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1 About Dungog Shire Council

The Shire of Dungog is part of the Hunter Region and the Lower Hunter Sub-Region and is bound by Mid Coast Council to the North-East, Singleton Council to the West, Scone Shire to the North-west and by Port Stephens Shire and the City of Maitland to the South.

Dungog Shire Council was established on 1st August 1958 after the amalgamation of the Dungog Municipal Council and the Wallarobba Shire Council. Today the Shire has a residential population of 9,664 (2020 ABS ERP) and is continuing to grow at a steady pace. Dungog Shire Council has its administrative base in Dungog with work depots at Dungog and Gresford. Council also acts as an agent for Service NSW with Council staff able to assist with most transactions.

1.1 Geography

Dungog Shire covers an area of 2248 sq Kilometres. The Council is situated in the Barrington tops region and has a population of approximately 9,100. The Shire consists predominantly of very rugged to hilly country which becomes less rugged from north to south. The major population centres within the Shire include:

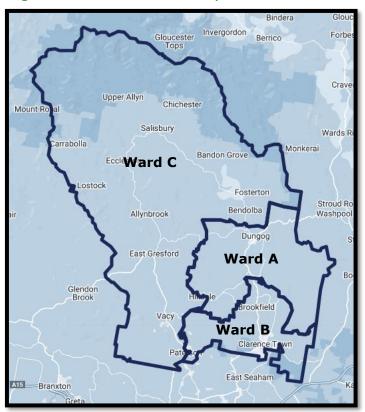
- Dungog
- Gresford
- Paterson
- ❖ Vacy
- Martins Creek
- Clarence Town



2 Structure and Functions of Council

Dungog Shire Council consists of three (3) wards and is governed by the body of Councillors who are elected by the residents of the Shire.

More information on electoral wards can be found at https://elections.nsw.gov.au/elections/find-my-electorate/councils/dungog.



2.1 Role of Governing Body

In accordance with section 223 of the Act, the role of the governing body is as follows—

- to direct and control the affairs of Council in accordance with this Act
- to provide effective civic leadership to the local community
- to ensure as far as possible the financial sustainability of Council
- to ensure as far as possible that the council acts in accordance with the principles set out in Chapter 3 and the plans, programs, strategies and polices of Council
- to develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of Council
- to determine and adopt a rating and revenue policy and operational plans that support the optimal allocation of the council's resources to implement the strategic plans (including the community strategic plan) of the council and for the benefit of the local area
- to keep under review the performance of the council, including service delivery,
- to make decisions necessary for the proper exercise of the council's regulatory functions,

- to determine the process for appointment of the general manager by the council and to monitor the general manager's performance,
- to determine the senior staff positions within the organisation structure of the council,
- to consult regularly with community organisations and other key stakeholders and keep them informed of the council's decisions and activities,
- to be responsible for ensuring that the council acts honestly, efficiently and appropriately.

The governing body is to consult with the general manager in directing and controlling the affairs of the council.

2.2 Role of a Councillor

In accordance with section 232 of the Act, the role of a councillor is as follows:

- to be an active and contributing member of the governing body,
- to make considered and well informed decisions as a member of the governing body,
- to participate in the development of the integrated planning and reporting framework,
- to represent the collective interests of residents, ratepayers and the local community,
- to facilitate communication between the local community and the governing body,
- to uphold and represent accurately the policies and decisions of the governing body,
- to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor.

A councillor is accountable to the local community for the performance of Council.

2.3 Role of the Mayor

In accordance with section 226 of the Act, the role of the mayor is as follows:

- to be the leader of the council and a leader in the local community,
- to advance community cohesion and promote civic awareness,
- to be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities,
- to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council,
- to preside at meetings of the council,
- to ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act,
- to ensure the timely development and adoption of the strategic plans, programs and policies of the council,

- to promote the effective and consistent implementation of the strategic plans, programs and policies of the council,
- to promote partnerships between the council and key stakeholders,
- to advise, consult with and provide strategic direction to the general manager in relation to the implementation of the strategic plans and policies of the council,
- in conjunction with the general manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community,
- to carry out the civic and ceremonial functions of the mayoral office,
- to represent the council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level,
- ❖ in consultation with the councillors, to lead performance appraisals of the general manager,
- to exercise any other functions of the council that the council determines.

