

**Submission
No 66**

REVIEW OF THE NSW RECONSTRUCTION AUTHORITY ACT 2022

Organisation: Wollongong City Council

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Mr Clayton Barr MP
Chairperson
Joint Select Committee on the NSW Reconstruction
Authority
NSW Parliament House
Macquarie Street
SYDNEY NSW 2000

Your Ref:
Date:

25438887
20 June 2024

Dear Mr Clayton Barr MP

SUBMISSION TO THE REVIEW OF THE NSW RECONSTRUCTION AUTHORITY ACT 2022

Thank you for the opportunity to make a submission on the review of the *NSW Reconstruction Authority Act 2022* (the Act).

The primary object of the Act is to promote community resilience to the impact of disasters in New South Wales through—

- (a) disaster prevention, preparedness and adaptation, and
- (b) recovery and reconstruction following disasters.

This remains a valid and a prudent focus of NSW Government, supported by Local and Federal Governments.

There have been seven Natural Disaster Declarations for Wollongong Local Government Area in the last 5 years. The support provided by the NSW Reconstruction Authority, particularly following the rain event on 6 April 2024 (AGRN 1119/1129) has been invaluable to our community. This included the establishment of Recovery Centres at several sites across the LGA to aid to residents impacted by the natural disaster. The Authority also facilitated timely engagement with relevant State agencies and support organisations which greatly assisted Wollongong City Council in managing the recovery. The terms of the Act appear to be generally appropriate for securing its objectives relating to recovery and reconstruction, specifically supporting the community through these phases.

Greater focus needs to be actioned towards supporting measures under object (a) disaster prevention, preparedness, and adaptation. The Wollongong Local Government Area is unique across multiple lenses, and the main four lenses that the Emergency Management (EM) principles focus on are Built, Economic, Social and Environment factors. The new State EMPLAN 2023 and the new State Recovery Supporting Plan 2023 requests more from the local level EM planning space than ever before as local government is generally the epicentre of the community and has “boots on ground” capability along with intricate local knowledge. This along with opportunities to streamline the recovery and reconstruction phases will form the basis of the Wollongong submission.

Council asset portfolio

Council maintains over \$5.4 billion worth of infrastructure assets. The portfolio is diverse and expansive with over 182,000 assets in the Wollongong register.

The portfolio is made up of community recreation and open space assets which are not covered for funding under the current guidelines. These assets are valued by the community and have social and health benefits derived from the service these assets deliver. It is recommended that the guidelines be reviewed to reflect Council asset portfolios. The definition of essential public assets under the funding guidelines needs to be revised.

Recommendation: The definition of essential public assets be revised to reflect local government infrastructure asset portfolios, including social, recreational, and open space assets.

Funding arrangements

There are a number of concerns with the joint Australian Government-State Disaster Recovery Funding Arrangements (DRFA) which appear to impede the NSW Reconstruction Authority and local government in improving the resilience and adaptability of affected communities in relation to potential disasters. The DRFA only supports like for like replacement of infrastructure following a natural disaster. There is a need for investment in infrastructure to contemporary standards that reduces the risk of it being impacted in the same way by similar natural disasters in future. Enhancement projects can be informed from adopted State and local planning which account for climate change and new data collection and modelling. This change would provide councils with the opportunity to provide assets which increases the resilience of the infrastructure and reduces risk to the community.

Recommendation: Forward payment of recovery and reconstruction funding and investment into hardened infrastructure to ensure resilient infrastructure is returned to the community adapting to our changing climate and current data and information relating to impacts.

Council capacity & capability

Wollongong City Council is also concerned about the administrative burden with receiving support under the DFRA. The administrative process for nominating and receiving approval for immediate repair works increases the time for Council to undertake these works and help the community recover. Council has found that the approval from Public Works Authority and Transport for NSW can be lengthy and complex.

The ability to provide pre-disaster evidence (condition) is challenging and not feasible for each asset and the three-month emergency period to provide evidence to support funding (from assessment, scoping and estimates through to the install) is prohibitively short. In reviewing whether the terms of the Act are appropriate for securing its objectives, consideration could be given to the NSW Reconstructions Authority playing a greater role in reviewing a contemporary and pragmatic funding guidelines for natural disasters to all community assets.

Recommendation: a revised funding guideline be developed to streamline delivery of assets and return function to the community with improved timeline. An audit of local government functions, capability, approval frameworks be used to inform the final guidelines. The removal of pre-event evidence due to Council's infrastructure portfolio exceeding 182,000 assets. Funding support provided to local government to ensure leading practice asset management is realised to allow councils to be in an adaptive phase rather than reactive due to the cumulative natural disasters occurring.

