and Public Life \(2021\)](#) to analyse the quality of public spaces and areas for improvement.

What is activation?

The [NSW Guide to Activation: Public Spaces](#), notes that activation is about people and the social life of public space. Activation refers to the level of human activity in public spaces, and can be measured by the:

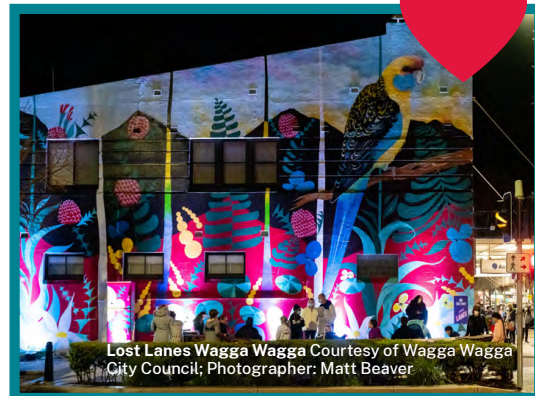
- number of people present (also known as 'footfall' or 'visitation')
- time spent by the people present (also known as 'dwell time')
- diversity of people present.

Permanent activation

Public spaces have a baseline level of activity that occurs naturally across various times of the day, week, and year. This can be greatly affected by their location and surrounding destinations, as well as the amenity and infrastructure.

Temporary activation

Public spaces may also offer more temporary activation to attract people. Ideally, these incentives to use public spaces give people opportunities to connect, acknowledge culture, and be included.



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Open and welcoming



Everyone can access public space and feel welcome, respected and included.

Key points

- Public spaces should welcome all people, regardless of their gender, age, sexuality, race, ethnicity, religion, cultural background, socioeconomic status and/or ability.
- Public spaces should be designed and maintained to be accessible so that everyone can use them with ease and dignity.
- Creating open and welcoming public spaces requires early and ongoing community engagement that is inclusive, equitable and seeks out diverse voices.

The principle in action

- Public space managers** and **local chambers of commerce** conduct lived experience audits, asking different sections of the community to describe and show their experience in public spaces and identify accessibility barriers and opportunities.
- Developers** and **statutory planners** commission accessibility audits and ensure development applications include best practice accessibility solutions.
- Urban designers** and **landscape architects** use design excellence approaches, lighting, paving, materials and colour choices so that public space design is welcoming for neurodiverse people.

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Planning open and welcoming public spaces

- Understand and respond to the existing characteristics and qualities of the area, alongside the community's needs, values and aspirations.
- Seek out the expertise and experience of local stakeholders including Aboriginal communities, councils, the community, organisations, businesses, workers and visitors.
- Design engagement plans that enable participation from people who represent the demographics of the broader community.
- Provide more inclusive wayfinding, such as signage in different languages or smart city solutions to access information.
- Review and incorporate existing strategic plans such as local strategic planning statements, community strategic plans, engagement policies and inclusion or accessibility plans, Aboriginal strategic cultural plans, Aboriginal interpretation strategies and reconciliation actions plans.
- Plan new and improved public spaces to connect with the broader public space network.
- Provide walkable public space connections to the places people live, work, exercise and relax to support all forms of micro-mobility, such as walking and cycling, and integrated land use and transport planning.
- Plan for public space uses and hours of activity that encourage a diverse range of the community to easily access, stay and connect during the day and night.

Upgrading showgrounds

New inclusivity and accessibility standards have been introduced since many historic public spaces were built. Upgrades to NSW showgrounds in 2020 and 2021 – funded through COVID-19 stimulus funding – addressed these issues. Examples include:

- a women's change room at Junee Showground
- upgraded change rooms and amenities and new walking and cycling paths at Boorowa Showground
- upgraded accessible toilets and showers at Bungendore Showground
- access ramps and handrailing at Cobargo Showground
- air-conditioning at Walgett Showground.



Parramasala Festival, Parramatta
Courtesy of Destination NSW



NAIDOC Week Launch, Tallawoladah (The Rocks)
Photographer: Cassandra Hannagan

Tallawoladah and Tumbalong Precincts – Place-based Reconciliation Action Plan

Place Management NSW, as the custodian for Tallawoladah (The Rocks) and Tumbalong (Darling Harbour), collaborated with stakeholders to create a Reconciliation Action Plan (RAP) that starts with Country and is applied to the place and its custodians. The RAP has 4 focus areas:

- Gumal – Relationships
- Waranara, wallanga – Respect
- Walunadarang – Opportunities
- Yewing, yanga – Governance

Each focus area identifies actions that will embed understanding and celebration of Aboriginal cultures, values and traditions for the mutual and lasting benefits of all Australians.

Designing open and welcoming public spaces

- Determine the location, amount and design of public spaces in collaboration with planning and design professionals, technical specialists and the community.
- Support the design of welcoming spaces through continued engagement, especially with harder to reach communities and people with diverse needs.
- Build partnerships with community organisations who work with hard to reach groups to improve outreach and engagement.
- Early in the design process, incorporate solutions that help people feel safe at all hours by considering power, lighting, the natural environment, urban greening, innovative maintenance solutions and interface with building facades.
- Value and respect the knowledge and guidance of Aboriginal people when designing public spaces.

Paperbark Playground, Parramatta

Paperbark Playground in Parramatta Park is an award-winning playspace that includes swings, an ‘explorer dome’ with nets, ropes and ladders, and soft fall surfacing. The playspace also offers a sand and water play area and musical area.

The playspace optimises the shade of existing trees alongside shade structures. Its comfortable seating options means people can stay and play for longer.

Paperbark Playground’s design interprets and respects the site’s rich Aboriginal cultural heritage as well as its colonial history and archaeology. An innovative ‘no-dig’ design solution protected the underlying Aboriginal heritage and the playful integration of historical references include convict ‘love tokens’ and illustrated panels.

CLICK

Refer to the resources section for design guidelines to support accessible design for everyone, regardless of gender, age, sexuality, race, ethnicity, religion, cultural background, socioeconomic status and/or ability.

Managing and activating open and welcoming public spaces

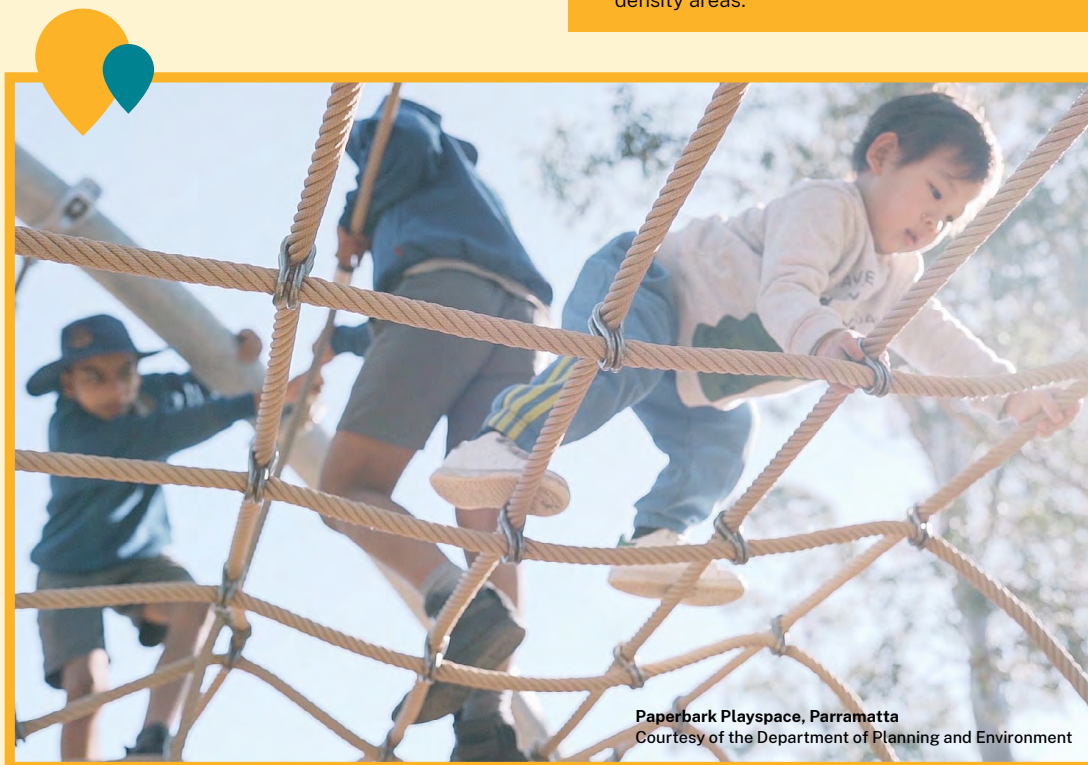
- Encourage people to visit public spaces and build a sense of welcome, pride and belonging through well managed activations and large to small scale local events.
- Program inclusive and welcoming events where residents and visitors can interact.
- Design event strategies that include funding, investment and marketing to bring the community to public spaces and encourage future visits and interaction outside planned events.
- Implement maintenance plans for green infrastructure (including watering and weeding), so green and resilient public spaces stay attractive and comfortable.

CLICK 

Refer to the resources section for design guidelines to support equitable access to public open space within walking distance of homes.

Examples of success

- Engaging with Aboriginal Knowledge Holders and communities to identify cultural or heritage sites.
- Appropriately managing Indigenous cultural intellectual property and acknowledging Aboriginal community input in projects.
- Preparing engagement reports that demonstrate how input from a range of community groups, including people with disability, young people, people from culturally and linguistically diverse backgrounds and Aboriginal communities, influenced the location, design, delivery, management, proposed uses and programming of public spaces.
- Developing strategies for ongoing engagement, governance and management.
- Supporting people to have access to district public open space within 2km / 25 minutes' walk of their home.
- Supporting people to have access to local public open space within 200m / 2-3 minutes' walk of their home in high-density areas, and 400m / 5 minutes' walk from their home in medium- to low-density areas.



