



# CLARENCE ENVIRONMENT CENTRE Inc

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**Date:** 12th May 2022

The General Manager  
Clarence Valley Council  
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## **Submission to Clarence Valley Council's Draft "Managing unreasonable conduct by complainants" policy**

### **Discussion 1.**

Unreasonable conduct by a complainant is unacceptable. It is also something that, as an environment group, is not at the forefront of the Clarence Environment Centre's concerns.

However, we have experienced behaviour, or more often a complete lack of response, from council staff over the years, that we believe contributes to an escalation of tensions, leading to what could be deemed to be "unreasonable conduct".

The examples given in the Draft Policy, and in recent media reporting, generally begin with a member of the public contacting Council over something that is unjustly impacting on them personally, and is seeking support from council.

Quite often, as in cases where the approval of a development application will adversely impact on neighbours, the complainant strongly feels they have a legitimate complaint.

An example of this is one we, the CEC, dealt with recently, involving a small urban development where a down-slope neighbour was concerned about increased flooding of their property; pointing out that clearing of the adjoining woodland would result in increased stormwater run-off from bitumen roads and homes.

In that case, the complainant expressed their concerns, which were summarily dismissed by the council planner involved, who claimed the studies undertaken for the DA had led to a stormwater management plan which showed there would be no adverse downstream impacts.

The complainant was not convinced by this assurance, and requested copies of the relevant reports.

We will now move on from the above case, and revert to generalities where, in almost every case where a copy of a document is requested, the complainant is told they will need to apply through freedom of information, now referred to as a GIPA, a process involving filling in forms and a three-week wait.

Why should this be the case? Most documents should be freely available, and may even already be available on line, but this action immediately gives the complainant the perception that the officer is on the defensive and is hiding something, or that the complainant is being perceived as a nuisance for making extra work for the officer.

Unfortunately, over the years we have encountered numerous cases where approvals have been granted based on very questionable reports and assessments (sometimes with no assessments at all). In these cases, it would not be in the interest of a council officer responsible for evaluating those assessments, to cooperate fully with a complainant.

And that, is where many conflicts, leading to unreasonable conduct, begin.

## **Suggestions**

- We believe that in many cases, where members of the public request documents, these could easily be provided without resorting to the GIPA process, and that council officers should provide them on request and also offer other advice or support. Failure to do this will only lead to some complainants, understandably, becoming persistent with their demands, something that currently leads to them being vexatious or a nuisance and even listed as engaging in unreasonable conduct
- Consider reporting consultants, working on behalf of developers, whose performance, is considered to be sub-standard or questionable. We believe that a thorough environmental impact assessment would serve to reduce complaints considerably.

## **Discussion 2**

This section relates also to the above discussion point, and that involves Council's responsibility to respond promptly to all calls and correspondence, including complaints.

In another Council strategy, recently placed on exhibition, the Clarence Valley Community Strategic Plan, we are told (page 13) that 72,506 calls and 26,692 emails were answered. It's not clear when or over what time span. However, we suggested, that the number of calls were those answered by the switchboard operator.

Our personal experience in recent times has been that the person we want to talk to is busy or otherwise unavailable, and we are asked if we wish to leave a message to call us back. We do not know the procedure from that point, but can assert that at least 3 times out of 5, our calls are not returned!

The majority of calls we make are either business (we are currently undertaking bush regeneration on Council land), seeking advice, or information. Imagine what the response rate would be if we were ringing up to complain!

In terms of emails, which is the medium we chose when making a complaint, the situation is just as bad, other than the automated "thank you for your email" message. For a while we resorted to copying council emails to all councillors, but that didn't achieve significantly better results. There was just one instance where, after a second request for a response to a question, when one councillor asked the assistant GM at the time if we had received a response from him, which did finally achieve the desired effect. However, this has led to our generally not even bothering to email any more, considering it to be a waste of valuable time.

## **Suggestion**

If council wants any credibility over its claim in Clarence Valley Community Strategic Plan to “be listening”, then things must change dramatically for the better with all emails answered within the aimed-for 10 days. Council has apparently researched what the public wants, “*a high standard of customer service to the community*”. That is clearly spelled out on page 46 of the community plan, so now it’s time to deliver.

We certainly believe that such a measure will significantly reduce the number of unreasonable conduct complaints.

Thanks for the opportunity to comment.

Yours sincerely



John Edwards  
Honorary Secretary