2.4 Role of the General Manager

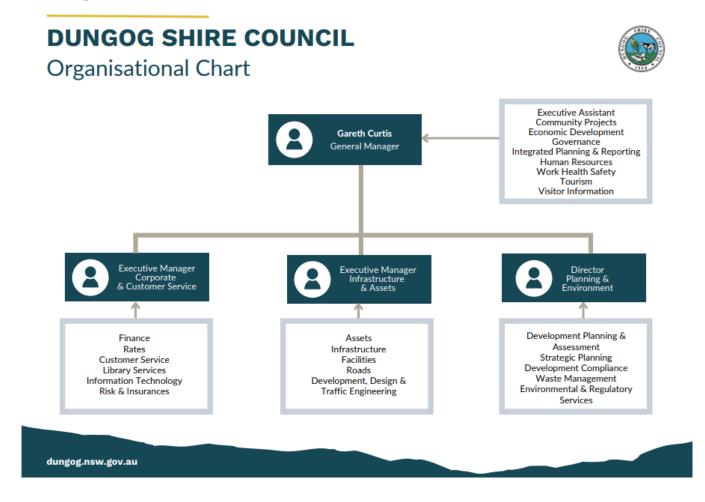
In accordance with section 335 of the Act, the General Manager of a council has the following functions:

- to conduct the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council,
- to implement, without undue delay, lawful decisions of the council,
- to advise the mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of the council,
- to advise the mayor and the governing body on the appropriate form of community consultation on the strategic plans, programs, strategies and policies of the council and other matters related to the council,
- to prepare, in consultation with the mayor and the governing body, the council's community strategic plan, community engagement strategy, resourcing strategy, delivery program, operational plan and annual report,
- to ensure that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions,
- to exercise any of the functions of the council that are delegated by the council to the general manager,
- to appoint staff in accordance with the organisation structure determined under this Chapter and the resources approved by the council,
- to direct and dismiss staff,
- to implement the council's workforce management strategy,
- any other functions that are conferred or imposed on the general manager by or under this or any other Act.

2.5 Senior Staff

The Senior Staff of Council consists of the General Manager, two Executive Managers and one Director.

2.6 Organisational Structure



2.7 Council functions

2.7.1 Functions under Local Government Act 1993

Under section 21 of the Act, Council has functions conferred or imposed on it, including:

Service Functions (Non-regulatory, Chapter 6)

- provision of community health, recreation, education and information services
- environmental protection
- waste removal and disposal
- land and property, industry and tourism development and assistance
- civil infrastructure and planning
- maintenance and construction

Regulatory Functions (Regulatory, Chapter 7)

- approvals
- ❖ orders
- building certificates

Ancillary Functions (Chapter 8)

- resumption of land
- powers of entry and inspections

Revenue Functions (Chapter 15)

- rates
- charges
- fees
- borrowings
- investments

Administrative Functions (Chapters 11, 12 and 13)

- employment of staff
- management and community strategic plans
- finance reports
- annual reports

Enforcement Functions (Chapters 16 and 17)

- proceedings for breaches of the Act and other legislation
- prosecution of offences
- recovery of rates and charges

2.7.2 Functions under other legislation

In addition to the Local Government Act 1993, Council also has powers under the following Acts and Regulations.

	❖ Biodiversity Conservation Act 2016
	❖ Biosecurity Act 2015
	❖ Building Professionals Act 2005
	❖ Civil Liability Act 2002
	 Community Land Development Act 1989
О	 Companion Animals Act 1998
A to	 Contaminated Land Management Act 1997
1	❖ Conveyancing Act 1919
	❖ Crown Land Management Act 2016
	❖ Crown Lands Act 1989
	❖ Dividing Fences Act 1991
	Contaminated Land Management Act 1997
	 Environmental Planning and
	❖ Assessment Act 1979
	❖ Fines Act 1996
	❖ Firearms Act 1996
I	❖ Fire Brigades Act 1989
to	Fluoridation of Public Water Supplies Act 1957
ш	❖ Food Act 2003
	❖ Geographical Names Act 1966
	 Government Information (Public Access) Act 2009
	❖ Graffiti Control Act 2008
	❖ Heritage Act 1977
	 Inclosed Lands Protection Act 1902
	Land Acquisition (Just Terms Compensation) Act 1991
Σ	Land and Environment Court Act 1979
t	❖ Library Act 1939
Π	❖ Liquor Act 2007
	❖ Local Land Services Act 2013
	❖ Major Events Act 2009

