DUBBO REGIONAL COUNCIL

2026-2036 WESTERN PLAINS CULTURAL CENTRE PLAN OF MANAGEMENT

Key information

This plan of management (PoM) has been prepared by Dubbo Regional Council (DRC) and provides direction as to the use and management of the Western Plains Cultural Centre (WPCC) which is classified as 'community land'. The PoM is required in accordance with Section 36 of the Local Government Act 1993.

This PoM specifically addresses the management of WPCC. The PoM outlines the way the land and buildings will be used and provides the framework for Council to follow in relation to the express authorisation of leases and license on the land.
The Western Plains Cultural Centre acknowledges the Wiradjuri people, the traditional custodians of country on which our centre stands. We are thankful for their continual connection to country, culture and community and value their stories and artistic expression. We aim to recognise and share the living culture of our region's first people for now and future generations.

This Plan of Management was prepared by:
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Version	Date	Drafted by
1	16-09-25	SM
2	17-09-25	SM
3	22-09-25	SM

Acknowledgement of Country

We acknowledge the Wiradjuri people who are the traditional custodians of the land on which we live, work and play. We pay our respects to Elders past and present of the Wiradjuri Nation and thank them for their care of the land, water and sky and extend that respect to other Indigenous Australians.

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Introduction

Purpose of the plan of management

The Local Government Act 1993 (LG Act) requires a plan of management (PoM) to be prepared for all public land that is classified as 'community land' under that Act.

The purpose of this PoM is to:

- contribute to the council's broader strategic goals and vision as set out in the Community Strategic Plan
- ensure compliance with the Local Government Act 1993
- provide clarity in the future development, use and management of WPCC
- ensure consistent management that supports a unified approach to meeting the varied needs of the community.

Further information about the legislative context of PoMs can be found in Appendix A1 of this document.

Process of preparing this plan of management

Figure 1 illustrates the process undertaken by Council in preparing this PoM.

Figure 1: Process of preparing a PoM

Step 1

Drafting the plan of management

- The PoM should meet all the minimum requirements outlined in section 36(3) of the LG Act and identify the owner of the land.
- Any activities (including tenure or development) to be undertaken on the reserve must be expressly authorised in th PoM to be lawfully authorised

Step 2

Community consultation

- Councils are required to publicly notify and exhibit PoM under section 38 of the LG Act.
- Councils are not required to hold a public hearing under section 40A of the LG Act (exemption under clause 70A oof the CLM Regulation)

Step 3

Adopting a plan of management

- Make changes to the plan following public exhibition of the draft PoM.
- Council resolution of a PoM that covers Crown land should note that the PoM is adopted pursuant to section 40 of the LG Act.

Change and review of plan of management

This PoM will require regular review in order to align with community values and changing community needs, and to reflect changes in council priorities. Council has determined that it will review the PoM within ten years of its adoption. However, the performance of this PoM will be reviewed on an annual basis to ensure that WPCC is being managed in accordance with the PoM, is well maintained and provides a safe environment for the public.

The community will have an opportunity to participate in reviews of this PoM.

Community consultation

DRC has adopted the following principles to guide its community engagement process:

Build relationships – Act in an honest, open and respectful way to build strong relationships, partnerships and trust with our stakeholders.

Right to be involved – Believe stakeholders have a right to be involved in decisions that affect them.

Clarity of purpose – Well planned with a defined purpose and stages for community input.

Accessible and inclusive – Seek views representative of the community ensuring the most comprehensive range of stakeholders are able to participate. A broad range of activities are to be considered for this to occur.

Timely and coordinated – Engage early and provide enough time for our stakeholders to provide input so that view can be considered.

Tailored – Use a range of communication and engagement methods that suit the purpose and type of project we are consulting on. Consider the impact, complexity, risk, timing and range of stakeholders.

Transparent – Provide information in a manner that enables community to provide input. Make decisions in an open and transparent way, provide feedback to our community to explain decision making processes and decision outcomes.

Continuous learning – Evaluate our engagement activities and learn from feedback and best practice.

This PoM was placed on public exhibition from 29 October to 10 December 2025 in accordance with the requirements of section 38 of the Local Government Act 1993. A total of 2 submissions were received. Council considered these submissions before adopting the PoM.

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Land Description

This plan of management covers western Plains Cultural Centre. The site information is detailed in Table 1 and a plan shown in Figure 2. The Centre consists of the Dubbo Regional Gallery, Dubbo Regional Museum, Community Arts Centre, café, meeting rooms and associated infrastructure.

