

**Submission
No 16**

REVIEW OF THE NSW RECONSTRUCTION AUTHORITY ACT 2022

Organisation: Central Coast Council

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15 May 2024

Mr Clayton Barr MP
Chair
Joint Select Committee on the NSW Reconstruction Authority
Parliament House
Sydney NSW 2000

Via email: nswreconstructionauthority@parliament.nsw.gov.au

Dear Mr Barr

Submission to the Joint Select Committee on the NSW Reconstruction Authority

Thank you for the opportunity for Central Coast Council to provide a submission to your review of the *NSW Reconstruction Authority Act 2022* (NSWRA Act). Unfortunately, due to the timing of our Council meetings, our Council has not had the opportunity to formally endorse this staff submission.

Background

Local governments across NSW play a significant role across the spectrum of natural disaster management. Council has developed a strong, positive relationship with the NSW Reconstruction Authority (NSWRA) since its inception in 2022 and welcomes the opportunity to continue to work closely with NSWRA to enhance local disaster resilience.

The Central Coast is one of the largest urban local government areas in Australia, with a land area of 1,682 km² and a population of around 350,000. Our area is significantly exposed to natural disasters, particularly fires, floods and coastal erosion, as identified in the NSW State Disaster Mitigation Plan and Council's own disaster hazard analysis. In response to this hazard environment, Central Coast Council has invested significant effort in understanding the local natural disaster hazard envelope and developing risk mitigation strategies to keep our communities and environment safe, and build local disaster resilience.

We understand that the terms of reference of your review are 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.



Please find below our feedback on each of these terms.

Policy Objectives of the NSW Reconstruction Authority Act

We support the primary object of the NSWRA Act to promote community resilience to the impact of disasters in NSW through disaster prevention, preparedness, and adaptation, and recovery and reconstruction following disasters.

We would welcome more specific reference in the NSWRA Act to the principles of ecologically sustainable development, social justice and intergenerational equity, as enshrined in the *Local Government Act 1993* (Section 8A) and *Environmental Planning and Assessment Act 1979* (Section 1.3).

While we note that the powers conferred to NSWRA under the NSWRA Act are intended to enable NSWRA to respond swiftly to disasters when required, the lack of a specific obligation to consider wider implications of disaster response has the potential for significant adverse outcomes.

Terms of the Act

Emergency response

Under the *State Emergency and Rescue Management Act 1989* (SERM Act), local councils are included in the definition of government agency, while under the *Interpretation Act 1987*, which the *Reconstruction Authority Act 2022* (RA Act) relies on, government agency is not defined and government specifically refers to the NSW Government, with a separate definition for local council. It would be useful if the NSWRA Act was amended to include local government as a government agency.

It would be useful to include local government as a government agency as Section 14 of the NSWRA Act due to the fact that NSWRA, in exercising its powers, will likely work with local councils at various times and in response to a multitude of issues. As mentioned above, the SERM Act includes local councils in the definition of government agencies.

Planning controls

Council would welcome further clarity about the mechanics of requiring and delivering specific support that the NSWRA is likely to seek from a local council with respect to Section 13(1)(b) of the NSWRA Act.

As local councils are the primary land use planning authorities in NSW, it would be useful to include, under cooperation and assistance, reference to a mechanism to advise a local council of NSWRA's intention to undertake development under the NSWRA Act in a local government area.



While the NSWRA Protocols include objectives for cooperation and transparency, there is no specific legislative obligation on NSWRA to act so. Specific requirements to engage with a local council early in the decision-making process would be more productive, particularly as a local council is likely to hold the most detailed available information to assist NSWRA in its development decision-making and generally manages community interactions in response to a planning decision well into the future.

It would also be useful to understand how NSWRA's responsibilities interact with the *Security of Critical Infrastructure Act 2018*, which applies to Council's function as a water authority servicing more than 100,000 people.

Section 1.5.5 Given the complexity of the disaster resilience space and the large number of agencies involved in it, a higher standard of alignment among key statutory management plans is essential. Can 'it will be beneficial ...' be replaced with 'it is essential, to the extent possible',

Please don't hesitate to contact Council's Executive Project Advisor, Alice Howe via email [REDACTED] or [REDACTED] if you would like to discuss any of our feedback in more detail.

Yours sincerely

[REDACTED]

David Farmer
Chief Executive Officer
Our reference: D16139725

