



# Dungog Shire Council Agency Information Guide 2024





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## 1 About Dungog Shire Council

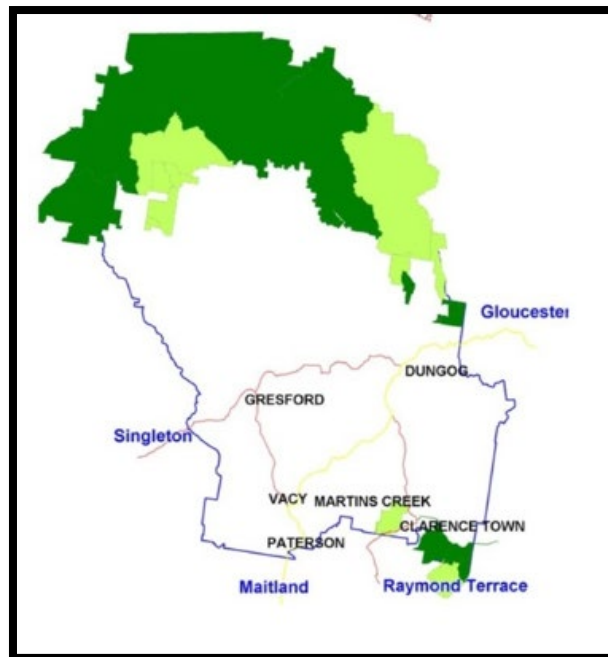
The Shire of Dungog is part of the Hunter Region and the Lower Hunter Sub-Region and is bound by Mid Coast Council to the North-East, Singleton Council to the West, Scone Shire to the North-west and by Port Stephens Shire and the City of Maitland to the South.

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 9,767 (2023 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 9,767. 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

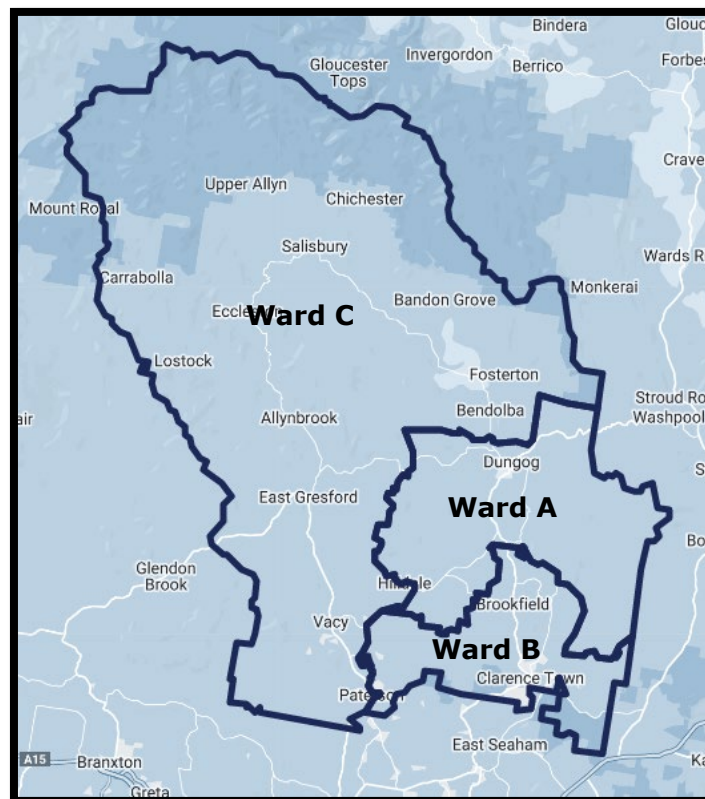




## 2 Structure and Functions of Council

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 policies 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,