Figure 2: Town plan of Dubbo

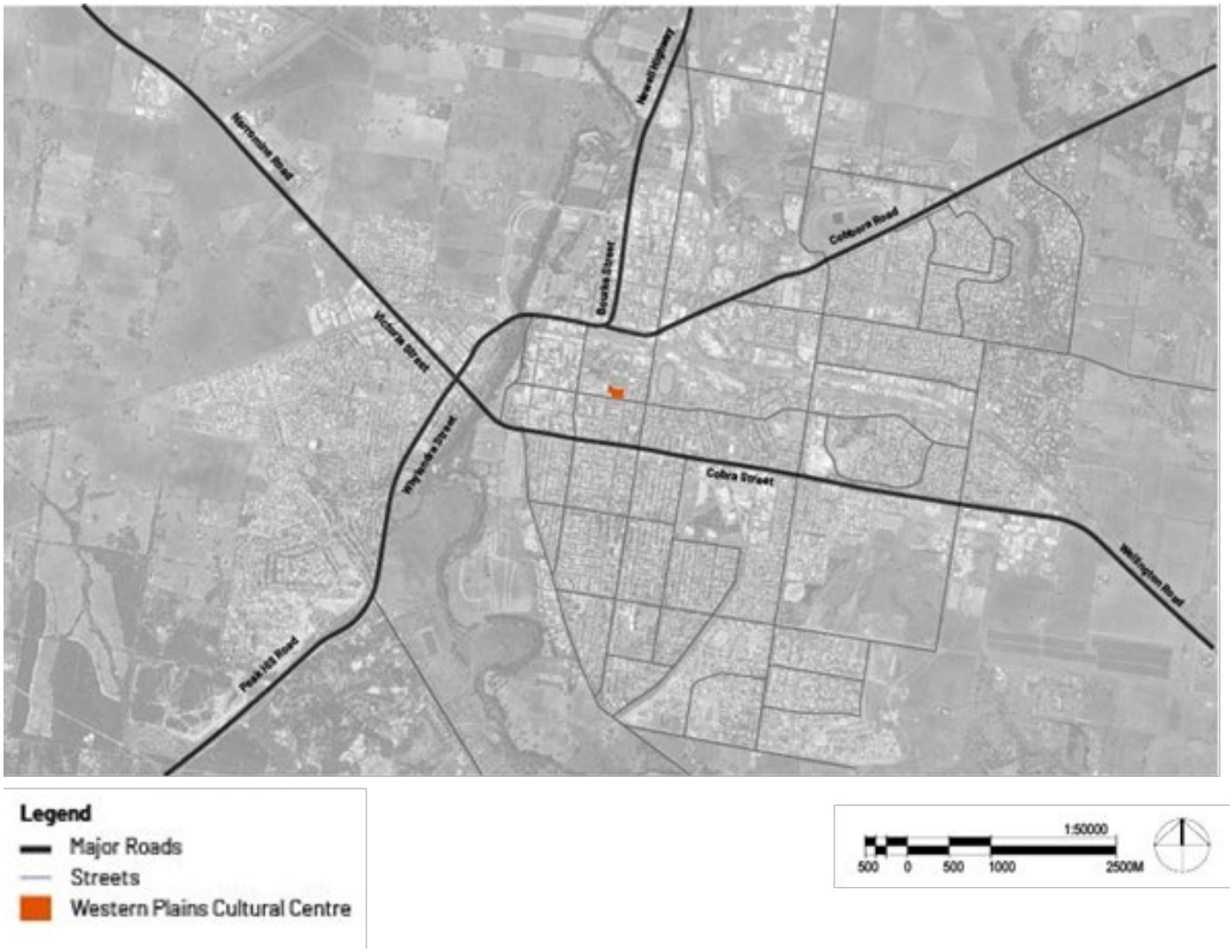


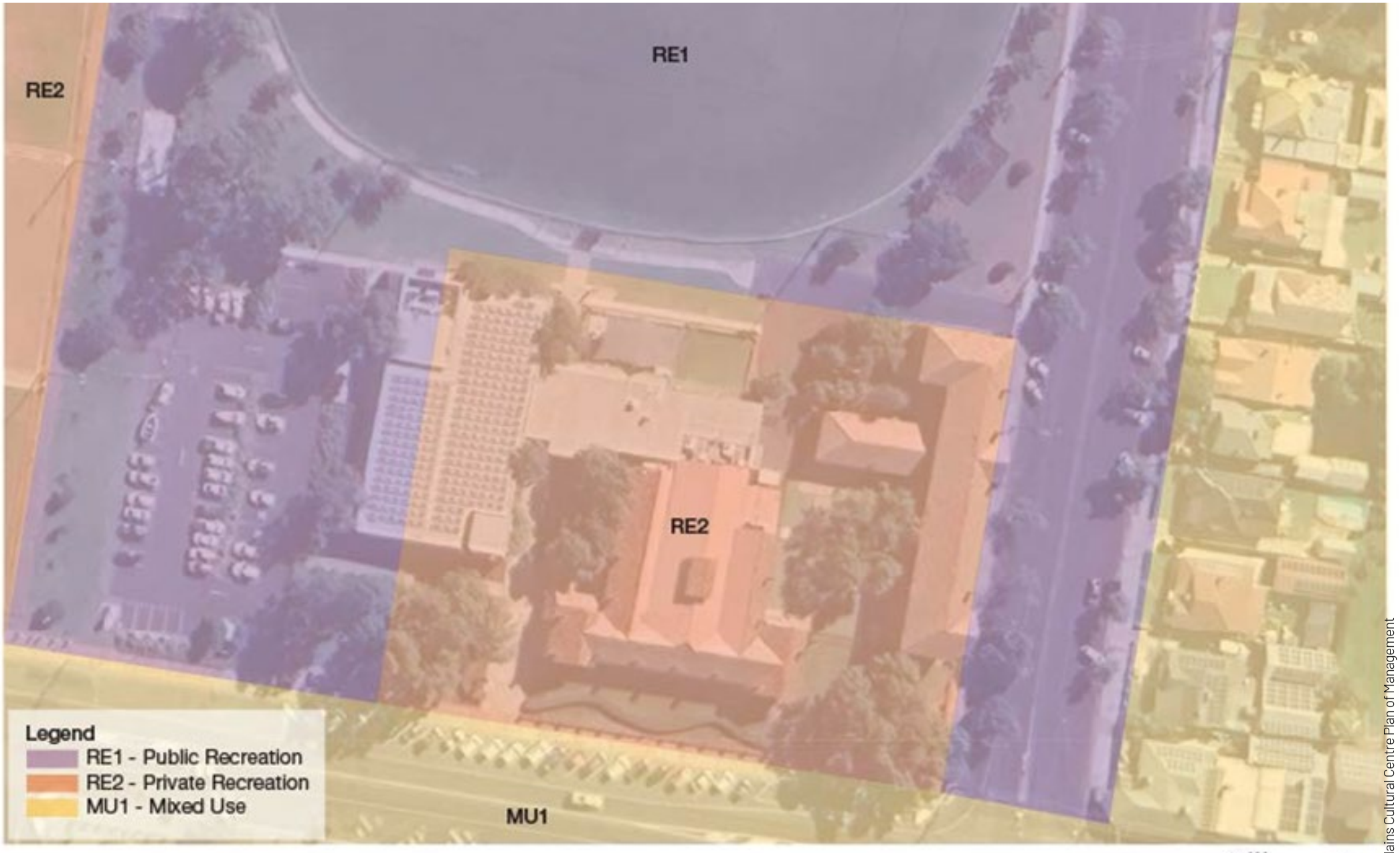
Table 1: Information about the site covered by this plan of management.	
Land parcel/s (Lot/DP)	4601/DP1091311
Area (Ha)	1.18
LEP zoning	RE1 and RE2
Assigned category/categories	General community use