Paperbark Playspace, Parramatta
Courtesy of the Department of Planning and Environment

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Community focused



Public space brings people together and builds strong, connected and resilient communities.

Key points

- Public spaces are places for formal and informal social interaction and social connection. They are democratic places that promote social equity and inclusion.
- Quality public spaces support community activities and opportunities for people of all backgrounds to participate in civic life.
- Everyone in the community, including diverse, under-represented and hard-to-reach groups, should be involved in the planning, design, activation and management of public spaces.

The principle in action



Community members participate in community engagement activities and share their needs and aspirations.



Public space managers and public policy makers develop community engagement strategies that include regular and ongoing contact with community representatives and local residents, including Aboriginal communities and Knowledge Holders.



Strategic planners develop plans with community reference groups and panels.



Developers ensure public spaces respond to the demographic characteristics of the area.

Planning community focused public spaces

- Plan for public spaces that offer a diverse range of uses that meet community need.
- Consider what public spaces and activities the community can already access and how to support and enhance that network.
- Engage with the community before or while scoping technical studies, to understand unmet demand.
- Respond to the local environment, landscape and topography, and identify opportunities to enhance green and blue infrastructure.
- Use public spaces to celebrate local character in existing or newly developed areas by involving the community to develop a place-based approach where community history, stories and connections are celebrated or created.
- Incorporate the local, place-specific cultural identity of the Country where public spaces are located by working with Aboriginal Knowledge Holders and communities.
- Observe how people gather and use existing public spaces in the area to understand movement patterns, use habits and what uses may be missing.
- Plan public spaces that give people a reason to visit.
- Plan for the co-location of different land uses or shared space arrangements to support interactions between people and the services and businesses they wish to access.
- Develop community engagement and development plans to ensure an inclusive and strategic approach to planning public spaces for the whole community, including hard-to-reach groups such as culturally and linguistically diverse people and people with disability.
- Investigate opportunities to use mechanisms such as planning or joint-use agreements to help provide new and improved public spaces in urban areas.

Joint-use and multi-use agreements

The shared use of facilities can support the provision of public spaces. This can range from the opening of school ovals for community sport outside school hours to the conversion of a car park into public space in off-peak hours.

For example, Bella Vista Public School shares sporting facilities with The Hills Shire Council, including a full-size football field and double-court sports hall. The facilities are open to the public outside school hours thanks to an agreement between the NSW Department of Education and Council.

In Young, a major upgrade at Young High School will create a new 2.5 storey joint-use library and community facility, funded under a partnership between Hilltops Council and the NSW Department of Education.

The facility on Young High School grounds will integrate with Carrington Park. Some spaces will be reserved for school use during school hours, and other spaces reserved for sole community use. After school hours, most of the spaces will be available for community use.

Western Sydney Parklands
Courtesy of Greater Sydney Parklands



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Designing community focused public spaces

- Design public spaces that can support formal and informal social interaction.
- Use urban greening to create comfortable and welcoming spaces for a variety of uses.
- Develop design solutions that allow public spaces to be used for public events without compromising community enjoyment.
- Design public spaces, particularly streets and plazas, to balance the movement of people and goods with the amenity and quality of places.
- Refer to the resources section for design guidelines to support public spaces that attract and foster community spirit by balancing movement and place.

Managing and activating community focused public spaces

- Facilitate community-led use and events in open spaces, streets and public facilities that give people rich and varied opportunities to participate in their community.
- Build a culture of partnership and participation to provide varied and dynamic programming that responds to community need and builds a sense of belonging.
- Continue to engage the community and update plans to support an inclusive and strategic approach to activating public spaces in a way that meets diverse community needs.
- Use temporary activities – such as cultural activations, pop-up cafés or shops – to maintain community use of public spaces and reimagine, trial and test new visions for areas transitioning between uses (for example from industrial to mixed use) or undergoing significant development or service works.

Sydney Olympic Park Authority Community Development Plan

Sydney Olympic Park is managed by Sydney Olympic Park Authority. The authority defines the park's community as people with a deeper connection to the place, including the growing community of 25,000 people who live, work, study or conduct business in or nearby, or regular visitors.

The authority's Community Development Plan guides the evolution of an active, sustainable, inclusive and connected community. It considers activations, programs and events that contribute to the local economy; sustainable, safe and inclusive spaces; better access to the park's services, amenities and facilities; and meaningful partnerships.

CLICK 

Refer to the resources section for webinars and case studies for temporary activations and demonstration pilot projects that can support the case for more permanent improvements to public spaces.

Examples of success

- Locating new public spaces to meet community need.
- Planning with the aim for there to be no net loss of public space.
- Providing a broad range of uses and experiences (ideally 10 or more for larger spaces).
- Supporting a hierarchy of neighbourhood, local and district-scale public spaces to work together to cater for a range of community and cultural needs.
- Including all cultures, lifestyles, backgrounds and abilities when planning the location, layout and size of public spaces.
- Activating public spaces for a variety of passive/active and formal/ informal uses.
- Clearly defining zones for activities to minimise conflict.
- Investigating co-location and shared space arrangements early in infrastructure planning.
- Designing green infrastructure to consider the different uses of public spaces, while providing a baseline of comfort and amenity to all users.

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Kooyoo Street, Griffith

Kooyoo Street, which runs between the 2 main streets in Griffith's CBD, was temporarily closed in 2021 to create a cultural and strategic town centre. Griffith City Council reports that 5,000 people enjoyed the space and surveys revealed a 78% satisfaction rate.

Funded under the NSW Government's Streets as Shared Spaces program, this initiative involved community groups who activated the street with live music, kids' workshops, a market, art workshops and more. Council provided a rent-free food kiosk operated by 3 local businesses across 3 weekends, supported by a Western Riverina wine country kiosk selling wines and gins. Local rural artists created night time art projections on the buildings.

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Culture and creativity



Public space provides a platform for culture and creative expression that makes places more colourful, animated and thought-provoking.

Key points

- People want to live, work and spend time in places that offer rich and exciting culture and creativity.
- Public spaces connect people to Country and Aboriginal culture while giving Aboriginal people space for cultural practices.
- Cultural and creative programs, activities and events in public spaces reflect the community's identity, diversity and hopes for the future.
- Artists and creative organisations are engaged as key partners for place-based cultural and creative projects in public spaces.

The principle in action



Public space managers, local businesses and chambers of commerce program events that celebrate different cultures and creative communities.



Strategic planners and public policy makers collect and maintain cultural infrastructure data to inform strategies that integrate public spaces and cultural facilities and promote local creative production.



Development professionals and developers design town squares and other public spaces to include flexible infrastructure that supports a range of events, festivals and community gatherings, appropriate to location and size.



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Planning culture and creativity in public spaces

- Provide free and accessible public facilities without a profit motive to support learning and activity, attract visitors and contribute to a sense of place and community history and identity.
- Plan for parks, gardens, bushland, waterways, town squares, streets and laneways to host a diversity of temporary and permanent cultural and creative interventions, activities, events or projects to help more people experience and participate in cultural activities.
- Consult with the community on how public spaces can build an understanding of an area's heritage, culture and creative identity.
- Identify opportunities to co-locate museums, galleries or other cultural facilities with public spaces.
- Identify opportunities for the community to use public spaces to memorialise or remember past stories and acknowledge shared histories.
- Review planning policy for opportunities to exempt low-impact cultural and artistic uses such as community celebrations and artworks.
- Seek advice from the community and creative organisations about any affordable and innovative approaches to arts and culture that could be incorporated into public spaces.
- Understand statutory obligations for identifying, recording and conserving Aboriginal cultural heritage.
- Integrate cultural infrastructure planning with land use and precinct planning.

CLICK 

Refer to the resources section for plans and strategies that identify opportunities to integrate culture and creativity into public spaces.



Manning Regional Art Gallery, Taree
Courtesy of MidCoast Council

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The Eyes of the Land and the Sea by Alison Page and Nik Lachajczak at Kamay, Botany Bay. Courtesy of Alison Page and Nik Lachajczak.

Designing culture and creativity in public spaces

- Incorporate understandings of Country and culture in the design of new public spaces by engaging with Aboriginal people about current and future plans for a space.
- Design public spaces that can support cultural practices and promote new cultural practices.
- Ensure appropriate recognition of Aboriginal cultural intellectual property in the design and planning of public spaces.
- Refer to the resources section for resources to support Aboriginal and non-Aboriginal people to collaborate respectfully in the design and development of public spaces.
- Plan early for public spaces that support diverse permanent and temporary cultural uses such as public art, creative markets, pop-up film screenings, live music or performance, or outdoor exhibitions at different scales and times. Design streets and laneways to include space for cultural activation and programming.
- Design open spaces that are flexible, multi-functional and able to accommodate temporary event infrastructure and creative and safe lighting.
- Investigate opportunities for public spaces to include permanent cultural infrastructure where appropriate, such as embedded stages or concourses.
- Design flexible public spaces that can be adapted for regular events through flat access, and access to water and 3-phase power.
- Provide infrastructure that allows streets to be temporarily closed to host major cultural events.

Kamay/Botany Bay National Park, Kurnell

Kamay/Botany Bay National Park at the mouth of Botany Bay, Sydney is the site of first contact between Aboriginal people and the crew of the Endeavour. A 2008 master plan for the meeting place of first contact represents a place where cultures meet and where conflict and reconciliation, celebration and sorry business can be acknowledged.

