



Hay Shire Council

Publication Guide

(Government Information (Public Access) Act 2009 – Section 20)

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1. Structure and Functions of Council

Description

The Hay Shire was proclaimed on the 1st January 1965 after an amalgamation of the Hay Municipality and the Waradgery Shire. The Hay Shire terrain is largely a flat, almost treeless saltbush plain offering a magnificent 180 degree skyline which at night becomes a canopy of stars as far as the eye can see. The Hay Shire incorporates the town of Hay and the villages of Booligal (made famous by Banjo Patterson, in “Hay and Hell and Booligal”), Maude and One Tree. Travellers will arrive in the Shire via the Sturt, Mid-Western or Cobb Highways which intersect at Hay. A friendly rural community, Hay is situated on the picturesque Murrumbidgee River, about halfway between Sydney and Adelaide and just over 400 kilometres from Melbourne. The Hay Shire has a surprising amount of attractions worth a visit including wonderful museums, beautiful parks and gardens, and excellent recreational and sporting facilities. Whether you are a visitor or a resident, the Hay Shire has much to offer with its Exciting Heritage and Positive Future

Whilst the Hay landscape has its own characteristics which many visitors and residents find appealing it is the people in the community that make it so special. The town of Hay is a remarkably friendly and safe place to live and just a great place to bring up your family. There is an extremely low rate of crime and an excellent community spirit that is spread right across the spectrum. The people are resilient and generous which is shown in our large number of volunteer groups and organisations.

Basis of Constitution

Hay Shire Council is constituted under the Local Government Act 1993.

Organisational Structure

Hay Shire Council is an undivided area, governed by the body of eight Councillors who are elected by the residents and ratepayers of the local government area for a four-year term. The role of the Councillors, as members of the body politic, are:

- To direct and control the affairs of the Council in accordance with the Local Government Act and other applicable legislation;
- To participate in the optimum allocation of the Council's resources for the benefit of the area;
- To play a key role in the creation and review of the Council's policies, objectives and criteria relating to the exercise of the Council's regulatory functions;
- To review the performance of the Council and its delivery of services, management plans and revenue policies of the Council;
- The role of a Councillor is, as an elected person:
 - to represent the interests of the residents and ratepayers;
 - to provide leadership and guidance to the community;
 - to facilitate communication between the community and the Council.