This PoM is specific to the land mentioned in Table 1. Contact the council or refer to the council's website for information about other public land not listed above.

Figure 3: Lot and DP Plan

Figure 4: Categorisation

Figure 5: Land Use Zoning



Basis of management

DRC intends to manage its community land to meet:

- assigned categorisation of community land
- the LG Act guidelines and core objectives for community land
- the Council's strategic objectives and priorities
- development and use of the land outlined in Section 6 of the LG Act.

Categorisation of the land

All community land is required to be categorised as one or more of the following categories. The LG Act defines five categories of community land:

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

The categorisation of the land is identified in Figure 4.

Guidelines and core objectives for management of community land

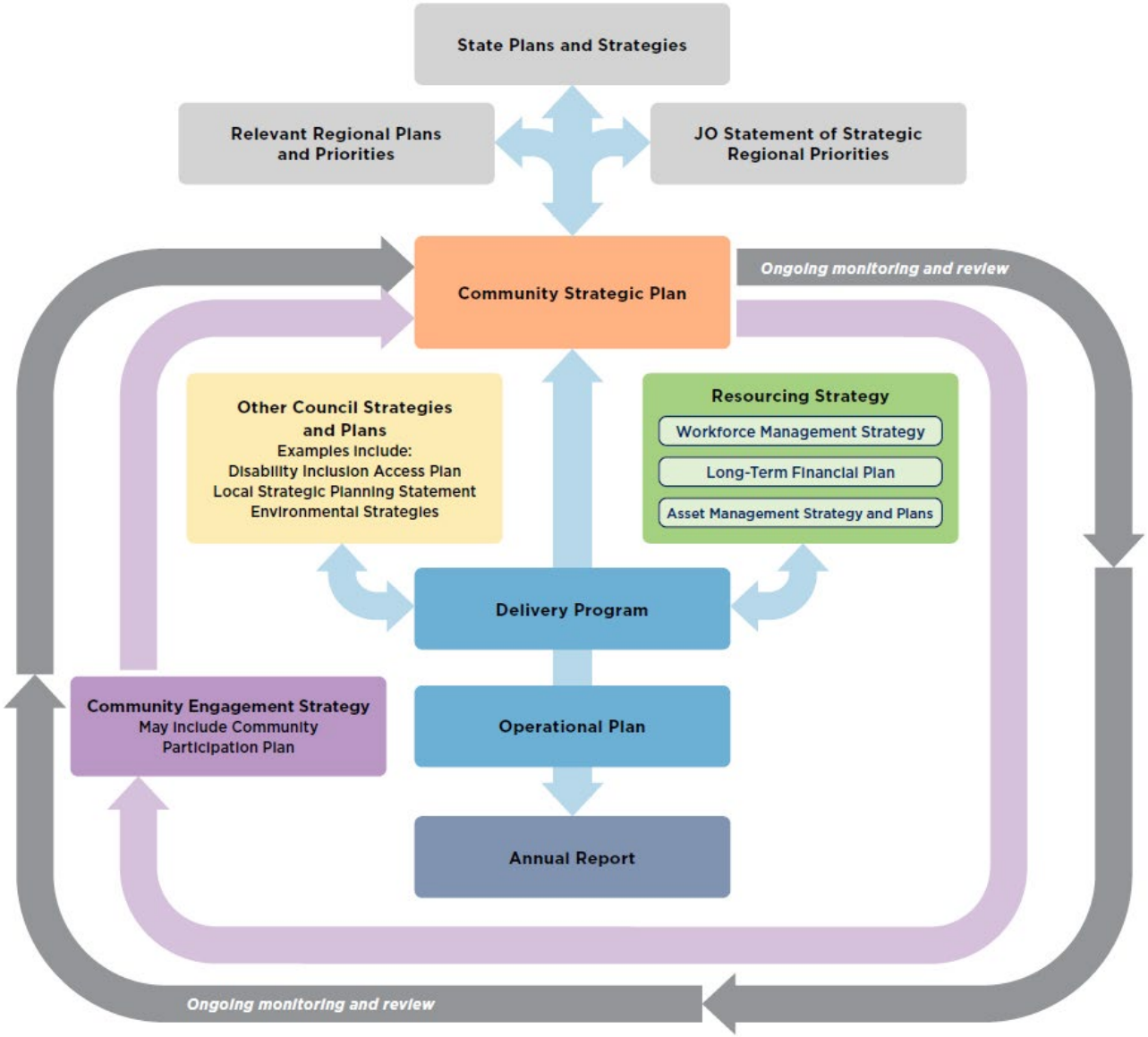
The management of community land is governed by the categorisation of the land, its purpose, and the core objectives of the relevant category of community land (see Categorisation of the land). Council may then apply more specific management objectives to community land, though these must be compatible with the core objectives for the land.