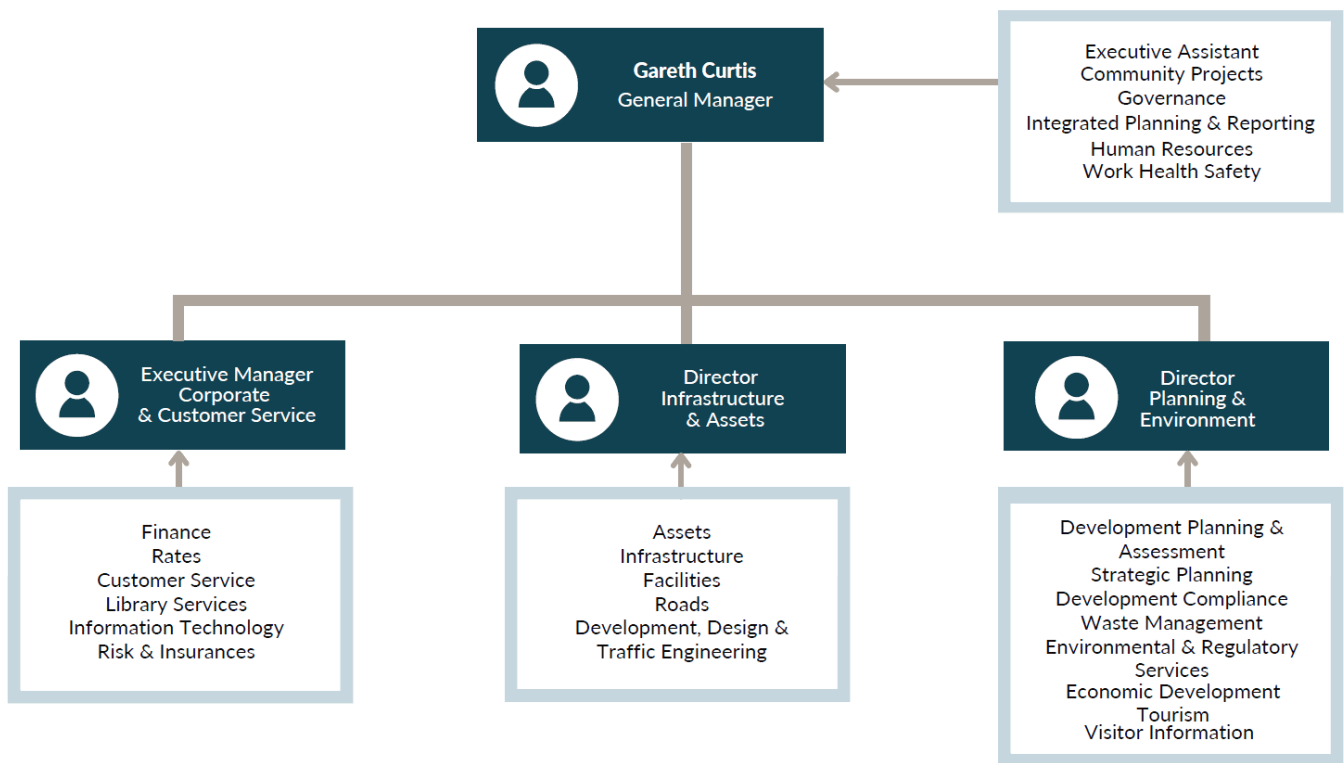


- ❖ to implement, without undue delay, lawful decisions of the council,
- ❖ to advise the mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of the council,
- ❖ to advise the mayor and the governing body on the appropriate form 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, one Executive Manager and two Directors.

## 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:

<b>Service Functions (Non-regulatory, Chapter 6)</b>
<ul style="list-style-type: none"><li>❖ provision of community health, recreation, education and information services</li><li>❖ environmental protection</li><li>❖ waste removal and disposal</li><li>❖ land and property, industry and tourism development and assistance</li><li>❖ civil infrastructure and planning</li><li>❖ maintenance and construction</li></ul>
<b>Regulatory Functions (Regulatory, Chapter 7)</b>
<ul style="list-style-type: none"><li>❖ approvals</li><li>❖ orders</li><li>❖ building certificates</li></ul>
<b>Ancillary Functions (Chapter 8)</b>
<ul style="list-style-type: none"><li>❖ resumption of land</li><li>❖ powers of entry and inspections</li></ul>
<b>Revenue Functions (Chapter 15)</b>
<ul style="list-style-type: none"><li>❖ rates</li><li>❖ charges</li><li>❖ fees</li><li>❖ borrowings</li><li>❖ investments</li></ul>
<b>Administrative Functions (Chapters 11, 12 and 13)</b>
<ul style="list-style-type: none"><li>❖ employment of staff</li><li>❖ management and community strategic plans</li><li>❖ finance reports</li><li>❖ annual reports</li></ul>
<b>Enforcement Functions (Chapters 16 and 17)</b>
<ul style="list-style-type: none"><li>❖ proceedings for breaches of the Act and other legislation</li><li>❖ prosecution of offences</li><li>❖ recovery of rates and charges</li></ul>