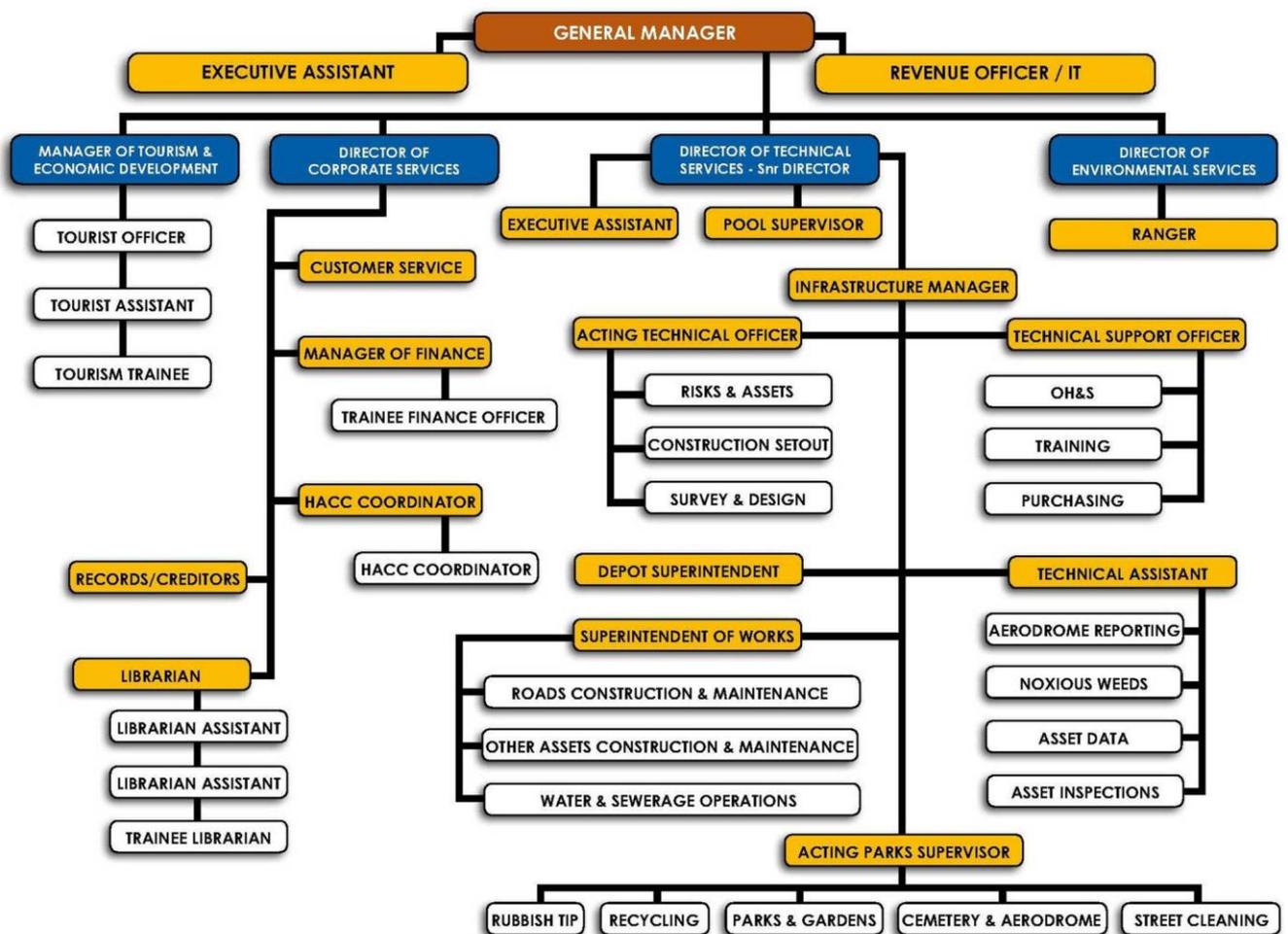
Councillors do not have a role in participating in operational matters.

The Mayor is elected each September from among the Councillors and presides at meetings of the Council, carries out the civic and ceremonial functions of the office, exercises, in cases of necessity, the decision making functions of the body politic, between its meetings, and performs any other functions that the Council determines.

The Principal Officer of the Council is the General Manager. The General Manager is responsible for the efficient operation of the Council's organisation and for ensuring the implementation of Council decisions. The General Manager is also responsible for the day-to-day management of the Council, the exercise of any functions delegated by the Council, the appointment, direction, and where necessary, the dismissal of staff, as well as the implementation of Council's Equal Employment Opportunity Management Plan.

To assist the General Manager in the exercise of these functions, there are three directorates headed by directors, namely Technical Services, Corporate Services and Environmental Services. The General Manager also directly controls certain functions of Council including Tourism and Information Technology.

Council's Organisational Structure is as follows:



Council Functions

Council has functions conferred or imposed on it by the *Local Government Act 1993*. These functions are:

Service Functions	Regulatory Functions	Ancillary Functions	Revenue Functions	Administrative Functions	Enforcement Functions
Including: <ul style="list-style-type: none"> • Provision of community health, recreation, education & information services • Environmental protection • Waste removal & disposal • Land, property, industry & tourism development & assistance • Civil infrastructure planning • Civil infrastructure maintenance & construction 	Including: <ul style="list-style-type: none"> • Approvals • Orders • Building Certificates 	Including: <ul style="list-style-type: none"> • Resumption of land • Powers of entry and inspection 	Including: <ul style="list-style-type: none"> • Rates • Fees • Charges • Investments • Borrowings 	Including: <ul style="list-style-type: none"> • Employment of staff • Management plans • Financial reporting • Annual reports 	Including: <ul style="list-style-type: none"> • Proceedings for breaches of the <i>Local Government Act & Regulations</i> • Prosecution offences • Recovery of rates & charges

