

Barwon Heads Association Inc.

Reg. No. A0030244U

Postal Address - Post Office, Barwon Heads VIC 3227

www.barwonheadsassociation.com ▪ email: bha3227@gmail.com ▪ <https://m.facebook.com/barwonheadsassociation/>



12 August 2020

COMMENTS ON THE DRAFT TRANSPARENCY POLICY

We note that the [Local Government Act 2020](#) (the Act) was passed by the Victorian Parliament in March 2020, replacing the [Local Government Act 1989](#). We are concerned by many of these changes however strongly support the requirement for the City of Greater Geelong to be more transparent in its decision making.

We have been trying to understand how the development at 4 Bridge Rd/now 1 Grandview Pde happened since 2017. The council has been reluctant to share any information. This matter is now before VCAT. The lack of transparency has caused significant angst in the community and has cost the Council significant time & resources to support the protection of the process. The Council should not be able to hide behind privacy legislation and encourage ratepayers to use FOI to access information.

We strongly support the establishment of a public register to record meetings between property developers, council management, senior officers and Councillors and support the comments by Cr Aitken. We also expect that Council enforcement activities to be recorded in a public register with the reasons for the decision and made available to the public.

The policy in its current form is another bureaucratic policy with little relevance to the real world. Another box ticked with little accountability.

The BHA looks forward to the next version of the policy.

We share our recent correspondence with the Council as an example of a very closed & frustrating process which should never happen again.

VCAT APPEAL 1 GRANDVIEW PDE BARWON HEADS "ACCOUNTABILITY & TRANSPARENCY"

This is a very bizarre situation. We want to know is how this building could be built without a planning permit and what is happening now behind the scenes. The new Local Government Act talks about increased transparency. How can the Council make decisions that are not accountable? How can the enforcement officer visit the site and make a determination that is confidential?

On 7th July 2020 we wrote the following letter to Gareth Smith, Director of Planning, Design & Development and our Bellarine Ward Councillors as follows:

"Re the development at 1A Grandview Ave/4 Bridge Rd Barwon Heads

Dear Gareth,

Can you please provide copies of or alternatively access to the following documents by 3 August 2020:

- the original application for a development at 4 Bridge Rd and associated plans and documentation (circa 2016)
- copies of subsequent amended documents
- the documentation that accompanies the certificate of compliance with the plans for the development
- the certificate of compliance
- copies of correspondence from Council officers (file notes, emails, letters) with the owner/developer since April 27th 2020
- a copy of any notes or reports relating to onsite inspections
- a copy of research undertaken in advance of enforcement inspection(s)
- a copy of all documentation including: advice, notes, emails, dates of telephone conversations to the owner/developer or their representative advising them of the time and date of enforcement inspections
- a copy of the inspection report for the inspection/inspections conducted post 27th April 2020.

Can you please provide a copy of Council's policies relating to confidentiality for development applications, planning and building matters. How can these documents be considered to be confidential unless there is something to hide. Who has access to them and what is the basis of this.

This request is sent in good faith, if you are unable to respond positively we will convert it into an FOI request. “

Our first reply on 13th July 2020

Hi Sandra,

Thank you for your email seeking various documents in relation to the above property. Statutory Planning are assessing what the City is able to provide in accordance with the Planning and Environment Act and relevant privacy legislation. Meanwhile, I can confirm the City does not seek to hide any information from the community, rather when it can't be provided it is based on the City abiding by applicable legislation. No doubt all residents of the City that have communicate and/or are provided services by the City expect this from us in managing their personal information. We shall be in touch soon confirming what information can be provided.

Regards

Gareth Smith

Director

Planning, Design & Development

City of Greater Geelong

P: 03 5272 4266

E: GarethSmith@geelongcity.vic.gov.au

And then on 14th July

Hi Sandra

I have received further advice that the information you request will contain a large amount of third-party information and would need to go through the required consultation process. In order to ensure compliance with privacy legislation I suggest you request access to the documentation via a Freedom of Information request. You can submit a valid Freedom of Information request [here](#).

There is a link on the webpage which is labelled 'apply' if you click on this link it will take you through to our online form which allows you to submit your request. Under Section 17(2A) of the Act a Freedom of Information request must be accompanied by an application fee of \$29.60. Payment can also be made through this link.

Please don't hesitate to contact the Freedom of Information officer at foi@geelongcity.vic.gov.au if you have any questions

With regard to question regarding policies relating to confidentiality, the FOI Act provides the community with a right to access information, unless categorised exempt, in the possession of the Government of Victoria. There are no specific policies relating to the confidentiality for development/planning or building applications and matters. The City does however have a [privacy policy](#) which refers to disclosure of personal information.

I hope the above assist you with your information request.

There was more energy put into telling us how to put in an FOI request than dealing with the substantive issue. We intend to continue and hope the transparency of council and its dealings with the public, particularly its ratepayers, improves.

Yours truly
Barwon Heads Association
Colin Bridges
Secretary