The guidelines for categorisation of community land are set out in the Local Government (General) Regulation 2005. The core objectives for each category are set out in the LG Act. The guidelines and core objectives for the Park, Sportsground, General Community Use and Natural Area categories are set out in the relevant category sections of this plan of management.

Council's strategic objectives and priorities

Like all Councils in NSW, DRC's strategic management is governed by the Integrated Planning and Reporting Framework, illustrated in Figure 6.

Figure 6. Integrated Planning and Reporting Framework



Source: https://www.olg.nsw.gov.au/wp-content/uploads/2021/09/IPR-Graphic.png

Within the Framework, DRC, in consultation with the community, has developed the following strategies and plans to identify the priorities and aspirations of the community and the delivery of a vision for the future. They have a direct influence on the objectives, uses and management approach covered by PoMs.

Council's Vision: In 2040 we will celebrate our quality of life, the opportunities available for us to grow as a community, our improved natural environment, and being recognised as the inland capital of regional NSW.

DRC's 2040 Community Strategic Plan contains six inter-related themes, objectives and supporting strategies:

- Theme 1 - Housing
- Theme 2 - Infrastructure
- Theme 3 - Economy
- Theme 4 - Leadership
- Theme 5 - Liveability
- Theme 6 - Environmental Sustainability

Council documents which support these strategies and plans are listed below.

- DRC 2040 Community Strategic Plan
- DRC Resourcing Strategy
- DRC Delivery Program
- DRC Operational Plan
- DRC Informing Strategies

This Plan of Management falls into the "DRC Informing Strategies" area and has direct influence on the Delivery Program of Council.

Development and Use

The WPCC is located on the site of the former Dubbo High School at 76 Wingewarra Street and opened to the public on 27 September, 2006. The official opening of the facility was on 10 February 2007 by the NSW Governor, Her Excellency Marie Bashir AC CVO.

Dubbo Regional Gallery was established in 1989 and the Museum formed by the Royal Historical Society in 1953. Following the termination of the property lease at Macquarie Street, the Museum collection was placed in storage at Dubbo City Airport, with staff relocating to the former High School at 76 Wingewarra Street.

Dubbo Regional Gallery was located in Darling Street, alongside the Western Plains Regional Council Civic Administration Building. In April 2003, as a result of a fire in the Civic Administration Building, Dubbo Regional Gallery suffered fire and smoke damage and was moved, along with the Gallery staff and the permanent collection, to the former High School site. The Dubbo Regional Gallery did however maintain a temporary exhibition space at the Dubbo Branch, Macquarie Regional Library throughout this time. The Civic Administration Building was redeveloped and in May 2005, Council staff returned to the Darling Street site.

During this time, Dubbo City Council approved the redevelopment of the High School site to become what is now the Western Plains Cultural Centre comprising of Dubbo Regional Gallery, Dubbo Regional Museum and the Community Arts Centre.

WPCC is the central exhibition space for Dubbo and is committed to promoting excellence in the arts and cultural history. The Centre provides 796m2 of exhibition space and multiple workshops and events spaces.

Current use of the land

Each relevant category section of this plan of management contains information about the existing use of the land, including:

- Condition of the land and structures;
- Use of the land and structures; and,
- Current leases and licences on the land.

Permissible uses / future uses

Community land is valued for its important role in the social, intellectual, spiritual and physical enrichment of residents, workers, and visitors to the DRC area.

The intrinsic value of community land is also recognised, as is the important role this land plays in biodiversity conservation and ecosystem function.

DRC encourages a wide range of uses of community land and intends to facilitate uses which increase the activation of its land, where appropriate.

