

**Submission
No 14**

REVIEW OF THE NSW RECONSTRUCTION AUTHORITY ACT 2022

Organisation: City of Coffs Harbour

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26 April 2024

Mr Clayton Barr MP
Chairperson
Joint Select Committee on the NSW Reconstruction Authority
PO Box 242
CESSNOCK NSW 2325

By electronic submission to: [Lodge a Submission \(nsw.gov.au\)](https://www.nsw.gov.au/submit)

Dear Sir

Submission from the City of Coffs Harbour to the Joint Select Committee on the Review of the NSW Reconstruction Authority Act 2022

I offer the following submission on behalf of the City of Coffs Harbour (City) in response to the invitation for submissions in relation to the NSW Reconstruction Authority (NSWRA), and the NSW Reconstruction Authority Act 2022 (the Act).

The City understands that the terms of reference for the review includes reviewing the Act to determine whether—

- a) the policy objectives of the Act remain valid, and
- b) the terms of the Act remain appropriate for securing the objectives.

Firstly, it is the City's view that the primary objectives of the Act do remain valid.

The City has been impacted by a number of disasters since January 2020 including storms, flooding and bushfires which we expect will continue to occur more frequently, and with greater intensity. We commend the objectives of the act to promote community resilience to the impact of these disasters, specifically through disaster prevention, preparedness, adaptation, recovery and reconstruction.

We note that there are no specific references towards 'community centred' approaches to how the primary objectives are to be achieved. Consequently, the City has concerns that the current NSW State Government funding programs, which support Community Recovery Officers (CRO) and adherence to community centred approaches are not guaranteed, or the responsibility for these approaches will be cost-shifted onto Local Government. The City supports the community centred principles of engagement in the Planning, Preparation, Response and Recovery (PPRR) management cycle, and recommends acknowledging this in the legislation to ensure that the NSWRA has the scope to deliver work comparative to best practice. We believe this could be strengthened by listing the key stakeholders of community and local government in Part One, Division One, (4) of the Act.

With respect to the terms of the Act, the City recognises that much of the Act encompasses planning provisions relating to both reconstruction, adaptation and mitigation. Consequently, it is our view that the definition of 'disaster' needs to be expanded beyond 'natural disaster' to recognise this interrelationship with planning, specifically to recognise the role that local planning controls, design and construction specifications, and competing land use priorities play in contributing to disaster severity and impact.

Specifically, the land use conflict which allows (or has allowed) development on land impacted by flooding should be considered in a similar way to how it is described in the recently released State Disaster Mitigation Plan (SDMP).

The term 'facilitate' is of concern to the City as, in our view, it 'softens' the role of the NSWRA allowing the accountability and responsibility for the protection, recovery and reconstruction of affected communities to be diluted and distributed unfairly to other areas of government, specifically Local Government.

The City's experience to date regarding engagement with the NSWRA has been almost exclusively initiated by the City or via other agencies such as Transport for NSW (TfNSW), Public Works Authority or the Environmental Protection Authority (EPA). The NSWRA appear to be responsible for improving community resilience to the impact of disasters, but are not held to account specifically for reconstruction and recovery following disasters, notably its failures to balancing constraints to enable a focused, timely and expedited recovery of affected communities and restoration of essential public assets such as roads.

Further it is our view that the support of Community Recovery Officer programs, funded under the Disaster Recovery Funding Arrangements (DRFA), have largely been driven by Councils and the National Emergency Management Agency (NEMA). It is clear in the Act that the NSWRA will be active across all stages of the PPRR disaster management cycle and therefore we challenge the NSWRA to do better with respect to meeting its obligations.

We acknowledge the challenge and dynamic environment where some Local Government Areas (LGAs) may be focused on recovery and reconstruction, while other LGAs require support with mitigating risk and disaster adaptation plans, however the plan to resource and prioritise this remains unclear. Better resourcing, including minimum staffing requirement for the NSWRA, linked to both statewide and LGA level disaster risk and needs, would bring consistency and certainty to communities affected.

Generally, the terms of the Act remain appropriate for securing the objectives, however the City remains concerned about how the effectively the NSWRA will work alongside LGAs, across the disaster management cycle with LGAs facing increasing uncertainty as to the resources available to deliver this function, with a specific example of this being the SDMP. Whilst it is positive that the NSWRA has prepared the SDMP, no timeline has been given as to when this engagement will occur or the process for the SDMP implementation or how it may impact Councils, including how Local Disaster Adaption Plans will be resourced. Councils require clear guidelines and terms of reference for their involvement, underpinned by appropriate financial support that is not conditional on co-contributions or reimbursement models.

Should you like to discuss this submission further please contact Andrew Beswick, Director City Infrastructure and Local Emergency Management Officer or Daniel Noble, Group Leader Transport and Open Space Services on [REDACTED]

Yours faithfully

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Natalia Cowley
General Manager