As well as the *Local Government Act*, Council has powers under a number of other Acts, including:

Act	Function
Community Land Development Act 1989	planning functions as consent authority
Companion Animals Act 1998	companion animal registration and control
Contaminated Land Management Act 1997	Management of contaminated land
Conveyancing Act 1919	placing covenants on council land
Environmental Planning and Assessment Act 1979	environmental planning
Fire Brigades Act 1989	payment of contributions to fire brigade costs and furnishing of returns
Food Act 2003	inspection of food and food premises
Impounding Act 1993	impounding of animals and articles
Land Acquisitions Just Terms Compensation Act, 1991	Process for compulsory acquisition of land
Library Act 1939	library services
Protection of the Environment Operations Act 1997	pollution control
Noise Control Act, 1975	Regulation of noise nuisances
Noxious Weeds Act 1993	Inspection and management of noxious weeds
Public Health Act 1991	inspection of systems for purposes of microbial control
Recreation Vehicles Act 1983	restricting use of recreation vehicles
Roads Act 1993	roads
Rural Fires Act 1997	Provision of facilities, hazard reduction, contribution, participation in Bush Fire Management
	requiring the furnishing of information to the Rural Fire Service Advisory Council and its Co-ordinating Committee
State Emergency Services Act 1989	recommending appointment of local controller, provision of equipment and contributions
Strata Schemes (Freehold Development) Act 1973	approval of strata plans
Strata Schemes (Leasehold Development) Act 1986	approval of leasehold strata plans
Swimming Pools Act 1992	ensuring restriction of access to swimming pools
Threatened Species and Conservation Act 1995	Protection, conservation or management of threatened species
Valuation of Land Act, 1916	Use of valuations for rating purposes
Waste Avoidance & Resource Recovery At 2001	Waste management and resource conservation

The exercise by a council of its functions under this Act may also be modified by the provisions of another Act. Some of those Acts and some of the modifications they effect include:

Government Information (Public Access) Act 2009	council required to publish certain information and to grant access to certain documents
Heritage Act 1977	rating based on heritage valuation
Privacy and Personal Information Protection Act 1998	council required to amend certain records that are shown to be incomplete, incorrect, out of date or misleading
State Emergency and Rescue Management Act 1989	council required to prepare for emergencies
Unclaimed Money Act 1995	unclaimed money to be paid to the Chief Commissioner of Unclaimed Money

2. Effect of Council Functions on Members of the Public

The majority of the activities and functions of Council have an impact on the public, either directly or indirectly. These include maintaining and building local infrastructure, overseeing and supporting local services, working with State and Federal Governments, organisations, businesses and community groups, raising funds for local purposes by the fair imposition of rates, charges and fees, managing, developing and protecting the environment of the area for which it is responsible.

Service functions affect the public as Council provides services and facilities to the public. These include provision of human services such as community aged care packages, home and community care, meals on wheels, respite, community transport, library and mobile library, halls and community centres, recreation facilities, infrastructure and the removal of garbage.

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 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 or resident would be affected.

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 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 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 illegal dumping of waste.

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 in regional, State or Commonwealth working parties; and preparation and implementation of the Community Strategic Plan.
- Providing support to community and sporting organizations through the 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 Youth Week, Senior Citizens Week, Australia Day, as well as promoting the events of others.

3. How the Public can Participate in Council's Policy Development and the Exercising of Functions

There are two main ways in which members of the public may participate in the policy development and the general activities of the Council. These are through representation and personal participation.

Representation

Local Government in Australia is based on the principle of representative democracy. This means that the people elect representatives to their local Council to make decisions on their behalf. In New South Wales, local government elections are held every four years. The next election is to be held in September 2012.