An updated 2019 master plan envisions the area as “a place of significance to all Australians that contributes to their sense of identity as Australians” and proposes new visitor infrastructure and facilities, community education and interpretation programs and new ways to learn about the site’s significance.

Importantly, the master plan aims to increase recognition of Aboriginal cultural heritage to balance storytelling that incorporates both Aboriginal and European history.

- Design culturally safe spaces that positively and proactively acknowledge, accept and provide for the inclusion of a diverse range of participants.
- Refer to the resources section for guidance on best practice principles to plan, commission and maintain public art.

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Managing and activating culture and creativity in public spaces

- Provide and facilitate arts and cultural activities in public spaces that all people can access, regardless of their abilities, age, gender, cultural and linguistic diversity or geographic location.
- Develop activation management plans to address the barriers to people with disability to improve access to and participation in artistic and cultural activities.
- Engage the community to understand how people from diverse cultural backgrounds feel welcome and respected.
- Work with the community to build culturally safety practice into place management strategies so that public spaces are welcoming to people of different cultural backgrounds.
- Identify opportunities for under-represented groups to access arts and culture, such as inclusive language, signage and cultural symbols, or multilingual resources or Aboriginal place names.
- Bring culture and creativity to life through culture and heritage walks and trails or temporary and permanent exhibitions and public art.
- Employ public space programming and activation that reflects and celebrates the demographics of the community.

CLICK 

Refer to the resource section for activation strategies, research and statistics to underpin place-based and inclusive cultural programming.

Warami Mittigar Aboriginal Cultural Walk

The Darug (or Dharug) people are Parramatta's first people and Traditional Custodians. Warami Mittigar Aboriginal Cultural Walk at Parramatta Park allows people to spend time on Country with a Traditional Custodian, learning about connections to land, plant uses, tools, hunting and Aboriginal Parramatta. The walk takes in the park and Parramatta River, and was developed in partnership between City of Parramatta Council and the local Darug people.



Lunar New Year, Hurstville

The Lunar New Year event in Hurstville, organised by Georges River Council, takes over Forest Road, Hurstville each year. Welcoming up to 50,000 people, the event includes parades, performances and food stalls, transforming Forest Road from a place for vehicles to a space to celebrate culture.

Examples of success

- Introducing public art, cultural and creative programs that reflect the identity and creativity of the community.
- Conserving, highlighting and celebrating significant Aboriginal and non-Aboriginal cultural and environmental features – tangible and intangible – in public spaces.
- Incorporating Aboriginal and non-Aboriginal cultural infrastructure planning and delivery into land use and infrastructure planning.

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Local character & identity



Public space reflects who we are and our diverse stories and histories.

Key points

- Public spaces connect people with Country by acknowledging Aboriginal languages, place names and histories and providing space for Aboriginal cultures to be practiced and shared.
- Understand how the existing heritage contributes to the character and identity of public space.
- The community's knowledge of a place's local character and identity can inform the planning, design and activation of public space through meaningful and inclusive community engagement.

The principle in action



Community members participate in engagement processes to share local knowledge and skills, and provide ideas on how these could be reflected in the place design and programming. They are actively engaged in place-making programs to help bring them to life.



Public space managers deliver place-making programs and activities that highlight the different histories, cultures and stories of a community.




Development professionals are guided by the Burra Charter to conserve local heritage, and work with local communities to understand what character and identity mean for them.

Developers engage with local artists, community organisations and public facility managers to integrate public art and creativity in public spaces.

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Planning for local character and identity in public spaces

- Research the local character of a place – how a place looks or feels and how the land, environment, people, buildings, history, culture and tradition interact to create character.
- Undertake heritage, environment and social impact assessments, and a needs assessment of blue and green infrastructure, to understand the assets to be protected and enhanced.
- Consult with the community early to understand local character and identity and seek out diverse voices and stories to create more inclusive and unique places.
- Practice place-based planning that draws from research, analysis and consultation to better understand places and respond to their potential.
- Engage Aboriginal Knowledge Holders and communities early to embed designing with Country principles into a project.
- Implement the NSW dual-naming policy for geographical features and cultural sites to give prominence to Aboriginal place names, unlock stories and provide a sense of belonging and identity.


CLICK 

Refer to the resources section for guidance on how design can enhance and support local character.

Designing for local character and identity in public spaces

- Undertake a site analysis to understand the site itself and how it sits within the broader context. Consider built form including scale, materials, use, character and the site's development over time. Look for patterns and clues that reveal a place's identity and help highlight this identity through design.
- Understand the attributes, meaning and context of a place by considering street layout, and area's landscape, land division patterns and building variation.
- Explore character early in the planning and design process to incorporate local history and stories.
- Design public spaces to take advantage of viewpoints, landscapes, waterways and vistas to significant built forms such as buildings and bridges. Incorporate and celebrate place-specific native and other vegetation, and green infrastructure.
- Provide sufficient space around significant elements, such as significant natural, built or heritage elements, to frame them and to help them be seen and appreciated.
- Work with local communities to understand what they value about their neighbourhood's character and identity, and celebrate these valued items through place design.



CLICK 

Refer to the resources section for guidance on designing great places in regional NSW that encompass local character.

Phoenix Park, Rhodes

Phoenix Park in Rhodes is designed with an interpretive Aboriginal overlay designed by Jason Wing, a well-known local artist who strongly identifies with his Aboriginal (Biripi) and Chinese heritage.

Jason worked with the landscape architects to evoke the sightlines that may have been part of the daily life of the Wangal people as they surveyed their hunting and fishing grounds.

The fishing theme is repeated in the “fish bone” concrete forms that provide seating and play opportunities and in the large rope structure that represents a fish trap.

Managing and activating local character and identity in public spaces

- Identify different ways to incorporate local character into public spaces through programming and events, promoting heritage and culture, engaging local communities and including the local community in governance structures.
- Engage diverse and under-represented groups and partner with artists and community organisations during placemaking to highlight distinct stories, histories and cultures.
- Design heritage management policies that use heritage conservation as a catalyst for better social, cultural, economic and environmental outcomes.
- Understand the heritage significance of a place and how different features can be successfully managed to support place identity.

CLICK 

Refer to the resources section for best practice activation strategies that celebrate local character.

Equality Green, Prince Alfred Park

In 2017, 30,000 Sydneysiders gathered in Prince Alfred Park to rally and hear the results of the Australian Marriage Law Postal Survey. To commemorate this event and celebrate local history, the City of Sydney renamed an area of the park 'Equality Green' and installed a 90-metre rainbow footpath.

These small but significant changes to the park represent a celebration of the local area and commemoration of an important historical event, while adding life and colour.



Equality Green, Prince Alfred Park
Courtesy of Destination NSW



Chinatown, Sydney
Courtesy of Destination NSW

- Use cultural events and heritage events, markets and celebrations of local food, industry and public art to form place identity and attract visitors.
- Design public art programs that reflect diverse cultures, stories and histories.

CLICK 

Refer to the resources section for protocols for working with Aboriginal artists that apply to the maintenance, enhancing and transmission of cultural knowledge.

City of Sydney Chinatown Public Art Plan

The Chinatown Public Art Plan for new permanent and temporary public art works in the Chinatown precinct of Sydney CBD aims to revitalise the area through art projects that address the social and cultural aspects of the area and tell the stories of the contributions of Asian-Australian communities to Sydney.

For example, the upgrade to a section of Thomas Street is an artist-led pedestrian-friendly public space, with native Australian trees, lighting, seating and a major public art work by renowned Australian Chinese artist Lindy Lee, called The Garden and Cloud and Stone.

The work creates a 'garden' of different elements that are celebrated within ancient Chinese philosophy. In 2020, it won an Award of Excellence from the Australian Institute of Landscape Architects.

Examples of success

- Creating beautiful and memorable public spaces that fulfil functional requirements, encourage social interaction and exhibit a strong local character and sense of safety.
- Including uses in community facilities and public buildings that reflect the aspirations and needs of the community, identified through consultation.
- Embodying visual quality, local character and sense of place in community facilities and public buildings.
- Using lighting, furnishing and design that is sensitive to the character of the neighbourhood.
- Designing public spaces that reflect the historical natural landscape and environment of the area.



Principle 5

Green and resilient



Public space connects us to nature, enhances biodiversity and builds climate resilience into communities.

Key points

- Public spaces support biodiversity, local wildlife and habitats and connect ecological systems and networks of green space, waterways, bushland, riparian landscapes and wildlife corridors.
- Aboriginal knowledge and land management practices support the health and wellbeing of Country.
- Great public spaces integrate with quality green infrastructure, including tree canopy cover.

The principle in action



Community members get involved in local environmental programs, such as Bushcare groups.



Public space managers develop sustainability targets and maintenance plans to protect green infrastructure and provide a healthy environment to flourish.



Strategic planners include green infrastructure targets in place-based planning strategies and rezonings.



Urban designers and landscape architects strengthen biodiversity corridors and urban forests through targeted tree planting appropriate to the location and climate.

ITEM 4 - ATTACHMENT 2 DRAFT NSW PUBLIC SPACES PRACTITIONER'S GUIDE.

Planning green and resilient public spaces

- Plan public spaces to be cool, green and resilient with sufficient tree canopy and green spaces, healthy waterways and native vegetation.
- Undertake a green infrastructure needs assessment for new public spaces to determine the baseline of green infrastructure in a space and opportunities for enhancement.
- Incorporate green and resilient public spaces in resilience planning for cities and towns in urban, regional and rural areas.
- Integrate green infrastructure into public spaces – particularly in urban forest and open space strategies – to provide relief from urban heat, improve air quality, provide natural shade and enhance resilience to climate change.
- Ask the local community how new and upgraded public spaces could provide support during crises, for example, as places of refuge and aid during flooding and bushfires.
- Identify opportunities for sustainable water and energy features, such as landscaped areas that can safely and efficiently store stormwater run-off or passive cooling systems.