	National Parks and Wildlife Act 1974
	❖ Ombudsman's Act 1974
	❖ Pesticides Act 1999
	Pipelines Act 1967
	Plumbing and Drainage Act 2011
	Privacy and Personal Information Protection Act 1998
	Protection of the Environment Operations Act 1997
to R	Public Health Act 2010
Z Ţ	 Public Interest Disclosures Act 1994
	Public Spaces (Unattended Property) Act 2021
	Recreation Vehicles Act 1983
	❖ Road Transport Act 2013
	Road Transport (General) Regulation 2021
	❖ Roads Act 1993
	Roads Regulation 2018
	❖ Rural Fires Act 1997
	 Smoke Free Environment Act 2000
	State Emergency Rescue Management Act 1989
	 State Emergency Service Act 1989
	❖ State Records Act 1998
	 Strata Schemes Development Act 2015
	 Strata Schemes Management Act 1996
	 Surveying and Spatial Information Act 2002
to W	Swimming Pools Act 1992
St	Threatened Species Conservation Act 1995
	Transport Administration Act 1988
	Unclaimed Money Act 1995
	Valuation of Land Act 1916
	Waste Avoidance and Resource Recovery Act 2001
	Water Management Act 2000
	Work Health and Safety Act 2011
	Workplace Injury Management and Workers Compensation Act 1998

3 Impact of Council Functions on the Public

The following is an outline of how the broad functions of Council affect the public.

Service	Sorvice functions affect the public as Council provides sorvices and
Service	Service functions affect the public as Council provides services and facilities to the public. These include provision of human services such as libraries, halls and community centres, recreation facilities, infrastructure and the removal of garbage.
Regulatory	Regulatory functions place restrictions on developments and buildings to ensure that they meet certain requirements affecting the amenity of the community and not endanger the lives and safety of any person. Members of the public must be aware of, and comply with, such regulations.
Ancillary	Ancillary functions affect only some members of the public. These functions include, for example, the resumption of land or the power for Council to enter onto a person's land. In these circumstances, only the owner of the property would be affected.
Revenue	Revenue functions affect the public directly in that revenue from rates and other charges paid by the public is used to fund services and facilities provided to the community.
Administrative	Administrative functions do not necessarily affect the public directly but have an indirect impact on the community through the efficiency and effectiveness of the service provided.
Enforcement	Enforcement functions only affect those members of the public who are in breach of certain legislation. This includes matters such as the non-payment of rates and charges, unregistered dogs and parking offences.
Community Planning and Development	Community planning and development functions affect areas such as cultural development, social planning and community profile and involves:
	 Advocating and planning for the needs of our community. This includes initiating partnerships; participating on regional, State or Commonwealth working parties; and preparation and implementation of the Community Plan. Providing support to community and sporting organisations through provision of grants, training and information. Facilitating opportunities for people to participate in the life of the community through the conduct of a range of community events such as Seniors Week, NAIDOC Week, Youth Week, Children's Week, as well as promoting other events.

4 Public participation in Local Government

4.1 Representation

4.1.1 Current elected Members

Dungog Shire Council is divided into three (3) Wards with seven (7) elected members, including a popularly elected Mayor.

Mayor

John Connors

Ph: 0418 272 197

E: John.Connors@dungog.nsw.gov.au



Ward A

Cr Michael Dowling

Ph: 0422 822 452

E: Michael.Dowling@dungog.nsw.gov.au



Ph: 0438 105 030

E: Michael.Tobin@dungog.nsw.gov.au





Ward B

Cr Stephen Low Deputy Mayor

Ph: (02) 4966 4022

E: Stephen.Low@dungog.nsw.gov.au



Cr Jessica Clark

Ph: 0421 451 716

E: Jessica.Clark@dungog.nsw.gov.au



Ward C

Cr Digby Rayward

Ph: 0422 679 875

E: Digby.Rayward@dungog.nsw.gov.au



Ph: 0403 878 099

E: Bradley.Bale@dungog.nsw.gov.au





4.2 Personal Participation in Council Exercising its Functions

4.2.1 Council Meetings

Members of the public are able to attend Council meetings in person or can watch a live stream on Council's Facebook page.

