

REPORT ON PROCEEDINGS BEFORE

**JOINT SELECT COMMITTEE ON THE NSW
RECONSTRUCTION AUTHORITY**

REVIEW OF THE NSW RECONSTRUCTION AUTHORITY ACT 2022

At Macquarie Room, Parliament House, Sydney, on Friday 23 August 2024

The Committee met at 9:05.

PRESENT

Mr Clayton Barr (Chair)

Mr Roy Butler
Ms Sue Higginson
Mr Warren Kirby

PRESENT VIA VIDEOCONFERENCE

Ms Liza Butler (Deputy Chair)
The Hon. Stephen Lawrence
The Hon. Emily Suvaal
Mr Richie Williamson

* Please note:

[inaudible] is used when audio words cannot be deciphered.

[audio malfunction] is used when words are lost due to a technical malfunction.

[disorder] is used when members or witnesses speak over one another.

The CHAIR: I acknowledge the Gadigal people, who are the traditional custodians of the land on which we meet at Parliament. I also acknowledge the traditional custodians of the various lands on which our virtual witnesses are appearing at this hearing. I pay my respects to Elders past and present, and extend that respect to any Aboriginal and Torres Strait Islander people who are present or who are viewing the proceedings through the public broadcast.

Today is the second public hearing for the review of the *NSW Reconstruction Authority Act 2022*, which the Committee is required under section 93 to report on to the Parliament by 28 November. The Committee is tasked with considering whether the Act's policy objectives remain valid and whether the terms of the Act remain appropriate for securing those objectives. We thank the witnesses who are appearing before the Committee today, both at Parliament House and online via videoconference. We again express our appreciation to the many stakeholders who have made written submissions.

My name is Clayton Barr, the Member for Cessnock and Committee Chair. Here with me today at Parliament House and online are my fellow committee members: Ms Liza Butler, the Member for South Coast and Deputy Chair, who is online; Mr Warren Kirby, the Member for Riverstone, who is here in the room; Mr Roy Butler, the Member for Barwon, who is here in the room; Mr Richie Williamson, the Member for Clarence, who is online; the Hon. Stephen Lawrence who will be joining us later today; the Hon. Emily Suvaal who is online; and Ms Sue Higginson who is here in the room.

Before we call our first witnesses, I note that the Committee has requested that the organisations appearing provide written opening statements, which will be published on the inquiry's web page. I thank them for that because it will allow us to proceed straight to questions after each witness is admitted to today's hearing. We will begin with our first panel of witnesses.

Councillor DARRIEA TURLEY AM, President, Local Government NSW, before the Committee via videoconference, affirmed and examined

Mr DAVID REYNOLDS, Chief Executive, Local Government NSW, before the Committee via videoconference, sworn and examined

Councillor RUSSELL FITZPATRICK, Mayor, Bega Valley Shire Council, Executive Member, Country Mayors Association of NSW, before the Committee via videoconference, sworn and examined

Mr ANTHONY McMAHON, Chief Executive Officer, Bega Valley Shire Council, before the Committee via videoconference, affirmed and examined

The CHAIR: Before we begin questions, I inform witnesses that they may wish to take a question on notice and provide the Committee with an answer in writing within 14 days after receiving the question. I open by acknowledging the concerns we are hearing broadly from local council and local government—that the legislation in its current form doesn't specifically speak to the role of local government. I acknowledge that, to date, are you aware of the Act being used and enforced and applied in a way that has been detrimental to local government at this stage? I might start with you first, Darriea, and then come across to you, Russell, if that's okay.

DARRIEA TURLEY: I'm going to apologise, Mr Chair. I'm struggling with a cold today. I'm going to hand this question over to David Reynolds.

DAVID REYNOLDS: The cold is going around, but I'm going to do my best anyway. I think what we're seeing are experiences from councils that mirror your opening remark. We're seeing some experience that's good but some experience that is detrimental. Where we're seeing things that are detrimental are potentially in relation to some of the pod outcomes in terms of the Reconstruction Authority placing communities in those locations. That probably raises some of the planning and approval or those related questions about the powers that the Reconstruction Authority has under the Act and just how—not to say that we don't think they should have the ability to act in that way. We think there should be some better processes that perhaps more closely align with some of the principles of the environmental planning legislation and some of the—if I call them self-approvals, some of the Part 5 or the REF-type mechanisms that might be spelt out there. That would be one example.

I think other examples of where they are forming in a way that's detrimental to local government—and I do give these examples cautiously because I'm very conscious of the size of the overall challenge that the agencies, both Federal, State and local, have had to meet. I acknowledge that we're talking about problems we'd like to fix, but I do want to acknowledge the overall effort to start with as well and call that out positively. I think probably where we're seeing other examples would be on the North Coast in the flood-affected regions up there. I think it's appropriate to call that out.

In terms of being detrimental, there are always going to be challenges about the capacity of the Authority to get funding on the ground as quickly as the council and the community would like it and whether the Act facilitates that or perhaps provides too many things that need to be done in a way that gets council funding into the picture as quickly as possible. And then there are flow-on effects to that. There are flow-on effects around how communities might relocate or how communities might rebuild. One of the areas that I specifically call out as detrimental—and this is potentially more a question for the requirements of the DRFA categorisation—is the number of local government assets that either are able to be funded or are not able to be funded, particularly water utilities. Water utilities have been really problematic for councils, and we know there are some technical questions there. But those are probably a few examples of things where it has been detrimental to the local government space. We acknowledge the effort overall, but there are some things that could be improved.

The CHAIR: That's very helpful. What about Russell or Anthony?

RUSSELL FITZPATRICK: I have nothing really to add to what David has said there. Across the board, depending on each disaster, there's a different issue that comes up. The Act isn't the problem; it's just the other legislation around it as well.

ANTHONY McMAHON: I'm happy to jump in with a couple of points. If we're specifically talking about the Act and its impacts, one of the issues that I have seen experienced is, now that we've got this piece of legislation almost operating around the SERM Act, it creates a bit of confusion within communities around who is responsible for what in terms of the preparedness, planning, response and then to get back out into recovery that's covered by this Act. I also think one of the things that is causing some issues at a local level is the definition around "community" in the legislation. You can define community in a lot of ways. When we're talking about the scale of planning that's intended under this Act, it has caused some angst at a local community level. There are

some very small subsections of our local government areas that think they should have their own disaster adaptation plans, for example.

What's becoming clearer over time in working with the Reconstruction Authority is that that is certainly not the intent. The broader issue is really around expectation management. I know from practical experience here in the Bega Valley that our community has been a little bit confused about what they can expect as a result of the Reconstruction Authority in this Act, dependent on the type of event and what's happening around the place. We experienced a significant bushfire, for example, in October last year. Our community thought that was quite well handled. I know that, if there were other fires in the State at the time, we wouldn't have had that level of support and resource in a similar scale of event. I think expectation management coming out of this is a big one too.

The CHAIR: Thank you for that. We are hearing fairly frequently that there's some concern around the definitions of community, social cohesion—that sort of responsibility area. We're also hearing about the money flow. That's been raised quite a lot, that the money flow seems to be just tied up in knots. We take all of that on board. Thank you very much.

Ms LIZA BUTLER: Thank you for joining us today. The financial implications were something that I wanted to talk about. The graph that you provided in your submission is really telling. I have been actively working really hard to ensure that Shoalhaven has got that money because, with 15 natural disasters, it actually becomes financially unviable for councils to do the work and then get paid retrospectively. Do you have an idea of how disasters could be funded moving forward?

RUSSELL FITZPATRICK: Part of the Country Mayors' submission was that some funding be made available for urgent needs 28 days after the declaration of a disaster to provide cashflow to rural and regional councils, so on that, changes to the Act to expedite that disaster funding.

Ms LIZA BUTLER: Some ideas that have been floated are that councils get paid a bit like builders do: a certain percentage up-front and then progress payments so that you're not lumped with the whole amount at the end.

ANTHONY McMAHON: Russell, I'm happy to talk about our experiences in Bega Valley here. We actually worked in partnership with the Reconstruction Authority after the Black Summer fires to trial an arrangement that had what I call advanced payment arrangements. What that allowed us to do is, once we had an agreed scope in place at an agreed cost, we could start getting that claim process happening earlier. Then, once there was a final completion, there was a tidy up final payment arrangement. It certainly eased the cashflow issues. We were carrying about \$16 million debt at one point as a council as well, and it certainly helped us with cashflow. I think there is certainly an opportunity for better staging of payments. In the past, what would often happen—and this is the experience of others—is that you might complete some repair works, aside from emergency, and then it could be a six-month period by the time you get your works reviewed, and the claims processed and you get your money back. That can have a significant impact, particularly on smaller rural and regional councils that might only have a \$10 million to \$15 million operating budget.

DAVID REYNOLDS: We're seeing good experience come out of the early use of the Tripartite Agreements. That funding model that's being used seems to be playing out positively so far. That's doing the sorts of things that Anthony and Russell have talked about in terms of trying to put a broad scope together but getting funding on the ground quickly at the start of the job so that procurement processes can be done well, and then tidying up at the end. The other factor that I'd ask the Committee to think about is the things that trigger the payment. We've certainly got at least one example—and probably more in New South Wales.

I'm thinking of Central Darling Council where they suffered huge financial impact, particularly relevant to their budget size. But because the nature of the flooding and rainfall ruined their dirt roads and made them sodden, they couldn't get traffic onto it, so there was no particular response that they could call immediately that generated a multi-agency response. It didn't hit the trigger for the disaster funding despite the fact that it was over a million dollars of finance for a council who's overall budget might be in the high teens to the twenties. If I could just ask the Committee to think about some of those triggers for that disaster categorisation, and just how those councils might be able to get a little bit more easy access to funds, particularly out in the rural and remote ones where it's just a huge impact for them. Hopefully that's just a couple of helpful points for the Committee too.

Ms LIZA BUTLER: I have one more question about the example you gave of the road gravel patching where you applied for up to 150 millimetres of gravel and only 10 millimetres were approved. Does that end up costing more in the long run because it has to be done numerous times? If there was another natural disaster after putting 150 millimetres of gravel, would it be the same result? If we did betterment, do you have a comment on that example that you provided in your submission?

ANTHONY McMAHON: David, if you want, I'm happy to talk to it.

Ms LIZA BUTLER: You're laughing.

RUSSELL FITZPATRICK: I'm waiting for the engineer.

ANTHONY McMAHON: My background is as a civil engineer. In an unsealed road context, one of the most important things to stop it from washing away in the future is to get adequate drainage. If you don't get enough gravel on a road to be able to form a crown in it to allow the water to drain off, your road becomes the watercourse. In answer to your question, 100 per cent; if you don't put adequate gravel back on it so that you can form a crown on it to get the water off the road, your road becomes the watercourse again and you just repeat the exercise over and over.

The CHAIR: Russell, you had a pretty good giggle when the question was asked. Was there something specific you wanted to add?

RUSSELL FITZPATRICK: I was just laughing because I was waiting for the engineer to actually explain it. I knew Anthony wanted to step in.

The Hon. EMILY SUVAAL: Thank you all for appearing today. It's lovely to see you again. I've just got two quick questions. The first one was in regard to the role of disaster recovery officers that are embedded within councils but don't receive ongoing funding, which we heard through the local government inquiry. I wanted to get your thoughts on the particular merits, but also the impact, of those roles not being ongoing, particularly given we know there is a need for a focus on preparedness.

DAVID REYNOLDS: I'm happy to start at an industry level and then very much happy for Anthony and Russell to talk more locally—Darrica, if that's okay with you too. We're very supportive of the roles of community recovery officers. We would call them out as one of the several factors that are working well under the legislation. Our feedback from the councils is that they've been very well received and they're really important points of connection to get this work done. It has been treated at the moment as a piece of surge work, but really—and I think your question goes to what it might need to be in the longer term—these might well be community preparedness officers or some other title. But some resourcing—we would argue that it should be permanent and in perpetuity for these officers—to keep the community feedback coming, keep the connectedness between the different levels of government and dampen some of the frustration that happens when you're dealing with big bits of legislation and big government departments, just to take some of the heat out of those conversations.

I think the real focus needs to be, as well as recovery, don't miss the opportunity between disasters to have these people being able to help councils and communities plan and prepare well for the next one, because we know there will be a next one. It might be in a slightly different location and to a different extent, but we've got a window between events that we can't waste. I heard the Reconstruction Authority present yesterday at a conference I was speaking at. About 10 years ago, we spent 97 per cent of our money recovering from things and only 3 per cent preparing for things. We have to be able to swing the dial back the other way. An investment in these types of officers would be really handy.

ANTHONY McMAHON: I'm happy to add to that. We've had a lot of experience in the Bega Valley in this space. Initially, the Tathra fires were the main one where we needed broad community social support afterwards. We advocated for funding for this sort of thing well before reconstruction was even comprehended—very effective. Then we had the same type of resource, but at a larger scale, after the Black Summer fires. From my perspective, the biggest issue is again around expectation management and what triggers the funding for a community recovery officer to be enacted or not. It all comes back to whether the disaster is declared as a category C- or category D-type disaster. The triggers for that don't necessarily reflect the social or community impact of a disaster.

Quite often it's linked to the level of private and public infrastructure damage, not social impact. We know from experience here that we could have a flood that does huge amounts of physical infrastructure damage and there's lots of dollars spent on that, but the community impact is relatively low. And then we could have a bushfire that does relatively limited physical infrastructure damage, but the social impact is much greater. I think they're a great function. They should continue to be resourced more and for longer periods of time. The triggers should be looked at very differently to what they currently are now for that funding.

Mr RICHIE WILLIAMSON: Like Emily, I've got two questions. I was wondering what Local Government's view is around the planning powers in Part 5 of the RA Act. Is Local Government comfortable with those? I know they have only been used once since the Act was formed. I was wondering if Local Government has a view on that.

DAVID REYNOLDS: I'm happy to dive in first and then let others fill in the gaps. We do have a view. We start with the general principle that those should be used with care because there are probably not enough

guardrails around them to bring them in line with council processes and whether there's enough engagement or consultation with councils that may happen along the way. In terms of how we might shape or tweak the particular Act to deal with that, given its broad powers, we'd probably articulate adopting some of the principles that you see in the Local Government Act and the environmental planning legislation into the NSW Reconstruction Authority Act. They might be things like principles of ecologically sustainable development, of social justice and of intergenerational equity. They're in both of those other Acts. Bringing in some headline provisions like that might put some guidance in the Act about the sort of principles that need to be applied when people are looking at planning outcomes in particular places.

We'd also argue—and I know Anthony will jump in with the technical detail—that there should be some more specific safeguards around the exercise and use of the planning powers by the Authority. For example, there is what you referred to as Part 5—those review of environmental factor type approval processes or consent processes. They could be more clearly spelled out in the reconstruction legislation. At the moment, it's very open to the Authority to act as it sees fit. I know we've got qualified and capable officers there, and that's fine. At times, we think that there's probably a need for some greater structure around the use of that power because it is pretty broad. Without headline principles and some safeguards, it's open to some bad outcomes in some local places. We'd say it could be done a little more tightly.

ANTHONY McMAHON: I'm happy to reinforce that. Based on experience, we've had some examples in the past where there were two properties adjoining each other, a fire went through and neither of them would have got an approval to build where they were. But the one that got destroyed, because of the intent of trying to get them another home, was allowed to rebuild, whilst we were taking compliance action against the next-door neighbour who was illegally occupying a dwelling, and neither should have been there in the first place. There's a risk that you start to create double standards if you ignore parts of existing legislation post natural disasters.

RUSSELL FITZPATRICK: In the fires, we had 29 properties that were destroyed that were illegally built and received full funding to rebuild. We're still trying to work through that. There's no way we'd give a building approval back where they are if they had to follow the planning legislation.

DAVID REYNOLDS: For the Committee's records, just with a little more detail on that, we would suggest that the Authority develop guidelines similar to what's in clause 171(2) of the EPA Regulation 2021. That reference might assist your deliberations after this.

Mr RICHIE WILLIAMSON: There's one final question from me. It's in the preparedness space. We've heard from the RA on this matter about duplication of roles and responsibilities, particularly around preparedness. The SES seems to do some stuff and local government seems to do some stuff, but now the RA is doing stuff. In your view, is there enough coordination? I know you've just spoken about the officers. Should the Act stipulate more roles and responsibilities or are you happy?

DAVID REYNOLDS: I might ask Anthony to go, because he's touched on the SERM Act and the relationship of that with this legislation. That might be a useful example for you.

ANTHONY McMAHON: This is one of the frustration points for local government. We get hit from every angle from different State agencies in planning. We could even talk about the transport planning that Transport for NSW is doing now that feeds into overall network resilience. It is coming from every angle. And then we get Reconstruction saying, "We want to do disaster adaptation plans." What they should be trying to do is dovetail all of those other things and replicate them in a consolidated place. If that's what happens, I think we could deal with that. But if it becomes this other completely separate piece of work that then doesn't directly link into things like our floodplain risk management plans that we've got to do with the State, like our bushfire risk management plans that we've got to do with the RFS and all of our long-term asset management plans that we've got to do under the Local Government Act, then it's just duplication of effort and resource.

One of my concerns is that, at the moment, we've got a lack of clarity around what scale these DAPs are going to be developed at. If they're too broad, they're useless. If they're too focused, they're useless. Picking the right scale is going to be a challenge because it won't necessarily make sense everywhere. If you're looking at flood disasters, you'd think to do it on a flood catchment basis. If you're looking at bushfire risk, you might base it on where do forest fires happen versus grass fires, because there's very different planning and implications. That's a really complex piece of work that I don't think anyone has fully comprehended yet.