At each election, voters elect eight councilors for a four year term. All residents of the shire who are on the electoral roll are eligible to vote. Property owners who live outside of the shire and ratepaying lessees may apply to be included on the non-residential roll and ratepaying lessees roll if they wish to vote. Voting is compulsory.

Residents are able to raise issues with, and make representations to, the elected Councilors. The Councilors, if they agree with the issue or representation, may pursue the matter on the resident's behalf thus allowing members of the public to influence the development of policy.

Personal Participation

Members of the public may be involved in Council Committees

Hay Gaol Trust Management Committee	Maude Hall Committee
Hay Showground Trust Management Committee	Hay Skate Park Committee
Bishop's Lodge Management Committee	Youth of Hay Committee
Home and Community Care (HACC)	Myers Lane Management Committee
Hay Museums Committee	Dunera Committee
Hay Health & Fitness Committee	Flood Levee Committee

Members of the public are also able to attend Council meetings which are generally held on Fourth Tuesday of the month commencing 1.00 pm, in the Council Chambers, 134 Lachlan Street Hay. Business papers are available at Council's office from the Friday prior to the meeting and also at the meeting. Copies of business papers are placed on Council's website by approximately 4.00 pm on the Friday preceding the meeting at [Agendas & Minutes](#). The minutes are placed on the website as soon as possible after the meeting.

The public can either personally or in writing address matters within the province of Council. Every attempt is made by Council to satisfy the concerns of the enquirer. Information provided to Council in correspondence, submissions or requests (verbal, electronic or written), including personal information such as names and addresses, may be made publicly available, including via Council's website, in accordance with the Government Information (Public Access) (GIPA) Act 2009.

Council has adopted its Community Engagement Strategy as part of the Integrated Planning and Reporting requirements of the *Local Government Act*. Implementation of this strategy will provide a number of benefits including:

- Involves people in decisions that affect them
- Ensures that Council will be open and accountable
- Means that policies and decisions reflect local circumstances and aspirations
- Improves the planning process
- Provides for a broader range of views to be expressed and more information to be assembled prior to making decisions
- Enhances partnerships and stakeholder involvement
- Offers opportunities for residents to contribute to and influence outcomes which directly affect their lives

Council also includes produces a fortnightly newsletter “Shire Snippets” which is distributed to all residents and property owners which includes news and information that may be of interest to community members. The newsletter often contains items or issues that encourage public participation.

4. How to Access Council Information

Under the Government Information (Public Access) Act 2009, (GIPA) there is a right of access to certain information held by Council unless there is an overriding public interest against disclosure of the information.

There are four main ways in which Council will provide access to information:

1. Mandatory Proactive Release
2. Authorised Proactive Release
3. Informal Release
4. Formal Access Applications

Any applications under the GIPA Act will be processed in accordance with the Act's requirements and a determination made to release the documents or refuse access on the basis of the relevant considerations under that Act.

Council will assess requests for access to information having regard to:

- Government Information (Public Access) Act 2009
- Privacy and Personal Information Protection Act 1998
- Health Records and Information Privacy Act 2002
- State Records Act 1998
- Local Government Act 1993
- Environmental Planning and Assessment (EPA) Act 1979
- Companion Animals Act 1998
- and any other relevant legislation and guidelines as applicable.

Mandatory Proactive Release

Under Section 6 of the GIPA Act, Council must make its "open access information" publicly available unless there is an overriding public interest against disclosure of the information. Open access information is required to be published on Council's website unless to do so would impose an unreasonable additional cost on Council. The public is also entitled to inspect these documents at the offices of the Council during ordinary office hours. Any current and previous documents of this type may be inspected by the public free of charge. Copies can be supplied for reasonable copying charges. A pricing policy of Council's fees and charges is available on the website.

