



JAMES THEATRE DUNGOG COMMUNITY CENTRE



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1 Policy

Dungog Shire Council's vision for the Shire is for "a vibrant, united community, with a sustainable economy. An area where rural character, community safety and lifestyle are preserved." Council's mission is "to manage, enhance and protect the resources of the Shire in consultation with the Community."

The James Theatre Dungog Community Centre is vital to Dungog Council's efforts in achieving its vision for the Shire and assisting the community to improve its lifestyle. As directed by the Local Government Act 1993 it is necessary that a plan of management be prepared that guides Council's actions with the premises. This plan of management will identify how Council and the community will manage, enhance and protect the James Theatre Dungog Community Centre for the future.

2 Aim

To develop a plan of management that satisfies the requirements of the Local Government Act 1993, that is it identifies:

- the category of land,
- the objectives and performance targets,
- the means to achieve the objectives and performance targets, and
- the manner to assess progress in achieving the objectives and performance targets).

To identify how the local community has historically interacted with and utilised the James Theatre Community Centre, including the history of the physical development of the premises.

3 Scope

This plan of management is to identify the category of the public land, set objectives and targets for the land, and identify means by which Council proposes to achieve these plans and objectives and the manner in which Council proposes to assess its performance for these objectives and performance targets.

References

Local Government Act 1993 (as amended)

Building Code of Australia (as amended) – (specifically Section H Special Use Buildings - Part H1 Theatres, Stages and Public Halls)

4 Associated Documents

- Management Plan 2008-2011, Dungog Shire Council
- Dungog Shire Council Code of Meeting Practice
- Dungog Shire Council Code of Conduct

5 Definitions

Council	means the Council of an area, and includes an administrator, specifically Dungog Shire Council.
Councillor	means a person elected or appointed to civic office, and includes a mayor.
Exercise	of a function includes, where the function is a duty, the performance of the duty.
Function	includes a power, authority and duty.
Newspaper	means a paper containing news, which is printed, for sale or free distribution, at intervals not exceeding 26 days and which circulates within the area with respect to which the term is used.
Notice	includes notification, order, direction and demand.
Notify	means notify by publication in the Gazette or by such other method as may be prescribed by the regulations.
Parcel of land	in relation to rateable land, means a portion or parcel of land separately valued under the <u>Valuation of Land Act 1916</u> .
Plan of Management	means a plan of management adopted by a council under Division 2 of Part 2 of Chapter 6 and in force in relation to an area of public land.
Premises	means any of the following: <ul style="list-style-type: none">(a) a building of any description or any part of it and the appurtenances to it,(b) land, whether built on or not,(c) a shed or other structure,(d) a tent,(e) a swimming pool.
Public authority	means a public authority constituted by or under an Act, a government department or a statutory body representing the Crown, and includes a person exercising any function on behalf of the authority, department or body and any person prescribed by the regulations to be a public authority.
Public entertainment.	(a) means entertainment to which admission may ordinarily be gained by members of the public on payment of money, or other consideration, as the price or condition of admission and an entertainment does not cease to be a public entertainment merely because: <ul style="list-style-type: none">(i) some (but not all) persons may be admitted to the entertainment otherwise than on payment of money, or other consideration, as the price or condition of admission, or(ii) such payment, or other consideration, is demanded as the charge for a meal or other refreshment, or for any other

service or thing, before admission to the entertainment is granted or as the charge for the entertainment after admission to the entertainment has been granted, and

(b) includes a public meeting.

Public land

means any land (including a public reserve) vested in or under the control of the council, but does not include:

- (a) a public road, or
- (b) land to which the Crown Lands Act 1989 applies, or
- (c) a common, or
- (d) land subject to the Trustees of Schools of Arts Enabling Act 1902, or
- (e) a regional park under the National Parks and Wildlife Act 1974.

Public meeting

means an assembly held for a public purpose to which admission may ordinarily be gained by members of the public (whether or not on payment of money, or other consideration, as the price or condition of admission), but does not include an assembly held for the purpose of religious worship only.