Ordinary Council meetings are held every third Wednesday of each month with the exception of December which will be held on the second Wednesday and January where no meeting is held.

Meetings commence at 6.00pm in the Council Chambers at 198 Dowling Street, Dungog. Council meeting agendas, minutes and recordings can be accessed on Council's website.

4.2.2 Public Forum

Council may hold a Public Forum session prior to each ordinary meeting of Council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting.

To speak at a public forum, a person must first make an application to the council in the approved form. Speakers request forms may be downloaded from Council's <u>website</u>. Refer to Council's <u>Code of Meeting Practice</u> for more information on Public Forums.

4.2.3 Council Committees

Access Committee

The Access Committee is a forum for people to raise issues regarding access problems and discuss ways of taking appropriate action. The Committee provides information regarding accessible facilities. The Committee can advise on how to provide appropriate access for different types of disabilities. The Committee includes people with disabilities, professional workers, carers of disabled people and other interested people.

The Access Committee meets Bi-Monthly on the 3rd Thursday of the Month. For more information, contact shirecouncil@dungoq.nsw.gov.au.

Traffic and Road Safety Committee

Local Emergency Management Committee

General Manager's Performance Review Committee

Noxious Weeds Committee

Australia Day Committee

Dungog Floodplain Management Committee

Rural Lands Strategy Steering Committee

Pilchers Reserve Plan of Management Committee

Dungog Shire Council also has a number of section 355 Committees, including:

- James Theatre Community Centre Committee
- Clarence Town School of Arts Committee
- Gresford School of Arts Committee
- Paterson School of Arts Committee
- Vacy School of Arts Committee
- Martins Creek School of Arts Committee
- Dungog Showground and Recreation Reserve Committee
- Paterson Sportsground Committee
- Gresford Sporting Complex Committee
- Vacy Sportsground Committee

4.2.4 Public Submissions

Members of the public are able to provide submissions on documents that Council places on public exhibition. These documents are available on <u>Council's website</u>.

4.2.5 Community Engagement

Members of the public can stay up to date with Council via the following websites and social media accounts:

- Dungog Shire Council website https://www.dungog.nsw.gov.au
- ❖ Facebook https://www.facebook.com/dungogcouncil
- LinkedIn https://au.linkedin.com/company/dungog-council
- Instagram https://www.instagram.com/dungogshirecouncil/

4.2.6 Feedback and Complaints

Members of the public can provide feedback or submit complaints by contacting Council:

198 Dowling Street, Dungog, NSW, 2420

Opening Hours:

8.45 am to 4.30 pm Monday to Friday

Phone: 02 4995 7777

Email: shirecouncil@dungog.nsw.gov.au

5 Access to Government Information

5.1 What is the Government Information (Public Access) Act (GIPA)?

The <u>Government Information (Public Access) Act 2009</u> (GIPA) came into effect on 1 July 2010, replacing the Freedom of Information Act 1989.

Under the provisions of the GIPA Act, there is a right of access to certain information held by Council, unless there is an overriding public interest against its disclosure.

5.2 Format of Information Held by Council

Council holds information on a wide range of functions undertaken and is available in the following formats:

- Electronic documents
- Physical files
- Policy documents
- General documents

5.3 Ways to Access Government Information

There are four (4) main ways that Council may provide access to information:

- 1. Mandatory Proactive Release
- 2. Proactive Release
- 3. Informal Release
- 4. Formal Access Application

5.3.1 Mandatory Proactive Release

The following documents are defined as "Open Access Information" under Section 18 of the GIPA Act and will be released without the need for a Formal access application under this Act (most available on Council's website):

Open Access Information

- Council's <u>Agency Information Guide</u>,
- Information about Council contained in any documents tabled in Parliament by, or on behalf of Council, other than any document tabled by order of either House or Parliament,
- Council's Policy documents
- ❖ Council's Disclosure Log of Formal access applications
- Council's <u>Register of current Contracts</u>
- Council's record of the open access information (if any) that it does not make publicly available on the basis of an overriding public interest against disclosure, and such other government information as may be prescribed by the GIPA regulations as open access information.