Open access information is defined in Section 18 of the GIPA Act and includes:

- Council's policy documents;
- a publication guide which contains information about Council's structure and functions, and lists the type of information that is publicly available;

- a disclosure log of formal access applications which includes release of information that Council believes may be of interest to other members of the public
- a register of contracts worth more than \$150,000 which Council has with private sector bodies
- a record of open access information that Council has not made publicly available on the basis that there is an overriding public interest against disclosure
- such other information that may be prescribed by the GIPA Regulation as open access information.

In addition, Schedule 1 of the GIPA Regulation requires that Council provide open access to the following information:

1. Information about Council

- The model code prescribed under section 440(1) of the LGA
- Council's adopted Code of Conduct
- Code of Meeting Practice
- Annual Report
- Annual Financial Reports
- Auditor's Report
- Management Plan
- EEO Management Plan
- Policy concerning the Payment of Expenses and the Provision of Facilities to, the Mayor and Councillors
- Annual Reports of Bodies Exercising Functions Delegated by Council
- Any codes referred to in the LGA
- Returns of the Interests of Councillors, Designated Persons and Delegates
- Agendas and Business Papers for any meeting of Council or any Committee of Council
- Departmental Representative Reports presented at a meeting of Council
- 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

2. Plans and Policies

- Local Policies adopted by Council concerning approvals and orders
- Plans of Management for Community Land
- Environmental Planning Instruments, Development Control Plans and Contribution Plans

3. Information about Development Applications

Development applications and any associated documents received in relation to a proposed development:

- 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 specifications and configurations, and commercially sensitive information⁴. Approvals, Orders and other Documents
- Applications for approvals under part 1 of chapter 7
- Applications for approvals under any other Act and any associated documents received
- Records of approvals granted or refused, any variation from Council policies with reasons for the variation, and decisions made on appeals concerning approvals
- Orders given under Part 2 of Chapter 7 of the LGA, and any reasons given under section 136 of the LGA
- Orders given under the Authority of any other Act
- Records of Building Certificates under the Environmental Planning and Assessment Act 1979
- Plans of land proposed to be compulsorily acquired by Council
- Compulsory Acquisition Notices
- Leases and Licences for use of Public Land classified as Community Land

Authorised Proactive Release

In addition, Council will make as much other information as possible publicly available in an appropriate manner, including on its website. The information will be available free of charge or at the lowest reasonable cost. Such other information includes frequently requested information or information of public interest that has been released as a result of other requests.

Informal Release

Access to information which is not available as Mandatory Release or Authorised Proactive Release information may be provided through Informal Release. In this regard, applications should be made to Council by submitting the appropriate Informal Access to Information application form. The application form can be found on the website.

Council will endeavour to release information in response to such a request, subject to any reasonable conditions as Council deems fit to impose.

Formal Access Applications

Notwithstanding the lodgement of an informal application, Council may require a formal access application to be submitted. It should be noted that a formal access application will only be used as a last resort. This may apply where the information sought:

- is of a sensitive nature that requires careful weighing of the considerations in favour of and against disclosure, or contains personal or confidential information about a third party that requires consultation, or
- would involve a significant amount of time and resources to produce.

To make a formal request for access to information, a 'Formal Access to Information' application form should be completed, which can be obtained from Council's website. In accordance with the GIPA Act, an application fee of \$30.00 is payable, and additional processing charges may be applicable. An acknowledgement of such application will be provided by Council within five working days.

Copies of documents provided are given for information purposes only and are provided by Council to meet its requirements under relevant legislation. Copyright laws may still apply to the respective documents. The copyright-owner's consent is required if any part of the document is used for any other purpose.

Where information is released to an applicant under a formal access application and Council considers that it will be of interest to other members of the public, Council will provide details of the information in a disclosure log for inspection by the public.

Files - Electronic and Physical

Prior to 2003, Council had a "hard copy" filing system, with material being held in physical files. Council implemented an Electronic Document Management System (EDMS) in 2003, and physical files have been dispensed with, except for building/development/construction applications.