The general types of uses which may occur on community land categorised as Park, Sportsground, General Community Use and Natural Area, and the forms of development generally associated with those uses, are set out in tables in the relevant category section in the Management of Land by Category section, which follows.

List of Category sections

- General community use

Express authorisation of leases and licences and other estates

Under section 46(1)(b) of the LG Act, leases, licences and other estates formalise the use of community land. A lease, licence or other estate may be granted to organisations and persons, community groups, sports clubs and associations, non-government organisations, charities, community welfare services, non-profit organisations and government authorities.

The lease or licence must be for uses consistent with the assigned categorisation and zoning of the land, and be in the best interests of the community as a whole.

Leases and licences authorised by the plan of management

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

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

Table 3 of this plan of management further identifies the purposes for which leases and licences may be issued over the WPCC.

Management of Land by Category

General Community Use

All the WPCC site is categorised as general community use. (See Figure 4 – Categorisation)

Figure 7: Western Plains Cultural Centre

Guidelines and core objectives

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

The core objectives for community land categorised as general community use, as outlined in Section 36I of the LG Act, are to:

- promote, encourage and provide for the use of the land
- 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, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

Key issues

Threats to the use of this land as general community use include factors such as equity of access as well as the type and distribution of facilities.

Management framework for reserves categorised as General Community Use

Overarching objectives of Council management of public lands includes the following key future directions:

- To provide access to a range of community, cultural and open space facilities and areas.
- To value our unique environment and ensure it is protected for future generations.
- To achieve economic prosperity.
- To fully realise our tourism assets.
- To enhance our quality of life through key infrastructure and services.

Broad management principles and objectives are detailed below.

Create vibrant and diverse experiences

- Build on our unique region identity with offerings of contemporary recreation, exercise and cultural experiences.
- Respond to the needs of community to cater to new opportunities and innovative ways to better use the WPCC. This may be to encourage a maximum diversity of programmed and un-programmed uses that are compatible with the WPCC.
- Plan areas of the site to cater to temporary installations, events, music, festivals, contemplative zones and large picnic spaces.

Respect cultural heritage

- Cater specifically for the needs of youth, families and cultural groups through flexible, multi-use facilities and programs. This may include incorporation of recreation opportunities and experiences for a wide range of user groups.
- Protect and implement cultural heritage values across the site including memorial connections, Victorian heritage and future interpretation opportunities.

Strive for environmental sustainability

- Support the limited opportunities which exist across the site to restore or protect existing natural biodiversity.
- Manage and restore Victorian heritage elements of the site.
- Ensure that land use development with the site enhances water quality run-off, recycling or implement water sensitive design.
- Seek energy efficient upgrade to lighting including LED and solar where appropriate. Maximise the use of renewable energy sources as it becomes appropriate or available.
- Recycle plant materials and waste for soli improvement wherever possible.

Enhance community health

- Contribute to community health and wellbeing through access to recreation and exercise.
- Provide safe pedestrian and cycling connections to adjoining communities, showground and Tracker Riley loops.
- Provide social equity across access, wayfinding, recreation and exercise.
- Review development of the site at intervals based on community demand as outlines in consultation, recreation studies or other research.
- Create opportunities for community uses that are interactive and responsive to social equity, the need for specific age-based activities, or therapeutic and mental health benefits. This may include complementary therapeutic practitioners for example.

Improve financial sustainability

- Encourage community involvement and partnerships across the site and facilities management, including indigenous involvement where possible.
- Create employment at the site associated with development and management of recreation, tourism and community facilities.

Development and use

Areas of land categorised as "general community use" have many permitted uses, including providing a location for a range of social, cultural and recreational purposes.

Current use of the land

Condition of the land and structures

The Western Plains Cultural Centre is located on the former grounds of the Dubbo High School. It is the central exhibition space for Dubbo and is committed to promoting excellence in the arts and cultural history.

The land and buildings are well-maintained and able to fulfill the requirements designated to each space.

Figure 8: Western Plains Cultural Centre Gallery

Source: Western Plains Cultural Centre Marketing Plan 2024-2026, Hipscotch, 2024

Use of the land and structures

The land and structures house the WPCC and its associated activities including:

- Gallery
- Museum
- Café
- Meeting rooms
- Classrooms
- Associated infrastructure such as toilets, offices, storage spaces, carpark etc.

The carpark also provides the NRMA charging station for Dubbo.

Current leases and licences

Current leases/licences are as follows:

- Maths classroom – Orana Arts Incorporated, 1 year licence, 01-07-25 to 30-06-26
- Maths classroom – City of Dubbo Eisteddfod Society, 1 year licence, 01-07-25 to 30-06-26
- Family History rooms – Dubbo and District Family History Society Inc, 1 year licence, 01-07-25 to 30-06-26
- Doug Sadler Reading Room – Dubbo Wig Library Volunteers Inc - 1 year licence, 01-07-25 to 30-06-26
- English and geography rooms - University of The Third Age – 1 year licence, 01-07-25 to 30-06-26
- Creo Café – Norman and Samuel Wenman – 2 year lease – 20-07-24 to 19-07-26
- Carpark – NRMA – 5 year licence, with 5 year option – 31-12-18 to 30-12-28

Permissible uses / future uses

The general types of uses which may occur on community land categorised as General Community Use, and the forms of development generally associated with those uses, are set out in Table 2. The facilities on community land may change over time, reflecting the needs of the community.