Cumberland Plain Conservation Plan

The draft Cumberland Plain Conservation Plan (2021) aims to help meet the future needs of the area's growing community while protecting threatened plants and animals. It sets out processes to establish and manage new conservation lands, through:

- new or expanded reserves
- biodiversity stewardship agreements (BSAs) on private or public land
- ecological restoration to rehabilitate degraded or cleared land on reserves and BSAs.

Balo Street, Moree

Moree Plains Shire Council describes Balo Street, Moree's main street, as 'dry and sunburnt'.

Through the NSW Government's Your High Street program, Council is cooling Balo Street by planting more trees and adding shade structures, misters, traffic-calming devices and lighting.

Council aims to create a 'sustainable, artesian oasis' where people can socialise, and businesses can operate in a more pleasant environment during hotter months.



Cultural burn
Photographer: Alison Page and Nikolas Lachajczak

Designing green and resilient public spaces

- Integrate green infrastructure with urban development and grey infrastructure through tree planting, green roofs and walls, and green ground cover.
- Prioritise the use of vegetation that is native to the local area. Exotic species may be used where native vegetation cannot achieve desirable outcomes such as maximising sun in winter or natural shade in summer.
- Create an interconnected network of open space, urban tree canopy and green infrastructure across NSW and contribute to green grids.
- Retain and protect the existing urban tree canopy and ensure there is no net loss of canopy across a site.
- Aim to increase urban tree canopy cover by prioritising deep soil and planting canopy trees.
- Implement site-specific targets and metrics early in the planning and design process to encourage green infrastructure.
- Contribute to relevant urban canopy and greening targets.
- Develop water-sensitive urban design strategies to:
 - reduce pollutant loads
 - provide alternative water sources such as treated wastewater
 - alleviate flood risk
 - preserve, restore and create marine habitat
 - connect residents and visitors to waterways and the local water cycle
 - retain water in the landscape to provide resilience against urban heat.

CLICK

Refer to the resources section for guidance on how to design green and resilient public spaces.



Managing and activating green and resilient public spaces

- Incorporate technologies and innovations in public space that contribute to net zero emissions.
- Engage expertise on planting an urban tree canopy that thrives year round.
- Adopt new approaches to water use and re-use, waste and recycling and the circular economy to reduce emissions from buildings and facilities in public space.
- Engage with Aboriginal Knowledge Holders on how place management, iteratively developed over generations, can guide resilience in public spaces (for example, cultural fire management).
- Implement plans to regularly maintain trees and vegetation to promote optimum survival, healthy growth and resilience to extreme weather.

The Ponds, Blacktown

The Ponds is a sustainable development by Landcom and Australand that includes 3,200 residential lots and more than 88 ha of parkland along Second Ponds Creek in Sydney's north-west.

A clear design principle was 'engaging with water' and collaboration between the principal engineer and the landscape architect saw a focus on both engineering performance and aesthetics, functionality of the parklands, economic outcomes and social benefits.

Examples of success

- Enabling connection with Country by responding to Aboriginal cultural practices that guide the conservation of ecological systems and urban waterways.
- Prioritising green infrastructure in the planning for public spaces and the resilience of local communities.
- Costing green infrastructure benefits early in the planning and investment of public spaces.
- Naturalising watercourses at the heart of public spaces.
- Considering opportunities to 'green' grey infrastructure.
- Designing and planting landscaping that is low in water use and locally sourced.
- Meeting green infrastructure targets for public spaces, resulting in cooler and more comfortable spaces.

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Healthy and active

Public space allows everyone to participate in activities that strengthen our health and wellbeing.



Key points

- Public spaces provide play and active recreation opportunities, green and natural environments, access to local healthy foods and safe routes to walk and cycle.
- Quality public spaces that are well- designed and connected, safe, accessible and inclusive will support and encourage walking, cycling and physical activity.
- Great public space networks balance comfortable, tranquil spaces to relax with space for higher-intensity sport and recreation activities.

Examples of the principle in action



Strategic planners plan for an equitable distribution of multipurpose sports and active recreation infrastructure.



Public policy makers retain robust data to inform and regularly update sport and active recreation infrastructure strategies.



Developers incorporate walking and cycling infrastructure and facilities into developments.

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Planning healthy and active public spaces

- Create networks of parks, sports fields, gardens and reserves connected to walking and cycling routes and green corridors that bring people together to exercise, socialise and relax.
- Analyse opportunities for sport and active recreation facilities to provide social and health benefits, economic benefits from major events, and jobs and investment associated with sport and recreation.
- Consider the existing and projected population density and distribution, as well as the demographic of the community, in recreation infrastructure planning.
- Provide well distributed recreation infrastructure so the entire community can easily engage in exercise and play.
- Locate recreation facilities near community facilities to create destinations where people can exercise and access other services.

Greening our City – Rosemeadow demonstration project

In Western Sydney, temperatures can be up to 10°C higher than in the eastern suburbs. To help address the impacts of extreme heat, the Greening our City program aims to expand urban tree canopy to 40% across Greater Sydney with a target to plant 1 million new trees by 2022, and 5 million trees by 2030.

Rosemeadow in south west Sydney has a tree canopy cover of just 5.63% and is the program’s first demonstration project. The project explored ways to achieve the 40% canopy target through tree planting on public land including streets and open spaces that have a dual purpose as stormwater overland flow infrastructure. The project has planted 1,950 trees in schools, open spaces and along Copperfield Drive.



ITEM 4 - ATTACHMENT 2 DRAFT NSW PUBLIC SPACES PRACTITIONER'S GUIDE.

Designing healthy and active public spaces

- Create green grids that connect town centres, public transport hubs and major residential areas to create a healthier environment, better walking and cycling access to recreational public space and opportunities for active and passive recreation.
- Design public spaces for multiple uses, such as a basketball court that can provide space for local markets once a week.
- Design for adaptable spaces that can support evolving sport formats.
- Use universal design so that everyone in the community is able to access sports and recreation settings, regardless of their ability, age or cultural background.
- Design public spaces that support the health of local ecological systems.
- Provide culturally sensitive and multi-purpose recreation infrastructure.
- Integrate tree canopy in design to support cooler environments that foster active use and reduce the risks of diseases such as skin cancer.

Managing and activating healthy and active public spaces

- Provide and maintain footpaths, restrooms and picnic areas to encourage more people to visit and use public spaces.
- If appropriate, develop shared or joint-use mechanisms to better use public spaces.
- Review strategic management plans to identify opportunities to enhance public spaces with green infrastructure and build long-term resilience.
- Design buildings and surrounding public spaces to integrate green infrastructure such as tree planting, green walls and roofs.
- Use smart technology to provide accessible and cost effective solutions for managing site access and bookings for recreation facilities.

CLICK 

Refer to the resources section for:

- **advice on setting recreation benchmarks and responding to different urban contexts.**
- **guidance on supporting the health and wellbeing of Country in the design of projects.**



Examples of success

- Supporting a variety of active and passive recreation through the configuration, size, dimensions and topography of public space.
- Clearly defining zones for different activities.
- Informing recreation planning through needs-based assessment.
- Engaging with local and regional sporting clubs during the planning process.
- Including practice courts, fields and facilities in planning.
- Providing facilities that can activate and support local community initiatives.

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Local business & economies

Public space supports a dynamic economic life and vibrant urban and town centres.



Key points

- Public space networks support lively high streets, outdoor dining and cafés, and popular tourist destinations.
- Great public spaces are designed using layers of activities to attract different people and help form connections to places.
- Privately-owned commercial spaces like building edges and podiums can complement and activate public spaces and create economic activity.
- Activating streets with creative placemaking day and night creates more vibrant and dynamic retail and hospitality precincts and attracts higher foot traffic.

The principle in action



Public space managers, local businesses and chambers of commerce partner on programs that activate high streets day and night.



Public policy makers assess which complementary local business, like markets, are appropriate to activate public space.



Developers design ground-floor facades that connect, activate and complement surrounding public spaces.



ITEM 4 - ATTACHMENT 2 DRAFT NSW PUBLIC SPACES PRACTITIONER'S GUIDE.


Planning public spaces for local business & economies

- Incorporate broader economic planning into public space planning by considering day and night activity; the right services, facilities and spaces; how public spaces can support business growth; and a suitable mix of community services.
- Consider place-appropriate activation opportunities for outdoor dining areas, public plazas, market spaces and boulevards.
- Plan for well designed, safe and accessible public space to improve liveability and amenity of places and support, vibrant local cultural sectors that attract and retain surrounding local business, workers and investment.
- Develop policy that supports the use of public space from morning to evening and on weekends through free and accessible activities for the community.
- Provide easy access for people to move through and within the space from surrounding commercial areas.
- Assess appropriate commercial opportunities for public spaces guided by relevant plans of management, local strategic planning statements, community strategic plans, etc.
- Conduct place-based assessments to gain a better understanding of how a specific public space might support local economies without compromising the free and accessible use of that public space.
- Not all commercial opportunities are appropriate in every public space context and applicable legislation. We recommend speaking to the relevant place manager and reviewing documentation such as plans of management, local strategic planning statements and community strategic plans to understand what would be appropriate in your public space. Also consider undertaking a place-based assessment to gain a better understanding of what would or would not work well in a specific place.



