

**Submission
No 56**

REVIEW OF THE NSW RECONSTRUCTION AUTHORITY ACT 2022

Organisation: Wollondilly Shire Council

Date Received: 17 June 2024

Monday, 17 June 2024

Joint Select Committee on the NSW Reconstruction Authority
Parliament House
Macquarie Street
SYDNEY NSW 2000

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

Dear Mr Barr

**JOINT SELECT COMMITTEE ON THE NSW RECONSTRUCTION AUTHORITY – REVIEW OF THE
NSW RECONSTRUCTION AUTHORITY ACT 2022 – WOLLONDILLY SHIRE COUNCIL SUBMISSION**

Thank you for the opportunity to provide feedback in relation to the *NSW Reconstruction Authority Act 2022*.

The Wollondilly Shire has faced numerous disasters in recent years and has collaborated with both state and federal governments to prepare, recover, and rebuild. This submission will not delve into the legal provisions of the Act to evaluate their validity or appropriateness but will discuss challenges Council has experienced under the Act.

We believe the legislation clearly defines the responsibilities of the Reconstruction Authority (RA), and we advocate for directing efforts and resources to support these responsibilities. This submission emphasises aiding the RA in maintaining its role as a trusted government entity in strengthening community resilience through planning and preparedness, and in offering crucial strategic and operational support during the recovery and rebuilding phases after natural disasters. This also involves ensuring adequate, equitable, and accessible funding.

I want to commend the RA team for their work during the recent flooding events in Wollondilly in April and June 2024. The RA team responded promptly and effectively, providing crucial support to both our community and Council. This collaboration between state agencies showcased an excellent emergency response, with RA staff playing a key role in supporting Council's recovery efforts. Their involvement with the coordination of recovery operations, establishing the mobile recovery point in Picton CBD and managing key service agencies was invaluable. Having RA staff assist with Council's recovery efforts allowed us to offer localised and responsive services.

Disaster Declaration & Disaster Recovery Funding Arrangements

While the RA played a crucial role in securing Disaster Declaration status for Wollondilly after these recent disasters, funding disaster mitigation and recovery remains a significant challenge for all councils impacted by frequent disasters. The current Disaster Recovery Funding Arrangements (DRFA) need urgent revision. These arrangements do not address the impact of cumulative disasters and offer very limited resilience provisions. Council has

also experienced difficulty in accessing funding for prolonged events such as the weather events in 2022 which saw prolonged rain and impacts to our road network.

Currently, the guidelines only allow for the impacted asset to be rebuilt to its pre-disaster condition or with minimal changes to a modern equivalent. This approach is restrictive and prevents councils from adopting a resilience-focused approach to asset repair in design and rebuilding to prevent future damage from known risks.

Council has experienced differing interpretations of the DRFA guidelines from Government agencies making it difficult to prepare applications following events. A consistent approach needs to be adopted and workshopped with both councils and Government agencies to ensure transparency.

The level of detail required from councils to inform a Disaster Declaration during an emergency response is often unrealistic, placing undue burden on councils who are otherwise engaged in response activities. Other government agencies frequently dictate what expenses they will cover, restricting a councils ability to decide on necessary resources and preferred construction methods during these critical times. Like-for-like repair is not optimising DRFA funding to consider and mitigate the impact of future disasters and does not align with the RA's intention of adapting and mitigating known risks.

We urge the state government to prioritise these changes and ensure that funding arrangements are fit for purpose, financially responsible, and support future-proof investment in communities to achieve resilience. These arrangements should be easily accessible, equitable, and not place a significant administrative burden on councils during times of crisis. Funding must support the betterment of critical assets and a councils resilience to known disaster risks.

State Disaster Mitigation Plan and Disaster Adaption Plans

The RA recently released the State Disaster Mitigation Plan (SDMP), which allocates local councils the responsibility for developing and implementing localised Disaster Adaption Plans (DAPs). While we support this localised approach, we are concerned about how this work will be resourced. As a rapid growth council, Wollondilly Shire Council is already facing resourcing challenges while managing a rapidly changing and growing community. Obligating councils to develop these plans, without the corresponding funding and support, puts further strain on our limited resources and may lead to substandard outcomes.

We understand that the RA is developing guidelines for DAPs and will soon provide information on how they will support councils in creating and implementing these plans. We urge the State Government to use the legislation to take responsibility for coordinating and leading this crucial aspect of community resilience. With the RA now having legislative responsibilities for prevention, preparedness, and adaptation, there is an opportunity to achieve consistency and standardisation in the approach, utilising shared knowledge, technical expertise, and resource allocation across the local government sector to support local councils.

Community Recovery & Resilience Officers

Council recognises the critical need for a dedicated position to support community recovery and resilience. In 2023, temporary funding from the RA for this role concluded. However, understanding the ongoing necessity, Council established a permanent Community Recovery and Resilience Officer position. Although the impact of this role across the community has been vital, our influence is often limited due to insufficient funding for significant proactive community resilience and preparedness projects.

We urge the State Government to use the legislation to permanently embed State and Federal government-funded Community Recovery Officers within local councils across NSW. This action would acknowledge the increasing frequency, scale, and prolonged recovery periods associated with natural disasters, ensuring that communities have consistent and robust support to enhance community resilience and preparedness. Amended legislation and funding could embed Community Recovery Officers within local councils, providing a direct conduit between the RA and councils.

Planning Controls

Council supports the Acts requirement for local councils and planning authorities to consider any relevant disaster adaptation plan in exercising their functions under the Environmental Planning and Assessment Act 1979 as this will give statutory weight to plans in the NSW planning system.

It is not clear, however, in the current drafting of the legislation, whether this was intended to bind agencies such as the NSW Department of Planning, Housing and Infrastructure who make critical decisions on the planning for the two State Government declared growth areas in Wollondilly that will provide in excess of 30,000 houses over the next 20 years. More certainty is required around how the Act will be applied in growth areas such the Greater Macarthur Growth Area and the Wilton Growth Area.

There is also a need to embed the obligation to consider DAPs into the NSW planning system through legislative and policy updates. For example, updating the matters for consideration in the assessment of development applications under clause 4.15 of the Environmental Planning and Assessment Act 1979 and introducing a new local planning direction for planning proposals.

Should you require any further information or clarification on this response you are invited to contact Peter Buckley, Director Shire Services, on [REDACTED] or [REDACTED]

Yours faithfully,

[REDACTED]
Ben Taylor
Chief Executive Officer