

**Submission
No 10**

REVIEW OF THE NSW RECONSTRUCTION AUTHORITY ACT 2022

Organisation: Blacktown City Council

Date Received: 10 May 2024

Blacktown City Council – submission to the Joint Select Committee on the NSW Reconstruction Authority

File: 6-8-577/3

Topic The Joint Select Committee on the NSW Reconstruction Authority has invited us to make a submission as part of its review of whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing the objectives.

Analysis As there were no specific questions posed in the request, our submission provides feedback against the Primary object of the Act, how its primary objectives is to be achieved, and the functions of Authority under the Act as set out at Key reason 2.

Further we propose to offer suggestions for improvements, including:

- forward funding the repair cost (percentage of the likely claim)
- removing the need to prior damage photos
- reviewing the claims process with a view to completing assessment faster (within 7 days after the lodging the preliminary claim) before we incur expenditure
- updating the natural disaster form for a provision of schedule of damage for council owned sporting fields and community facilities, buildings, etc.

The submission is due by 17 May 2024. We proposed to include any feedback provided by the Policy and Strategy Meeting (a committee of the whole) at its meeting on 8 May 2024, with ratification of the final submission by Council at its Ordinary Meeting on 22 May 2024.

Attachment/s 1. Letter for submission to the Joint Select Committee on the NSW Reconstruction Authority

Report Recommendation Endorse the feedback as set out at in this report being submitted to the Joint Select Committee on the NSW Reconstruction Authority.

Key reasons

1. **There is a statutory need to review the NSW Reconstruction Authority Act 2022**
 - a. *NSW Reconstruction Authority Act 2022* No 80 established the NSW Reconstruction Authority. Under section 93(3) of the Act, there is a requirement for a Joint Standing Committee to undertake and report on a whether the policy objectives of the Act remain valid, and whether the terms of the Act remain appropriate for securing the objectives within 2 years of its assent.

- b. On 4 April 2024, Ms Clayton Barr, MP – Chair Joint Select Committee on the NSW Reconstruction Authority invited Blacktown City Council to make a submission on the validity of the policy objectives and appropriateness of terms of reference for securing those objectives. Refer attachment 1.
- c. The *NSW Reconstruction Authority Act 2022* can be viewed at <https://legislation.nsw.gov.au/view/html/inforce/current/act-2022-080>

2. We have set out our feedback against the 3 key sections of the Act and offers suggestions for improvement

- a. The table below sets out our feedback against:
- the Primary object of the Act (Division 1, section 3)
 - how the primary object is to be achieved (Division 1, section 4)
 - the Functions of Authority (Division 2, section 10).

Wording of the Act	Our feedback
3 Primary object	
<p>The Primary objective of the NSW Reconstruction Authority Act 2022 is to promote community resilience to the impact of disasters in New South Wales through:</p> <p>(a) disaster prevention, preparedness and adaptation, and</p> <p>(b) Recovery and reconstruction following disasters</p>	<p>It is a valid objective. It is relevant in all disasters which include planning, preparation, response and recovery.</p> <p>The primary objective is appropriate, given the recent flood disasters that have occurred.</p> <p>The primary focus on prevention, preparedness, adaptation to and recovery from disasters will make at risk communities more resilient to disasters.</p> <p>This objective will provide framework to improve community recovery from disasters.</p>
4 How primary object is to be achieved	
<p>The project is to be achieved by:</p> <p>(a) Establishing the NSW Reconstruction Authority to facilitate community resilience to the impact of disasters in NSW through prevention, preparedness and adaptation, and</p> <p>(b) Providing for the functions and powers of the NSW Reconstruction Authority, including functions and powers to:</p> <ul style="list-style-type: none"> i Facilitate the protection, recovery and reconstruction of affected communities and ii Mitigate against the impact of potential disasters on communities, 	<p>It is valid in any event. With this Act, there is more emphasis on recovery from the disaster to help the community.</p> <p>This Act enables more community consultation, developing resilience and facilitate recovery and reconstruction process.</p> <p>A recent example of assistance received through consultation with the NSW Reconstruction Authority was the inclusion of Blacktown Council in the Natural Disaster Declaration after the latest floods on 4 April 2024.</p> <p>Early consultation with NSW Reconstruction Authority ensured that we</p>

Wording of the Act	Our feedback
<p>and</p> <p>iii Improve the resilience and adaptability of affected communities in relation to potential disasters</p>	<p>were also included in the list and will be eligible for reimbursement of flood damage expenditure.</p>
<p>10 Functions</p> <p>(a) Disaster prevention and preparedness, including -</p> <ul style="list-style-type: none"> i. Identifying assessing, managing the risks from disasters, and ii. Leading disaster resilience, adaptation and mitigation activities, and iii. Building community capacity and resilience to disasters, and iv. Developing and implementing methodologies for disaster resilience, adaptation, and mitigation activities <p>(b) Reconstruction and recovery following disasters and other emergencies, including -</p> <ul style="list-style-type: none"> i. Assisting the Minister in administrating the State Emergency & Rescue Management Act 1989 and State Emergency Recovery Controller to exercise the Minister's and Controller's functions in relation to recovery under the act ii. Facilitating, coordinating and directing the recovery, planning, and rebuilding of affected communities, including repairing and rebuilding land and infrastructure and other development, and iii. Balancing constraints to enable a focused, timely and expedited recovery of affected communities 	<p>This function will help councils prepare disaster adaptation and recovery action plans.</p> <p>It will also enable NSW Reconstruction Authority to work closely with the Local Emergency Management Committee in developing a local recovery plan for inclusion in its Blacktown Local Emergency Management Plan.</p> <p>Councils that are not experienced in managing emergencies will benefit from input from an authority like the NSW Reconstruction Authority.</p> <p>Agreed.</p>
<p>(c) Information provision and exchange and community engagement, including -</p> <ul style="list-style-type: none"> i. Supporting collaboration and coordination between government agencies, local councils, service providers and communities to 	<p>NSW Reconstruction Authority can help councils in standardising communication with a view to help affected residents and businesses by providing appropriate, factual and consistent messaging when</p>