DAVID REYNOLDS: The comment that I would add there is that we acknowledge and appreciate the effort that is going into the State Disaster Mitigation Plan and then the disaster adaptation plans at a layer under that. We know that they will evolve over time. Our feedback is that councils are engaging well with those, but they're calling out some of the issues you've just heard about. Where we would advocate for something a little bit different is in the oversight of the Authority generally. On the Reconstruction Authority Advisory Board, there is

no specific local government representative. As these plans evolve, as funding pathways are tightened and as we look at objects of Acts or we look at staffing roles, the responsibility for local government consideration only occurs through a New South Wales Government appointment onto that board. There's no specific local-government-designated representative. One of our strong points of advocacy on this issue is that we would love for the Authority to have a specific local government representative on there—one of the mayors or councillors who have got skin in the game with their community but is able to give you that first layer of feedback through the advisory board. We think that would be a real benefit to the Authority.

Mr ROY BUTLER: I'll change tack a little bit. Throughout the evidence that I've looked at, both in submissions and the transcript from last week, there are a number of key themes. The one that I'll focus on is around information and data sharing. There are a couple of layers to that. Should there be a central source of truth, a single source of truth? If so, who should that be? Should it be the RA? Who else might it be?

DAVID REYNOLDS: I'm happy to start and then let the engineer from Bega Valley come in. Thank you, Mr Butler, for your question. I think the answer is, yes, we can always do better with data. We can always get more information. There is a balance between the amount of money you spend on getting the data and then storing it, treating it and going and doing the work in the field. Better data is critical, particularly if it eases the application and the acquittal process for councils. If you're putting your claims in—

Mr ROY BUTLER: Could I just clarify? I'm referring more to during disaster and recovery periods, as opposed to the preparedness. Preparedness is a whole other theme that we could look at.

DAVID REYNOLDS: Sorry, we've only got another three hours, but that's okay. I think the point is the same. Information gathering is good. It's better if it's automated and systemic, because when the disaster is on, people are worried about saving property or saving life. Finding good ways of capturing data during that time is probably hard. We'd always argue for more. I don't know if Anthony or Russell have got a view about that too.

ANTHONY McMAHON: If we're being very idealistic I'd say that, yes, that's the ultimate outcome we're after. This point I made earlier about the fact we've got the SERM Act and the Reconstruction Act causes an issue because the SERM Act is essentially the piece where all the data capture is happening, while the event is happening, in the here and now. Say for a fire, for example, the RFS go out and, depending on the scale, might get the assistance of Public Works to do a data capture on what the impact is out there. But they're not necessarily capturing all the information that might be relevant for, say, reconstruction and local government in three months' time.

Then, from experience, what happens is we get multiple agencies go and knock on the doors of the same property owners saying, "Can we come and do an inspection of your place?" They say, "Well, Local Land Services was here a week ago looking at the fence", or it might be "The health officer was here looking at my onsite sewer system", or it might be "Public Works was here looking at my building", or it might be someone from Environment looking at a tree, and it doesn't get consolidated. Yes, we need to do it; how we do it is not easy. I know there's a bit of work happening within Government to try and do it, but I don't think it's there yet.

Mr WARREN KIRBY: This is for Local Government NSW. In your submission you note that the wide powers conferred under the Act to the Authority and the Minister might be a bit too far reaching. What are the safeguards and/or limitations to exercise these powers that you think should be set out?

DAVID REYNOLDS: I think I've touched on a few of them before, at a broad level, about bringing some of the principles that you find in some other legislation in right at the front of the Act. Principles around ecologically sustainable development, social justice and intergenerational equity are in the Local Government Act. They're in the planning legislation already. We say it would be helpful if they were in this Act, as well, as guidance. But we do think it's broad. We do think some of the approval pathways, as we've talked about, could be more appropriately managed, similar to the review of environmental factors process under the planning legislation.

They would be two keys area where we would say it could be shored up in terms of some of the safeguards. We've talked about, and particularly Anthony has mentioned, expectation management or understanding of who does what and when, so some clarity around those provisions. Because when a disaster is on, the Authority has a very large amount of powers—which is appropriate; someone needs to come in and do that work—but having some good principles, having some controls around outcomes that they can achieve on the ground and then having some parameters around how they engage and deal with people would be helpful too, in our submission.

Mr WARREN KIRBY: How does that relate to what we were talking about in a previous question about bringing everything together so there are not multiple knocks on the door for recovery and the wash-up of the disaster—having one unified truth, as Mr Butler pointed out?

DAVID REYNOLDS: I'm happy to defer to Anthony's or Russell's experience on the ground, but I'm not sure you need a legislative answer to get better coordination between government units or government teams. It may be that there is clarity needed between some of the provisions of the emergency response legislation compared to the Reconstruction Authority Act. But the sorts of inquiries that are happening on the ground there—often it's just better coordination amongst teams and clarity of who needs to do what. It could, I suppose, be set up in legislation, but it may be more appropriately a matter either for regulation or just for coordination through agencies.

Mr WARREN KIRBY: If I may change over to something quite different, we've been talking quite a bit about betterment funding. It has been noted that it could be better funded. Mr Reynolds, you also made the point of 97 per cent being directed to recovery. Do you have an opinion on how the RA could assist with that preparedness? As part of that, what are councils doing in between disasters to identify things that could be targets for betterment during general maintenance—so rather than maintaining that gravel road, for example, improving it to a point where it's now resilient.

DAVID REYNOLDS: A couple of points on that question. Firstly, councils always do as much as they can with the limited resources they've got. One of the challenges for these councils is often it's some of the most marginal councils that are fielding the call to do more with their assets and bring their assets back to a standard that's more resilient. I'm happy to let Anthony and Russell talk about specific council experiences, but I think, generally, councils are trying to do better with their asset inspections. They're trying to do better with their data capture about the service standard, the integrity of their assets and how they're performing. They're trying to be more planned in a longer term sense around how they manage their asset-related expenditure over longer periods of time. They're trying to build better relationships with agencies so that when the disaster happens—when that strikes—they've got better channels to go and work with those partner agencies.

The other thing that councils are particularly trying to do is get their procurement pathways sorted out so they can get plant and equipment and product and stores et cetera when the disaster is on. Because, if you try and go through a traditional tender process or a traditional procurement process in a recovery phase, it's too long. You need your procurement pieces in the right place so that you can get plant and equipment and machinery on the ground pretty quickly. Anthony, you would have specific examples of your council's work there, I'm sure.

ANTHONY McMAHON: Yes, I can give a couple of practical examples of where this plays out regularly. Sometimes it's slightly different east and west of the escarpment. East of the escarpment, we have a lot more landslides than out west, for example. That's an area where councils might experience a landslide and they can see a high risk that the same thing is going to happen outside of the slip area, but we can't do anything to get funding to deal with that. What sometimes happens is another disaster happens, and then we start from scratch and nothing gets repaired. You hear the stories of communities without access, and that's one example of where it plays out. The other one, which is a little bit simpler to comprehend, is with bridges.

For example, we may have a relatively old bridge in our area that we've started to do replacement plans for, and we may even have got to the problem. We've got concepts for upgrading this thing, say, from a single-lane timber bridge to a two-lane concrete that's a bit higher, so it doesn't flood in the future. A disaster comes along and all we might get funded to do is single-lane concrete, same deck height—which is what's considered modern equivalent—with some slight betterment. The whole concept of betterment, though, doesn't at the moment go towards contributing to higher deck, dual-lane, which improves service capacity. We're then forced into a position where we say, "What do we do? We've got no funding available to do the two-lane concrete upper thing. Do we take the disaster funding and put in this thing for another 50 or 100 years that's not the long-term plan, or do we drop everything else we're doing as a council and redirect funding just to fund the gap?"

They're practical examples of what plays out. When the State did put out their previous program to try and fill the gap, the issue with that was timing of programs. Because the Disaster Recovery Funding Arrangements are very tight, you've only got a small window to deliver your works. While we wait for another competitive grant round out of the State to see if we've got an outcome, we've already had to procure the solutions by the time the funding came back. So alignment and flexibility in funding are going to be key if you do come up with a program.

Ms SUE HIGGINSON: You referenced the requirement for some guardrails around the Reconstruction Authority's decision-making powers in relation to planning, and I take on board, very clearly, those guidelines. Do you think there is some scope for a concurrence power or a mandatory requirement to consult? If so, have you given any thought to how that could play out? Whether the planning Minister was required to obtain the concurrence of the specific local government within the area that they're making decisions about, or whether it's another Minister or the Premier, is that something you've given any thought to? It is open to anyone. Mr Reynolds, I know that you've put some detail in there.

DAVID REYNOLDS: Thank you, Ms Higginson. [Audio malfunction] this detail well. We would always advocate for more consultation between councils and communities. We would need to think more about whether we would push that as far as saying there should be a mandatory concurrence or some kind of concurrence framework that goes with the type of structure we've set up. We would all want to push for more discussion and more [audio malfunction] on these things. We do acknowledge, though, that—

Ms SUE HIGGINSON: Sorry, Mr Reynolds. I don't think anybody heard any of that. I'm looking at Hansard and they are very much struggling. Would you mind starting that again, please?

DAVID REYNOLDS: But it was brilliant—what I said was brilliant, and hopefully Hansard caught that.

Ms SUE HIGGINSON: Of course it was!

DAVID REYNOLDS: This might not be as good; you never know.

The CHAIR: Mr Reynolds, could you try turning your camera off, please, to see if that gives us a bit more bandwidth?

DAVID REYNOLDS: Sure, let's try that. Can you hear me now?

The CHAIR: That's heaps better.

DAVID REYNOLDS: And the world is better without my visage on the record. The very short response, given our time—we always support more consultation. We would be happy to work with people around a framework for concurrence, if that was going to be beneficial, but we acknowledge that there needs to be quick but good decision-making. What we don't want to do is have artificial layers of approval; we want to have appropriate layers of approval and support. There's very much a tension that should be there, but there is a balance needed in that tension so that councils and communities aren't waiting for administrative approvals for too long. I'll leave it there, thank you.

The CHAIR: Thank you all so much. One of the questions that we are going to send to you on notice is about a potential name change for the Act. We don't want a response at the moment, but put your thinking caps on about whether it could be called something other than Reconstruction Authority. We have your opening statements.¹ You will each be provided with a copy of the transcript of today's proceedings for corrections. The Committee staff will also email any questions taken on notice today—there weren't any, I don't think—and any supplementary questions that the Committee might divine over the coming days. We ask that you kindly return those within 14 days, if possible. If it's not, please talk to us and we can figure it out. Thank you all so much. We really value your time.

(The witnesses withdrew.)

¹ Opening statement from [Local Government NSW](#).

Mr GREG HILL, General Manager, Central Darling Shire Council, before the Committee via videoconference, affirmed and examined

Mr KENT BOYD, General Manager, Parkes Shire Council, and Non-Voting Representative, Central NSW Joint Organisation, before the Committee via videoconference, affirmed and examined

Mr BRAD BYRNES, General Manager, Cabonne Council, and Non-Voting Representative, Central NSW Joint Organisation, affirmed and examined

The CHAIR: Before we proceed, do any of you have any questions about the hearing process?

GREG HILL: No.

KENT BOYD: No.

BRAD BYRNES: No.

The CHAIR: Thank you all so much. I also thank Central NSW Joint Organisation for providing us with its opening statement, which has been circulated to members.² I inform the witnesses that you may wish to take a question on notice if you don't have the answer on hand, and you can provide the Committee with an answer in writing within 14 days after having received that question today.

We will move straight to questions from the Committee, and I will ask the same question I asked the previous panel of local government. We acknowledge that there's some concern that local government isn't formally, technically, directly recognised in the legislation as it currently is. Having said that, have you had experiences with the Reconstruction Authority where you think that not being properly identified in the Act has been detrimental and that you've had a less-than-positive interaction with the Reconstruction Authority because you're not specifically mentioned in some form within the Act? I might start with you, Mr Hill.

GREG HILL: I don't believe so, directly, but there are issues around recognition of local government, especially for Central Darling out in the Far West. The difficulties in the way the system works and the processes through which we have to have natural disasters declared are an issue for us in the sense that we're such a large shire with a low population and very low volunteer rates, and we're a low-income council with limited funds. The difficulties in getting a natural disaster declared and the hurdles we have to jump through to get that done—a recent example was the issue we had earlier this calendar year, in February.

The CHAIR: What about Mr Boyd or Mr Byrnes? Have you had a particularly bad experience with the Reconstruction Authority that you think is a result of not being properly recognised in the Act?

KENT BOYD: No, I don't believe so. However, I would say that if we were identified, it would be useful to the extent that there are a number of agencies coming together in any event. Where there are multiple agencies, I think it's good to be able to define what their roles are. There is often a lot of confusion early in the events around the coordination of all those agencies. We couldn't say there was necessarily an issue because we were not identified. I would have to say that the Reconstruction Authority has always involved us very well. I think it does a good job in that. But there are a number of agencies that come together. If they could be coordinated better, either by definition in the Act or merely by the procedures, I think it would make the coordination at the front end a lot better.

The CHAIR: Thank you. Mr Byrnes, did you have any thoughts?

BRAD BYRNES: Yes, Mr Chair. I won't waste the Committee's time—Kent pretty much articulated Cabonne's experience. You couldn't attribute it directly—you're not even thinking about the Act, obviously, when things start. The RA does see us as a primary partner and delivery arm.

The CHAIR: I personally suspect that it might become a bit more of an issue when we go towards preparedness. But at the moment we are just doing response, and we have been since the Act was enacted in 2022. Ms Butler, as you are the Deputy Chair, I am going to throw over to you. Then I am going to go in complete reverse order for questions for all the panel members.

Ms LIZA BUTLER: Thank you, Chair, and thank you everyone for attending today. In your submission, I am just really interested in your last two points, numbers 9 and 10, about the section 72 identification cards. What is the issue around why you think that should be included? What is happening?

² Opening statement from [Central NSW Joint Organisation](#).

BRAD BYRNES: I'll have a stab at that. My understanding was that there was no clear—in reading the submission itself—guidance as to what that part actually looks like. I think they want it consistent and stipulated what it mandatorily has to have on it so it can be rolled out. That is my understanding of the identification card.

Ms LIZA BUTLER: I am just trying to get what the issue is. Are people turning up after a disaster and people don't know where they are from—they are saying they are from the Reconstruction Authority but people actually don't know? Is that what the issue is?

BRAD BYRNES: I would have to take that one on notice. I am sorry, I wasn't fully briefed on that particular aspect.

Ms LIZA BUTLER: That is fine. Could we take that on notice? Because if that is an issue, it is something that could be easily addressed. It could be important after a disaster. In terms of when you are talking about when there is a natural disaster and how quickly things happen, do you see merit in having the tripartite agreement ready to go prior to the emergency actually being declared? I know that is a process.

BRAD BYRNES: I will take that one, Mr Chair. That is 100 per cent. You waste a lot of time spinning your wheels, not knowing how the funding is going to work. With the tripartite agreement, you don't have to worry about the cashflow so much. If you had the understanding that that's the way the Government is going to fund emergency works, it just gives you that ability. I know some councils have considered that they have to pull off graders because they don't have the cash because claims are out and things like that. It would be much better knowing that forward advance payments were going to occur.

The CHAIR: Mr Hill, did you want to add anything to that before we move on?

GREG HILL: Yes, thank you. With the situation we had earlier in the year around our natural disaster declaration, we met all the criteria but one, which was the joint agencies response. Being that the flood affected a lot of our rural roads, which are all unsealed to the east and north of White Cliffs, which is a very remote part of the shire, having accessibility to those roads was nearly impossible to get out to inspect those roads. It took nearly four days before we could actually get a vehicle out there. To get a joint combat agency response was pointless because, one, the road from Wilcannia to White Cliffs was closed because of flooding and, two, the flooding up at White Cliffs didn't affect any properties within White Cliffs, being that the town itself is built on two hills and being dugouts.

The rural properties are 50 to 100 kilometres away from White Cliffs on unsealed roads. These station properties are self-contained. They are resilient people and they are self-sufficient in managing their situation. However, the road network was out. It was pointless calling out the SES or RFS, or even the police to a certain point, to respond because there was nothing for them to do. We literally just had to wait for the roads to dry out and then put a machine, either a front-end loader or a grader, down the road so we could actually get vehicle access. They only time we have really big issues is if there is a medical emergency on one of those properties and we have to get an aircraft in.

Ms SUE HIGGINSON: In the submission of the Joint Organisation, you reference the perhaps deficiency in the definition of "affected community". We have heard that the definition of community is a bit problematic. Do you have any suggestions around that? Is it your suggestion that affected communities should be one subset of community? Have you got any thoughts around what to do about that definition? Because it is a very good point.

The CHAIR: I might throw that to you, Mr Boyd. It is the submission from the Central NSW Joint Organisation, isn't it?

Ms SUE HIGGINSON: Yes.

The CHAIR: Mr Boyd and Mr Byrnes, this one is for you.