Designing public spaces for local business & economies

- Plan early for elements such as appropriately connected weather protection using the right selection and application of materials.
- Manage and design movement and place for people-centric high streets that will bring vitality to local neighbourhoods and support local jobs and services and provide walkable connections to a variety of shopping, dining, entertainment, health and personal services.
- Where appropriate, support outdoor dining through the provision of level, appropriately-scaled spaces. Ensure a balance with non-licensed areas so that public space feels public and is easy to navigate for all.
- Work with levels and topography to ensure clear access between businesses and public spaces. Avoid blockages of public space when introducing ramps, handrails and similar provisions.
- Design streets and squares that have good solar access, shade and lighting to support activation from adjacent businesses.

CLICK 

Refer to the resources section for ideas and examples of how to support great high streets, including temporary demonstration and pilot projects that test ideas for more permanent improvements.



Managing and activating public spaces for local business & economies

- Develop sustainable programming and activation that reflects and supports local community and businesses without impacting free and accessible enjoyment of the space.
- Activate public spaces at an appropriate scale to provide unique, place-based experiences that attract visitors.
- Consult with the community and visitors about the experiences they would like to see and incorporate these into event programming.
- Use events that reflect local character to encourage people to visit a new place and engender a sense of pride and belonging.
- Capture the economic and tourism impacts generated by events and activities in public space to inform capital and operational expenditure.

Examples of success

- Maximising street frontage to public open space so adjoining buildings positively interface with the space.
- Considering the location of public spaces early in the design process to maximise integration and shared use.
- Offering diverse and complementary commercial, retail, entertainment and community uses that attract people and enliven public spaces.

ITEM 4 - ATTACHMENT 2

DRAFT NSW PUBLIC SPACES PRACTITIONER'S GUIDE.



Safe & secure

Everyone feels safe to access and use public space at all times of the day.



Key points

- People feel safer in public spaces that are inclusive and well-used at all times of the day.
- Crime prevention strategies also support safer public spaces.
- Consulting on the experiences of women and other vulnerable groups can help to plan, design, manage and activate safer public spaces.

The principle in action

-  **Public space managers** work with diverse groups, including women, Aboriginal people, LGBTIQ+ people, culturally and linguistically diverse people and people with disability on public space safety audits.
-  **Local businesses and chambers of commerce** collaborate with councils and police to identify crime prevention through environmental design improvements for public spaces.
-  **Industry bodies** increase understanding and proficiency in crime prevention through environmental design.

ITEM 4 - ATTACHMENT 2 DRAFT NSW PUBLIC SPACES PRACTITIONER'S GUIDE.

Planning safe and secure public spaces

- Provide universal access to safe, inclusive and accessible public spaces, particularly for women and children, older people and people with disability.
- Plan for inclusive spaces where a mix of people – both intergenerational and intercultural – feel safe and comfortable.
- Involve Aboriginal people at all stages of planning, development and management to help ensure culturally safe places.
- Plan for safe streets and spaces by considering how these places will remain clean, active, inviting, cared for and safe and welcoming for everyone.
- Identify barriers and opportunities that could influence perception of public safety such as poor lighting, limited shop fronts or residential outlooks.



Women's Safety Charter

The Women's Safety Charter – designed through a collaboration with 80 organisations across business, state agencies, peak groups and not-for-profits – promotes a safer city for women of all ages, abilities, identities, and social and cultural backgrounds. There are 3 foundational principles:

- Culture of Gender Equity – a culture where women are equal and well considered when designing places and services.
- Commitment to listen, share and reflect – communication, knowledge and evidence are key to influencing effective enduring change.
- Commitment to collective action and continuous improvement – active participation through collaboration, united action and reflective practice.

Phillip Lane, Parramatta

Phillip Lane in Parramatta is essentially a service lane. A \$100,000 Streets as Shared Spaces grant allowed City of Parramatta to test and pilot Phillip Lane as a space for people to enjoy art, lighting, greenery and new pop-up activities. The pilot project allowed events and outdoor dining to support local business during the dual impacts of COVID-19 and major construction in the area. Council is now using the project to incentivise cooperation amongst local business to create a public space people cherish and were successful in securing a further \$1M under the Your High Street program for permanent public space improvements to Phillip Street and a continuation of the successful Streets as Shared Spaces trial in Phillip Lane.

Designing safe and secure public space

- Ensure you have activated ground-floor uses adjacent to public space.
- Ensure good sight lines and passive observation to and through public space. This includes ensuring that planting and other elements do not obstruct views.
- Design lighting to be both welcoming and safe.
- Implement Crime Prevention through Environmental Design (CPTED) principles – such as lighting, clear sight lines, active spaces or physical barriers – to reduce opportunities for crime.

Designing for safety

The Safer by Design program – a cooperative initiative involving the NSW Police, councils, state agencies and the private sector – ensures development applications are routinely assessed for crime risk, to reduce preventable risk before development is approved.

CLICK

Refer to the resources section for guidance on how lighting, street frontage ratios, delineation and buffers between conflicting uses can increase safety in public spaces.

CLICK

Refer to the resources section for guidance on designing safe public spaces for everyone, particularly women and girls and gender diverse people.

ITEM 4 - ATTACHMENT 2 DRAFT NSW PUBLIC SPACES PRACTITIONER'S GUIDE.

Managing and activating safe and secure public spaces

- Support activities and different uses occurring across the day or night to help people feel safe and secure in public spaces.
- Undertake regular safety audits, including after upgrades, to understand:
 - public perceptions of safety
 - how people feel about the public space
 - if any external elements are heightening actual or perceived risks
 - strategies that could address concerns.
- Undertake regular and robust facilities maintenance to ensure safety elements remain in working order and to remove any risks in facilities like play areas, public toilets or BBQs.
- Monitor the interaction between pedestrians, cyclists, cars and other mobility vehicles and implement safety elements as required.

Free to Be, Mapping Women's Safety in Cities

In 2016, the Monash University YXX Lab collaborated with Plan International Australia on a safety program, Free to Be, to identify and illuminate why women and young girls often feel unsafe in Australian urban spaces.

Users could drop pins on the interactive, geo-locative map of Melbourne and suburbs and comment on how safe and welcome spaces in the city made them feel.

Since launching Free to Be in Melbourne, the project has been implemented in five cities around the world – Sydney, Lima, Kampala, Delhi and Madrid.

Plan International Australia has used data from Free to Be to campaign for policy and practice change and challenging attitudes and behaviours towards women and girls, to make cities safer for everyone.

Examples of success

- Designing precinct structure and street layouts to provide attractive and safe walking and cycle links.
- Using the layout of streets and public space layouts to provide visual links between public spaces to encourage passive surveillance.
- Incorporating community feedback on how to improve feelings of safety in public spaces.
- Providing and maintaining CPTED principles.



George Street, Sydney
Credit: Department of Planning and Environment

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Designed for place

Public space is flexible and responds to its environment to meet the needs of its community.



Key points

- Public spaces are unique with their own context, community and environment.
- Great public spaces respond to place and are multi-purpose and flexible to support a range of uses, activities and experiences.
- Co-locating public space with uses like education, health, cultural facilities can create a sense of place and community.
- Planning, designing and activating ground planes of buildings to connect with public spaces encourages vibrant public life and makes it easier and safer for people to move around.
- Aboriginal Knowledge Holders can bring their knowledge of Country to the design of public space.

Examples of the principle in action



Public space managers and public policy makers develop Caring for Country strategies that engage with Aboriginal Knowledge Holders.



Urban designers, architects and landscape architects use design excellence and the principles of the NSW Government Architect's Better Placed document to understand and implement place-based approaches to public space design.



Developers incorporate smart place principles and infrastructure.

ITEM 4 - ATTACHMENT 2 DRAFT NSW PUBLIC SPACES PRACTITIONER'S GUIDE.

Planning for place in public spaces

- Undertake public space and green infrastructure needs assessment at precinct scale to understand the context and needs of the place and the people who live there or visit it.
- Consider the facilities that will be needed to support interaction between people and with nature and place – for example, public toilets, shelter, and laneways.
- Consider how major facilities such as cultural, transport, community or health facilities can benefit both primary and secondary users of that place and deliver and integrate more public spaces.
- Use a smart places approach to planning public spaces to make them more accessible, inclusive, safe and sustainable.
- Use smart places solutions to capture and make data appropriately available to inform planning processes and decisions.

Wilcannia Health Service

The development of the Wilcannia Health Service did more than create a much-needed health asset – it was designed in a way that created a public space in partnership with the Barkindji Traditional Custodians to address and connect with the river – the Barka – acknowledging the river’s spiritual and cultural significance for the community.

CLICK 

Refer to the resources section for guidance on determining appropriate public space size and scale based on the need that the place is addressing.

Designing for place in public spaces

- Integrate a holistic understanding of the context, physical attributes, environment and people within a location into design processes.
- Use a place-based design approach, considering what makes a place unique, and how it changes over time.
- Use a universal design approach that is inclusive of all abilities, ages and cultural backgrounds.
- Accommodate the different ways people travel, such as through major transport infrastructure, down main streets or through a university or school.
- Provide attractive, functional and safe interfaces between people, traffic, buildings and landscaped areas.
- Create smart places that protect and enhance people’s experience of a place and its functional efficiency.
- Use place-based smart infrastructure that integrates with and complements the surrounding environment, protects the beauty of a space and reflects a place’s local character and function.
- Consult with local Aboriginal Knowledge Holders on how to appropriately incorporate Aboriginal stories in place design, virtual experiences or artwork to share awareness of the cultural significance and history of a place.
- Work with local people to identify smart solutions to help the place achieve its ambitions, realise opportunities and overcome challenges.
- Integrate native green infrastructure by choosing place-appropriate vegetation species that align with the historical landscape, environmental conditions and future needs of the location.
- Test and trial solutions to find approaches that can be scaled across other places with similar needs.