Public notice

means public notice given as referred to in section 705 of the Local Government Act 1993.

Public place

means:

- (a) a public reserve, public bathing reserve, public baths or public swimming pool, or
- (b) a public road, public bridge, public wharf or public road-ferry, or
- (c) a Crown reserve comprising land reserved for future public requirements, or
- (d) public land or Crown land that is not:
 - (i) a Crown reserve (other than a Crown reserve that is a public place because of paragraph (a), (b) or (c)), or
 - (ii) a common, or
 - (iii) land subject to the Trustees of Schools of Arts Enabling Act 1902, or
 - (iv) land that has been sold or leased or lawfully contracted to be sold or leased, or
- (e) land that is declared by the regulations to be a public place for the purposes of this definition.

Theatre or public hall

means any building or part of a building that is used or intended to be used for the purpose of providing public entertainment or conducting public meetings.

6 Property Description

6.1 Land Title

Lot 59 DP 847735. The property is located at 6 Brown Street, Dungog, and it is 1405 square metres in area. In appendix 3 can be found a rough location map that shows the location of the property relative to the surrounding streets of Dungog. In appendix 4 is a dimensioned plan of the property, which outlines extents of the existing building, and details of the right of footway and right of carriageway (created by DP 534782) across the property.

6.1.1 Certificate of Title

Estate and Land Referred to:

Estate in Fee Simple in Lot 59 in Deposited Plan 847735 at Dungog in the Shire of Dungog Parish of Dungog and County of Durham.

Torrens Title Register:

Date of issue: 17th May 1995

First Schedule:

Dungog Shire Council

Second Schedule (Easements):

1. Reservations and conditions in the crown grant(s).
2. DP534782 Right of Carriageway 3.05 wide and variable width affecting the part so burdened in the title diagram. See L437399.
3. DP623979 Easement to drain water appurtenant to the land above described.
4. DP847735 Right of footway 3.05 wide and variable width affecting the part so burdened in the title diagram.

6.1.2 Historic Certificate of Title

Estate and Land Referred to:

Estate in Fee Simple in Lot 57 in Deposited Plan 534782 at Dungog in the Shire of Dungog Parish of Dungog and County of Durham being part of Allotments 5 and 6 of Section 10 granted separately to James Barker on 30-9-1840.

Torrens Title Register:

Application No. 7447

Prior Titles Volume 10074 Folios 248 and 249

New Title Volume 11070 Folio 46 issued 17-1-1979

Second Schedule (Easements):

DP 623979 – Easement to drain water appurtenant to the land within described, registered 16/4/1982.

6.2 Category of Land

Community Land – General Community Use.

History

The property was originally utilised as an open air theatre by Mr James Stuart. By 1914 the operations had either partly or wholly been roofed and were licensed from 21st January 1914 (Thorne, p262). The northern part of the Picture Theatre is reported to have (EJE Group 1995) been built about 1913/1914 after the construction of the town power supply to house regular screenings of 'movies' previously held outdoors. Early features which have since been altered included a screen of corrugated iron and an iron projector room located outside and to the south of the hall 'due to fire risk'.

In 1930 the theatre underwent major reconstruction works to accommodate dances and 'talkies'. These changes were instigated by James Stuart, the proprietor (hence the appellation 'James Theatre', used for many years). The modifications were to a design by William Jeater, a Newcastle based architect who had undertaken his early training in Sydney with the architectural firm Tate & Young. Mr Jeater returned to Newcastle in 1925 to establish a business with Thomas J Pepper, which lasted until 1930. In 1930 Mr Jeater established his own business and prepared design alterations for the Dungog Picture Theatre.

The reconstruction works designed by Mr Jeater included:

- Remodelling of the street façade into the Spanish Mission Style;
- Reversal of the seating arrangement with some 400 chairs rising in tiers above a large new dance floor;
- Construction of a stage with supper room below to the south;
- Lining of the internal walls of the hall; and
- Either the addition or reconstruction of the northern entrance of the building, which included a projection room above the foyer.