KENT BOYD: I will talk on that briefly, if you like. I guess the concerns in relation to this one talked about affected communities. The point we were trying to make in the submission was that it is not only affected communities because we want to get in front of it and try to do the resilience work up-front. It is not necessarily an "affected community"; it is prior to being affected, if that makes sense. We are really trying to push the emphasis along the lines of how do we get in and do the resilience work first so it is not affected. There is probably a little bit of complexity there, but I think the point they were trying to make was let's not overemphasise "affected", but let's try to get in front of it and do the resilience work first—so the Act actually allows for this resilience work up-front. At the moment it is clear in all of the reports that something like 97 per cent of the effort goes in after the event. How do we convert that and try to get some resilience work done up-front—some adaptation resilience—and prepare the communities so they don't become affected?

Ms SUE HIGGINSON: So it is your submission, therefore, that perhaps a way of navigating that is to have "community" as a broadly defined concept and "affected community" as just one part of that? I think it is defined in the Act as "a community affected by a disaster". The term "community" appears all through the legislation, but who are we actually talking about? Is that what your submission is going to—that we need to be looking at communities from a preparedness perspective?

KENT BOYD: Precisely. We need to get in front of it and try to do that work up-front. In relation to that, it is not a simple job. Many of the disasters that we are now experiencing are a whole different level than we have seen before. For instance, the one that came through in November 2022 was bigger than we have ever seen before. Any of our previous disaster plans wouldn't have even considered it. So now we need to go back as communities and do this whole new layer of work with a different intensity of events. I think as we move into this warmer climate the events are much greater—we are seeing it on the ground. The storm intensity is much more and the extent is much wider, so the impact is so much more. Our old disaster plans are now almost redundant, given the magnitude of the new events. I can see that we are going to have to go back and do a whole new—for instance, our flood studies need to be updated with this new level of intensity and these new events. It is a very big job now to go back and put these plans in place.

Mr ROY BUTLER: In a similar vein to the Chair's first question—it would probably be great, Greg, to hear from you first, but I'd be interested in hearing from Parkes and Cabonne as well—do you think that the Act should be amended to recognise the unique challenges faced by remote and isolated communities, Aboriginal communities and vulnerable residents, like people with disabilities or language barriers? Can you relate any experiences of your council, particularly Central Darling Shire Council, that would support that?

GREG HILL: Yes, definitely. As you'd be aware, we do have our challenges out here, being so remote. We do have a very resilient community out here and, when we do have a disaster, everyone pulls in. One thing we do suffer is that we have a low volunteer participation rate out here. We struggle to get volunteers with RFS, SES and so forth. This is probably outside the remit of this Committee, but it is something where the services really need to be more combined, coordinated and skilled across multiple facets—not just particularly in SES or RFS. These agencies need to be very diverse in what they can actually respond to, because we just don't have the level of volunteers out here to respond to emergencies.

The shire is made up of 48 per cent Indigenous. We don't have a lot of participation with emergency services with our indigenous community, unfortunately. I think there needs to be more work in that space to get Indigenous people involved, especially in our community. They are accessible pretty well all the time, especially Wilcannia, Menindee and Ivanhoe. Like I said before, we do have a lot of remote station properties. Getting resources out to assist them is difficult with our unsealed road network being so vast. Being a majority of clay roads, it only takes anything up to about seven millimetres of rain and our unsealed road network is closed. We have a lot of challenges. I'll give you an example. For the last three months, our unsealed road network was probably closed for nearly eight weeks—of 12 weeks, our unsealed road network was closed for eight weeks.

While station properties manage, and while we're a bit flexible around how property owners of station properties move in and out on closed roads, we do have issues around tourism. We just had Mundi Mundi. We were lucky that, in the week leading up to Mundi Mundi and during Mundi Mundi, the bend just west of Broken Hill was dry. We had nearly 10,000 people travelling through this region—multiple caravans, cars and buses et cetera. If that week had turned wet, it could have been a disaster in its own right given that not all people are connected to the internet. With mobile phone services out here, Telstra is predominantly the major provider. A lot of people coming from the east coast use multiple telecommunications carriers, and they don't access—and in some cases don't know where to access—the road closures.

The CHAIR: Mr Hill, I'm going to have to chop you off there for time. Mr Boyd and Mr Byrnes, did you want to answer that question from Mr Butler as well?

KENT BOYD: Yes, probably in support. Quite often in some of these lower lying areas there are aged people, for instance, who aren't familiar with computers and aren't familiar with the systems. They have, in some cases, dropped out of the loop altogether. We still have people that haven't applied for some of the funding because of the issues around filling out the forms, using the internet and those types of things. I would say that reconstruct, at one point, did go down and do a doorknock of all those residents. There was only 100 or so. It wasn't a massive job, and I think that was an excellent way to do it. They did actually get out and physically engage with these people and that really made a great difference.

BRAD BYRNES: I'd just say that, if that was in the Act to help mitigate the risk—which, as we're saying, it doesn't seem to have happened—the lens being looked through is more a per-capita basis rather than a per-square-kilometre basis. If there's something there to ensure that it's not just about the population numbers, but it also has recognition of the special needs of a wide and diverse local government area which doesn't necessarily

have the numbers to sometimes stack-up to some of the issues that may be prioritised on a population basis rather than what the need is. Does that make sense?

The CHAIR: Yes, thank you.

Mr RICHIE WILLIAMSON: I've just got one question, and I think it might be to Mr Boyd, with regards to a drought being recognised as a natural hazard. If it was, what are your expectations that RA could or should do?

KENT BOYD: We've certainly identified it not so much as a disaster. It's really more around getting in front of it and making sure the resilience packages are in place. The State is, in fact, doing some work around drought resilience. A drought has just as big an impact in the long-term as a disaster. Many of the mitigants that you would put in place for disasters, such as larger storages to save the impact of floods, may well be also used as a mitigant to drought. For example, a larger storage might, for instance, hold more water so that when you get to the drought or pipe systems or whatever those mechanisms are—it's really on the resilience side rather than the disaster side that I would see drought as the significance of that being identified. A lot of the work that we would do anyway, in terms of mitigation, it wouldn't be a big job, I don't think, to include drought in that to make sure that what we do applies to both.

The Hon. EMILY SUVAAL: My question to the inquiry participants is similar to the question I asked the last witnesses. It relates to the role of the embedded disaster recovery officers within councils. Do you have a view as to how well the role is performing, and whether it should be an ongoing role with a view to do preparedness also?

BRAD BYRNES: We had an officer in place in Cabonne for 12 months. A couple of things—I would suggest that more value would come if they didn't take six months to be delivered. A lot of the urgency and higher workload dissipates a bit before you can get one on the ground. I'm not being overly critical, but taking six months to even get them there is problematic. Also, there is a lot of guidelines around what that officer can do. To give you a simple example, we had that officer go out to Eugowra to help with an event. They have to drive the truck to provide the goods for the event, because you can't claim it unless that person has done it. They've got very stringent guidelines about payment—what they can get paid to do and what they can't get paid to do. That officer is now finished up, and we've got six months worth of outstanding claims for that officer. It's a very slow turnaround on the funding for that officer. I understand they don't want councils using that officer to fill potholes or do something, but they are too stringent, in my view, as to what they can and can't do, which makes it very problematic to get value out of that role at the time. That's what I would suggest.

The CHAIR: Point well made. Mr Boyd, did you want to add anything to that?

KENT BOYD: Only that we didn't have one, so we used our own people. But I agree entirely with Brad because the first six months is where the biggest lift is. With major disasters like this, we are not actually that experienced with them, thankfully. They only come very rarely. Organisations such as ours have to learn really quickly. To have someone come in, for argument's sake, with some really helpful skills and really early, would be very beneficial. But, six months down the track, they are doing a whole different job.

GREG HILL: I agree with the comments just made. In fact, we don't have an emergency management officer here. Funding was supplied to us some 18 months to two years ago by the previous Government. That funding wasn't enough to cover an officer, because we just don't have the skill sets in the Far West for a person of that nature. We would have to have a remote worker come in. The funding was nowhere near enough because of the tyranny of distance. We needed to have a vehicle for that person and we would also have to provide accommodation. Also, when they travel, because of the workload, and we have such a vast area—we have four major towns, and when I say "four major towns", we have four towns within the shire—that person would have to be spread across the whole area. I think the funding was worth about \$110,000 or \$120,000. To put an emergency management officer in place, we would be looking at at least around about \$200,000 just to have that person in place with the equipment and the stuff they actually needed, and to supply the accommodation.

The CHAIR: Point well made as well. That brings us to the end of our session. Thank you all so much for appearing before the Committee today and giving us your valuable time. You will each be provided with a copy of the transcript of today's proceedings for any corrections. The Committee staff will also email to you any questions taken on notice from today. I think there were a couple of questions taken on notice. We really appreciate that. We might also email to you any supplementary questions from the Committee that we formulate over the coming days. We kindly ask that you return these answers within 14 days, if that's at all possible. If it's not, please speak to us.

(The witnesses withdrew.)

Mr CHARLES CASUSCELLI, Chief Executive Officer, Western Sydney Regional Organisation of Councils, sworn and examined

Ms MEAGAN ANG, Director, City Planning, Hawkesbury City Council, affirmed and examined

Mr KERRY ROBINSON, OAM, Chief Executive Officer, Blacktown City Council, affirmed and examined

Mr PAUL BELZ, Director, City Assets, Blacktown City Council, sworn and examined

Mr SURINDER ANEJA, Manager, Civil Asset Maintenance, Blacktown City Council, affirmed and examined

The CHAIR: I welcome our third panel of witnesses today. Before we proceed, do you have any questions about the hearing process? I appreciate the opening statements provided by the Western Sydney Regional Organisation of Councils and Hawkesbury City Council,³ which have been circulated to Committee members. Before we begin with questions, I inform witnesses that they may wish to take a question on notice, if they do not have the answer at hand, and provide the Committee with an answer in writing within 14 days after receiving the question.

I will start with acknowledging that a number of councils in their submissions raised concerns that the reference to local councils throughout the legislation is insufficient—it's not clear enough or specific enough—and there is broad concern that it might lead to problems. I acknowledge and accept that. To date, in your experiences with the Reconstruction Authority, are you able to identify or point to some specific instances where, by way of not being properly acknowledged in the Act, you have been overlooked or somehow served a disservice by the work of the Reconstruction Authority Act? I will go from left to right, if that's all right. I will start with Hawkesbury.

MEAGAN ANG: As stated in the opening address that was provided in writing, Hawkesbury City Council hasn't experienced a disaster of significant scale since the introduction of the Act. Therefore, we didn't feel that we were able to provide really detailed feedback in terms of the policy terms and objectives other than to say, "To the best of our understanding, they certainly seem fit for purpose." Accordingly, we also haven't experienced a level of interaction with the Reconstruction Authority to make sufficient comment to say that we have been overlooked or didn't feel that the Act adequately represented local councils.

The CHAIR: Ms Ang, just on that, hasn't Hawkesbury had multiple floods in the last couple of years?

MEAGAN ANG: We have, but the last one I would have to say that—and perhaps it speaks to the amount, size and scale of the floods that we have had. Hawkesbury City Council would consider its most significant flood, in terms of its coordinated disaster response, to be the July 2022 flood.

The CHAIR: Before the Act.

MEAGAN ANG: Before the Act. But that's certainly not to say that we haven't received a disaster declaration or experienced a significant flood event since that. We have become a fairly well-oiled machine and, certainly, our engagement with the Reconstruction Authority during a disaster of a scale of that significance has been limited.

The CHAIR: Mr Casuscelli, can you describe any instances where the failure to be properly recognised in the Act has caused a problem?

CHARLES CASUSCELLI: If we accept the fact that the Reconstruction Authority, by virtue of its mandate, has overall responsibility for the resilience mandate across the State, of which emergency management just happens to be one slice of the continuum, I would have to say something like this: I think the absence of detail in the Act that apportion a role to local government across the entire resilience spectrum is problematic at best. You earlier made a statement, Mr Chair, that I thought was brilliant. You said—

The CHAIR: Can we get that on the record?

CHARLES CASUSCELLI: I like nothing more than drinking a bottle of shiraz from the Hunter Valley, looking at Acts and legislation.

The CHAIR: You are a good man. I knew you had good qualities.

³ Opening statements from [Western Sydney Regional Organisation of Councils](#) and [Hawkesbury City Council](#).

CHARLES CASUSCELLI: I am a good man, indeed! If you rephrase that question about the detriment to local government by virtue of not having any detail in the Act itself apportioning roles, responsibilities and obligations—if you extended that to the emergency management arrangements, the emergency management plans, or all of the instruments that are developed as part of the emergency management arrangements, you would have to say, if you're an objective observer of all that stuff, that local government gets a passing mention in just about every plan that's actually ever been put in place. Remember, the emergency management plans predate Resilience NSW, which is now, essentially, the Reconstruction Authority. I see, every day, by virtue of the work we do at WSROC, trying to look at how we manage disasters—including some of the more recent obligations imposed on councils by the Reconstruction Authority that talk of disaster adaptation plans, for example—there is a definite lack of understanding of what local government can bring to the resilience table but, more specifically and even worse than that, to emergency management. When I talk about emergency management, I mean a specific thing, which is, essentially, that there's an emergency and we need to respond.

The professionals in this game are continually befuddled by the fact that we're not clear about what we mean by certain terms across the resilience spectrum. If there is one thing that's lacking and if there's one thing I'd like this Committee to do, it is actually acknowledge that we could convene a working group of some description that reviews the capability of local government to assist the State in responding to not only the emergencies but also how we go about building resilience in our communities. There is just a total lack of direction and guidance to local government that not only acknowledges what we can do today, but imagine, if we reorganised local government better in terms of emerging capabilities that could be appropriately funded by the State and Federal governments, what we could actually do. The basis for me making that statement is that we're focussing on the prevention and preparedness phase of the spectrum right now, and local government has more to contribute in that space than anybody else. Yet it is continually marginalised when we talk about how we build the capabilities within communities.

The CHAIR: Blacktown Council—did somebody want to speak to the question?

PAUL BELZ: Thank you, Mr Chair. I'll respond. We generally find our relationship with the Reconstruction Authority to be quite good, but there are a number of issues that we've actually put in our submission that at times make it difficult. One of those, for example, is when there is a disaster—and I go back to some of the floods that we've had in recent years—the claims process to recover suitable recovery money and fix up roads and infrastructure is drawn out and quite difficult. We have to go through a process of actually doing before-and-after photos et cetera, and it is a big process we have to go through, which can go on for a number of months. That just gives you a clear example. The other thing I have noticed when talking to other councils in our area in Western Sydney is that the process varies between councils. One council could be quite successful in recovery of funding and other councils might not, because there is a variability of that. That's just one example of where things could be improved in the process with the Reconstruction Authority.

The CHAIR: Ms Butler, as Deputy Chair down there on the South Coast, I am going to throw to you for questions.

Ms LIZA BUTLER: My question is very similar to yours to Blacktown, Chair, about the improvements we could make. One of them, you say, is forward-funding the repair cost percentage of the likely claim. Could you expand on that for me?

KERRY ROBINSON: I'd be happy to, Madam Deputy Chair. If I can draw a parallel to an existing process within government, which is the compulsory acquisition of land, when councils exercise their powers to compulsorily acquire land, the process allows for a dispute over the quantum of the compensation to be paid. At the point where the acquisition occurs, 90 per cent of the value of the land is paid to the party from which council is acquiring the land and then, after that time, there can be a process of either approaching the Land and Environment Court or the Valuer-General to make determinations as to what the full quantum ought to be. For us, firstly, what I would say is the lack of recognition in the RA Act of councils hasn't proven to be problematic, but we can see that there is no reason why a significant proportion of the funding which is to be required and applied to reconstruction activities couldn't be forward-funded. I'm not asking for 100 per cent to be forward-funded, but there is some lesser percentage which could immediately be given to councils to allow them to get on and get stuff done with a reconciliation process which happens at the back end of that and to the extent that there needs to be some process of squabbling over the finer details for the last five, 10 or whatever per cent.

Ms LIZA BUTLER: How many natural disasters have you had in the last, say, four years, and has that put a financial drain on council for other projects?

KERRY ROBINSON: I'll throw to Mr Aneja, our LEMO, to answer that question.

SURINDER ANEJA: Thank you, Kerry. The answer is that we had '21 floods, '22 floods and floods in '24 as well, right in the beginning. We were struggling in the '21 floods to get funding for doing the repairs. It took us many months to organise the funding. The '22 flood was a major disaster, so we had to go through the same process again—identify all the pre-photos, identify the damage and get it approved before we started the work. That took us four months. When we get the funds, there is a limit on how much time we have to spend the funds, which creates a very difficult and expensive proposition because, by that time, it's not just us but many other councils doing the same thing. So the contractors raise their prices; they are not available. It makes the process a bit difficult. The third one is that, earlier this year, we got an agreement with Transport for NSW on behalf of RA that, yes, the damage was there. We haven't got any funding yet, but we are expected to finish the work before we can get the funds. So we are in the process of now finalising the final claim, which will be done probably next month, and then they will take two or three months to assess the claim again and give us some money. There are issues there with not getting the forward-funding.

Ms LIZA BUTLER: Does anyone else have anything to add to that?

The CHAIR: No. Thank you, Ms Butler. I will go now to Ms Suvaal.

The Hon. EMILY SUVAAL: Thank you so much to our witnesses for attending. My question is with regards to the role of the council disaster recovery officers. I would invite you to make any comments on your experience of these and how much of a focus you think there is on preparedness.

PAUL BELZ: Mr Chair, I might start answering that. In Blacktown, we're very lucky that we have an assigned LEMO role that council actually funds, and we have a program of actually developing for contingency plans et cetera. What we're actually finding though—and it was referred to by one of your previous speakers—with changing climatic conditions and more intense events, the workload in updating those plans and keeping them current is significant to the point where a lot of those plans actually have to be renewed. In our case, because we're so large, there is a need for an assistant emergency coordinator type role to assist in that permanent planning process of getting us ready for future events.