City Square, Coffs Harbour

Coffs Harbour’s City Square has transformed into a day and night hub to help stimulate economic growth and meet evolving local social and cultural demands.

Coffs Harbour City Council repaved the square, installed event facilities and contemporary lighting and adapted the space to be safe and attractive for markets, night-time dining and entertainment. Council also invested in traffic safety improvements and enhanced security measures.

CLICK 

Refer to the resources section for a link to the NSW Smart Public Spaces Guide and information on smart infrastructure.

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Managing and activating for place in public spaces

- Seek advice and involve the community in management and activation of public spaces.
- Investigate how new technologies, including 5G access or evolving mobility options can diversify the way public spaces can be used and the activities they can support.
- Consider how technology can support the easy use of public spaces, such as booking spaces for recreation or viewing opening hours for onsite facilities.

People's Loop, Parramatta Park

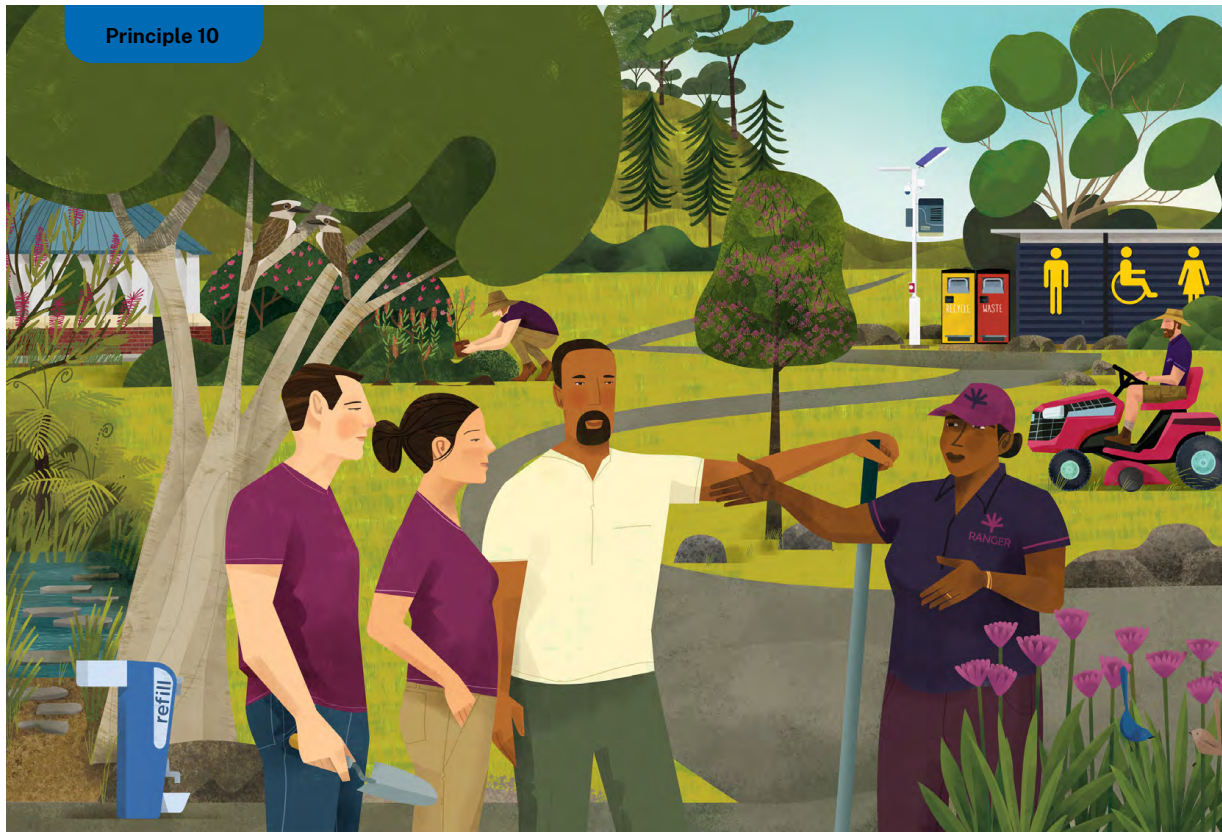
Walking and cycling has been transformed in Parramatta Park after cars were removed from most of the park's internal loop road. This built on temporary measures that were trialled as part of the People's Loop in mid-2020.

Innovative engagement techniques obtain real-time public feedback to understand how people expect to use the park and how to build on the community's sense of ownership.

Examples of success

- Using public space and green infrastructure needs assessments to inform land use planning.
- Designing facilities and infrastructure to provide and integrate with quality public spaces.
- Co-locating complementary facilities and uses.
- Optimising streets to balance the needs of pedestrians, cyclists and drivers, and provide an enjoyable, comfortable and accessible pedestrian experience.





Principle 10

Well-managed



Well-managed and maintained public space functions better and invites people to use and care for it.

Key points

- Public space management and governance agreements define roles and responsibilities and support collaboration and sustainable funding models.
- Public space managers use smart infrastructure to reduce long-term operating and maintenance costs.
- Meaningful community engagement deepens attachment to place and can foster partnerships and stewardship models for managing public spaces.
- Public spaces are managed to support users and equitable enjoyment of the space.
- When responsibility for managing public spaces is shared with the community, people feel more willing to maintain, program, beautify and advocate for those spaces.

Examples of the principle in action



Community members get involved in public space care and management programs organised by council or local community groups.



Public space managers develop plans of management that reflect the community's vision for public spaces and how that will be achieved through management and activation.



Planners and designers include smart infrastructure in the design of public spaces to make management more efficient and cost effective.



Developers prioritise investment in high quality public space to minimise operational costs.

Planning for well-managed public spaces

- Consider how public spaces might be used, adapted or changed in the future, whether it is a temporary space or an ongoing development.
- Use the 10 charter principles to shape decisions about how the site or asset will be managed.
- Incorporate Aboriginal land management or caring for Country principles early by engaging with Aboriginal Knowledge Holders, who can contribute to sustainable management.
- Consider the resources required for long-term maintenance early in the planning process.
- Build the 10 charter principles into grant programs – for example, make alignment with the charter a condition in funding agreements.

Western Sydney Parklands

Western Sydney Parklands was conceived in 1968 – by 2008, the Western Sydney Parklands Trust was established to own, protect and activate the lands.

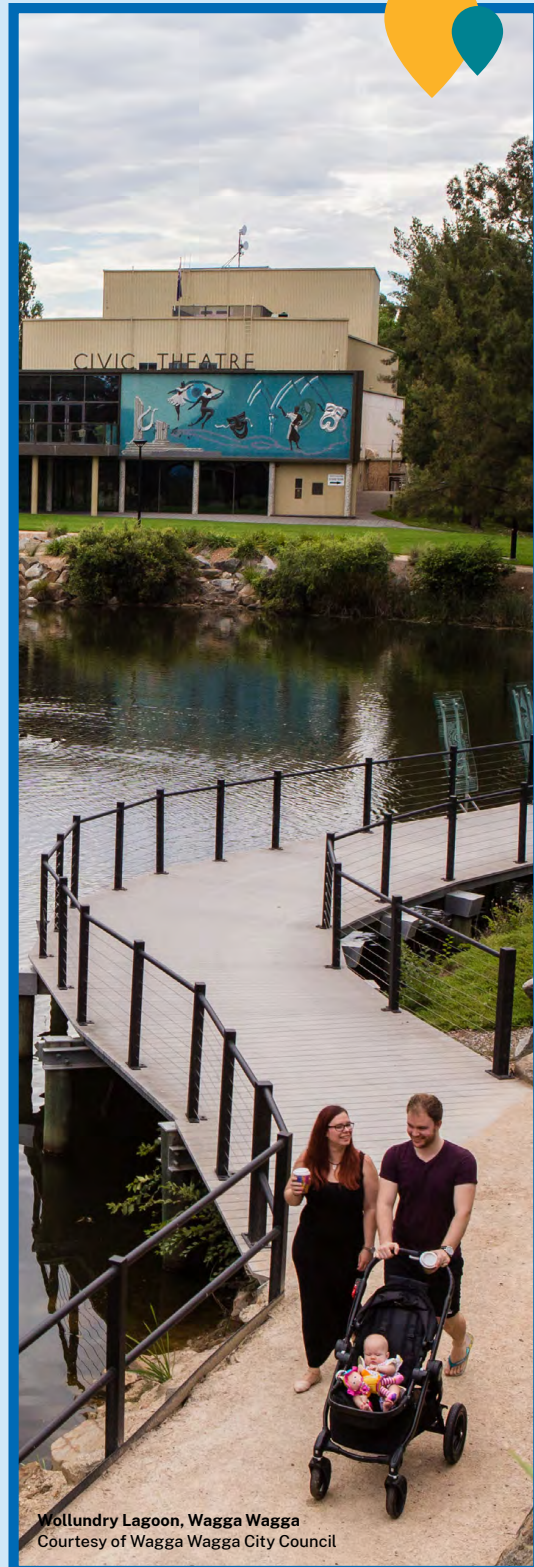
The parklands are part of the Country of the inland Darug or Dharug people, and sit within the boundaries of the Deerubbin and Gandangara Local Aboriginal Land Councils.

A Plan of Management to 2030 for the parklands identifies 4 strategic directions:

- environmental protection and land stewardship
- creating recreational and community facilities
- community participation and engagement
- financial sustainability and economic development.

Designing for well-managed public spaces

- Design for durability and long term ease of maintenance, considering materials, furniture, fittings, fixtures and finishes.
- Work with council-approved materials and systems wherever possible to reduce and simplify maintenance.
- Engage with place managers during the design process to identify required infrastructure that can reduce future maintenance costs.
- Choose native green infrastructure that is suited to the location and environment to reduce maintenance needs such as watering and weeding.
- Incorporate innovations such as unobtrusive waste management networks; areas for stormwater run-off; smart technology to monitor how public space is used and accessed; or digital information for visitors and park users.