## 2.7.2 Functions under other legislation

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

A to D	<ul style="list-style-type: none"> <li>❖ Aboriginal Land Rights Act 1983</li> <li>❖ Advocate for Children and Young People Act 2014</li> <li>❖ Age Discrimination Act 2004 (Cth)</li> <li>❖ Aged Care Act 1997 (Cth)</li> <li>❖ Annual Holidays Act 1944</li> <li>❖ Anti-Discrimination Act 1977</li> <li>❖ Australian Human Rights Commission Act 1986 (Cth)</li> <li>❖ Biodiversity Conservation Act 2016</li> <li>❖ Biosecurity Act 2015</li> <li>❖ Boarding Houses Act 2012</li> <li>❖ Building and Construction Industry Security of Payment Act 1999</li> <li>❖ Building and Development Certifiers Act 2018</li> <li>❖ Carers (Recognition) Act 2010</li> <li>❖ Cemeteries and Crematoria Act 2013</li> <li>❖ Charitable Fundraising Act 1991</li> <li>❖ Child Protection (Working with Children) Act 2012</li> <li>❖ Children's Guardian Act 2019</li> <li>❖ Civil Liability Act 2002</li> <li>❖ Commons Management Act 1989</li> <li>❖ Community Land Development Act 2021</li> <li>❖ Community Land Management Act 2021</li> <li>❖ Companion Animals Act 1998</li> <li>❖ Contaminated Land Management Act 1997</li> <li>❖ Conveyancing Act 1919</li> <li>❖ Copyright Act 1968 (Cth)</li> <li>❖ Crown Land Management Act 2016</li> <li>❖ Design and Building Practitioners Act 2020</li> <li>❖ Disability Inclusion Act 2014</li> <li>❖ Dividing Fences Act 1991</li> </ul>
E to H	<ul style="list-style-type: none"> <li>❖ Environmental Planning and Assessment Act 1979</li> <li>❖ Fines Act 1996</li> <li>❖ Fire and Rescue NSW Act 1989</li> <li>❖ Fluoridation of Public Water Supplies Act 1957</li> <li>❖ Food Act 2003</li> <li>❖ Geographical Names Act 1966</li> <li>❖ Government Information (Public Access) Act 2009</li> <li>❖ Government Sector Finance Act 2018</li> <li>❖ Graffiti Control Act 2008</li> <li>❖ Heritage Act 1977</li> <li>❖ Holiday Parks (Long Term Casual Occupation) Act 2002</li> </ul>



I to M	<ul style="list-style-type: none"> <li>❖ Impounding Act 1993</li> <li>❖ Inclosed Lands Protection Act 190<del>1</del><sup>2</sup></li> <li>❖ Independent Commission Against Corruption Act 1988</li> <li>❖ Independent Pricing and Regulatory Tribunal Act 1992</li> <li>❖ Industrial Relations Act 1996</li> <li>❖ Land Acquisition (Just Terms Compensation) Act 1991</li> <li>❖ Land and Environment Court Act 1979</li> <li>❖ Library Act 1939</li> <li>❖ Liquor Act 2007</li> <li>❖ Local Government (Financial Assistance) Act 1995 (Cth)</li> <li>❖ Local Government and Other Authorities (Superannuation) Act 1927</li> <li>❖ Local Land Services Act 2013</li> <li>❖ Long Service Leave Act 1955</li> <li>❖ Major Events Act 2009</li> <li>❖ Modern Slavery Act 2018</li> <li>❖ Multicultural NSW Act 2000</li> </ul>
N to R	<ul style="list-style-type: none"> <li>❖ National Parks and Wildlife Act 1974</li> <li>❖ NSW Reconstruction Authority Act 2022</li> <li>❖ Ombudsman's Act 1974</li> <li>❖ Payroll Tax Act 2007</li> <li>❖ Pesticides Act 1999</li> <li>❖ Pipelines Act 1967</li> <li>❖ Plastic Reduction and Circular Economy Act 2021</li> <li>❖ Plumbing and Drainage Act 2011</li> <li>❖ Prevention of Cruelty to Animals Act 1979</li> <li>❖ Privacy and Personal Information Protection Act 1998</li> <li>❖ Protection of the Environment Operations Act 1997</li> <li>❖ Public Health Act 2010</li> <li>❖ Public Interest Disclosures Act 2022</li> <li>❖ Public Spaces (Unattended Property) Act 2021</li> <li>❖ Public Works and Procurement Act 1912</li> <li>❖ Real Property Act 1900</li> <li>❖ Recreation Vehicles Act 1983</li> <li>❖ Residential (Land Lease) Communities Act 2013</li> <li>❖ Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020</li> <li>❖ Road Transport Act 2013</li> <li>❖ Roads Act 1993</li> <li>❖ Rural Fires Act 1997</li> </ul>
S	<ul style="list-style-type: none"> <li>❖ Service NSW (One Stop Access to Government Services) Act 2013</li> <li>❖ Smoke Free Environment Act 2000</li> <li>❖ State Emergency Rescue Management Act 1989</li> <li>❖ State Emergency Service Act 1989</li> <li>❖ State Records Act 1998</li> <li>❖ Strata Schemes Development) Act 2015</li> <li>❖ Strata Schemes Management Act 1996</li> <li>❖ Surveillance Devices Act 2007</li> <li>❖ Surveying and Spatial Information Act 2002</li> <li>❖ Swimming Pools Act 1992</li> </ul>