Unique and complex matters to Wollongong

The combination of legacy planning issues and the Wollongong LGA being a city bounded by nature makes us more susceptible to the impact of natural disaster, the escarpment and Royal National Park to the west and north of the city presents significant bushfire and flood risk whilst to the east and south the city is experiencing coastal and tidal inundation events along our coast and within Lake Illawarra.

Watercourse ownership maintenance and responsibilities

A key challenge for mitigating the impact of natural disasters in Wollongong is the maintenance of riparian corridors. There are around 88kms of creek length across the LGA of which approximately 60 percent is on private land and 40 percent is on public. The DRFA do not support emergency works on private property unless without intervention there is a risk to life, and/or damage to Council assets downstream. Whilst Council supports the development of Disaster Adaption Plans at the regional level, Wollongong's specific vulnerability to impact from natural disasters may also better addressed through a Wollongong specific adaption/management plan.

Voluntary Purchasing Schemes

Considering Wollongong's complex flooding dynamics, the purchase of high risk properties built over floodways is the only real option to improve safety, reduce cumulative impacts (social and economic), and improve flood function in certain locations.

Innovative solutions should be sought with revised funding allocation. For example, if a property has been significantly impacted through a recent event, such that it presents an unacceptable risk, insurance could cover the building purchase and NSW Government and Local Government fund the land purchase. To facilitate this process there needs to be a rapid assessment and framework established to mitigate the ongoing risk.

Recommendation: That new and innovative frameworks be piloted at local government to support emerging risks. Review of private watercourses responsibilities, funding opportunities, and support be undertaken. A revised voluntary purchasing scheme be undertaken.

Cumulative impacts & emergency period

Landslip risk in Wollongong is a key area of monitoring following a natural disaster. The initial and ongoing geotechnical instability from the April 2024 natural disaster is a significant concern at known and new sites where the storm resulted in extensive movement and has increased the risk of further instability. This has the potential to increase the risk to life, property, and infrastructure. Existing infrastructure (Council and State Owned) is at risk of repeated damage or failure if replacement or repair is like for like. The enhancement of culverts and bridges should therefore be prioritised. Due to subsequent rain events since the 6 April 2024 event, our landslip high risk alert is now extended until the 11 August. This demonstrates that the emergency response due to cumulative impacts has not ceased and Council will be responding to emergency 'make safe' actions from the 6 April event until 11 August, provided that the water inundation to the land is not exacerbated.

In addition, it is not expected that the full extent of damage to the (underground) stormwater system will be known for several years until CCTV is used to survey stormwater pits and pipes, unless sink holes or other damage is noticed at the surface. Council maintains over 685km of stormwater pipeline and assessment of these areas using CCTV is prioritised on a risk based approach.

Recommendation: That the emergency period and reconstruction period takes into account cumulative impacts.

Impact assessment role and function

The recently updated NSW State EMPLAN allocates the coordination of the local impact assessment to the lead response agency for the event, and is then submitted to the NSW Reconstruction Authority (NSW RA) in order to inform a local recovery action plan formulated by the local recovery committee with NSW RA as the recovery coordinator. This process was used for the first time during the Illawarra – South Coast severe weather event 6 April 2024, and was cumbersome on the NSW SES and the Illawarra LEMC during a heightened time of resource effort. It was also apparent that the delay in transfer from the NSW SES to the NSW RA had impacts on the NSW RA abilities to commence recovery planning and coordination.

Council recommends that impact assessment coordination is better suited to the NSW RA, starting in the EOC and continuing after the transition to recovery phase. The impact assessment submission from the lead response agency will also only capture impacts during the response phase, and as is commonly known, impact knowledge continues to come to light well into recovery when the response agencies step back from the efforts and individual agency stocktake of damage commences.

Local government area impacts are unique and require specific local recovery plans to be actioned by Council, supported by relevant NSW Government agencies.

Recommendation: That Reconstruction Authority is funded to support regional recovery plans and committees while also providing local government recovery support.

Authority may direct relevant entities

Section 13(1)(b) of the Act enables the Authority to direct council to take certain action in the exercise of functions under the *Environmental Planning and Assessment Act 1979*.

Recommendation: It would be appropriate to provide clarity on the intended application and extent of this provision.

Thank you again for the opportunity to make a submission to the review of *the NSW Reconstruction Authority Act 2022*. If you require any further information, please contact Mr Nathan McBriarty, Manager Infrastructure, Strategy and Planning, on 4227 7111.

Yours faithfully



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