The CHAIR: Just to clarify, Ms Suvaal, you're referring to the ones that are co-funded by State and Federal governments in reaction to a disaster. Is that right?

The Hon. EMILY SUVAAL: Yes, I am. But I am aware also that some councils are now funding their own in recognition of the value of that role. Obviously, Blacktown is one that is of sufficient size and scale that they can afford to do so.

The CHAIR: Agreed. A question to Blacktown: Did you ever get State or Federal funding for one of those response roles?

SURINDER ANEJA: I can answer that question. We never had that funding available to us. For example, I'm the LEMO of the council, but I've got another major role as civil asset manager controlling billions of dollars of assets. When it's an emergency, I do that plus this. That is the sort of scenario we're working with.

The Hon. EMILY SUVAAL: For the sake of Hansard, what was that acronym?

SURINDER ANEJA: The LEMO is the local emergency management officer. Every council has got one local emergency management officer. My role is not just a LEMO role. The other major role is my major role, but when there is an emergency, I perform the functions of the LEMO role.

The Hon. EMILY SUVAAL: Do you have a view as to whether or not there would be sufficient work for that role to be an ongoing role with a view to completing some of the preparedness work that often just falls to the side?

KERRY ROBINSON: This goes to the scope of the RA work and moving into disaster adaptation planning. Considering that part of the exercise rather than response, absolutely there is a role. Working across a large and diverse community and working on adaptation strategies is a process which will be ongoing for many, many years.

CHARLES CASUSCELLI: Talking about preparation and preparedness, for example, here is just one example of confusion. The disaster adaptation plans that come out of the State Disaster Mitigation Plan—the putting together of those place-based adaptation plans have been given to councils as almost like a lead agency for doing it, but we actually have a parallel set of arrangements which is responsible for prevention and preparedness in emergency management arrangements. We have local emergency management committees, we have regional emergency management committees, right up to the State level. There is a bunch of people which are multi-agency based that should be doing the preparedness and preparation part of the EM spectrum of our communities. My question is why does the RA feel that they need to go to local government to lead in the

development of these disaster adaptation plans when you actually have multi-agency committees already in place that should be doing this? I know the reason why it's not being done: Because up until now all we've done is concentrate our resource on the response phase, and prevention and preparedness has never been a big thing up until now.

One of the things that causes me concern is we've now got a bunch of arrangements in place that are not doing what they're supposed to be doing. We acknowledge that because we've now created a parallel preparedness and planning and prevention channel, if you like, without reviewing the role of those committees. One of the things that we would like to do is have someone look at whether it is appropriate for local government to lead in the disaster adaptation plans when you already have multi-agency committees that are led by local government. But it has all the other players that you need to make sure that you get a comprehensive response to the prevention and—I always get the planning and prevention and preparation components right.

MEAGAN ANG: Hawkesbury City Council was fortunate to be granted funding for a community recovery officer following the 2019-20 fires. Due to the subsequent floods, those community recovery officer positions—we ended up with two positions being funded through the then Resilience NSW—were extended. There was enormous benefit in having those positions situated within local government. We actually had the positions situated within our community development and community services team. There is a really natural connection to working both with residents with complex needs, which traditionally people who have experienced significant disasters are, but also they were able to tap into our already established networks, knowing who the leaders in those communities were and what established communication trees already existed in those communities.

We have got disaster impacted communities and high hazard communities in outlying areas where residents are typically very reliant upon one another just to live with the high hazard risk that they have. Situating those funded roles within those teams really enabled a lot of the early legwork that would ordinarily have to happen should a new worker be appointed post the disaster to try to make connections and look at what community-led recovery should look like. Hawkesbury City Council has produced an enormous amount of quite bespoke resources as a result of those funded positions: everything from accessible Braille and resources in terms of recovery and preparedness in community languages. But most importantly, relaying back to the EM space, community profiles that recognise the hazards in the area, the community leaders and also how residents will receive and communicate information during a disaster, which is really critical.

Many of our communities don't have access to telecommunications quite early in both flood and fire events. It's not only been really critical in the recovery and preparedness and response, but it's also been hugely influential back into that formal EM system. Hawkesbury, similar to other councils, has positions that are State and Federal funded, both in aged sector support or road safety officers, for instance, that work jointly with State agencies in terms of road safety, planning and community engagement. There is a ready-made framework for RA to continue to subsidise, if not fully fund, community recovery officers.

I think one of the earlier speakers spoke about the limitations of that funding. We, too, were frustrated in that the position was typically supposedly—the work was supposed to be confined very much to recovery work and we did run into some challenges when naturally moving through the recovery phase into preparedness and then also gearing up the communities during response phases as well wasn't necessarily able to be claimed. The former Resilience NSW did afford some flexibility to Hawkesbury City Council to allow workers to naturally lead communities along that progression rather than being so black and white. But, again, situating them within our community development teams really means that both local councils and the community had the benefit of having ongoing established relationships with the community and a worker solely focused on improving the resilience of our communities who live in high hazard areas.

Mr RICHIE WILLIAMSON: Mr Robinson, I would like to flesh out a little bit more on the funding arrangements that you spoke about. I agree with you, but are those issues more of a regulation than a legislation issue, or are they a little bit of both?

KERRY ROBINSON: That's a very fine question that you ask. I'd suggest a little bit of both. My recollection of the just terms compensation Act is that the process is identified within the Act and the administrative details of how it operates are in regulation and in advisory signed off by the Minister. I think it is the Minister for lands that is relevant to that, or it could be the Minister for planning. It is not appropriate to have fine detail of operational matters within an Act, and the regulation can be amended as needed more flexibly, as you well know. I will leave my comments there.

Mr RICHIE WILLIAMSON: Do you think the issue could be overcome more quickly now through regulation in the current Act? Or do you think the RA Act needs to change to unblock the blockage that you've highlighted? Because I agree with you, I think there is a blockage.

KERRY ROBINSON: I think it probably needs amendment to the Act to facilitate the sort of process that I've outlined. I suppose from a council perspective—not really concerned with how it is facilitated as long as we look at how to get a sensible forward funding arrangement.

Mr ROY BUTLER: On the same issue, Mr Robinson, I wonder if you've given any thought to the quantum of funds calculation or the timing around declaration—those sorts of things—with a forward funding arrangement. For the record I think it would be best placed in regulation. But have you given any thought to those matters because of the wide variation of disasters that we can have?

KERRY ROBINSON: Perhaps I'll generalise my answer, which is I think that we need a broader range of tools that look at how we deal with betterment and how we deal with funding for recovery and also adaptation. I get that we need to have simple rules so that there's clarity of what can be claimed for or what can be funded, but at the moment it seems to me that we've got a very, very tight limit, which isn't fit for purpose in terms of betterment, certainly, and then the operating arrangements that we've got for councils for recovery activities don't match the processes that they need to go through in order to serve the community and to immediately, where it's possible, fix things and cashflow that immediate work with recovery funding, which comes later. Blacktown council, the largest council in the State, has a capacity to do forward funding, but I get that there are more than 100 councils out there in the State which have very, very small bases on which to do that forward funding. That may be a real impediment in those councils.

Mr ROY BUTLER: Agreed, and I think the flexibility that you're talking about requires latitude for the Minister, which is a concern for some people—that the Minister has as much latitude and flexibility. There's got to be a balance somewhere in there.

KERRY ROBINSON: If I could respond, Mr Chair, I think that we need nuance and a set of rules. The one particular position we've got at the moment isn't suitable. It may be that we can determine that, if we're going to do betterment in relation to bridges, every bridge is going to be rebuilt at a one-in-25-year flood event or above—or whatever it is. That may be a different standard to where we relocate telecommunications facilities or it may be that the flood protection we've got for the road, which links to the bridge, is less than the bridge itself. I think that we need to think through what are those things which are commonly damaged and commonly repaired and, for each of them, have a think about what a set of standards are, because I get that we don't want to put a Minister in the political position of handing out money on the basis of bids. There needs to be some clear guidelines as to how that is going to happen.

Mr WARREN KIRBY: My question is to everybody and it is related to the concept of betterment. It has been noted a few times that, from RA's perspective, it's a like for like, which many councils have pointed out is probably not the most ideal. There has also been conversation around preparedness versus recovery. Is there a pathway for—when a particular piece of infrastructure requires betterment outside of disaster areas—getting funded in preparedness for an inevitable disaster? I know quite well that, in Hawkesbury and in areas of Blacktown Council, it is inevitable that there will be a flood. It might not be for 10 years and then you might get three in a row. In that downtime, is there any kind of pathway towards getting the known—as you said, Mr Robinson—repeat offender routes in a preparedness sense?

KERRY ROBINSON: Thank you very much, Mr Kirby. I think that what we need to do is a bit of backward analytics. You can't solve all problems at once. I don't know across the State what the scope of the problem is. I don't know what government has funded across the State. I think we need to look at that and then look at a set of standards of betterment and work out what the budget impact of that would be over time to determine what can and can't be funded. We can't jump to a regime that the State can't afford, I get that—or councils can't afford. I just make the point that what councils are funded to do is only what it did last year plus a CPI increment. Councils are not funded for betterment or anything else in terms of changed standards or community expectations. I think that it is a problem that requires some good analysis to look at potential standards for betterment, which may change over time, to give you the answer that you're after as to, if we are going to look at rebuilding a bridge outside of a disaster event, what standard should that be, who bears the cost and, to the extent that it's betterment which serves flood resilience, how much might the State contribute to that.

MEAGAN ANG: I'll just note that Hawkesbury City Council recently made a submission with regards to the challenges of financial sustainability. A lot of it was around betterment infrastructure with regards to high-hazard areas. But also climate resilience impacts our infrastructure. I'd just prefer to take that on notice if possible because we do have quite a detailed submission that was prepared by our CFO and endorsed by our general manager and we welcome the opportunity to provide that directly to the Committee.

CHARLES CASUSCELLI: I have nothing to add.

Mr WARREN KIRBY: As a follow-up to that, for preparedness, I'm getting the impression that it would be very much welcome to have betterment included as part of the reconstruction. What do you see as council's role in being able to relay to the Reconstruction Authority or to other departments of the State Government identification of these areas, bearing in mind that there are some councils—Hawkesbury, for example—with multiple roads that are challenging under floods and there are other councils in the State that are much more resilient. I'm wondering what the role of local council is in being able to, first of all, identify and then communicate—that was the pathway I was referring to. What would you see as being an appropriate model for that? Would that be under the legislation? Would it be a regulation?

KERRY ROBINSON: I think that the tool is already there. It is the proposed adaptation planning process. That can identify the items of infrastructure which are at risk, which are at repeated threat and could identify, in line with statewide guidelines, a level of resilience to which that item ought be rebuilt or ought be provided with protection.

Mr WARREN KIRBY: Where is the gap? If that already exists, what is the gap that needs to be filled?

KERRY ROBINSON: The fact that the adaptation plans haven't been done nor have the guidelines about what they are to contain been developed as yet.

Ms SUE HIGGINSON: I just noticed in the Western Sydney regional organisation's submission about heat—the legislation now refers to a heatwave as a disaster, but do you think there is and there ought to be something in the legislation that really directs the Reconstruction Authority around adapting and mitigating? Because we are heading into that territory. I think that we see ourselves as, "We're already really heat resilient here in Australia and Western Sydney. Geez, you guys know how to cop it." But, arguably, we're facing something unbelievable. I know you guys have done quite a lot of work around heat and it's been a focus for Western Sydney. Is the legislation lacking, do you think, with a specific head of reference for the Reconstruction Authority?

CHARLES CASUSCELLI: That's a really good question. We're lucky that we started work on producing what I call the first regional-scale disaster adaptation plan outside of the flooding events up north. There's a thing called a Heat Smart City Plan that has been put together. We're trying to sell it on the basis that it becomes the prime mechanism for us beginning the adaptation of this city, at a city scale, towards heatwaves and extreme heat events. That's going to come out later on this year. Kerry Robinson is the chair of that committee. There is a lot of intellect in that group. A couple of things have come out already. One is that there is significant need to review the Reconstruction Authority's role in terms of making it clearer what it's going to be doing in the future in the mitigation adaptation space, but also how it's going to relate to the existing emergency management arrangements. I think pretty much everyone on that committee would agree that there may be a need to not only review the Reconstruction Authority Act but the SERM Act. The SERM Act actually was written before we took on board that it's this more resilience perspective rather than just an emergency management perspective.

To answer your question, can the Act be written to give more strength to producing the outcomes we desire out of a city-scale adaptation plan? At the moment, my staff seem to feel that there are adequate mechanisms in place to allow us to do what the Heat Smart City Plan would require us to do. The real challenge is going to be that we are going to be surprised at the effort and funding that's required to undertake some of the adaptation actions. It's going to be scary. When you relate that to everything else that needs to be done, in terms of the betterment proposals across multiple other disasters, it's going to tax some of the brainiest in government trying to figure out how we're going to actually fund this. What is acceptable risk? At the end of the day, are we prepared to not fund a \$500 million program, which may mean that people may not get to their work in the middle of a week when it is an extreme heat event, for example? Are we prepared to accept certain outcomes? We don't have a specific recommendation to make, other than that we need clarity around the Reconstruction Authority's role relative to the emergency management arrangements so there's no duplication or omission.

KERRY ROBINSON: If I might just add to Charles's comment? In relation to heat, there's a peculiar issue, which is that Health is identified as the lead agency in relation to heatwave. To the extent that emergency actions are required, the Department of Health, I'd suggest, is not really geared up or focused on those sorts of responses. Its focus is in hospitals and in community, dealing with health matters. It's not an agency which is geared for having police direct people et cetera. I think that's a key issue, in terms of the lead agency to respond to heatwave, particularly.

Ms SUE HIGGINSON: Do you think that there is any role with the Reconstruction Authority or do you think council has it completely under control in terms of our physical structures in terms of mitigating against heat? Or is that work that has to just keep going? Does the Reconstruction Authority have a role?

KERRY ROBINSON: We're at the start of the process of preparing adaptation plans. The work that WSROC and Resilient Sydney are leading is the first time that we've attempted to create an adaptation plan that

responds to heatwave and other heat stresses. Is local government across it? Absolutely not. Is it appropriately funded, as Charles has pointed out? Absolutely not. We're at the start of a journey. There are other international cities that have done some work toward this. Athens has some planning toward it, as a particular example that we're aware of. But I am sure that the work of Resilient Sydney and WSROC will lead to a lot more analysis and then funding of actions, some of which will be local while many will go to coordination and higher order activities.

I also make the observation that sometimes those in the State bureaucracies presume that councils know who is in their communities. That is absolutely not the case. Councils know who pay the rates—that is all councils know. Councils don't know, in terms of changing arrangements for vulnerable people and perhaps moving them to cool centres and so forth, where registered sex offenders are. We don't know where people on day release are. We don't know about other people with criminal backgrounds, yet we talk about the potential to put those with kids in cool places. There is a lot of work which needs to be done to think about multidimensional risk in order to fulfil some of the good ideas that we have and that we're working toward.

Ms SUE HIGGINSON: We saw some fairly disastrous impacts in those emergency centres because we didn't know. Thank you, it's a really valid input.

The CHAIR: That brings us to the end of our time. I thank you for appearing before the Committee today. You will be provided with a copy of the transcript for correction. We will also provide you with a copy of questions taken on notice. I think there was a question taken on notice, so you'll get a copy of that in writing from us. We as a committee might also formulate some additional questions that we want to put to you in writing over the coming days. If that happens, we ask that you return answers to those questions in 14 days, if that's at all possible. If it's not, please talk to us. Other than that, we will now pause the hearing for morning tea and prepare for our next set of witnesses. Thank you all so much for the work that you do and for giving some of your valuable time to the Committee today.

(The witnesses withdrew.)

(Short adjournment)

Ms SARAH JOYCE, Executive Director, Sydney Coastal Councils Group, affirmed and examined

Mr TODD DICKINSON, Director, Environment and Open Space, Northern Beaches Council, affirmed and examined

Ms CAROLINE FOLEY, Chief Financial Officer, Northern Beaches Council, affirmed and examined

Mr BEN FALLOWFIELD, Co-ordinator, Resilience and Emergency Management, Northern Beaches Council, sworn and examined

The CHAIR: Thank you all coming and being a part of the inquiry. I welcome you as our fourth witness panel of the day. Do you have any questions about the hearing process?

CAROLINE FOLEY: No.

TODD DICKINSON: No.

BEN FALLOWFIELD: No.

SARAH JOYCE: No.

The CHAIR: Before we begin the questions, I inform the witnesses that you may take a question on notice if you don't have the answer at hand today. We would really appreciate you responding in writing within 14 days, if that's at all possible. We will move straight to questions. I will start with a question that I've been offering up to local government and councils, so I direct this to representatives of Northern Beaches Council. We've heard from local councils that their role and their place probably isn't recognised adequately, sufficiently or directly enough inside the legislation as it currently stands. Accepting that, are you aware of examples where, by way of your inadequately declared role in the Act, you've been somehow overlooked or done a disservice by the Reconstruction Authority in its time to date?