The Dungog Picture Theatre was purchased by Dungog Shire Council in 1979 for use as a community centre. The building was extensively renovated to meet new health and safety standards, with alterations beneath the stage and additions to the south to accommodate new toilets (the existing ones were outside) and a backstage area above them. Due to the lack of disabled toilet facilities in the local business district a disabled toilet has been constructed on the property, with the assistance of grant monies.

The reopened Dungog Picture Theatre has returned to its 1950's practice of showing films on three nights a week and the building is now used for other community activities also. These activities include dance classes and stage performances.

The Dungog Picture Theatre has state historical significance as one of the oldest and longest running, since 1914, picture theatres in NSW. The Dungog Picture Theatre has high social significance for the Dungog community because of its continuing recreational uses, both as a picture theatre and as a community centre. The theatre has been the social centre for pictures, dances, and balls since 1914.

In 1994 the parcel of land was subdivided with the southern car park turned into a residential development for retirement living. At about the same time the nearby railway commuter car park was developed, replacing the car parking provided on the southern portion of the property.

The Dungog Picture Theatre is one of only ten Category 1 (highest level of heritage assessment given by Thorne for highly intact generally purpose-built picture theatres that are representative examples of their style and venue type) 'heritage' cinemas in NSW.

6.3 Assets

The property is approximately 1405 square metres that slopes slightly towards the Great Northern Railway and Williams River to the East. The property is burdened by a right of carriageway.

The primary asset on the property is a large timber building known as the "James Theatre", which has been classified by the National Trust and included in its Register. The building is approximately 55 metres long and 12.5 metres wide with a ceiling stud height of 8 metres and a roof ridge about 11 metres above ground level. The building is hardwood timber framed with a galvanised iron roof and wooden floors on recent brick piers. Originally clad in timber weatherboards it was reclad (late 1980's or early 1990's) in Hardiplank with an inappropriate 'weatherboard' profile. The toilet areas to the south are in brick, which offers an unfortunate contrast with the original timber cladding.

The Spanish Mission façade is built in painted rendered brick that wraps around the eastern and western corners of the building. The stylistic details extend to the clerestory window above a Juliet balcony and to the entrance porch and notice boards. The Spanish Mission style is rare in NSW, with only four Picture Theatres remaining in NSW with Spanish Mission facades. The stage is a primitive one, about 8 metres deep with no fly tower (and no ceiling lining). To the rear of the stage is a small utility room. Below these is an area that was built as a supper room with ripple iron ceiling lining. The brick male toilets are accessed directly from the supper room and to the east of the supper room is a brick walled area comprising a retiring room with female toilets to the south.

6.4 Existing Uses

The James Theatre Dungog Community Centre is currently being utilised as a part-time commercial picture theatre, screening movies for paying customers, and as a dance studio. On occasions it is utilised for other public and private functions such as meetings, shows, etcetera, in 2007 the James Theatre became the focal point for the Dungog Film Festival which is facilitated by an alternative organisation than the current operator of the commercial picture theatre.

7 Objectives & Performance

Core Objectives (Sec 36 (l) LG Act)

The core objectives for management of community land categorised as general community use are to promote, encourage and to provide for the use of the land, and to provide facilities on the land to meet the current and future needs of the local community and of the wider public:

- a) In relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and

- b) In relation to purposes for which a lease, license or other estate may be granted in respect of the land.

Key Objectives

- To preserve those qualities which contribute to the heritage value of the building and place.
- To form a component of Councils strategic land management plan.
- To enable the James Theatre Community Centre to be utilised under licence
- To have a community cultural/creative outlet available to members of the public to experience
- To allow children to engage in physical development activities and experiences
- To enable the existing plan of management to be modified over time
- To regularise the activities and use of the facility
- To permit commercial business activities which are consistent with the existing use of the facility. (Movie Theatre, Dance Lessons)
- To permit alternative uses of the facility that will enhance the physical, cultural, social and intellectual welfare or development of individual members of the public.
- To actively pursue funding opportunities for the facility.
- To ensure that the Management Committee operates in accordance with Councils legislative obligations.
- To ensure the risk exposure to the Council is minimised.