Council's files are not contained on Council's website, however this information may be made available either by informal release or via an access application in accordance with sections 8-9 of the GIPA Act, unless there is an overriding public interest against disclosure of the information as outlined in Section 14 of the GIPA Act. Members of the public who require an informal release or an access application can do so by contacting Council directly.

5. How Members of the Public May Access and Amend Personal Information

As far as practicable, Council documents will be accessible by members of the public during office hours at Council's Administration office between the hours of 8.30 am and 5.00 pm, Monday to Friday, excluding public holidays. Public access documents will be progressively added to Council's website.

Information can be obtained by an informal request or a formal access application (unless there is an overriding public interest against disclosure of the information in accordance with the provisions of GIPAA). Council is not required to disclose information pursuant to an informal request and there is no right of appeal if refused.

A formal request must be completed on a Formal Access Application form with specified information and include payment of \$30 fee. The advantage of lodging a formal application is that time limits and appeal rights apply. The application must be dealt within 20 days generally. Details of procedures and fees are set out in the GIPA Act, on Council's website or may be obtained from Council's Administration Office.

An application for amendment to personal information held by Council must be made in accordance with the Privacy and Personal Information Protection Act 1998 (PPIPA). A request for amendment must be made by way of a statutory declaration and must be accompanied by appropriate evidence as to the correctness of the requested amendment.

Persons interested in obtaining access to documents or who wish to seek an amendment to Council's records concerning their personal affairs, should contact a Customer Service Officer. If you experience any difficulty in obtaining documents or information you should contact the Public Officer.

Public Officer - Right to Information Officer

The Director of Corporate Services has been appointed as the Public Officer. Amongst other duties, the Public Officer may deal with requests from the public concerning the Council's affairs and has the responsibility of assisting people to gain access to public documents of the Council. The Director of Corporate Services is also Council's Right to Information Officer and is responsible for determining applications for access to documents or for the amendment of records.

Requests for amendment of a document of the Council which is incorrect will require you to make written application to the Public Officer in the first instance. Enquiries should be addressed as follows:

Public Officer
Hay Shire Council
PO Box 141
Hay NSW 2711

Phone (02) 69901100 Fax: (02) 69931288
Email: mail@hay.nsw.gov.au

Office of the Information Commissioner

Further information regarding the functions of the Office of the Information Commissioner and your rights to accessing government information can be obtained by visiting the OIC website at www.oic.nsw.gov.au or call 1800 INFOCOM (1800 463 626) between 9.00 am to 5.00 pm Monday to Friday (excluding public holidays), or by post at GPO Box 7011 Sydney NSW 2001

Appendix 1

Access to Information Table

Information Type	Available on Council's website, free of charge	Application Required	Details of Access	Copy available, subject to photocopy charges	Available for inspection at Council's office free of charge
General Information					
Publication Guide	Yes	No	Full access	Yes	Yes
Disclosure Log	Yes	No	Full access	Yes	Yes
Register of Contracts	Yes	No	Full access	Yes	Yes
Council Information	Yes	No	Full access	Yes	Yes
Model Code of Conduct	Yes	No	Full access	Yes	Yes
Code of Conduct	Yes	No	Full access	Yes	Yes
Code of Meeting Practice	Yes	No	Full access	Yes	Yes
Annual Report	Yes	No	Full access	Yes	Yes
Annual Financial Statements incorporating Auditors Report	Yes	No	Full access	Yes	Yes
Management Plan	Yes	No	Full access	Yes	Yes
EEO Management Plan	Yes	No	Full access	Yes	Yes
Payment of Expenses & Provision of Facilities to Councillors Policy	Yes	No	Full access	Yes	Yes
Annual Reports of bodies exercising functions delegated by Council	Yes	Yes – document available on request	Full access	Yes	Yes
Disclosure of Interests Register	No	Yes – document available on request	Full access subject to any request from councillors & designated persons to remove personal information prior to release	Yes	Yes
Agendas, business papers and minutes of any meeting of Council	Yes	No	Full access except for information considered in Closed Council	Yes, no copy charge	Yes
Agendas, business papers and minutes of any committee of Council	Yes	Yes – document available on request	Full access except for information considered in Closed Committee	Yes, no copy charge	Yes
Departmental representative reports presented at a Council meeting (s.433 LGA)	Yes, included in business papers	No	Full access except for information considered in Closed Council	Yes, no copy charge	Yes
Land Register – Council owned property	Yes	No	Full access	Yes	Yes
Register of Investments	Yes	No	Full access	Yes	Yes
Register of Delegations	No	No	Full access	Yes	Yes
Register of Graffiti Removal Work	No	No	Full access	Yes	Yes
Register of Current Declarations of Disclosures of Political Donations	Yes	No	Full access	Yes	Yes