TODD DICKINSON: I might take that one. In the context of the infancy of the Reconstruction Authority, I don't think that we've been disadvantaged in that way. Our focus as council is obviously trying to align the planning work that RA is working towards, particularly as the disaster adaptation planning process kicks off. Accessing the right staff inside RA at the right time to get a sense of what's coming down the pipeline can be a little bit challenging, not so much because of the staff but simply because of the infancy of the organisation. I imagine that will change a little bit over time.

Responding to the first outline that you provided, the difficulty that local government has in not being included is that so much of this—and I'm sure you've heard this from a number of witnesses—flows to local government to either make decisions about or implement. If you look at, for example, the amount of work that the Northern Beaches has done in relation to its flood planning, coastal planning and so on, it's looking at the disaster adaptation planning process. We're providing input into the guidelines around disaster adaptation planning, but we're not very clear on the extent to which we'll be able to influence that process. Will it be a participatory process? Will we simply be engaged with as part of a draft, exhibition-type process? Or will we be genuinely at the table bringing forward all of the reasonably detailed documentation that we've prepared around a number of our hazards, wanting to make sure that they are reflected in any disaster adaptation plans that could be implemented at a larger scale, so regionally, for example, or more broadly than that?

The CHAIR: I, too, acknowledge the infancy of the Reconstruction Authority. I also acknowledge that in the first two years, they have primarily been bouncing from event to event. An important part of their work will be preparedness, but I don't think we've had a lot of time in that space just yet. Being coastal communities, and with sea level rising, extreme weather events and things like that, preparedness is going to be really important for your councils and certainly the coastal councils organisation. I acknowledge that.

Ms LIZA BUTLER: Thank you, everyone, for attending today. In the Sydney Coastal Councils Group submission, you talk about the international approach of adaptation planning. Could you talk a little bit more about what that international approach is and how you think that could be rolled out through the Reconstruction Authority?

SARAH JOYCE: I'd like to start off by saying that when we did our submission for this review, it was before the Disaster Adaptation Plan Guidelines had been drafted. We're pleased to see that there is reference to an adaptation planning pathways approach and looking at international and national standards. But with regard to adaptation planning pathways, it's an approach that involves developing a sequence of actions, which can then be implemented progressively depending on future dynamics. It enables decision-makers to specify which measures are to be taken now and which are planned to be implemented once certain conditions occur.

Ms LIZA BUTLER: Would you envisage that that would be funded by council or jointly funded by all levels of government? How do you see that?

SARAH JOYCE: This funding issue is a big question for us because when the Act came out, there wasn't a funding program identified. What we understand, through the development of the DAP guidelines, which have just been drafted and for which submissions have recently closed, is the Reconstruction Authority will lead the development of DAPs. Whether that means that they will also fund them is still unclear at this stage, but councils will have a role, hopefully, in their development. What we've been told is they'll be developed on a regional scale, with multiple councils being involved. But it's unclear exactly who funds the development of those DAPs and whether it's a shared partnership or it's State funded.

Ms LIZA BUTLER: Is there anything else that anyone else would like to add to that?

BEN FALLOWFIELD: I will say that Northern Beaches Council has identified over \$200 million in flood mitigation projects alone. That doesn't even step into the adaptation phase, so that's a huge financial burden on local government, which has a limited revenue base as well. When we step in to look at future circumstances, with sea rise and climate change scenarios, that \$200 million for flood mitigation alone will exponentially grow, when you take into account multiple hazards and the intensity and severity of climate conditions in that future state. In summary, we haven't articulated or identified what the holistic budget would look like for a mitigation and adaptation program. I suspect it's going to be quite beyond the capability of local government to fund for itself and would require additional levels of government to help sustain that.

Ms LIZA BUTLER: When you are looking at that cost of \$200 million, are you doing any comparisons with the cost of how much, if you didn't do that, natural disasters would cost?

BEN FALLOWFIELD: I haven't got the detail in front of me and I may need to get back to you on that. But those mitigation actions all go through what's called the multi-criteria analysis. It does look at the benefits associated with undertaking those mitigation works.

Ms LIZA BUTLER: If you could provide that and take that as a question on notice, I'd really appreciate that, because that would be a great comparison.

BEN FALLOWFIELD: Absolutely.

Ms SUE HIGGINSON: Do you think that the legislation should have or could benefit from some reference to the climate modellings and climate scenarios that require the Reconstruction Authority to be bound by and looking at those same projections and forecasts that we are working towards? Would that perhaps provide clearer coordination? Do you think that there's a place in the legislation for that, or have you've considered that?

TODD DICKINSON: I think there'd be benefit in moving in that direction. The critical challenge that we see is the interrelationships between RA as an organisation and the Act itself, in terms of how it relates to other existing pieces of legislation and which one has primacy. The Act has done a fairly good job of identifying the significant overlaps with the Environmental Planning and Assessment Act, as well as the SERM Act, but there are other pieces of legislation out there that may be difficult to interweave with what's intended for the Authority. I'm thinking about the Coastal Management Act as an example of that. There's probably another iteration required of crosschecking in future revisions of the Act to work that through.

In terms of establishing baselines, yes to the climate change component, with the acknowledgement and understanding that those projections will change and probably need to be more risk based than finite or defining a number. We've found, in a lot of the work that we've been doing, that there needs to be a risk-based approach taken to likely scenarios and likely impacts associated with scenarios rather than just picking a particular number and applying it. That's what we would imagine would come out of that sort of adjustment. But probably the bigger issue is ensuring that all of the relevant agencies that have a level of responsibility for contributing to the solutions that the RA will work towards have a level of commitment and, if necessary, compulsion to achieve a particular outcome.

If I think about it, if we carry on with our flood theme, it's all well and good for RA and council to be looking to resolve flood issues, but are there other relevant agencies that will inevitably be touched by this that need to do more in that space? Without being accusatory, Crown Lands would have a significant role in terms of how public land is used to mitigate hazards. Planning will obviously have a role as the Authority responsible for that across the State. The question needs to be asked about whether each those agencies that touch the same issue they're trying to address has the same level of obligation to achieve an outcome. If you set a target for the percentage of properties across New South Wales that must be hazard-free by X year, are all agencies aligned in that way, or is it the case that RA will continue to do what it can with local councils but without the requisite

support? The words "having regard to" or "have regard to" dotted throughout the Act are the signal to the level of coordination that you may get from different agencies on key things.

Ms SUE HIGGINSON: Do you think tightening up the "have regard to" to something a bit more instructive of actually doing the thing is a helpful legislative lens to be looking to review?

TODD DICKINSON: I think so. With the number of different hazards that we deal with, particularly in a highly constrained urban environment, you inevitably trip up across a whole bunch of different agencies. As a local authority, that can be very difficult because you're not operating in a framework that you've established. You're responding to a framework that government has established. You then find yourself responding to the objectives of multiple different agencies who aren't necessarily interested in collaborating and achieving a joint outcome that is in the best interests of the public.

Ms SUE HIGGINSON: Do you think that there should be anything in particular in the legislative framework about storm surge coastal erosion? Is there room in the Act for something more specific? Or do you think that, again, we're dealing with those things anyway and the Reconstruction Authority might not necessarily need—I'm thinking of a head of power, but maybe that's not the right phrase. I'd be really interested in your views around that.

TODD DICKINSON: I think that's an excellent phrase. The coastal space is one of those incredibly vexed areas to operate in, particularly as a local government body. I think having a single agency that can effectively act as a circuit breaker when big decisions need to be made, in order to resolve things for the future—there is definitely an argument for one agency to be able to step in where necessary and coordinate the other agencies to a particular outcome because, without that, you will end up with an agency holding a view, quite rightly, as per their charter. Another agency will hold a similar view, and there's no way of compelling those two groups to achieve a joint outcome and a shared outcome. Yes, I think that kind of model that you've referred to would be very beneficial. I think the Coastal Management Act is quite a useful example to look at in the next iteration because the Act itself tries to achieve an extraordinary amount of things. In some of those cases it perhaps misses the ability to handle hazard issues in particular and adaptation issues as comprehensively as perhaps they should, particularly in a crisis.

Mr WARREN KIRBY: Aside from funding, what should the Act include to support local councils in delivering the mitigation and adaptation actions?

BEN FALLOWFIELD: I think the principles of the Act are sound; it will be the application of the Act. My view is—and we've probably heard this a number of times in relation to the disaster adaptation planning phrase—being inclusive of local government throughout that process but also inclusive of our local communities as well. My emphasis would be on ensuring and maintaining inclusiveness of local communities because they are the ones who hold the solutions to many of the problems. In relation to the disaster adaptation plans, if they're too high-level, then you miss that nuanced approach that is required to solve local issues. Again, I think it's a partnership arrangement, where local government has a seat at the table with the Reconstruction Authority to come up with solutions that are locally applicable.

SARAH JOYCE: I'd just like to add that when we made our submission on the Act, it was unclear around what scale the disaster adaptation plans would be developed at. Since then, the release of the draft DAP Guidelines identify that they will be at a regional scale. That's a really challenging space for the Sydney metro area because there are no formalised regional governance bodies. There are regional organisations of councils, such as WSROC and the Sydney Coastal Councils Group, but that definition of a region is determined by who is a member of that organisation. Interestingly, in the regions, joint organisations of councils are already established. We see that that's a way to facilitate the rollout of regional DAPs in the regions because those organisations are set up under legislation and they're administratively supported by the Office of Local Government. Within a five-year time frame to roll out DAPs—which is very ambitious—the regions, through the JOs, seem to be an appropriate model. But where you're aiming to develop regional DAPs for a Sydney metro area, and noting the need to have local issues addressed and councils to be at that table, it is going to be a very big challenge for the Sydney region.

The CHAIR: I was under the impression that you were a regional organisation.

SARAH JOYCE: We are, but what I'm saying is that the DAPs are meant to be at a regional scale. What regions do you define within the Sydney metro area—as in, is it just in a coastal space? Is it like the Hawkesbury? What scale do you define that region to be at? There are no bodies already identified in the Sydney metro region, unlike the rural areas where there are joint organisations of councils already established.

Mr WARREN KIRBY: This is probably now going on to funding. It has been noted by the Northern Beaches Council but also by a number of other councils about the concept of betterment and that, rather than

replacing like for like, there should be a view towards betterment. You've suggested establishing a betterment fund. Could you expand on that a little bit, please?

BEN FALLOWFIELD: In our submission, the Disaster Recovery Funding Arrangements—and you've probably heard this a number of times already—are for a like-for-like situation. When we're faced with a situation where climate change scenarios increase the severity and intensity of storms, floods, coastal inundation et cetera, those standards simply won't be good enough for future scenarios. Essentially, the Disaster Recovery Funding Arrangements need to change now in order to allow for a betterment arrangement. We've seen in regional areas where they've been hit by multiple natural disasters, they're building back the same, and the very next week or next year that same infrastructure is being critically damaged again and going through this perpetual cycle of replacement rather than betterment. For me, probably one of the biggest priorities for the Reconstruction Authority and the associated agencies that manage the DRFA is to establish this fund to bring up infrastructure to a standard that can withstand future climate change scenarios.

Mr WARREN KIRBY: Do you have anything to add on that, Ms Joyce?

SARAH JOYCE: Just to reiterate that it has been interesting to see the comparison between the coastal reforms. I think I made this comment before about when that Act came out, there was a funding program as part of that reforms process. We don't have that for this Act, and it has been really hard to get any information out of the Reconstruction Authority on what the funding model is. Is it going to be entirely State-funded? Is it a partnership with councils? If so, what percentage? If we look at the Coastal Management Act, it's two-for-one funding arrangement for the development of coastal management programs and also its implementation of its actions, but we don't have that clarity with the Reconstruction Act.

Mr ROY BUTLER: This has been partially covered, but what are the programs you were concerned will be replicated by the disaster adaptation plans?

TODD DICKINSON: Can I just clarify? Are you talking about in terms of funding or in terms of the replication of, say, existing work that's being done on hazards?

Mr ROY BUTLER: Funding particularly.

TODD DICKINSON: A good example of that would be—my colleague Mr Fallowfield referred to the flood mitigation program, where we've got in the order of \$200 million worth of identified flood projects. You would ask a reasonable question as to how come those projects have not been implemented, and the answer is simply that there's not available funding. We've got a few choices. We can either try to fund that ourselves. We're a reasonably well-positioned large metropolitan council, so if we can't fund it, I imagine it's probably a struggle out of general revenue for other smaller councils to be able to fund. That funding source is not able to be pursued, which leaves you with the grant space. The grant space has two problems. Firstly, it's contestable, so you're throwing your hat in the ring with everybody else and trying to write a better application than your neighbour to access funding. In addition to that, it's also usually a matched grant of some sort, which still requires you to pool money out of your coffers in order to contribute to the project.

Again, while we might be able to accommodate a level of that, I think you've seen with the backlog of flood mitigation projects that we do have, it doesn't work for us. I'm not quite sure how it would work for an even smaller council with a smaller rate base. In thinking about the future funding, there needs to be serious thought given to not making it contestable, for a start, and having a dedicated stream of funding that people have a level of security of understanding when the funding is coming; they know what it is, they can plan for it. It's a relatively reliable funding stream and not subject to, as I said, the grant process or the whims of an IPART rate peg.

Mr ROY BUTLER: To clarify—I'm not trying to put words in your mouth—but it sounds like you're saying that each council should have access to resources to be able to conduct flood planning, particularly councils that are more at risk, that there should be some sort of reliable funding to do that?

TODD DICKINSON: Yes, but probably more on the implementation side. I think most councils are able to access a level of funding to understand their flood risk. The difficulty is in the implementation side. So it's more about, yes, I think most councils are going to have a significant natural hazard risk, and that will vary depending on location and so on. Different councils will have different capacities to pay, and a model needs to take into account all of those factors. If you have a \$200 million program of work to do, for example, and you've got no way of knowing when that funding may or may not arrive, you can't really plan forward, and a lot of these things are multi-year projects that take a lot of time and energy to put together. Unless there's a reliable source of sustainable funding coming, you won't be able to get some of those things off the ground.

The Hon. EMILY SUVAAL: My question is more to Northern Beaches—but, Sydney Coastal Councils, please feel free to also contribute—and relates to the role of the disaster recovery officers that are joint Federal

and State funded, whether or not you've had any experience with this and could comment on the merits of that role. I'm also very keen to hear about how well such a role could be used for preparedness, in particular with the coastal aspects.

BEN FALLOWFIELD: We have not had experience with the appointment of recovery officers funded through the Reconstruction Authority, but we have been grateful to receive a disaster resilience grant from the Reconstruction Authority for a resilience officer who's been appointed for an 18-month period of time to deliver a number of planning and preparation projects, which has been highly valuable. I think our friends in regional areas are probably more well versed on the appointment of those recovery officers. I do see value in increasing resources towards that planning and preparation and resilience side of the spectrum, rather than investing—we need to invest funding in the recovery phase as well, but it shouldn't be at the sacrifice of the early stages of emergency planning. I'll defer that question to others.

The Hon. EMILY SUVAAL: The only other question I have is one in lieu of my colleague the Hon. Stephen Lawrence. Could you comment on the title of the Act, which is the Reconstruction Act, and how well fit for purpose you think that is?

TODD DICKINSON: Do you mean specifically in relation to the title of the Act?

Ms SUE HIGGINSON: Yes. You've been asking everyone.

The CHAIR: Yes, give it a crack.

Ms SUE HIGGINSON: Especially given your adaptation focus.

TODD DICKINSON: You've read my mind. I suspect that a better model would be adaptation, because it forces the conversation around the front end of the process instead of the back end of the process. Reconstruction implies that it's got a heavy response focus. It's clear from the intention of the Act that it is not limited to that, but perhaps the title does give that impression that it's a bit more directed to the back end instead of, we would argue that the funding—and you're probably all aware of the statistics. I think something in the order of 97 per cent of funding is directed to the back end and there's substantial—I think in the order of 10 to one benefit from directing it to the planning and preparedness stage. So we would strongly support anything that can be done to the Act that emphasises that process. If that means a change in the title, then something with an adaptation focus would be welcome.

SARAH JOYCE: I agree with Todd's comments. I think they say 3 per cent of funds gets allocated for planning. We want to have a greater emphasis on planning for adapting rather than only waiting for the disasters to happen.

The CHAIR: Ms Foley, we haven't heard from you. You're a chief financial officer; have you got some thoughts on what we could call this?

CAROLINE FOLEY: I think that's a great name. I was in this room only a few weeks ago talking about the financial sustainability pressures that local government are under. For us in the Northern Beaches and for many councils the risk of the next disaster occurring and the kinds of money that we need to have on hand up-front, anyway, to deal with these is a big concern. We also have a lot of projects that we want to deliver, as Ben was mentioning, around stormwater improvements to address flooding, but we don't have the funding available to us or the capacity to work through those for the community.

It is a big issue for us in local government. Probably on the other end, when a disaster does occur, we would love to see more coordination from the Authority around how those claims are assessed; that whole process is very delayed. This week, we received a couple of million dollars from claims which are from 2021 and 2022. It's a long time to be out of pocket for that kind of money. For a big council like us, that's a couple of hundred thousand dollars in interest. For a smaller council, that is a significant burden that, really, we would like to see some advance payments or different ways to approach that.

The CHAIR: My summary of that is the "there might never be enough money" Act.

Ms SUE HIGGINSON: I'm channelling Ross Garnaut right now: The cost of inaction will come and get us. I'm sure it was like 15 years ago that he was saying that.