Table 2: Permissible use and development of community land categorised as General Community Use by council or the community

Purpose/Use, such as...	Development to facilitate uses, such as...
Providing a location for, and supporting, the gathering of groups for a range of social, cultural or recreational purposes. Providing multi-purpose buildings (for example, community halls and centres) with specialised community uses such as: • casual or informal recreation • meetings (including for social, recreational, educational or cultural purposes) • functions • concerts, including all musical genres • performances (including film and stage) • exhibitions • fairs and parades • workshops • leisure or training classes • child care (for example, before and after school care, vacation care) • designated group use (e.g. scout and girl guide use) • educational centres, including libraries, information and resource centres • entertainment facilities • active cemeteries • caravan parks and camping grounds	Development for the purposes of social, community, cultural and recreational activities, such as libraries, childcare centres, youth services, aged services, men's sheds, health services, sports. Development includes: • provision of buildings or other amenity areas to facilitate use and enjoyment by the community • development (particularly within buildings) for the purposes of addressing the needs of a particular group (for example, a stage) • landscaping and finishes, improving access, amenity and the visual character of the general community area • water-saving initiatives such as rain gardens • energy-saving initiatives such as solar lights and solar panels • car parking and loading areas • advertising structures and signage (such as A-frames and banners) that: ◊ relate to approved uses/activities ◊ are discreet and temporary ◊ are approved by the council • locational, directional and regulatory signage.

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

Council may from time to time enter into or create a range of leases, licences, other estates, management agreements, and/or booking arrangements, in order to encourage the use the land and/or buildings appropriately and effectively. These arrangements are intended to support and encourage a range of uses, which enhance the level of activation and enjoyment of the space.

This plan of management **expressly authorises** the issue of leases, licences and other estates over the land categorised as General Community Use, listed in Table 3 as well as:

- Issue short-term licences for a range of purposes such as holding recreational activities and events.
- Renew existing leases for terms of up to 21 years.
- Grant new leases for terms of up to 21 years.

Kiosks, restaurants, refreshment facilities, mobile vending, recreational equipment sale or hire (e.g. bicycle hire or sale of swimming accessories), may support the general community enjoyment of the site. Under this PoM, EV charging stations would be considered a compatible use. Each proposal will be reviewed to ensure it is compatible.

Furthermore, this plan of management expressly authorises the issue of leases, licences and other estates over the land covered by the plan of management, in accordance with section 46(1)(b) of the LG Act, provided that:

- the purpose is consistent with the purpose for which it was dedicated or reserved the purpose is consistent with the core objectives for the category of the land
- the lease, licence or other estate is for a permitted purpose listed in the Local Government Act 1993 or the Local Government (General) Regulation 2021
- the lease, licence or other estate is granted and notified in accordance with the provisions of the Local Government Act 1993 or the Local Government (General) Regulation 2021
- the issue of the lease, licence or other estate will not materially harm the use of the land for any of the purposes for which it was dedicated or reserved.

The following table illustrates some types of leases and licences that may be considered for future use. These examples do not preclude Council from being open to innovative and better ways to utilise its open spaces and assets. Granting of a lease or licence does not grant approval for any development applications or similar Council approvals that may be required.

Table 3: Leases, licences and other estates and purposes for which they may be granted for community land categorised as General Community Use

Type of tenure arrangement	Maximum term	Purpose for which tenure may be granted
Lease	21 years	• Social purposes including child care, vacation care • Educational purposes including libraries, workshops and classes • Therapeutic purposes including physiotherapy and hydrotherapy • Recreational purposes including fitness, dance and swimming • Café/kiosk areas, including seating and tables • Hire or sale of recreational equipment
License	21 years	• Social purposes including child care, vacation care • Educational purposes including libraries, workshops and classes • Therapeutic purposes including physiotherapy and hydrotherapy • Recreational purposes including fitness, dance and swimming • Café/kiosk areas, including seating and tables • Hire or sale of recreational equipment
Short-term licence	Duration of event	• Community events and festivals • Playing a musical instrument, or singing for fee or reward • Picnics and private celebrations such as weddings and family gatherings • Filming, including for cinema/television • Conducting a commercial photography session • Public performances • Engaging in an appropriate trade or business • Delivering a public address • Community events • Fairs, markets, auctions and similar activities
Other estates		This PoM allows the council to grant 'an estate' over community land for the provision of public utilities and works associated with or ancillary to public utilities and provision of services, or connections for premises adjoining the community land to a facility of the council or public utility provider on the community land in accordance with the LG Act.

Action plan

Section 36 of the LG Act requires that a PoM for community land details:

- objectives and performance targets for the land
- the means by which the council proposes to achieve these objectives and performance targets
- the manner in which the council proposes to assess its performance in achieving the objectives and performance targets.

Table 4 sets out these requirements for community land categorised as General Community Use included in this PoM.