T to W	❖ 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
	❖ Workplace Surveillance Act 2005

### 3 Impact of Council Functions on the Public

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

Service	Service functions affect the public as Council provides services and facilities to the public. These include provision of human services such as Meals on Wheels, child care services, 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: <ul style="list-style-type: none"> <li>❖ 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.</li> <li>❖ Providing support to community and sporting organisations through provision of grants, training and information.</li> <li>❖ 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.</li> </ul>



## 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

Digby Rayward

Ph: 0422 679 875

E: [Digby.Rayward@dungog.nsw.gov.au](mailto:Digby.Rayward@dungog.nsw.gov.au)



##### Ward A

Cr Michael Dowling

Ph: 0422 822 452

E: [Michael.Dowling@dungog.nsw.gov.au](mailto:Michael.Dowling@dungog.nsw.gov.au)



Cr Liam Ley

E: [Liam.Ley@dungog.nsw.gov.au](mailto:Liam.Ley@dungog.nsw.gov.au)

##### Ward B

Cr Stephen Low, AM

Ph: (02) 4966 4022

E: [Stephen.Low@dungog.nsw.gov.au](mailto:Stephen.Low@dungog.nsw.gov.au)





Cr James Campbell

E: [James.Campbell@dungog.nsw.gov.au](mailto:James.Campbell@dungog.nsw.gov.au)



#### Ward C

Cr Alexandria Carruthers  
Deputy Mayor

E: [Alexandria.Carruthers@dungog.nsw.gov.au](mailto:Alexandria.Carruthers@dungog.nsw.gov.au)



Cr Fred Paton

E: [Fred.Paton@dungog.nsw.gov.au](mailto:Fred.Paton@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 [website](#). Refer to Council's [Code of Meeting Practice](#) 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@dungog.nsw.gov.au](mailto:shirecouncil@dungog.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 [Council's website](#).

### **4.2.5 Community Engagement**

Dungog Shire Council endorsed a Community Participation Plan in August 2019, which sets out how and when Council will engage with the Community on planning and development issues. The Plan is available on [Council's website](#).

In addition, all Councils in NSW are required to develop a Community Engagement Strategy.

Specifically, section 402A of the Local Government Act 1993, which relates to the Integrated Planning and Reporting (IP&R) framework, requires NSW councils to have a Community Engagement Strategy based on social justice principles.

Council has prepared a single document with a Community Engagement Strategy inclusive of Community Participation Plan requirements, which is considered best practice by the Office of Local Government.



It is important that Council note that following endorsement of the Community Engagement Strategy, a report will be provided for Councils consideration to revoke the then superseded Community Participation Plan.

#### **4.2.6 Listening to Our Community**

Dungog Shire Council uses a wide range of engagement techniques to seek input, feedback and inform our community.

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/>

Other opportunities to stay up to date and/or provide feedback include:

- ❖ Council Happenings Newsletter
- ❖ Weekly Mayor's Message
- ❖ Meet the Mayor Sessions
- ❖ Online Surveys
- ❖ Independent Telephone Surveys
- ❖ Media Releases