The CHAIR: I want to throw to you, Ms Joyce, and come back to that regional concept. In part it's linked to the funding as well. We're still looking through a bit of a crystal ball in terms of the disaster adaptation plans. But if I look through my crystal ball into that process, I ultimately probably see, at a regional level, a bunch of local governments identifying five or 10 key projects or actions that could be taken to minimise or mitigate future impact and then you would go to a funding source and start to work off the checklist of the best bang for your

buck projects from top down to bottom. Is that fair, or am I completely wrong? Do you see it working in a completely different way?

SARAH JOYCE: How the current draft of the guidelines—as I said, they are drafts, so this may change—is that the DAPs will be at a regional scale. What scale that is—we are therefore assuming that multiple councils will be involved and it will be multi-hazard. So there's obviously going to be further detail on how you prioritise which hazards to go into the disaster adaptation plans. In our submission on the guidelines we did recommend that there be a look at the Sydney coastal areas as a scale to deliver a regional DAP, and the need for these regional committees to have Sydney Coastal Councils Group and each council on that committee to ensure that local issues are reflected in the development of the DAP. As Northern Beaches have just talked about, that challenge of different hazards and how you prioritise them and also how you then fund what you need to deliver to reduce those risks of each hazard is a challenge. We're hoping that the guidelines is just one piece in the tool kit that is developed by the Reconstruction Authority to clarify and that be done in collaboration with councils.

The CHAIR: Could I just clarify, since the Reconstruction Authority was established in late 2022, has there not been a major coastal erosion event in the Sydney area that required a Reconstruction Authority response?

SARAH JOYCE: The storm was in 2016, and that was before the Reconstruction Authority.

TODD DICKINSON: I would say no, not since the establishment of the Reconstruction Authority.

The CHAIR: I'm not sure how long you have all been in and around local government, but I feel like about 15 years ago there was climate change, sea level rising modelling that needed to be instrumental in decision-making. Did I just have a bad dream, or did that actually really exist at one stage in time? And has it disappeared now?

TODD DICKINSON: My recollection is that there were State Government targets that were fixed for sea level rise benchmarks. Those were subsequently repealed with the expectation that the Government would support the development of locally applicable sea level rise targets for various coastal councils. I'm not sure as to the process, but I don't believe there's been outcomes for Northern Beaches Council out of that. In response to that data gap, we're procuring our own analysis of sea level rise projections as they would apply to Northern Beaches.

The CHAIR: So Northern Beaches is trying to establish sea level rise predictions and targets and things like that?

TODD DICKINSON: For its LGA, yes, because of the variability that happens up and down the New South Wales coast, which was the main argument for stepping away from it. If you set a figure from Byron Bay to Eden, over that kind of scale there were differences in the modelling as to what sea level rise projections would look like due to local factors, which is one of the key reasons they stepped away from the targets, and so, as a consequence, each council is grappling with what it adopts.

The CHAIR: Forgive my ignorance, is the sea level not going to rise equally for everyone?

TODD DICKINSON: It's an excellent question. Their research suggests no because of local factors. There are a whole bunch of different things that impact on sea level rise at different local scales, from the types of storms that they're exposed to, which can change water level projections in different locations. There are land subsidence and land increase issues which change the level of sea level rise that a particular area might experience. It appears to be far more nuanced than the original approach of just picking a number and sticking with it, which is why we've moved more towards a risk-based approach of saying the projection is somewhere between here and here with a high level of risk towards a low level of risk. We need to think about what that means for different communities, different types of structures and things of that nature. They're fair questions. I think the councils up and down the New South Wales coast have been grappling with that and calling for a bit more guidance in that space from the Government.

The CHAIR: Ms Joyce, you would see this across different councils along the coastal strip of Sydney?

SARAH JOYCE: Yes, that's right, and all our member councils are in the process of doing coastal management programs, which look at working out those risks of sea level rise in consultation with their community. You asked the question about the variability of sea level rise. We do know from research through the University of New South Wales that the sea level rise increases as you go further up the catchment. There is a need for those sorts of local nuances to be considered. It can't just be like the State taking leadership and saying, "These are the benchmarks." When that has happened, as Todd mentioned, there needed to be those local issues but also it became really, really political.

The CHAIR: No! Climate change and sea level rise was political?

SARAH JOYCE: Because property prices were impacted by lines on maps.

The CHAIR: Sure. Just to be clear, further up the catchment, Parramatta might experience a greater level of rise than Manly.

SARAH JOYCE: Yes.

Mr ROY BUTLER: I'm thinking, Chair, about Sydney Heads, where you have rock face, a cliff. A foot of water there is not going to impact someone the same as say the ocean 20 metres from your backdoor.

TODD DICKINSON: If I could bring that back to the Reconstruction Authority and the DAP process, it's that kind of information that local councils have been investing in for quite some time, be it a flood study, a coastal study or whatever. Probably our larger concern around the whole process would be ending up in a situation where your ability to provide locally relevant information and help drive local solutions would be removed and handed to potentially a collection of agencies that may not have that scale of information at their fingertips or the depth of knowledge of the local area. We just see that as probably one of the key parts of what happens next for the RA, which is making sure that whatever comes out, we are intertwined in that process, either by practice or by explicit statements in a piece of legislation.

The CHAIR: Which might be a nice way to circle back to my opening question, which is around that lack of specific regard to local council in some of the important parts and sections of the legislation. If there are no further questions, we might leave it there and thank you all so much for appearing today. Your evidence and your submissions are extremely helpful. We know that you're incredibly busy and we really value your time, so thank you so much for that and for appearing before the Committee. You will each be provided with a copy of the transcript of today's proceedings for corrections. Please get in touch if you feel there are any corrections needed. The Committee staff will also email any questions that have been taken on notice, so you don't need to worry about remembering them. The Committee may also formulate some supplementary written questions that we want to forward out to you as well, and if we do that, we kindly ask that you return these answers within 14 days, if that's possible, and if it's not, please talk to us. I sincerely thank you all again for being here today.

(The witnesses withdrew.)

Mr DAVID CLARKE, Acting Chief Executive Officer, Newcastle City Council, affirmed and examined

Mr TIM BUTCHER, Enterprise Risk Manager, Newcastle City Council, affirmed and examined

Dr ALICE HOWE, Executive Project Advisor, Central Coast Council, before the Committee via videoconference, affirmed and examined

The CHAIR: I welcome our fifth witness panel of the day. In particular, I welcome Mr Clarke and Mr Butcher from up in the beautiful Hunter Valley and I welcome Dr Howe from the Central Coast, which is almost as beautiful as the Hunter. Councillor Declan Clausen is unfortunately not able to join us this afternoon. Before we proceed, do you have any questions about the hearing process?

DAVID CLARKE: No.

TIM BUTCHER: No.

The CHAIR: Mr Clarke, you're currently the Acting Chief Executive Officer but normally you would be the director of?

DAVID CLARKE: Corporate services.

The CHAIR: Thank you for providing the written opening statement from the Central Coast, Dr Howe, which has been circulated to Committee members.⁴ I inform witnesses that you may wish to take a question on notice if you do not have the answer at hand with us immediately, and that is perfectly fine and you can provide a written response to that question in the 14 days after these proceedings. We will move straight to questions from the Committee. Many of the submissions have spoken about the lack of direct and specific reference to local government and what they would be expected to do or how they might participate in this Act. If I accept and acknowledge that there's a gap there, can I go back to the work that you have currently done with the Reconstruction Authority? Do you feel that there has been any disservice or oversight of your important role thus far because you are not properly recognised in the Act? I might go to you first, Dr Howe. I saw you looking into the inner workings of your mind.

ALICE HOWE: Thank you, Mr Chair. We find that the relationships with RA at a local level are very good. We also acknowledge the consultation processes that RA has been going through as it matures its approach to the implementation of the Act that it has responsibility for implementing. There is a need, in my view, for more formal arrangements in relation to that interaction between the role of local government in disaster management and some of the other legislation that operates in this space, as well as with the specifics of the Reconstruction Authority Act. So while it's fabulous that there are good working relationships, we don't think that's the basis for an ongoing, effective relationship, and we would much prefer to see it enshrined in legislation.

The CHAIR: Yes, we have been hearing lots of good things about good relationships with the RA throughout today, so thank you for that. Newcastle Council, have you had interactions with the Reconstruction Authority through a disaster over the last two years?

DAVID CLARKE: Not in terms of an actual disaster, but in terms of that working relationship that Dr Howe referred to, we've been part of the engagement processes run by RA over that time in relation to the disaster adaptation plans, for example, and at the local level—very positive relationships. I would agree with Dr Howe's comments that there is a little bit of a disconnect between the intent and the objectives of the Reconstruction Authority Act and the core business of local councils. I did a search this morning on the Local Government Act. The word "emergency", or the role of emergency management, isn't defined in the Local Government Act. There are no references to disaster, but the Reconstruction Authority Act obviously has obligations and powers in relation to local government.

I think we find that we work best in terms of our role—as you'd appreciate, local councils are at every disaster. We rock up every time, along with first responders, because it's our community, our assets and our place. We see ourselves having a key role in this space and we're very comfortable with, and we support the intent of, things like disaster adaptation plans, but we find we work best when things are done with local government, not to us. From a maturity perspective, as the RA settles into its role—and we'd encourage the Committee to ponder the framing through the Act that drives that, which is really heavy on the obligations of the Authority with some directional powers for councils. We're okay with that but I think there's an opportunity to really recognise and

⁴ Opening statement from [Central Coast Council](#).

perhaps strengthen the role of local councils to really support all that good work that happens at the local level through engagement and actually turning up when a disaster fronts up in our patch.

The CHAIR: Indeed, and I acknowledge the Reconstruction Authority is in its infancy, but there is an expectation that the work will also be about turning up before the disaster and the emergency as per the expectation of the Act.

Ms LIZA BUTLER: Good afternoon, everyone, and thank you for joining us today. You've both stated that you haven't had a natural disaster declaration since the formation of the Reconstruction Authority. Dr Howe, you have? You're on mute.

ALICE HOWE: Yes, sorry. I didn't want to interrupt you, Madam Deputy Chair. Central Coast Council has had 10 declared disasters in the last five years, of which a number have been in the last couple of years.

Ms LIZA BUTLER: For the other council that hasn't, have you had much communication with the Reconstruction Authority, or have they just been busy bouncing from one natural disaster to the next?

DAVID CLARKE: No, we've certainly had briefings at the City of Newcastle with the Reconstruction Authority. Our teams have been involved with RA in terms of the disaster adaptation plan guidelines. Obviously we engage with them through other forums that happen in our city. Our city has had plenty of experience with natural disasters, as you'd appreciate. I think the State's disaster mitigation plan highlights that two of the most costly emergencies over the last 50 years have been in our area, being the Newcastle earthquake and the east coast low of 2007 known as the *Pasha Bulker* event. So, like all councils, we've had experiences with disasters. We really look forward to getting stuck into the detail with the RA, with other councils and with other parties, but I do think there's an opportunity just to focus on what our role is, how we partner best with government to achieve that and where our effort should be focused.

Ms LIZA BUTLER: Dr Howe, with experiencing that high number of natural disasters over the last five years, how has that impacted council financially under the current financial arrangements of claiming the disaster recovery money?

ALICE HOWE: The cost of those disasters for our council was \$22.6 million, just in the last five years, so that's an average of about \$4.5 million a year that we've been paying in disaster recovery expenditure and response expenditure. We have the same challenges as others in terms of the requirements for modern engineering equivalent, as opposed to doing something better. It might not be betterment; it might be doing something differently at a location. Before the Central Coast, I was at Bega Council through the black fire bushfires. I know you've heard from Bega Council already today, but we had an example there of literally putting the same bridge back numerous times with DRFA funding, which is just nonsensical. We really welcome the opportunity to be more proactive around funding infrastructure that's resilient at the time of the asset renewal, and not waiting until we have a disaster and trying to do something in the heat of the moment—no pun intended.

The CHAIR: Thank you very much. The pun was appreciated.

The Hon. EMILY SUVAAL: My question is picking up from some of the comments Newcastle just made around the partnership that you would like to see and the opportunities that are there, given the natural disasters that you have experienced in the not-too-distant past. Can you expand on that in terms of what you see that partnership looking like, whether it's a formal relationship with the RA, as someone embedded within council?

DAVID CLARKE: That's a really good question. I guess there are a couple of pathways to deliver that. If you take the RA Act itself and its primary objectives, the Act then goes on to say they're principally achieved through the RA as an entity. There's no real up-front recognition about the role that local government actually plays. It's not like we don't play a role; we do play it. That could be built into the front end of the Act to recognise that local government has a role to play in reconstruction. That would then drive that partnership throughout all of the other subsequent provisions, and in terms of the working relationship. Similarly, my view—and this is just a personal view—is the Local Government Act should also recognise the role of local government in emergency management and reconstruction because that's the main Act under which every council in the State is set up and operates. That would provide some strength from a legislative perspective.

Your suggestions in terms of how to then bring that to life in practice—we work with just about every State government department in New South Wales on projects, on policy, on initiatives, on inquiries, on funding; you name it. Our experience is that that's enhanced when there's a strategic relationship at the leadership level between those parties and a practical arrangement that happens with our teams who are working on the ground on various projects and initiatives. In some cases, that can get codified throughout MOUs or other agreements, because that's helpful. I would see that the disaster adaptation plan—because it's got a focus on what we need to

do, what the risks are, and roles and responsibilities—would be a really good opportunity to almost codify that working relationship in the implementation phase where all parties sign up to "We are going to do this because that's what this needs."

The paper is fine. The plans are fine. This a doing thing and we need to all sign up to the doing phase.

As every council no doubt has said, funding obviously is part of the process. It's a really important part of the process. I think there are absolutely mechanisms to strengthen how the funding system works in relation to emergencies—up-front funding, not retrospective funding—and some of the issues that Dr Howe just raised in terms of not just like for like but enhancement. From a mitigation perspective, we're a coastal council, so those coastal risks are the biggest new risk, I'd argue, that we all have to get our collective heads around. That will absolutely come with a significant price tag over time. Rather than us having an aspirational plan and no connection to funding, it would be really useful if that was factored into the DAP process so that councils and all the partners have more confidence that, if we put on the table what is needed, there's at least a pathway for that to be considered by government. I don't see any clear mechanisms of that in the current architecture through the legislation or the guidelines. There are a couple of suggestions.

ALICE HOWE: If I could add to that, our view is that preparedness and prevention is a core business of local government. We do that all the time through our land use planning framework and we are working very closely with our local communities. We are instrumental in terms of the delivery of infrastructure to support those communities. I feel we are best placed and we should be acknowledged in the legislation. In terms of response and recovery, we've already got very clear instruments established through the SERM Act and coordinating bodies, whether that be through our local emergency management committees or our emergency operations centres when we're in disaster or through our recovery committees when we're in the recovery phase.

We have these existing structures set up and I think it would be most useful to utilise those existing structures rather than put another layer over the top because RA is represented in those forums. It doesn't need to bring this whole—for example, adaptation planning government structure overlaid on top of all of that rather than utilising the existing mechanisms, particularly where we have joint organisations of councils that are working at that regional scale with other councils. The other element I would add is that RA is unlikely to be able to be everywhere in an extreme event. We saw that in the Black Summer bushfires. We have seen that in other large east coast low events. In the absence of RA, it will fall to local government to deliver those services. It should absolutely be acknowledged that we work together to support our communities with the resources that are available to us at the time.

Mr RICHIE WILLIAMSON: My question is to Dr Howe. Thank you for your submission. In it you refer to planning controls with regards to the Act. What would you like to see changed? I've read it with regard to the critical infrastructure and security of your water supply et cetera. Where is it exactly that you think it's deficient?

ALICE HOWE: There were some submissions earlier that related to the principles of intergenerational equity and to the principles of ecological sustainable development et cetera that are absent from the RA Act that are embedded in things like the Environmental Planning and Assessment Act and in the Local Government Act. The RA absolutely needs to be able to act swiftly in that planning space to be able to get approvals to move forward and help communities to recover or, indeed, in the preparedness space. But it is the sword of Damocles, those powers, and they need to be wielded carefully.

We would like to see much closer mandatory collaboration with local governments who understand potential implications of some of those planning decisions. Similarly, other organisations like the Department of Planning have got a lot to offer the RA in being able to make speedy decisions that are the best available decisions in a crisis situation without necessarily having the powers of the RA to just come over the top and impose a solution that may seem necessary at the time but may have unintended consequences that, if a broader group—say, a recovery committee or emergency operations centre—was able to do a quick risk assessment on, might lead to less perverse outcomes.

Mr RICHIE WILLIAMSON: Doctor, would you suggest a couple of simple lines—it's always nice and simple in an Act—saying that there must be some kind of consultation with somebody? Is that what you're advocating for?

ALICE HOWE: Absolutely. We acknowledge the need for speed. In a local government context, that can sometimes be challenging. If there is a need to go to an elected council to get a council resolution, that's obviously not timely in an emergency. But we do have existing structures, as I said, through our emergency operations centres and through our recovery committees that enable us to—we're meeting daily in those high-intensity situations for the collective mind to turn itself to a decision that RA might need to make and provide

some advice. Formalising that mechanism to go to the brains trust to make a quick decision based on the available information would be, in our view, a better outcome than currently, which doesn't require the RA to do any of that. It may, and its practice has been to try to consult where it can. But we all know that, when people are under pressure, sometimes it's challenging to think through all of the consequences on your own.

Mr RICHIE WILLIAMSON: Doctor, would you say that that would only apply to assets under the Security of Critical Infrastructure Act or are you saying more broadly?