Schedule 1 of the <u>Government Information (Public Access) Regulation 2018</u> (NSW) (GIPA Regulation) also stipulates that the following additional documents are to be provided as open access information by Council:

Open Access Information Schedule 1 GIPA Regulations

Information about Council

- ❖ Code of Conduct and Procedures for the administration of the Code of Conduct
- Code of Meeting Practice
- Annual Report
- Annual Financial Report
- Auditor's Report
- ❖ Equal Employment Opportunity (EEO) Management Plan*
- Community Strategic Plan
- Delivery Program and Operational Plan
- Councillor Expenses and Facilities Payment of expenses and the provision of facilities to Councillors Policy
- Annual reports of bodies exercising functions delegated by Council;
- ❖ Any codes referred to in the <u>Local Government Act 1993</u>
- Returns of interest of Councillors, Designated persons and Delegates*
- Agendas and Business Papers for Council and Committee Meetings
- Minutes of Council and Committee Meetings
- ❖ Departmental Representative Reports presented at a Meeting of Council
- Council's Land Register*
- Register of Investments**
- Register of Delegations*
- Register of Graffiti removal works*
- Register of current Declarations of Disclosures of Political Donations*
- Register of Voting on Planning Matters*.

*May be viewed by contacting Council's Right to Information Officer.

**Reported to Council monthly – may be accessed via Council's business papers.

Plans and Policies

- ❖ Local policies adopted by Council concerning approvals and orders
- Plans of management for community land
- ❖ Environmental Planning Instruments, Development Control Plans.

Information about Development Applications

Development Applications and any associated documents received in relation to a proposed development including the following:

- ❖ Home Warranty Insurance documents
- Construction Certificates
- Occupation Certificates
- Structural Certification Documents
- Town Planner Reports
- Submissions received on Development Applications
- Heritage Consultant Reports
- Tree Inspections Consultant Reports
- Acoustic Consultant Reports
- Land Contamination Consultant Reports
- Records of decisions on Development Applications including decisions on appeals
- Records describing general nature of documents that Council decides to exclude from public view including internal specification and configurations, and commercially sensitive information.

(Note: Access to DAs lodged prior to 1 July 2010 require a Formal Access Application in accordance with Schedule 1, Clause 3 (2)(c) of the GIPA Regulation)

This clause does not apply to so much of the information referred to above as consists of:

- Plans and specifications for any residential part of a proposed building, other than plans that merely show its height and its external configuration in relation to the site on which it is proposed to be erected, or
- ❖ Commercial information, if the information would likely to prejudice the commercial position of the person who supplied it or to reveal a trade secret.

Approvals, Orders and Other Documents

- ❖ Applications for approvals under Part 1 Chapter 7 of the Act
- Applications for approvals under any other legislation and any associated documents received
- Records of approvals granted or refused, any variation from Council
- Policies with reasons for the variation, and decision made on appeals concerning approvals
- ❖ Orders given under Part 2 of Chapter 7 of the Act and any reasons given under section 136 of the Act
- ❖ Orders given under the authority of any other legislation
- Records of Building Certificates issued under the Environmental Planning and Assessment Act 1979 (NSW)
- Plans of land proposed to be compulsorily acquired by Council
- Compulsory Acquisition Notices
- Leases and licenses for use of public land classified as community land
- ❖ Performance improvement orders issued to Council under Part 6 of Chapter 13 of the Act.

5.3.2 Proactive Release

Beyond mandatory release, agencies are encouraged (and authorised) to release as much government information as possible. Under section 7(3) of the GIPA Act, Council is required to review its proactive release program at least every 12 months, to identify any information we hold that should in the public interest be made publicly available.

5.3.3 Informal Release

The informal release provisions under section 8 of the GIPA Act provides Council with the authority to release information without the need for a formal access application. Information can be informally requested from Council by completing the <u>Informal Application Form</u> and returning it to Council either by emailing it to <u>shirecouncil@dungog.nsw.gov.au</u> or mailing to Dungog Shire Council PO Box 95 DUNGOG NSW 2420.