#### **4.2.7 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](mailto:shirecouncil@dungog.nsw.gov.au)

## **5 Access to Government Information**

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

The Government Information (Public Access) Act 2009 (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	<ul style="list-style-type: none"><li>❖ Council's Agency Information Guide,</li><li>❖ 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,</li><li>❖ Council's <a href="#">Policy documents</a></li><li>❖ Council's <a href="#">Disclosure Log of Formal access applications</a></li><li>❖ Council's <a href="#">Register of current Contracts</a></li><li>❖ 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</li><li>❖ Such other government information as may be prescribed by the GIPA regulations as open access information.</li></ul>
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Schedule 1 of the Government Information (Public Access) Regulation 2018 (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	<ul style="list-style-type: none"> <li>❖ <a href="#">Code of Conduct</a> and Procedures for the administration of the Code of Conduct</li> <li>❖ <a href="#">Code of Meeting Practice</a></li> <li>❖ <a href="#">Annual Report</a></li> <li>❖ <a href="#">Annual Financial Report</a></li> <li>❖ <a href="#">Auditor's Report</a></li> <li>❖ Equal Employment Opportunity (EEO) Management Plan*</li> <li>❖ <a href="#">Community Strategic Plan</a></li> <li>❖ <a href="#">Delivery Program</a> and <a href="#">Operational Plan</a></li> <li>❖ <a href="#">Councillor Expenses and Facilities Payment of expenses and the provision of facilities to Councillors Policy</a></li> <li>❖ Annual reports of bodies exercising functions delegated by Council;</li> <li>❖ Any codes referred to in the Act</li> <li>❖ Returns of interest of Councillors, Designated persons and Delegates*</li> <li>❖ <a href="#">Agendas and Business Papers for Council and Committee Meetings</a></li> <li>❖ <a href="#">Minutes of Council and Committee Meetings</a></li> <li>❖ Departmental Representative Reports presented at a Meeting of Council</li> <li>❖ Council's Land Register***</li> <li>❖ Register of Investments**</li> <li>❖ Register of Delegations***</li> <li>❖ Register of Graffiti removal works***</li> <li>❖ Register of current Declarations of Disclosures of Political Donations</li> <li>❖ Register of Voting on Planning Matters.</li> </ul> <p>*May be viewed by attending Council during business hours.  **Reported to Council monthly – may be accessed via Council's business papers.  ***May be accessed by contacting Council's Customer Service.</p>
	Plans and Policies	<ul style="list-style-type: none"> <li>❖ <a href="#">Local policies</a> adopted by Council concerning approvals and orders</li> <li>❖ Plans of management for community land*</li> <li>❖ <a href="#">Environmental Planning Instruments</a>, <a href="#">Development Control Plans</a>.</li> </ul> <p>*May be viewed by attending Council during business hours.</p>



	<p>Information about Development Applications</p>	<p>Development Applications and any associated documents received in relation to a proposed development including the following:</p> <ul style="list-style-type: none"> <li>❖ Home Warranty Insurance documents</li> <li>❖ Construction Certificates</li> <li>❖ Occupation Certificates</li> <li>❖ Structural Certification Documents</li> <li>❖ Town Planner Reports</li> <li>❖ Submissions received on Development Applications</li> <li>❖ Heritage Consultant Reports</li> <li>❖ Tree Inspections Consultant Reports</li> <li>❖ Acoustic Consultant Reports</li> <li>❖ Land Contamination Consultant Reports</li> <li>❖ Records of decisions on Development Applications including decisions on appeals</li> <li>❖ Records describing general nature of documents that Council decides to exclude from public view including internal specification and configurations, and commercially sensitive information.</li> </ul> <p><i>(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)</i></p> <p>This clause does not apply to so much of the information referred to above as consists of:</p> <ul style="list-style-type: none"> <li>❖ 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</li> <li>❖ Commercial information, if the information would likely to prejudice the commercial position of the person who supplied it or to reveal a trade secret.</li> </ul>
	<p>Approvals, Orders and Other Documents</p>	<ul style="list-style-type: none"> <li>❖ Applications for approvals under Part 1 Chapter 7 of the Act</li> <li>❖ Applications for approvals under any other legislation and any associated documents received</li> <li>❖ Records of approvals granted or refused, any variation from Council</li> <li>❖ Policies with reasons for the variation, and decision made on appeals concerning approvals</li> <li>❖ Orders given under Part 2 of Chapter 7 of the Act and any reasons given under section 136 of the Act</li> <li>❖ Orders given under the authority of any other legislation</li> <li>❖ Records of Building Certificates issued under the Environmental Planning and Assessment Act 1979 (NSW)</li> <li>❖ Plans of land proposed to be compulsorily acquired by Council</li> <li>❖ Compulsory Acquisition Notices</li> <li>❖ Leases and licenses for use of public land classified as community land</li> <li>❖ Performance improvement orders issued to Council under Part 6 of Chapter 13 of the Act.</li> </ul>



### 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 [Informal Application Form](#) and returning it to Council either by emailing it to [shirecouncil@dungog.nsw.gov.au](mailto:shirecouncil@dungog.nsw.gov.au) 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 [formal access application](#) 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), or if the information sought involves personal or business information about third parties that must be consulted before the information can be released.

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 [fact-sheet](#) 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 photocopying charges if you want your own hard copy as set out in Council's schedule of [Fees and Charges](#).

## 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 Executive Manager Corporate and Customer Service 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](mailto: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](mailto:ipcinfo@ipc.nsw.gov.au)