ALICE HOWE: No, definitely more broadly. I'm trying to think of a situation. Maybe there has been a coastal erosion event and RA wants to come in and do some emergency works. There are existing mechanisms to do that, so it's not necessary to enact RA's powers to go through that process but RA might decide that it wants to. I guess there's no formal mechanism to ensure that integration among those other pieces of legislation that drive emergency management disaster resilience more generally in New South Wales in the Act at present. That would be a significant improvement, in our view.

Mr ROY BUTLER: I will ask a three-part question, but it's pretty easy. Can you clarify again the number of events that have occurred within Newcastle and the Central Coast since the inception of the RA?

DAVID CLARKE: I can take that on notice to confirm, but I don't think we have had any declared natural disasters since 2022. We absolutely have over the previous period, mainly due to east coast lows. I can confirm the numbers for the Committee.

Mr ROY BUTLER: Central Coast?

ALICE HOWE: I'm just pulling up my little table, which says that there were five declared disasters since February 2022. That's probably around about the right time frame.

Mr ROY BUTLER: I think this question is probably going to answer itself. Do you think there has been enough time and enough disasters that have occurred to actually comment on the effectiveness of the Act? I think the answer is probably yes because you're obviously commenting on the effectiveness of the Act. The next question is should there be further reviews of the Act? Should we have further reviews like this or some other review? If so, what sort of time frame do you think that we should put to that?

ALICE HOWE: In terms of the first part of that question, we do think that we've had sufficient opportunity to see how this is going to roll out. I'd also note that, over that five-year period, as we mentioned in our opening statement, we have dealt with three different iterations of the Department. What the Act does that's extremely beneficial, in our view, is apply a multi-hazard approach and provide RA with the mechanism to be able to act quickly if required, notwithstanding some of the risks around that. I definitely think that the legislative framework is improving but that there are still a lot of teething issues to be resolved, as you would have heard over the submissions and the hearings that you've conducted. I think a periodic review of maybe five to 10 years would be useful in this evolving period, where the maturity of the organisation is still occurring.

Mr WARREN KIRBY: My first couple of questions are directed to Dr Howe. Can you explain why the principles of ecologically sustainable development, social justice and intergenerational equality should be included in the Act?

ALICE HOWE: It's the practice of local government and planning authorities to think about the broader implications of a decision, not just deal with the immediacy of a disaster in this case. We have an obligation, when we're making these big decisions. Some of them are billion-dollar decisions, some of them are about displacing communities and some of them are about significantly impacting the environment. Without turning our mind to a risk-based framework that considers that kind of triple bottom line approach, we run the risk of unexpected adverse outcomes. We would consider that having a requirement for RA to think broadly, whilst acknowledging it needs to do that quickly, would enhance its decision-making, in our view.

Mr WARREN KIRBY: Does that extend to where your submission expresses the concern that the Act does not specifically require the Authority to "consider wider implications of disaster response"?

ALICE HOWE: Absolutely.

Mr WARREN KIRBY: Newcastle Council, you've expressed concern, and articulated that concern here today, about some of the actions required by the Act outside the scope of council, and perhaps funding capacity. Do you think that the Act itself should include specific provisions to ensure local councils have the resources to comply with the Authority's directions?

DAVID CLARKE: I think it's always hard in a legislative context to put those sorts of safeguards and mechanisms in, because you can talk about funding in a piece of legislation but, as you know, State Government and local government have separate processes around funding. My view is that, if the disaster adaptation plans

are the vehicle that we're going to use to do the hazard assessment and have all the agencies and local governments sitting around the table with the RA to look ahead as to what's required to mitigate future risk, that should happen in a financial context, because that is going to be necessary to undertake those investments—whether they're council or government or in partnership—to actually implement those plans. What we don't want is a plan that looks good on paper but can't be mobilised because of some funding constraint.

I support Dr Howe's comments about taking a really multidisciplinary perspective on that, because that is bread and butter for councils in terms of how we do all our work. I think there's just an opportunity to strengthen those mechanisms by requiring—and we have a similar situation with coastal management planning, for example, where we're required to undertake coastal management plans under the Coastal Management Act, where there's a certification process, and where they allocate responsibilities to councils and all sorts of agencies and other parties. The funding side of things is often the trickiest but most important part to enable everybody to move forward to actually implement things.

Mr WARREN KIRBY: Outside of funding, what are the things that are outside of council's function and scope that you're specifically concerned about?

DAVID CLARKE: Our submission referred more to the initial review of what the Act says. The Act says the RA "may" and councils "must". As you've heard from many councils, we have enormous architecture that drives the work that every council in the State does, driven principally through the Local Government Act. Our concerns arise when another piece of legislation imposes some obligation on councils and we have to try to integrate and align that, and navigate through that within our core business. It's really just about the mechanisms that those powers would be given effect to by the RA in terms of its work with local governments. Whether it's a planning matter or whether it's requiring an individual council to even prepare a disaster adaptation plan, the Act has lots of "musts" in it.

In practice, I think the process is in partnership. In my view, that's where it's got the most chance of success. Our submission was more about the potential unforeseen consequences if those things were not implemented through that partnership model where councils could be left with—and Dr Howe referred to a situation where a council may be able to deal with it under the existing architecture that it has, or under the existing emergency management architecture, which works well. But, if the new RA architecture was to suddenly step in over the top of one or both of those, there could be a potential conflict that may arise. It's really just a cautionary word in terms of how we use all the powers and tools that we have to get the outcome.

Ms SUE HIGGINSON: I'm also curious about the views in relation to the RA's planning powers. As part of this inquiry, we heard earlier contributions from legal experts who said it's actually really overreach, and that this Committee should be grappling with whether those powers are actually reasonably necessary. We know that when we made this legislation in this place—and I was here at the time—it was done so after some pretty significant life-changing and government system-changing events, but do you think that, now that we are purportedly better at coordination and understanding what we're facing, perhaps some of these powers are overreach and that we need to consider whether we need them at all?

I hear that your submission, Dr Howe, is about bolstering the accountability or the guardrails around those powers, but I would ask your views on (a) whether you think it is possible that they are overreach and we actually do have good existing systems that we could activate to achieve the same purpose, and (b) whether a concurrence role would be an appropriate safeguard—whether it's another Minister or another body or something to really check on the exercise of those quite extreme powers. I'd love both of your views on that.

ALICE HOWE: We do think these are considerable powers and that, if they exist, they need to be exercised with much more caution perhaps than the Act currently requires. There is, in my view, a need to have some flexibility around—to be able to expedite the approvals process in recovery. At the moment, there are existing mechanisms in response that enable things to happen very, very quickly when they're needed in dealing with the disaster. In recovery, it's challenging to see how that time frame is as immediate as a response phase. I guess my first point is: Are they really needed in that recovery stage to the extent that might have been envisaged in the immediate aftermath of the floods in the Northern Rivers?

It may be that there is a pathway to expedite approvals. That is still required, given the lengthy time frames for housing and rezonings and all that sort of stuff, to deal with the aftermath of disaster. We would absolutely support, firstly, better engagement—a requirement to consult more closely with local government in relation to specifics of the local area. Secondly, we would support a concurrence role with the department of planning, for example—the planning Minister—in relation to making sure that those checks and balances were applied, but also more guidance for RA around the sorts of things you need to consider in making a rapid planning decision, because RA is not a planning authority. I don't know that it has that expertise in-house to be able to think about all the consequences of those actions in that immediate moment.

DAVID CLARKE: If I can add to that, I agree with those sentiments. I guess it's the balance between an Act that says the RA "may" direct council to carry out—or in the exercise of functions under the EP&A Act, for example, as Dr Howe has alluded to. How does that work out in practice? We understand and support the provisions of the Act that require councils to "have regard to". That's very different to the RA stepping in with a "must" stick, effectively. In practice, how do those things work? The RA Act, from my glance—and I'm not a lawyer, so apologies—doesn't seem to look at, for example, the EP&A Act to see how it could be strengthened to support disaster mitigation. It just gives the RA the Authority to step in and direct in the same way it doesn't, in my view, look at the Local Government Act and say, "How could we strengthen the Local Government Act to support councils to do their role?" It just directs councils to do X, Y and Z. There's a balancing act there.

I guess my other comment would be, yes, we have to learn from every disaster that happens in terms of our legislative, our partnership, our funding and all of those other processes—we must do. Those after-action reviews are super important. The real test at this time, if you take the mitigation and adaptation, is a longer term piece. Those regular reviews that Mr Butler referred to are super important. Because this is a 20-, 30-plus-year exercise, and we'll be making decisions through these disaster adaptation plans that are long-term decisions. Trying to get the balance right from a legislative perspective is very important, which is why we think the Committee's task is very important and timely.

The CHAIR: Thank you. The time being 12.31, we are at the end of this particular phase of our hearing. I sincerely thank you all for taking time out of your busy schedules and the important work that you do to be with us, to make your submissions and to give your evidence today. You will each be provided with a copy of the transcript of today's proceedings for corrections. If you feel there are any corrections that need to be made, please be in touch with us. The Committee staff will also email you any questions that you have taken on notice today, so you don't need to worry about trying to remember those sets of words. We, as a Committee, may formulate some supplementary questions that we choose to email you in writing. We kindly ask that you return those answers within 14 days. Please talk to us if that is not possible.

(The witnesses withdrew.)

(Luncheon adjournment)

Mr ADRIAN PANUCCIO, General Manager, MidCoast Council, before the Committee via videoconference, affirmed and examined

Mr PAUL DE SZELL, Director, Liveable Communities, MidCoast Council, before the Committee via videoconference, affirmed and examined

Mr ANDREW BESWICK, Director, City Infrastructure, City of Coffs Harbour, before the Committee via videoconference, sworn and examined

The CHAIR: I start our afternoon proceedings by acknowledging that we here in Parliament House are meeting on the land of the Gadigal people. I pay our respects to the traditional custodians of the land on which we are sitting. I also extend my respect to Aboriginal Elders past, present and emerging who might be on lands watching our telecast and to the traditional custodians of the lands on which any and all of our witnesses and other members of the panel who aren't with us in Parliament find themselves today. I welcome our witnesses from MidCoast Council and City of Coffs Harbour. Before we proceed, do you have any questions about the hearing process?

ANDREW BESWICK: No.

The CHAIR: I acknowledge that you may choose to take a question on notice if you don't have the information and answer at hand immediately. If you do that, we will provide you with a copy of that question in writing, and we ask that you respond to that within 14 days after receiving the questions. We are going to move into questions from the Committee. I am going to start the questioning. We have had many submissions saying that local government is not adequately addressed in the current legislation as it stands. I accept that, but I want to ask you, in your interactions with the Reconstruction Authority, do you think that absence of clarity in the legislation has in any way impeded or impacted on your interactions with the Reconstruction Authority and the outcomes that you've derived from those interactions? I might start with you, Coffs Harbour.

ANDREW BESWICK: Not necessarily. I would say, to start with, that the Reconstruction Authority is still quite new and still finding its feet. It hasn't been fully staffed, so it hasn't been able to necessarily engage with local government as fully as perhaps it would want to. In fact, I have noticed since the time that we supplied our submission—where we were somewhat critical of their engagement with us, or lack thereof—that they do now have an allocated person who is engaging with us. That is a change that has happened even since we prepared the submission. That's part of, I think, their improved resourcing situation.

The other thing about including local government is, if they do wish to include local government—I'll give an example. Recently, some grants have been offered through the NSW RA for spontaneous volunteer planning and management. There needs to be funding. What the NSW RA has done in that space is said, "Here's a small bucket of money that you can compete for, local government and other organisations, to gain access to help plan for spontaneous volunteers", but there's no ongoing funding. It's not necessarily supported. That's a general theme that I've found. We are sometimes asked to do things, but we're not actually then resourced in an ongoing way to be able to do anything.

The CHAIR: MidCoast Council, would you like to respond to the question that I put?

ADRIAN PANUCCIO: Yes. I would echo those comments. It's not a question of whether local government is specifically referred to in the legislation; it's the funding associated with disaster prevention, preparedness and adaptation. If you go to the objects of the Local Government Act, being the statute that we're created under, I doubt you're going to find the word "preparedness" in there. For MidCoast, that word came to life following the 2019 bushfires and disaster declaration, and it has since become a theme.

Local government generally will respond to a natural disaster. Everyone has a role to play, and we do that pretty well. It's the ongoing resourcing that we lack. We found that post-2019 bushfires, we were provided with funding to resource a community recovery officer, who did some of the disaster prevention, preparedness and adaptation work—not adaptation, but more preparedness and resilience on behalf of council for the LGA. That funding ceased as of this financial year and that resource is now lacking. MidCoast is a council that isn't in a position to adequately promote the objects of the NSW Reconstruction Authority Act. The objects of the Act remain totally appropriate and they're valid, but council's ability to promote those are somewhat lacking.

PAUL DE SZELL: I would add to that, when you look at how the objects of the Reconstruction Authority Act are meant to be imposed, section 4, it's through establishing the Reconstruction Authority to facilitate that. That is facilitated through local government. There is no mention of local government in the Act whatsoever. When a lot of on the ground work is actually done by local government, albeit funded by the Reconstruction

Authority, there is a blurring of the lines in terms of what role we play, given the prime objective of the Act is to be achieved by the Reconstruction Authority and not local government.

Ms LIZA BUTLER: Following on from what you've just said about the community recovery officer's role, now that that's not funded, and your worker is finishing up, I think your submission said that 10 per cent of her current workload will be given to a development officer. So that means really the job is not being filled. The work is not being completed anymore. Is that correct?

PAUL DE SZELL: That's correct. The ongoing prevention, preparedness and adaptation work is essentially ceased. What we are doing, essentially, through our community development officer is keeping alive the committees, the groups, the people who have worked together to achieve something in that space, to keep that running. We are not doing anything new. We're not covering off across the whole of local government area. It's only, essentially, a drip-feeding and a continuation of the work that was done by the community recovery officer to try to keep things moving as best we can in the absence of funding.

Ms LIZA BUTLER: Since the Reconstruction Authority commenced in 2022, have you had any natural disasters?

PAUL DE SZELL: We have had natural disaster declarations, but not of the scale or the impact of the 2019 bushfires or the 2021 floods. We've had natural disasters in terms of storm events, but they are not of the scale that would potentially warrant the level of intervention by the Reconstruction Authority that has occurred in the past.

ADRIAN PANUCCIO: We have been engaging with the Reconstruction Authority with respect to an event not declared a natural disaster, down at Jimmys Beach. That related to weather events that had caused the tide to hit a particular level, subsequent to which, say a week later, coastal erosion occurred. The natural disaster declarations do not cover coastal erosion. From the council's perspective, but for that earlier weather event we wouldn't have had that significant coastal erosion. From our perspective, that resulted in potentially nine properties not having adequate access to their dwellings and the community perhaps having to fund reconstruction works. Sometimes organisations need to look at factors other than the actual event and look at circumstances outside that to create better pragmatic outcomes.

Ms LIZA BUTLER: Back to your community development officers. A lot of that work has been taken back in house by the Reconstruction Authority. Have they communicated very much with you? Or they are just so busy bouncing from one natural disaster to another that that piece of work has now just slid off the radar?

ADRIAN PANUCCIO: It's a different piece of work, so I wouldn't expect the Reconstruction Authority to go out. We're in a local government area that is over 10,000 square kilometres and over 190 villages. I wouldn't expect a resource through the Reconstruction Authority to cater for a local government area such as ours.

PAUL DE SZELL: Certainly on the ground there is no equivalent resource to the community recovery officer that we had employed for five years.

Ms LIZA BUTLER: Coffs Harbour, do you have anything more to add to any and all of those questions?

ANDREW BESWICK: In relation to our community recovery officers, we have two. One is actually ending very shortly, and the second one ends in April next year. We have no plans to replace them internally because we do not have any budget to fund them with. We don't have community development officers to actually take up the work, so the work will effectively cease. Our community recovery officers' primary deliverable was the preparation of our recovery plan. That was completed. That will now be the artefact that won't be updated for some time unless we have other funding to do so.

Mr RICHIE WILLIAMSON: My question carries on from Ms Butler's questioning there as well with regards to the ongoing officers that you've both just spoken about. Do you see it as your primary role to be in this space? Or would you rather see you supporting an RA officer doing that work that your officers had been doing?

ADRIAN PANUCCIO: On behalf of MidCoast, I don't see it as a function of the council. I see it as a response to natural disasters. We're a support agency. During the event, the council is there, the SES is there fire is there, and possibly the Army is there. All the support agencies are providing input, support and guidance, and they do that great. But the ongoing response to natural disaster resilience, in my opinion, is not a function of local government. The funding for the community officer role was initially post 2019 fires. Ironically it was extended, because it was due to lapse, during the flood event a few years later. Now it is ceasing. The only thing that would extend that further, unfortunately, would be another event.

ANDREW BESWICK: I agree. It's a bit like our role under the SERM Act. We supply a LEMO. We supply support to the LEOCON and the LEMC in terms of emergency management of when incidents occur et

cetera. I guess if you follow that model that comes from that piece of legislation through, then we should be also providing some supporting role to NSW RA when it comes to the recovery and reconstruction side, rather than necessarily being seen as any main agency.

The only thing I would add is that I'm really pleased the Reconstruction Authority is now focused on its adaption planning. At the end of the day, what we've been talking about is this short-termism of our reacting to specific disasters and throwing resources after a disaster occurs, whereas what we need to be doing is the planning and adaption work to minimise the impacts of those disasters when they do occur. But, again, it's still a little bit unclear how much responsibility local government will play in that versus NSW RA. NSW RA will sign off on the adaption plans, so they have the ultimate say. But whether local governments have much influence, given we are apparently going to be bundled as regions, I guess is yet to be seen.