Please note the GIPA Act provides no statutory timeframe by which informal requests must be decided within. Council is not required to disclose government information pursuant to an informal request and is also not required to consider an informal request for government information (s8(3)). Council can decide however by what means information is to be released in response to an informal request (s8(4)).

5.3.4 Formal Access

If information can't be accessed through any of the above avenues, a <u>formal access</u> <u>application</u> can be submitted to Council. Council will request a formal application be made for information only as a last resort, likely necessary if an applicant asks for a large volume of information, if providing access would involve an unreasonable diversion of resources on behalf of Council (i.e. extensive search, retrieval from archives), if the information sought involves personal or business information about third parties that must be consulted before the information can be released, or if the information sought relates to access to DAs lodged prior to 1 July 2010.

Section 41 of the GIPA Act lists the formal requirements for making a valid access application:

- it must be in writing sent to or lodged at Council;
- it must clearly indicate that it is an access application made under the GIPA Act;
- it must be accompanied by a \$30 application fee;
- it must state a postal address in Australia as the address for correspondence in connection with the application;
- it must include such information as is reasonably necessary to enable the government information applied for to be identified.

Upon receipt of a valid access application, Council must give the applicant notice of its decision within 20 working days, although this time can be extended under section 57(2) to consult with third parties or retrieve information from archives. Processing charges at a rate of \$30 per hour may also apply as part of deciding the application.

Applicants aggrieved with a reviewable decision set out under section 80 of the GIPA Act have the right to request a review of that decision. The <u>fact-sheet</u> outlines available review rights under the GIPA Act.

5.4 Fees and Charges

The GIPA Regulation requires that open access information held by Council is to be made publicly available for inspection, free of charge although you may have to pay reasonable copying charges if you want your own hard copy as set out in Council's schedule of <u>Fees and Charges</u>.

6 Open Data

Open Data simply means information that an organisation holds digitally that should be made freely available to the community, so that anyone who accesses the data is then free to use it, rearrange it and publish it as they wish, without the restrictions of copyright or original authorship or ownership. There are many Government based open data initiatives in Australia:

- ❖ The NSW Government Open Data portal can be accessed via https://data.nsw.gov.au/.
- ❖ The Federal Government Open Data Portal can be accessed via https://data.gov.au/.

Council is an advocate of the Government's Open Data initiative.

7 Further Information

7.1 Council Contact Officers

7.1.1 Public Officer

The Executive Manager Corporate and Customer Service has been appointed as Council's Public Officer.

7.1.2 Right to Information Officer

The Governance and Risk Officer is Council's Right to Information Officer. Amongst other duties, Council's Right to Information Officers are responsible for processing of requests for information and Formal Access Applications and assisting people to gain access to public documents of the Council.

7.1.3 Contact Details

The Public Officer and Right to Information Officer may be contacted as follows:

Dungog Shire Council

PO Box 95

198 Dowling Street,

DUNGOG NSW 2420

Tel: 02 4995 7777

Or via email: shirecouncil@dungog.nsw.gov.au

7.2 Information and Privacy Commission

The Information and Privacy Commission oversees the GIPA Act. The IPC provides information about the right to access information and can be contacted via:

Level 15, McKell Building

2-24 Rawson Place

HAYMARKET NSW 2000

GPO Box 7011, SYDNEY NSW 2001

1800 472 679

ipcinfo@ipc.nsw.gov.au

8 Policy Administration

Responsible Officer: Governance and Risk Officer

Council or Council

Management:

Adoption date: 21/06/2023 Next review date: 21/06/2024 TRIM ID: 23/14691

Version history Version 1: 21 December 2010, 10/38163

Version 2: 19 July 2011, 11/44511 Version 3: 21 August 2012, 12/57193 Version 4: 1 August 2013, 13/69895 Version 5: 15 July 2014, 14/8123 Version 6: 18 August 2015, 15/9934

Version 7: 26 September 2017, 17/14728 Version 8: 16 December 2020, 20/25847 Version 9: 15 September 2021, 21/23151

Relevant legislation: Government Information (Public Access) Act

2009 ss. 20-21

Government Information (Public Access)

Regulation 2018 Part 2



CONTACT US

198 Dowling Street, Dungog NSW 2420 shirecouncil@dungog.nsw.gov.au 02 4995 7777