Table 4: Objectives and performance targets, means of achieving them and assessing achievement for community land categorised as General Community Use

Management Action	Objectives and Performance Targets	Means of achievement of objectives	Manner of assessment of performance
Create vibrant and diverse experiences	Develop inspiring and enriching audience engagement through dynamic and varied exhibitions, programmes and events. Develop programs and visitor experiences that are focused on diverse and broad representation and that value access and equity. Engage with and develop community arts skills through creative workshops and education programs to promote social, emotional and physical wellbeing.	Enact the recommendations from the Marketing Plan 2024-2026 Adoption of 2025-2030 Cultural plan to align cultural engagement and development goals to facility.	Marketing Success Metrics from the Marketing Plan Visitation and engagement goals set for each specific project and initiative.
Respect cultural heritage	Develop, renew and maintain a unique collection of collection material that reflects and engages the community. Explore local heritage to provide interesting and unique educational experiences, such as historical enquiry exhibitions	Seek appropriate funding and grants for project delivery.	New experiences provided.
Strive for environmental sustainability	Continue to use and promote renewable energy. Conduct periodic environmental audits to ensure efficiency and continued improvements where possible.	Develop a masterplan for the entire site with an environmentally sustainable focus	Implementation of the masterplan
Enhance community health	Continue to raise awareness around cultural role in addressing social isolation, community aging, wellness and connection. Continue to offer a varied platform of educational experiences for self-guided and organised visitation.	Enact the recommendations from the Marketing Plan 2024-2026 Adoption of 2025-2030 Cultural plan to align cultural engagement and development goals to facility.	Marketing Success Metrics from the Marketing Plan Visitation and engagement goals set for each specific project and initiative.

Management Action	Objectives and Performance Targets	Means of achievement of objectives	Manner of assessment of performance
Improve financial sustainability - Unclear room hiring policy	Ensure transparency and accountability for stakeholders in all facets of management. Ensure consistency of room hiring	Develop a strategic plan Develop a Venue Hire and Leasing Policy which is clear about which rates apply to which organisations and ensures the cost structure is relative to other businesses.	Implement a strategic plan Implement a Venue Hire and Leasing Policy and ensure it's adhered to. Communicate policy to the community .
Improve financial sustainability – Inadequate storage	Provide modern well-equipped venues for clients, with a focus on flexibility and service. Ensure sufficient storage for WPCC property	Develop a masterplan for the entire site considering expansion of existing buildings to accommodate additional storage	Implementation of the masterplan
Improve financial sustainability - Inadequate toilet facilities	Provide modern well-equipped venues for clients, with a focus on flexibility and service. Expansion of male toilet facilities Inclusion of a seat in the ambulant/baby changing facility	Expansion of toilet facilities via a site wide masterplan	Implementation of the masterplan
Other - Encroachment onto neighbouring lot	Ensure WPCC assets are within its boundary	Negotiate with the owner of the neighbouring lot	Encroachment resolved

Appendices

Appendix A1 – Plan of Management Legislative Framework

The primary legislation that impacts on how community land is managed or used is briefly described below. You can find further information regarding these acts at www.legislation.nsw.gov.au.

Local Government Act 1993

Section 35 of the Local Government Act 1993 (LG Act) provides that community land can only be used in accordance with:

- the plan of management applying to that area of community land, and
- any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land, and
- the provisions of Division 2 of Chapter 6 of the Act.

Section 36 of the Act provides that 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.

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.

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.

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.

Additionally, under section 36 of the LG Act, a site-specific PoM must be made for land declared:

- as critical habitat, or directly affected by a threat abatement plan or a recovery plan under threatened species laws (sections 36A(2) and 36B(3))
- by council to contain significant natural features (section 36C(2))
- by council to be of cultural significance (section 36D(2)).

Classification of public land

The LG Act requires classification of public land into either 'community' or 'operational' land (Section 26). The classification is generally made for council-owned public land by the council's Local Environmental Plan (LEP) or in some circumstances by a resolution of the council (Section 27).

Crown reserves managed by council as Crown land manager have been classified as community land upon commencement of the Crown Land Management Act 2016 (CLM Act). Councils may manage these Crown reserves as operational land if written consent is obtained from the Minister administering the CLM Act.

Classification of land has a direct effect on the council's ability to dispose of or alienate land by sale, leasing, licensing or some other means. Under the LG Act, community land must not be sold (except for scheduled purposes), exchanged or otherwise disposed of by the council, and the land must be used and managed in accordance with an adopted PoM. In addition, community land is subject to strict controls relating to leases and licences (sections 45 and 46) of the LG Act.

By comparison, no such restrictions apply to operational land that is owned by councils. For example, operational land can be sold, disposed, exchanged or leased including exclusive use over the land, unencumbered by the requirements which control the use and management of community land. Crown reserves managed by council as operational land may generally be dealt with as other operational land but may not be sold or otherwise disposed of without the written consent of the Minister administering the CLM Act.

Operational land would usually include land held as a temporary asset or an investment, land which facilitates the council carrying out its functions or land which may not be open to the general public (for example, a works depot).

The classification or reclassification of council-owned public land will generally be achieved by a Local Environmental Plan (LEP) or by a resolution of council in accordance with sections 31, 32 and 33 of the LG Act. If land is not classified by resolution within a three-month period from acquisition it automatically becomes community land, regardless of whether it satisfies the objectives for community land as outlined in the LG Act.