7.1 Targets

- 1) The current uses are to continue with priority given to the use of the James Theatre Dungog Community Centre as a movie theatre and dance studio.
- 2) That formal licence agreements be established with the regular users of the facility
- 3) That the James Theatre Dungog Community Centre operate on a more commercial basis to ensure that the long term financial burden on the ratepayers of the Shire is lessened.
- 4) The medium to long term target is for the operations conducted at the James Theatre Dungog Community Centre to generate sufficient income to fund ongoing maintenance and repairs, rates & charges, building insurances and a reasonable proportion (approximately 50%) of capital works while being available for general community use.
- 5) That an asset maintenance & improvement program be developed
- 6) That alternative funding sources be investigated to preserve the heritage of the facility.
- 7) That a Constitution for the Management Committee be developed
- 8) That a risk management plan for the facility be developed

7.2 Means

- Council will provide support to the Management Committee as appointed by Council under Sec 355 of the *Local Government Act (NSW) 1993* to assist the committee in meeting the key objectives.
- Council will prepare appropriate licence agreements for the regular hirers of the James Theatre Dungog Community Centre.
- Opportunities for the casual use of the facility are to be explored by the Management Committee.
- Council to develop an asset management plan for the facility, that will address maintenance aspects, future capital works program to assist with future funding submissions.
- Council to consider appropriate budget allocations when preparing the Council Management Plan on an annual basis
- Council to prepare a Constitution for the James Theatre Management Committee
- Council in conjunction with our risk advisers to develop a risk management plan for the facility.

7.3 Assessment

The Council will require the Management Committee to submit the Minutes of their meetings to the General Manager for submission to Council. The Minutes should be supplied on a regular basis.

The Management Committee will be required to report on an annual basis (30 June) as regards the operation and management of the facility. The Council will consider such report at its meeting and will assess whether the Plan of Managements objectives are being met.

8 Use of the facility

There is a need for an express condition to be contained within the Plan of Management as regards arrangements concerning the utilisation of the facility. Where it is proposed to utilise the facility for an intended purpose that excludes the general community from utilisation of community land there is a need for a lease or a licence to be executed between Council and the intended user of the community land.

As the James Theatre is a public facility it is to be utilised in accordance with the key objectives expressed within this Plan of Management.

This Plan of Management expressly authorises the granting of licences of the Land and building.

9 Review

This Plan of Management is to be reviewed within three years of being adopted by the Council.

Appendices

Appendix 1 – Section 36 NSW Local Government Act 1993

Preparation of draft plans of management for community land

- (1) A council must prepare a draft plan of management for community land.
- (2) A draft plan of management may apply to one or more areas of community land, except as provided by this Division.
- (3) A plan of management for community land must identify the following:
 - (a) the category of the land,
 - (b) the objectives and performance targets of the plan with respect to the land,
 - (c) the means by which the council proposes to achieve the plan's objectives and performance targets,
 - (d) the manner in which the council proposes to assess its performance with respect to the plan's objectives and performance targets,and may require the prior approval of the council to the carrying out of any specified activity on the land.
- (3A) A plan of management that applies to just one area of community land:
 - (a) must include a description of:
 - (i) the condition of the land, and of any buildings or other improvements on the land, as at the date of adoption of the plan of management, and
 - (ii) the use of the land and any such buildings or improvements as at that date, and
 - (b) must:
 - (i) specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used, and
 - (ii) specify the purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise, and
 - (iii) describe the scale and intensity of any such permitted use or development.
- (4) For the purposes of this section, land is to be categorised as one or more of the following:
 - (a) a natural area,
 - (b) a sportsground,
 - (c) a park,
 - (d) an area of cultural significance,
 - (e) general community use.