Wording of the Act	Our feedback
<p>improve disaster prevention, preparedness, recovery, reconstruction and adaptation, and</p> <p>ii. Increasing the flow of information and enabling community participation to support disaster management</p>	<p>disasters occur.</p>
<p>(d) To coordinate the development and implementation of whole of government policies for:</p> <p>i. Managing the risk of disasters in the State, and</p> <p>ii. Ensuring communities can recover, reconstruct and adapt affectively</p> <p>iii. Improving the preparedness and resilience of communities for potential disasters</p>	<p>This is an important function as NSW Reconstruction Authority role provides responsibility for coordinating support and liaising with all relevant government agencies</p>
<p>(e) To prepare and implement a State disaster mitigation plan for disasters in the state</p>	<p>The NSW Reconstruction Authority has developed Australia's first State Disaster Mitigation Plan (SDMP).</p> <p>This supports the NSW Government's commitment to making our communities safer, more resilient and better prepared to face the challenges of disasters caused by natural hazards such as floods, bush fires, storms and cyclones and coastal erosion and inundation.</p> <p>Blacktown City Council fully support SDMP as it has been made available now, but it will create extra work for councils to update our Local Emergency Management Plan (EMPLAN).</p> <p>We will require assistance from NSW Reconstruction Authority to update our EMPLAN.</p>
<p>(f) To provide advice and support to local councils to help maximise the effectiveness of council's disaster preparedness</p>	<p>Yes, agreed, this is an important function.</p>
<p>(g) to provide advice and assistance to local councils and relevant strategic planning authorities under the Environmental Planning and Assessment Act 1979 to ensure strategic plans prepared under</p>	<p>Yes, agreed, councils appreciate consultation, advice and guidance provided by NSWRA in preparation of strategic planning decisions.</p>

Wording of the Act	Our feedback
that Act, Division 3.1 and the State disaster mitigation plan align	
(h) to lead the management and coordination of housing and infrastructure renewal and recovery within affected communities	Blacktown City Council supports this initiative.
(i) to work closely with affected communities to ensure the needs of each community are recognised in the recovery and reconstruction of the community, and to improve the disaster preparedness and resilience of communities	Blacktown City Council supports this initiative.
(j) to lead public education on disaster risks and certain disaster preparations	Blacktown City Council supports this initiative.
(k) to carry out research, and provide advice, proposals, recommendations and reports to the Minister, about: <ul style="list-style-type: none"> <li data-bbox="384 1081 703 1149">i. disaster prevention and preparedness, and <li data-bbox="384 1160 751 1227">ii. recovery and reconstruction following disasters 	Blacktown City Council supports this initiative.
(l) to enter into joint ventures, project delivery agreements and other arrangements with landowners, developers, State and Commonwealth government agencies and local councils in relation to disaster prevention, recovery and reconstruction	Blacktown City Council supports this initiative.
(m) to implement funding schemes to provide financial support in relation to disaster prevention, recovery and reconstruction	Blacktown City Council supports this initiative.
(n) to carry out rezoning and land use planning, including exercising the functions of local councils for the purpose of land use planning in relation to disasters	Blacktown City Council supports this initiative.
(o) to carry out flood modelling and the determination of flood planning levels, particularly in relation to high risk catchments	Blacktown City Council supports this initiative.

Wording of the Act	Our feedback
(p) to assist with the development of flood plans	Blacktown City Council supports this initiative.
(q) to monitor the cumulative impact of disasters on the State, including by collecting and storing data about the impact, or likely impact, of disasters across the State	Blacktown City Council supports this initiative.
(r) to exercise other functions conferred or imposed on the Authority by or under this Act or another Act	Blacktown City Council supports this initiative.

b. Additional points for NSW Reconstruction Authority consideration

- Forward fund the repair cost (percentage of the likely claim). Most councils in NSW, including Blacktown face challenges to fund the significant costs to repair assets that are damaged during natural disasters. To help councils continue to provide basic services, and carry out urgent repairs due to natural disaster, it is suggested that NSW Reconstruction Authority assist councils by forward funding the reconstruction cost. As an example, 70% or 80% of the expected costs be forward funded to expedite completion of required works.
- Remove the need for prior damage photos. We propose that NSW Reconstruction Authority require councils to provide photos as they exist after the natural disaster event and final photos after completion of repairs. In the past we were required to provide pre-disaster photos, which has been challenging to obtain. Pre-disaster photos are not always available and can only be downloaded from Nearmap or Google earth, etc, but these images are longstanding images and not taken just before the natural disaster.
- Make the process to assess our claims faster (within 7 days after the lodging the preliminary claim). This will allow councils certainty that the claim will be accepted, it is strongly proposed that assessing authorities assess the claim within 7 days of receiving claim information. Once the claim has been accepted, councils can concentrate efforts in restoring damaged assets.
- The natural disaster assessment form should have provision for a schedule of damage to council owned sporting fields, play equipment, community facilities, buildings, etc. For community facilities and buildings, insurance companies can also be pursued to repair the damaged assets. To make it easier, it is proposed that all types of damages to council's assets should be assessed and reimbursed by NSW Reconstruction Authority.
- The asset being reconstructed after the natural disaster should be sufficiently funded to make the asset resilient to future natural disasters. This might cost slightly more than the asset replacement costs, but it will save the asset from

further damage in future disasters, saving money in the long run.