Information Type	Available on Council's website, free of charge	Application Required	Details of Access	Copy available, subject to photocopy charges	Available for inspection at Council's office free of charge
Register of Voting on Planning Matters	No	No	Full access	Yes	Yes
Council Policies	Some at this stage – rest to be progressed as resources allow	Yes – document available on request	Full access	Yes	Yes
Fees and Charges	Yes	No	Full access	Yes	Yes
Local Disaster Plan	Yes	No	Full access	Yes	Yes
Social Plan	Yes	Yes	Full access	Yes	Yes
Personal Information					
Complainant details	No	Yes – formal application required	Only released under following conditions: 1. Where complainant has no objection to the disclosure of the document 2. Where the complaint has been made in good faith. However a copy of the complaint may be provided where information identifying the complainant can be omitted	Yes, subject to agreement of the complainant or omission of identifying details	No
Personal Information about Yourself	No	Yes – formal application required	No fee for the first 20 hrs of processing time for each application	Yes	No
Personal Information about Others	No	Yes – formal application required	Some information may be restricted for privacy reasons & require agreement for release from 3 rd party	Subject to restrictions	No
Sensitive Information from Community Services	No	Yes – formal application required	Some information may be restricted for privacy reasons or require agreement for release from 3 rd party	Subject to restrictions	
Environmental & Development Plans & Policies					
Adopted policies concerning approvals and orders	Yes	No	Full access	Yes	Yes
Plans of Management for Community Land	Not currently	Yes – document available on request	Full access	Yes	Yes

Information Type	Available on Council's website, free of charge	Application Required	Details of Access	Copy available, subject to photocopy charges	Available for inspection at Council's office free of charge
Environmental planning instruments	Not currently	Yes – IDO available on request	Full access	Yes	Yes
Contribution Plan	Not currently	Yes – available on request	Full access	Yes	Yes
Development Applications, Approvals and Orders					
Development Application files and documents whilst application is under consideration by Council	No	Yes, information available on request	Documents not available for public inspection are: 1. notice to adjoining owners, mail merge list 2. internal layout or design plans of residential building 3. Commercial in confidence information	Yes for information purposes only. Owners consent must be obtained for any copyrighted information	Yes
Development Application files and documents after application has been determined by Council	No	Yes, information available on request	Documents not available for public inspection are: 1. notice to adjoining owners, mail merge list 2. internal layout or design plans of residential building 3. Commercial in confidence information	Yes for information purposes only. Owners consent must be obtained for any copyrighted information	Yes
Applications for Approval – section 68 LGA including sewer, onsite sewer management, rural address etc	No	Yes, information available on request	Full access	Yes	Yes
Applications for approvals - other Acts	No	Yes, available on request	Full access	Yes	Yes
Orders given under any Act (eg weeds, vegetation, water, building)	No	Yes, information available on request	Full access	Yes	Yes
Records of building certificates under the EPA Act	No	Yes, information available on request	Full access	Yes	Yes
Plans of land proposed to be compulsorily acquired	No	Yes, information available on request	Full access	Yes	Yes
Compulsory Acquisition Notices	No	Yes, available on request	Full access	Yes	Yes
Leases/ licences for use of public land classified as community land	No	Yes, information available on request	Full access	Yes	Yes