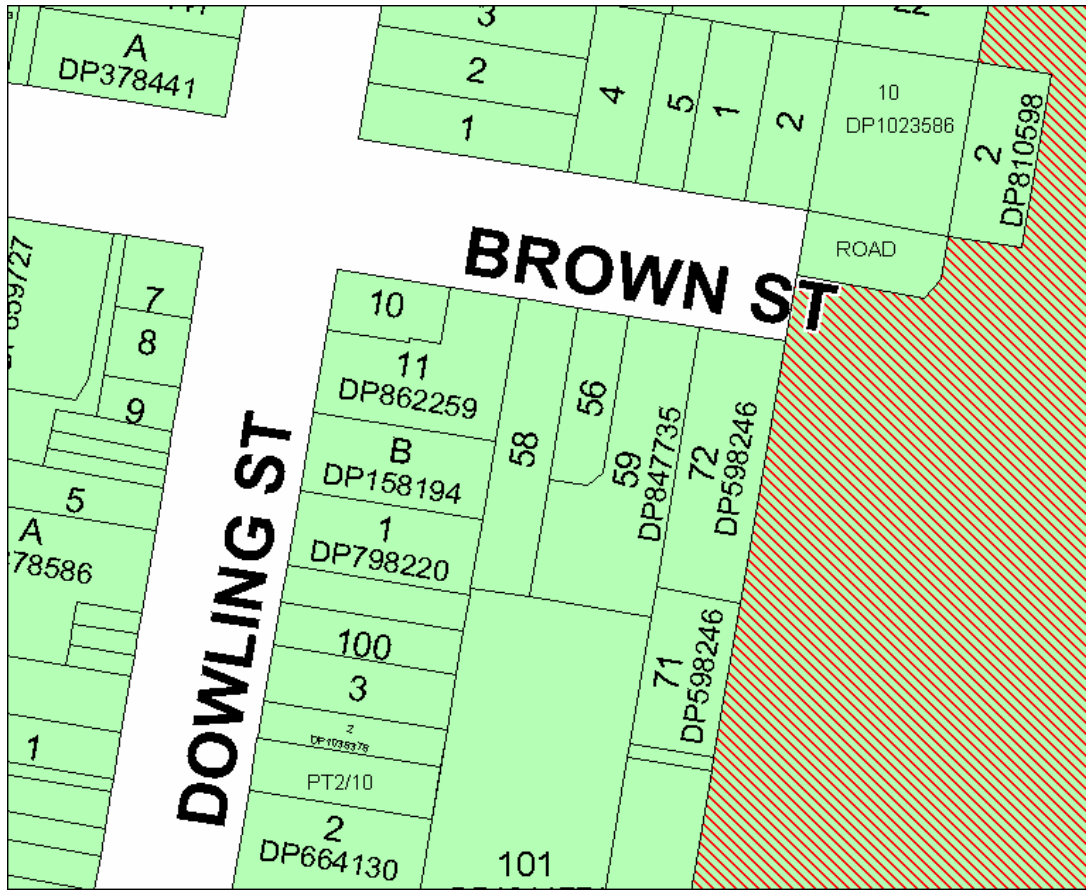
- (5) Land that is categorised as a natural area is to be further categorised as one or more of the following:
 - (a) bushland,
 - (b) wetland,
 - (c) escarpment,
 - (d) watercourse,
 - (e) foreshore,
 - (f) a category prescribed by the regulations.
- (6) The regulations may make provision for or with respect to the categorisation of community land under this section, including:
 - (a) defining any expression used in subsection (4) or (5), and
 - (b) prescribing guidelines for the categorisation of community land and the effect of any guidelines so prescribed.