For Crown land, Council cannot reclassify community land as operational land without consent of the Minister administering the CLM Act.

Council plans and policies relating to this plan of management

Council has developed plans and policies that are concerned to some extent with the management of community land. These documents have been considered when preparing this PoM.

The following is a list of documents that have a direct association with this PoM:

- DRC 2040 Community Strategic Plan
- DRC Resourcing Strategy
- DRC Delivery Program
- DRC Operational Plan
- DRC Informing Strategies

Other state and Commonwealth legislation

NSW state legislation

Environmental Planning and Assessment Act 1979

The Environmental Planning and Assessment Act 1979 (EP&A Act) provides the framework for planning and development across NSW and guides environmental planning instruments which provide a basis for development control.

The EP&A Act ensures that effects on the natural environment, along with social and economic factors, are considered by the council when granting approval for or undertaking works, developments or activities.

This Act is also the enabling legislation for planning policies which may have a direct influence on open space management. On a state-wide level there are State Environmental Planning Policies (SEPPs). On a regional level there are Regional Environmental Plans (REPs). On a local level there are Local Environmental Plans (LEPs) as well as Development Control Plans (DCPs).

National Parks and Wildlife Act 1974

Statutory responsibilities on the council arising from this Act specifically relate to the protection of sites of pre- and post-European contact archaeological significance. This Act may affect community land categorised as cultural significance, natural area or park.

Biodiversity Conservation Act 2016

Note: This Act repealed several pieces of legislation including the *Native Vegetation Act 2003*, *Threatened Species Conservation Act 1995*, the Nature Conservation Trust Act 2001, and the animal and plant provisions of the ***National Parks and Wildlife Act 1974***.

This Act covers conservation of threatened species, populations and ecological communities, the protection of native flora and fauna. This Act primarily relates to community land categorised as natural area. However, other categories may also be affected.

The Threatened Species Conservation Act 1995 has been repealed and superseded by the Biodiversity Conservation Act 2016. However, references to the former legislation remain in the LG Act and are therefore retained in this guideline.

DPIE's Energy, Environment and Science division advises that recovery plans and threat abatement plans made under the *Threatened Species Conservation Act 1995* were repealed on the commencement of the *Biodiversity Conservation Act* in 2017. These plans have not been preserved by any savings and transitional arrangement under the Biodiversity Conservation Act or LG Act, meaning pre-existing plans have no legal effect.

For this reason, requirements relating to recovery plans and threat abatement plans for local councils preparing plans of management under section 36B of the LG Act are now redundant. Councils will be advised if future amendments are made to the LG Act to enable these mechanisms.

Certain weeds are also declared noxious under this Act, which prescribes categories to which the weeds are assigned, and these control categories identify the course of action which needs to be carried out on the weeds. A weed may be declared noxious in part or all of the state.

Rural Fires Act 1997

This Act contains provisions for bushfire risk management and the establishment of a Bushfire Management Committee. It also includes direction on development in bushfire prone lands.

Water Management Act 2000

This Act is based on the concept of ecologically sustainable development, and its objective is to provide for the sustainable and integrated management of the water sources of the state for the benefit of both present and future generations. The Act recognises:

- the fundamental health of our rivers and groundwater systems and associated wetlands, floodplains, estuaries has to be protected
- the management of water must be integrated with other natural resources such as vegetation, native fauna, soils and land
- to be properly effective, water management must be a shared responsibility between the government and the community
- water management decisions must involve consideration of environmental, social, economic, cultural and heritage aspects
- social and economic benefits to the state will result from the sustainable and efficient use of water.

Heritage Act 1977

This Act contains provisions for the conservation of items of heritage and may relate to community land categorised as cultural significance or natural area.

Commonwealth legislation

Environmental Protection and Biodiversity Conservation Management Act 1999

This Act enables the Australian Government to join with the states and territories in providing a national scheme of environment and heritage protection and biodiversity conservation. It incorporates threatened species on a national level and with relevance to Matters of National Environmental Significance.

Telecommunications Act 1997

This Act provides for telecommunication facilities being permitted on community land without authorisation in a PoM.

State Environmental Planning Policies

State Environmental Planning Policy (Infrastructure) 2007

This planning policy lists development allowed with consent or without consent on community land.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

This policy deals with clearing of native vegetation in urban areas and land zoned for environmental protection.

Other relevant legislation, policies and plans

Biodiversity Conservation Act 2016

Biosecurity Act 2015

Companion Animals Act 1998

Disability Discrimination Act 1992

Environmental Protection and Biodiversity Conservation Management Act 1999 (Cth)

Local Land Services Act 2013

Operations Act 1997

Pesticides Act 1999

Protection of the Environment Operations Act 1997

Retail Leases Act 1994

Rural Fires Act 1997

Soil Conservation Act 1938

Telecommunications Act 1997 (Cth)

NSW Invasive Species Plan 2008-2015

NSW Biodiversity Strategy

Australian Natural Heritage Charter

Appendix A2 – References

- Western Plains Cultural Centre Marketing Plan 2024-2026, Hipscotch, 2024
- 2025-2035 Victoria Park Precinct Plan of Management, DRC, 2025

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