Wollundry Lagoon, Wagga Wagga
Courtesy of Wagga Wagga City Council

ITEM 4 - ATTACHMENT 2 DRAFT NSW PUBLIC SPACES PRACTITIONER'S GUIDE.

Managing and activating well-managed public spaces

- Incorporate a clear sense and vision for place into programs, plans of management and governance structures.
- Regularly consult with expert public space managers to ensure best practice management.
- Use governance systems that encourage ongoing community involvement and collaboration to build a sense of place and successful activation.
- Incorporate meaningful collaboration with government, community and business stakeholders to achieve a mutually shared vision and outcomes.
- Seek opportunities to collaborate with the community to provide community-led activations.
- Consider what governance models best suit the public space or precinct, for example:
 - government-owned and managed (often with community input through advisory committees or regular consultation).
 - trusts (for example, Royal Botanic Gardens and Domain Trust).
 - private sector.
 - public-private partnerships and joint ventures.
 - chambers of commerce and precinct partnerships, alliances or groups.
 - non-government organisations, not-for-profits and community and volunteer groups.
 - business improvement districts.
- Inform and engage the community through regular newsletters or social media.
- Obtain ideas from a cross-section of the community including young people or vulnerable users.
- Partner with community support groups via varied engagement methods to access different points of view.
- To understand how people are using public spaces, invite people from communities with particular needs to visit and interact with the public space, and report back on their experience.
- Adopt plans of management that set out how community land will be managed and activated and how social, environmental and economic values will be protected.
- Develop green infrastructure maintenance plans to ensure trees, vegetation and waterways are appropriately cared for.
- Develop Caring for Country strategies that complement plans of management.
- Adopt plans to manage public space in line with circular economy principles.

Worimi Conservation Lands Board of Management

The Worimi Conservation Lands Board of Management [10-year plan](#) aims to improve awareness, understanding and protection of Worimi culture and sites, and guide conservation and sustainable recreation and tourism.

It focuses on the specific landscape attributes of the area, including dunes and beach vegetation and allowing for activities such as 4WD-driving and horse riding, sustainable camping, and beachfront access.

Caring for Country – Western Sydney Parklands

The Southern Parklands in Western Sydney Parklands is on Gandangara and Darug, or Dharug, Country. The Western Sydney Parklands Trust has worked with the Traditional Custodians, Local Aboriginal Land Council and other Aboriginal groups in this area since the development of the Southern Parklands Framework in 2018.

Ultimately, the Trust is working to elevate Aboriginal culture and custodianship so that the Aboriginal community is a co-leader, rather than a stakeholder, in Trust projects. Projects include Aboriginal-developed and led programs and employment such as ranger programs, seed collection and storytelling.

Examples of success

- Planning for public spaces to be sustainably funded, governed and maintained across the short, medium and long term.
- Introducing local planning instruments or plans of management to encourage integration between public spaces, community facilities and management infrastructure, as well as shared use.
- Considering the location of public spaces early in the planning process to maximise opportunities for integration and shared use.

Examples of success

During the planning stages, practitioners can use the following examples of success to understand whether a proposal addresses the charter's principles.

	Principle 1 – Open and welcoming	Principle 2 – Community focused	Principle 3 – Culture and creativity	Principle 4 – Local character and identity	Principle 5 – Green and resilient	Principle 6 – Healthy and active	Principle 7 – Local business and economies	Principle 8 – Safe and secure	Principle 9 – Designed for place	Principle 10 – Well-managed
Engaging with Aboriginal Knowledge Holders and communities to identify cultural or heritage sites.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Appropriately managing Indigenous cultural intellectual property and acknowledging Aboriginal community input in projects.	✓	✓	✓						✓	✓
Preparing engagement reports that demonstrate how input from a range of community groups, including people with disability, young people, people from culturally and linguistically diverse backgrounds and Aboriginal communities, influenced the location, design, delivery, management, proposed uses and programming of public spaces.	✓	✓		✓					✓	✓
Developing strategies for ongoing engagement, governance and management.	✓	✓					✓	✓		✓
Demonstrating a commitment to design excellence through introduction of design quality assurance processes such as review by an independent design panel and the procurement of design teams recognised for high quality design outcomes.	✓			✓	✓	✓	✓	✓	✓	✓
Preparation of a clear project brief with community and key stakeholder input, including a vision and objectives as well as key functional requirements.	✓	✓		✓			✓		✓	
Supporting people to have access to district public open space within 2km / 25 minutes' walk of their home.	✓	✓			✓	✓			✓	
Supporting people to have access to local public open space within 200m / 2-3 minutes' walk of their home in high-density areas, and 400m / 5 minutes' walk from their home in medium- to low-density areas.	✓	✓			✓	✓			✓	
Locating new public spaces to meet community need.	✓	✓							✓	
Ensuring plans and proposals do not include any net loss of public space.		✓				✓				
Providing a broad range of uses and experiences (ideally 10 or more for larger spaces).	✓	✓				✓			✓	
Supporting a hierarchy of neighbourhood, local and district-scale public spaces to work together to cater for a range of community and cultural needs.	✓	✓				✓			✓	
Including all cultures, lifestyles, backgrounds and abilities when planning the location, layout and size of public spaces.	✓	✓	✓			✓			✓	

ITEM 4 - ATTACHMENT 2 DRAFT NSW PUBLIC SPACES PRACTITIONER'S GUIDE.

	Principle 1 – Open and welcoming	Principle 2 – Community focused	Principle 3 – Culture and creativity	Principle 4 – Local character and identity	Principle 5 – Green and resilient	Principle 6 – Healthy and active	Principle 7 – Local business and economies	Principle 8 – Safe and secure	Principle 9 – Designed for place	Principle 10 – Well-managed
Activating public spaces for a variety of passive/active and formal/ informal uses.	✓	✓	✓	✓		✓	✓	✓	✓	✓
Clearly defining zones for activities to minimise conflict.		✓						✓	✓	✓
Investigating co-location and shared space arrangements early in infrastructure planning.		✓	✓			✓			✓	✓
Designing green infrastructure to consider the different uses of public spaces, while providing a baseline of comfort and amenity to all users.		✓		✓	✓	✓			✓	
Introducing public art, cultural and creative programs that reflect the identity and creativity of the community.	✓		✓	✓					✓	✓
Conserving, highlighting and celebrating significant Aboriginal and non-Aboriginal cultural and environmental features – tangible and intangible – in public spaces.			✓	✓					✓	
Incorporating Aboriginal and non-Aboriginal cultural infrastructure planning and delivery into land use and infrastructure planning.		✓	✓	✓						
Creating beautiful and memorable public spaces that fulfil functional requirements, encourage social interaction and exhibit a strong local character and sense of safety.	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Including uses in community facilities and public buildings that are lacking in the locality and reflect the aspirations and needs of the community, identified through consultation.		✓	✓	✓		✓			✓	
Embodying visual quality, local character and sense of place in community facilities and public buildings.				✓					✓	
Using lighting, furnishing and design that is sensitive to the character of the neighbourhood.				✓					✓	
Designing public spaces that reflect the historical natural landscape and environment of the area.				✓	✓				✓	
Enabling connection with Country by responding to Aboriginal cultural practices that guide the conservation of ecological systems and urban waterways.			✓		✓				✓	✓
Prioritising green infrastructure in the planning for public spaces and the resilience of local communities.		✓			✓	✓			✓	
Costing green infrastructure benefits early in the planning and investment of public spaces.					✓					✓
Naturalising watercourses at the heart of public spaces.					✓	✓		✓		
Considering opportunities to 'green' grey infrastructure.	✓				✓					
Designing and planting landscaping that is low in water use and locally sourced.					✓	✓			✓	✓
Meeting green infrastructure targets for public spaces, resulting in cooler and more comfortable spaces.	✓				✓	✓			✓	

ITEM 4 - ATTACHMENT 2 DRAFT NSW PUBLIC SPACES PRACTITIONER'S GUIDE.

	Principle 1 – Open and welcoming	Principle 2 – Community focused	Principle 3 – Culture and creativity	Principle 4 – Local character and identity	Principle 5 – Green and resilient	Principle 6 – Healthy and active	Principle 7 – Local business and economies	Principle 8 – Safe and secure	Principle 9 – Designed for place	Principle 10 – Well-managed
Supporting a variety of active and passive recreation through the configuration, size, dimensions and topography of public space.		✓				✓			✓	
Informing recreation planning through needs-based assessment.		✓				✓				
Engaging with local and regional sporting clubs during the planning process.						✓				
Including practice courts, fields and facilities in planning.						✓				
Providing facilities that can activate and support local community initiatives.		✓				✓				
Maximising street frontage to public open space so adjoining buildings positively interface with the space.	✓						✓		✓	
Considering the location of public spaces early in the design process to maximise integration and shared use.							✓		✓	✓
Offering diverse and complementary commercial, retail, entertainment and community uses that attract people and enliven public spaces.	✓						✓			
Designing precinct structure and street layouts to provide attractive and safe walking and cycle links.	✓	✓				✓		✓		
Using the layout of streets and public space layouts to provide visual links between public spaces to encourage passive surveillance.	✓							✓	✓	
Incorporating community feedback on how to improve feelings of safety in public spaces.		✓						✓		
Providing and maintaining CPTED principles.	✓							✓		✓
Using public space and green infrastructure needs assessments to inform land use planning.								✓		
Designing facilities and infrastructure to provide and integrate with quality public spaces.								✓		
Co-locating complementary facilities and uses.								✓		
Optimising streets to balance the needs of pedestrians, cyclists and drivers, and provide an enjoyable, comfortable and accessible pedestrian experience.							✓	✓		
Planning for public spaces to be sustainably funded, governed and maintained across the short, medium and long term.										✓
Introducing local planning instruments or plans of management to encourage integration between public spaces, community facilities and management infrastructure, as well as shared use.										✓

Monitoring and evaluation



Many mechanisms can help practitioners to understand whether they have achieved the charter's principles. Every project is different; rather than establishing set parameters to measure success, we suggest several processes that should be considered from the outset to help define success and monitor outcomes.