Appendix 2 – Section 112 NSW Crown Lands Act 1989

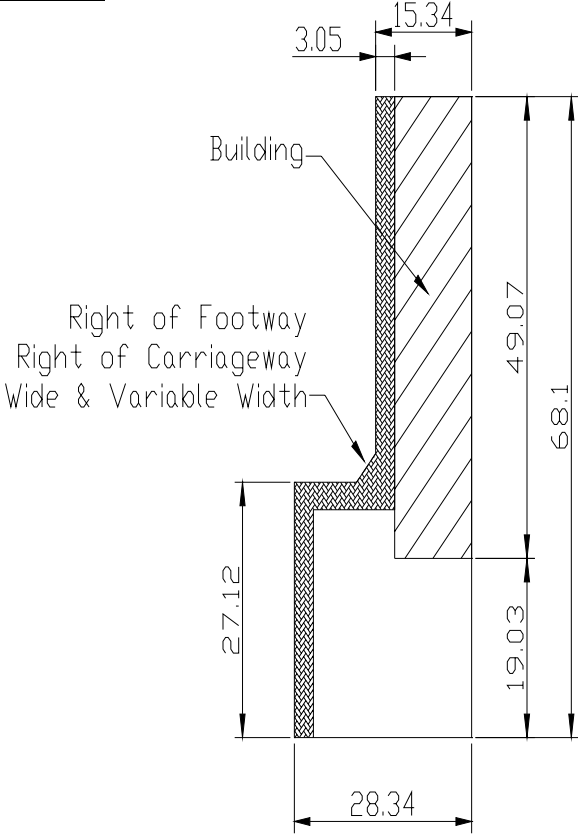
Preparation of draft plan of management

- (1) The Minister may cause a draft plan of management to be prepared for a reserve.
- (2) A reserve trust may with the Minister's consent, and if the Minister so directs shall, prepare a draft plan of management for the reserve.
- (3) If the Minister directs a reserve trust to prepare a draft plan of management, the reserve trust shall:
 - (a) prepare it within the time directed by the Minister, and
 - (b) forward a copy of it to the Minister.
- (4) A draft plan of management prepared by a reserve trust shall include provision for such matters as the Minister requires.

Appendix 3 – Location Plan – Dungog



Appendix 4 – Site Plan



Appendix 5: Financial Projections Council & Committee

Dungog Shire Council

James Theatre Dungog Community Centre

Expenditure	2007/2008 Actuals	Budget 2008/09	2008/2009 Actual at 6 Mar 09	Forward Projections		
				2009/2010	2010/2011	2011/2012
Council						
Rates & Charges	\$1,190.31	\$650.00	\$643.68	\$672.75	\$699.66	\$724.15
Water		\$350.00	\$253.08	\$385.00	\$442.75	\$509.16
Sewer		\$720.00	\$528.44	\$828.00	\$977.04	\$1,152.91
Building Insurance	\$3,045.00	\$4,200.00	\$4,745.00	\$5,219.50	\$5,402.18	\$5,591.26
Pest Inspections	\$760.00	\$760.00	\$380.00	\$817.00	\$817.00	\$882.36
M & R other	\$637.00	\$1,500.00	\$160.00	\$1,500.00	\$1,500.00	\$1,500.00
Total charge on general revenue	\$5,632.31	\$8,180.00	\$6,710.20	\$9,422.25	\$9,838.63	\$10,359.84

Forward Projections Assumptions:

Rates & Charges to increase between 3.5% and 4%

Water Charges to increase between 10% and 15%

Sewerage Charges between 15% and 18%

Building Insurance increase 10% Yr 1 then back to 3.5% thereafter

Pest inspections 7.5% Yr1 static Yr 2 then 8%

Maintenance & Repairs Nil increase

Note that water and sewerage charges dependent upon outcomes of IPART determination July 2009, sewerage charges may need further increase.

No transfers to restricted cash for future capital works, in view of current economic climate.

James Theatre Dungog Community Centre

Management Committee	Actuals				Projections		
	2006/2007	2007/2008	2008/2009		2009/2010	2010/2011	2011/2012
Revenue							
Picture Theatre							
Ballet School							
Energy Contributions							
Casual Hire							
Interest Income							
GST reimbursements							
Total Revenue	0	0	0		0	0	0
Expenses							
Bank Fees & Charges							
Energy Costs							
Maintenance Costs							
Total Expenses	0	0	0		0	0	0
Nett Result							
"In Kind" Contributions							
Stage Repairs							

Results and Projections

Information is to be supplied by the Management Committee.

Energy costs will increase in 2009/2010 by approx 6% next IPART review due 2010.