Monitoring

A range of mechanisms and methods will help you to achieve and monitor the charter's implementation. Examples include:

- allocation of responsibility for implementation of the charter to specific staff or business units
- active participation in the charter's community of signatories, through events or programs
- development of a simple and achievable NSW Public Spaces Charter Implementation Action Plan that identifies:
 - the current approach to public space within the organisation
 - the outcomes being sought by becoming a signatory to the charter
 - specific actions to achieve those outcomes
 - a methodology for integrating the charter principles into new and existing projects, programs or policies
 - a communications strategy or plan
 - key stakeholders that will be engaged throughout implementation
 - data sources and potential case studies that can demonstrate how the charter has been applied in context and that can be shared with the department or other signatories
- an evaluation methodology that considers how best to measure progress towards the outcomes identified in the Implementation Action Plan.

Evaluation

When developing your NSW Public Spaces Charter Implementation Action Plan, consider a 6-monthly evaluation process and identify specific, measurable, achievable, relevant and time-bound (SMART) outcomes, as well as case studies that demonstrate how the charter's principles are embedded into the organisation.

In particular, evaluate how the charter's principles are incorporated into the organisation's:

- strategies
- policies
- projects
- programs
- funding agreements
- key performance indicators.

Resources

These resources can assist in implementing the principles of the charter to create great public spaces. As a first step we recommend visiting the [NSW Public Spaces Charter](#) and the [Great Public Spaces Toolkit](#), which directly supports the charter. It includes examples and case studies of best-practice management and activation strategies for public spaces.

These documents were current at the time of publication.

Department of Planning and Environment

[Great Public Spaces Toolkit](#):

- [Evaluation Tool for Public Space and Public Life](#): includes questions to analyse the quality of public spaces to better understand the strengths of public spaces and areas for improvement.
- [Great Public Spaces Guide](#): provides ideas and opportunities for great public facilities.
- [NSW Guide to Walkable Public Space](#): identifies 10 characteristics of walkable open spaces, streets and public facilities.
- [COVID Safe Public Space Guide: Case Studies](#): includes a selection of case studies from councils and place managers that demonstrate innovative COVID safe measures.
- [Places to Love Case Study: City of Sydney George Street Demonstration Project](#): presents a case study on Council's trial to help transform a street into one of the world's great boulevards.

[NSW Guide to Activation and the NSW Guide to Preparing an Activation Framework](#): provides information and tools to bring activity to public spaces, including how to coordinate delivery, management and evaluation.

[Local Character and Place Guideline](#): provides tools to help define existing character and set a desired future character that aligns with the strategic direction for an area.

[Smart Places Strategy](#): shapes future smart initiatives developed by the NSW Government and its partners.

[Tools to deliver smart places](#): guides the work of NSW Government agencies, councils, place and precinct owners and developers.

[Streets as Shared Spaces](#): includes webinars and case studies of projects to support the community and test ideas for more permanent improvements to local streets, paths and public spaces.

[Your High Street](#): provides case studies and webinars to support activated, vibrant high streets.

[50-Year Vision for Greater Sydney's Open Space and Parklands](#): imagines greener streets, higher quality parklands and more green connections that support healthy people and communities.

[Greener Neighbourhoods Guide](#): guides strategic planning for urban forests.

[Urban Tree Canopy Targets and Development Controls Report](#): details voluntary best practice targets and planning controls to enhance tree canopy.

[NSW Public Open Space Strategy](#) (in development): will create a 50-year vision for open space for all of NSW, that builds on the 50-year Vision for Greater Sydney's Open Space and Parklands.

[NSW dual-naming policy](#): aims to give prominence to Aboriginal place names alongside European counterparts.

[NSW Smart Public Spaces Guide](#): introduces the role of technology in delivering better public space outcomes for communities.

Government Architect NSW

[Connecting with Country draft framework](#): calls for a commitment to value, respect and to be guided by Aboriginal people, who know that if we care for Country – it will care for us.

[Greener Places](#): aims for a healthier and sustainable urban environment.

[Better Placed](#): establishes objectives for inclusive, welcoming and equitable environments.

[Practitioner's Guide to Movement and Place](#): explains how practitioners involved in the planning, design, delivery and operation of transport networks and the spaces around them can apply the movement and place framework to projects and plans.

[Urban Design for Regional NSW](#): details steps for creating healthy places in regional NSW and the research, partnerships and thinking required to represent local character when designing public spaces.

[Sydney Green Grid](#): identifies a network of high quality green space that connects town centres, public transport hubs and major residential areas, and promotes sustainable development while maximising quality of life and wellbeing.

Transport for NSW

[Movement and Place Framework](#): guides the design of streets, roads and transport infrastructure to balance the movement of people and goods with quality places (developed with Government Architect NSW).

[Network Planning in Precincts Guide](#) – outlines the strategic design and planning of transport networks to support 15-minute neighbourhoods and 30-minute cities.

ITEM 4 - ATTACHMENT 2 DRAFT NSW PUBLIC SPACES PRACTITIONER'S GUIDE.

[Walking Space Guide: Towards Pedestrian Comfort and Safety](#) – provides a set of standards and tools to assist those responsible for walking spaces on streets to ensure there is enough space to achieve comfortable, inviting walking environments.

[Safe Systems Assessment Framework for Movement and Place](#) – provides guidance on best-practice for design and treatment application as well as case studies and design layouts.

[Beyond the Pavement](#) – provides urban design approach and procedures for road and maritime infrastructure planning, design and construction.

[Cycleway Design Toolbox](#) – provides guidance on desired outcomes for cycling and other forms of micro mobility.

Other agencies

[Open Space Design Guidelines](#): suggests innovative approaches to managing open space. (Landcom)

Public Art Toolkit (in development): aims to help NSW Government agencies apply best practice-principles to planning, commissioning, implementing and maintaining public art. (Create NSW)

[Aboriginal Arts and Culture Protocols](#): guide processes to work with Aboriginal artists. (Create NSW)

[Cultural Fire Management Policy](#): supports Aboriginal communities' aspirations to connect to and care for Country through cultural fire management on parks. (National Parks and Wildlife Service)

[Cultural Infrastructure Plan 2025+](#): establishes goals for the state's cultural infrastructure, including the need to integrate cultural infrastructure planning with land use and precinct planning. (Create NSW)

[Create NSW research and statistics](#): provides resources relating to arts and cultural planning. (Create NSW)

[Create NSW Public Art Toolkit](#) (forthcoming) provides resources relating to public art. (Create NSW)

[NSW Disability Inclusion Plan 2021-2025](#): strengthens the state's accessibility framework and outlines work to improve outcomes for people with disability. (NSW Communities & Justice)

[Greater Sydney Region Plan](#): integrates land use, transport and infrastructure planning between the three tiers of government and across state agencies. (Greater Cities Commission)

[Regional Plans](#): The regional plans set a 20-year framework, vision and direction for strategic planning and land use to ensure regions have the housing, jobs, infrastructure, a healthy environment, access to green spaces and connected communities to continue to be vibrant places for people to live, work and visit.

[Women's Safety Charter](#): promotes a safer city for women of all ages, abilities, identities, and social and cultural backgrounds.

[Community use school facilities implementation procedures](#): provides advice on how schools can provide assets that can be used outside of school hours. (Department of Education)

[NSW Innovation Precincts: Lessons from International Experience](#): explores the factors that contribute to successful, globally significant innovation precincts as well as common risks and failures, with the objective of supporting successful precinct development in NSW. (NSW Treasury)

[People Places: A guide for planning public library buildings](#): guides the planning and design of a public library building. (State Library of NSW)

[Safer by Design](#): provides guidance on how to design safer places. (NSW Police)

[NSW Office of Sport tools and resources](#): provides resources to plan for sports facilities and programs. (NSW Office of Sport)

[Smart Infrastructure Policy](#): minimum requirements for smart technology to be embedded in all new and upgraded infrastructure.

Outside NSW Government

[The National Arts and Disability Strategy](#): provides a framework for jurisdictions to assess and improve existing activities, consider new opportunities and directions, and identify new partnerships and initiatives. (Cultural Ministers Council)

[The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance](#): sets a standard of practice for those who provide advice, make decisions about, or undertake works to places of cultural significance, including owners, managers and custodians. (Australia National Committee of International Council on Monuments and Sites)

[Sustainable Development Goal 11](#): aims to make cities inclusive, safe, resilient and sustainable. (United Nations)

[Inclusive Health Places](#): introduces tools for evaluating and creating public places that support health equity. (Gehl Institute)

[Inclusive and Accessible Public Domain Guidelines](#): applies to all new and upgraded public domain spaces and infrastructure, provided by the City of Sydney, or third parties such as contractors or developers as part of voluntary planning agreements. (City of Sydney)

[Design for Everyone: A Guide to Sport and Recreation Settings](#): assists with the planning, design and development of inclusive sport and recreation facilities. (Sport Victoria)

ITEM 4 - ATTACHMENT 2 DRAFT NSW PUBLIC SPACES PRACTITIONER'S GUIDE.