PAUL DE SZELL: I tend to agree with Andrew. Exactly the same point. I think expectation is there that local government will do the planning and it will be signed off by RA. But, again, we are not resourced to do that, and we are not recognised in the Act that says we should be doing it.

The Hon. STEPHEN LAWRENCE: I've got two questions. Firstly, for MidCoast Council. In the last paragraph of your written submission you raise a concern about the extent of the powers in the Act that are vested in the Authority and you raised a concern about whether the governance arrangements that are in place are appropriate, given the scope of those powers. I'm just wondering if you could expand on that a bit in terms of more specific concerns inside that subset.

ADRIAN PANUCCIO: If you look at the powers of the Authority and Minister, once a disaster is declared, you could essentially just become the council. You could buy and sell land, you could construct infrastructure and you could construct dwellings, all on the back of council. The council is doing it, but someone else is stepping in to do it.

I certainly don't have an issue, where appropriate, that the Minister would exercise that power if it's a disaster and it warrants that. I just could not find any governance arrangements to see if it has been appropriately empowered. Has local government been engaged prior to enacting that power? Do we have an opportunity to comment before enacting that power? It seemed rather arbitrary. I don't disagree that if it has to happen, it has to happen. I agree with that, and I certainly don't think local government should stand in the way. But the moment that someone takes over the council budget and starts purchasing things, we're accountable to our whole local government area and it'll have impacts. I couldn't find any governance arrangements in place. I couldn't find anything like that, so I just flagged it as an issue, noting that the legislation is rather new. I would expect something to come out on how it would be enacted.

The Hon. STEPHEN LAWRENCE: Sure, that's really helpful. The only other question I had was for Coffs Harbour, and it was in relation to the matter that's raised in your submission. It's on the second page of the submission in the second paragraph. You state:

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).

Excuse my ignorance, but I was wondering if you could expand on that and explain exactly what that means.

ANDREW BESWICK: I might take that one on notice, to be honest.

The Hon. STEPHEN LAWRENCE: No problem.

Ms SUE HIGGINSON: I was very much going to the same point that Mr Lawrence did. In terms of the powers for the planning Minister within the Reconstruction Authority legislation that have been described as overreach, I put to you that we had some legal experts in a previous hearing of this inquiry say that they thought that those powers are likely to be unnecessary, that they're a bit unsafe—I think those were their words—and that we don't really need them there. They said that if such emergency works and provisions were required, council, in collaboration with the department and the other infrastructure bodies, would be the best purposed to assist with those kinds of operations. I'd love your view on that. Do you think that they really are overreach and should be repealed, or should some better guardrails—as seems to be the word nowadays—around the exercise of those powers be placed within the legislation?

PAUL DE SZELL: I would tend to agree, based on previous experience. In the 2019 bushfires and the 2021 floods, there was a great collaborative relationship between local government organisations throughout New South Wales and the New South Wales planning department. Legislation was amended quite quickly, challenges were overcome quite quickly, and that didn't prevent or stop any redevelopment from occurring. I would tend to agree with the evidence you've already received or already heard that it is an overreach and they could be removed.

Ms SUE HIGGINSON: Coffs, did you have any view on that?

ANDREW BESWICK: No, that is not something that we've particularly focused on.

Ms SUE HIGGINSON: In terms of the adaptation plans that are now required to be developed, as regional councils, do you feel that you have the capacity to contribute to and create those plans? Is there something more that the Reconstruction Authority should be doing? If so, should that be spelled out in the legislation so it's clear where the burden and responsibility lies around the development of those adaptation plans?

ANDREW BESWICK: The adaptation plan guidelines are currently out for submissions, which I think expire, in fact, today. When I went to a briefing—or myself and our people went to a briefing—on the adaptation plans and the guidelines, it seemed to me that our city already has many of the plans that will feed into the adaptation plans. We have coastal zone management plans. We have estuary management plans for flooding management. We have a number of the plans already there. We, in fact, have the layers to do with coastal inundation that we already have embedded into our planning control framework. My biggest concern was actually that the adaptation plan process will become—there'll be a lot of red tape, I guess, to re-bundle up what is already there. What we know from our coastal zone management plans and our flood management plans is that we have various priority actions, and the biggest inhibitor to enacting those plans is getting funding. I'm slightly nervous that we'll spend more money on planning and no more money on actually doing.

We're fortunate, I think, that we've got that situation. I don't necessarily think every council is in that same situation. But that also raises a question about where NSW RA has talked about grouping councils together for the adaptation planning process. Some have got some plans and other councils haven't got the plans. What do you do where there are holes and things like that? It's early days, so I'm not wanting to be too judgemental, but I would like to hope that we do start getting into the actioning reasonably soon, rather than just the planning. It sounds like the planning is going to be another year or two, before we even get to start talking about funding and action.

Mr WARREN KIRBY: This one is for Coffs Harbour. You've recommended in your submission to expand section 6 to define "disaster" beyond "natural disaster". Could you elaborate on what you had in mind with that?

ANDREW BESWICK: Yes, this sort of ties in with the question I was asked previously, which I took on notice, but I can answer this one. This is because the environment for a disaster has partly been engineered by some of our own planning controls, design and construction specifications, and land use priorities that have happened in the past. We have had development on flood plains. We have actually caused, through our own poor planning and poor construction, a disaster to unfold. There may have been a natural disaster—say, a flood event—but if it had been planned properly, there wouldn't have been a disaster because those buildings wouldn't be there or, if they were there, they would have been constructed in a way that wouldn't be impacted by the supposed disaster. That's the point we were trying to make.

Mr WARREN KIRBY: You've both expressed concerns about the burden on local councils. What support does local government need to meet the objectives of the Act?

ANDREW BESWICK: I think we need clarity of role. I think there is still ambiguity in the Act. We mentioned the fact that section 4(b)(i) talks about the fact that the NSW RA is to facilitate the protection, recovery and reconstruction of affected communities. If it's facilitating, are they responsible and accountable, or does that somehow spill into local government to become responsible and accountable? There's that sort of lack of clarity or opaqueness in how some of that phrasing is worded in the Act. And then, our view is that we shouldn't be the primary agency anyhow, particularly if you've got an organisation such as NSW RA. So resource them. If you want local government to be an effective support organisation for the community—which we always do fulfil that role—we do need some form of ongoing funding so we have the preparedness, preparation and planning done and maintained on an ongoing basis, and we're not reacting when the disaster occurs or the incident occurs.

PAUL DE SZELL: I would agree with everything that Andrew said. I would add to that, based not on this question but the previous two questions about adaptation planning and some of the history of development in New South Wales, I would think that the majority of particularly coastal councils will have a fairly good handle on where coastal erosion is going to occur, where flooding is going to occur and where bushfires are going to occur. They are going to have a fairly good understanding of which dwellings that have been historically created are going to be impacted. The real elephant in the room is that no-one knows what to do with the buildings that we know are going to be impacted. Certainly, from a MidCoast perspective, we have a lot of the planning already done—the same planning that Andrew mentioned has been done in Coffs Harbour. We are aware of where buildings are going to be affected through the most common forms of natural disasters that the Act references.

What no-one is able to essentially say or to help us develop is what to do when those disasters happen because we know those buildings will be impacted. We know there are buildings on floodplains, we know there

are buildings in fire-prone areas and we know there are buildings in coastal zones that are subject to erosion. There is no solution at a State level as to how to rectify the past plans that created that legacy. That is ultimately what local councils need help to do. Otherwise we are caught in this reactive cycle of responding to disaster after disaster after disaster as they occur. I grew up in the Northern Rivers. As a child, Lismore would get flooded every year; Lismore still gets flooded. I grew up in the Tweed Valley. Murwillumbah got flooded and it still gets flooded. In the Mid North Coast there have been fires and floods and they still happen and the same buildings are impacted year in and year out. There is still no solution for the buildings that are always impacted. That is where we need help to correct or readjust that cycle. We can't essentially instantly turn back over 100 years of planning decisions that have created a legacy now.

Mr ROY BUTLER: It is good, I suppose, that a lot of the questions I had to ask I have to discount because they have been asked along the way. I will come to a point that Mr Beswick raised a moment ago. Your submission talked about the word "facilitate", and said that it may weaken the Authority's role. I suppose the origin of that word as I understand it—and Steve or someone will pull me up—is to make it easy. If not "facilitate", what word would you recommend to firm up or strengthen the Authority's role?

ADRIAN PANUCCIO: Sorry to interrupt, but words like "must" work much better than "facilitate". They are more directive. It needs to be directed towards which authority must do a function.

ANDREW BESWICK: I was going to say the word "responsible."

The CHAIR: Thank you. That brings this afternoon's session to an end. We do sincerely thank you for taking time out of your incredibly busy days and away from the work you do for your communities to participate in the process. You will each be provided with a copy of the transcript of today's proceedings for corrections. Please get in touch with us if you think any corrections are needed. The Committee staff will also email any questions taken on notice from today so you will have them in writing. The Committee may also have supplementary questions that we send out to you as well. If we do that, we kindly ask that you return answers within 14 days. Please speak to us if that is not practical or possible. Again, thank you very much.

(The witnesses withdrew.)

Mr SYLVESTER OTIENO, Divisional Manager, Engineering Services, Warren Shire Council, affirmed and examined

Ms DONNA AUSLING, Director, Planning and Sustainability, Narrabri Shire Council, affirmed and examined

The CHAIR: I welcome our seventh panel of witnesses today. Thank you so much for joining us. Before we proceed, do you have any questions about the hearing process?

DONNA AUSLING: No, thank you.

SYLVESTER OTIENO: I am good.

The CHAIR: Excellent. I thank you both so much and thank Warren Shire Council for providing the brief opening statement.⁵ That will be linked to the Hansard transcript and the process we are about to go through for the sake of the record. Before we begin questions, I do wish to inform witnesses that you may wish to take a question on notice today because you don't have the information or answer at hand. You can answer that later in writing. If that happens, we will provide you with a copy of the question and we ask that you respond to that within 14 days, if possible. We will now move straight into questions. Have both of you been affected by disaster events since the Reconstruction Authority came into existence—in the past two years? Have you worked with the Reconstruction Authority during that time?

DONNA AUSLING: Yes, that is correct.

SYLVESTER OTIENO: Yes.

The CHAIR: I thought that would be the case but I just wanted to double-check. A lot of the people who have made submissions and who have sat here and spoken to us have talked about how the role of local council and local government isn't quite clear enough in the legislation as it is at the moment. I will just accept that and park that to the side. In your interactions with the Reconstruction Authority, have you ever felt that because your role isn't clearly defined, the Reconstruction Authority hasn't properly engaged with you, has somehow done you a disservice or has ignored you in the process at all, despite what I accepted earlier?

DONNA AUSLING: I am happy to answer that first. We have been lucky enough to form a very strong relationship with our regional Reconstruction Authority representatives. Probably the biggest challenge that we have is what the previous participants have alluded to, which is that lack of clarity around roles. Also, to the role of the Reconstruction Authority and the PPRR emergency management framework, they are neither a functional or combat agency. They are almost in an emergency management purgatory where their role isn't clearly defined. When things do get real that can create some significant challenges.

The CHAIR: Mr Otieno?

SYLVESTER OTIENO: Yes, like Ms Ausling stated, we have had a very productive relationship with the Reconstruction Authority. We have been lucky to have some funding for the betterment of our projects and also played a part, led by the Reconstruction Authority, in preparation of pre-event recovery plans for our LGA.

The CHAIR: Thank you both very much. I do acknowledge that the Reconstruction Authority is in its infancy and that we need to do more work about preparedness. I think that is probably where we will need to have better definitions and clarity around that. That is a personal thought. Ms Butler, down on the South Coast, as Deputy Chair, I am going to throw to you for the next set of questions, please.

Ms LIZA BUTLER: Thank you for attending. My question is to Narrabri Shire Council. You are very flood-prone out there. Have you had a flood since the Reconstruction Authority commenced in 2022?

DONNA AUSLING: Yes, we have. Unfortunately, we are one of the communities that have had compounding disasters—we've had both flooding and bushfire—and significant challenges with our flood claims. We're still waiting on around \$32 million of approvals to come through the system. That is, as you can imagine, a significant impact on our operations. It impacts our community as well around the damaged road network. It's been a difficult journey for us since 2022.

Ms LIZA BUTLER: With the financials, you have to complete the works before you claim the money back. Can you talk about what that has done to a small council financially?

⁵ Opening statement from [Warren Shire Council](#).

DONNA AUSLING: It's put us under immense financial and resourcing pressure. That's on top of a regional skills shortage. We've got a mining boom and a resources boom happening in the region as well. It's been a perfect storm of pressure and also a range of concurrent projects that we're having to deliver that were programmed. Those competing priorities have been very difficult to manage for our council.

Ms LIZA BUTLER: Would you prefer to see a model of payment like a builder gets—a percentage up-front and in-progress payments to assist councils, especially, like you say, if you've had numerous floods that compound? Will that assist the council?

DONNA AUSLING: Absolutely. It would greatly assist with our cashflow and planning for our response and recovery efforts. I did like the suggestion made by Blacktown council in terms of an up-front payment of 80 per cent. That would greatly assist rural and regional councils in conducting those works in a timely fashion.

Ms LIZA BUTLER: You talk about the ongoing and compounding effect of the natural disasters. Have you reached a category C, or have they been of a lesser category but the number of natural disasters actually makes it worse than if you'd had one that was a category C?

DONNA AUSLING: Yes, I think the compounding effect has been the challenge for us, primarily.

Mr ROY BUTLER: Great to see you, and thanks for taking the trip to come along. Madam Deputy Chair, can I just say that I guess it's all relative—of my 13 local government areas, Narrabri is my second largest population area. I've got some very small population areas as well. My first question is for Warren Shire Council in relation to your suggestion that disaster adaption plans should be handled at the Local Emergency Management Committee level and spearheaded by the Reconstruction Authority. Can you talk a bit more about that, and expand on how you think that would work and why?

SYLVESTER OTIENO: The long and short story of it is that we are not very well resourced to take on more activities in our shire. We cover 11,000 square kilometres and provide a lot of services to the community. Those services are provided by only 68 full-time staff. Adding in additional responsibility would really destabilise our operations.

Mr ROY BUTLER: If I may direct a question to Narrabri as well—you've suggested that the Reconstruction Authority's organisational purpose does not align with the policy objectives of the Act. That's what you've said in your submission. Can you tell us more about that please?

DONNA AUSLING: I think the Chair hit an important point that the organisation is still in its infancy. Post the disaster events, the focus has perhaps changed. There's a whole range of considerations that have come up in the recovery process that perhaps aren't aligned particularly well to the objects of the Act, and also around the piece on disaster consultation fatigue based around those compounding disaster effects and how they might be better managed by the Authority in cohort with key stakeholders like local government, emergency services and the community. We are hopeful that they might be able to be refreshed as part of this process to align better with community expectations, particularly around the disaster funding processes.

Mr ROY BUTLER: You are in the right place and telling the right people at the moment that that is a concern. Emergency management purgatory is going to become part of my vocabulary, thank you.

Mr WARREN KIRBY: This question is particularly for Warren Shire Council, but Narrabri may want to come in as well. Could you elaborate on what is meant by community-based resilience in your submission, and how the primary object under section 4 fails to give appropriate context to this concept?

SYLVESTER OTIENO: In terms of preparation of the disaster adaptation plans, we felt that this should be spearheaded by the Reconstruction Authority, but at the LEMC level. We had a workshop on disaster adaptation plans maybe three weeks ago, and it was agreed among all the participants that these plans should be spearheaded by the NSW Reconstruction Authority, either at the LEMC level or at the regional level. If you take a picture of our neighbouring councils, the disaster types are pretty much the same. We have flooding, bushfires and maybe some storms. If you can have one lead at a regional level encompassing us and our neighbours, I think that would lead to better outcomes. Like I said before, we are very resource poor, and that applies to our neighbours as well. I really believe that having the Reconstruction Authority fund a staff member, or second a staff member, and have that staff member lead the preparation and implementation of the disaster adaptation plans at a regional level would have a very good outcome.

DONNA AUSLING: I concur with my counterpart here in terms of their observations that the disaster adaptation plan boundaries are quite blurry at the moment. Depending on where those boundaries are actually defined, one LGA's risks and considerations and their socio-economic profile can be very different to another council. It really needs to be led locally, and there is also the ability to continue on. We've been lucky enough to have a Community Recovery Officer that's been funded by the State and Federal governments. That resource has

done some immense work in a very short period of time. Our concern is that that funding is limited, so the good work that they've actually done in that time will disappear. It's all about relationships and developing networks. If we were to lose that resource, we are going to be at a considerable disadvantage when we are either responding to or recovering from the next inevitable disaster event.

Mr WARREN KIRBY: Both of you have expressed concerns about the disaster adaptation plans. Is it the outcome you're concerned about, or is it the funding that you're concerned about?

DONNA AUSLING: Both, in that the role of local government is another function that we're going to have to carry and fund. I think it's well documented, the financial strain that rural and regional councils are under at present—so isn't this another cost-shifting exercise?—and how we actually maintain momentum and make sure the community is adequately prepared for the next event. It's both.

SYLVESTER OTIENO: Mr Chair, I agree with my colleague in terms of her assertion that both the preparation and implementation of disaster adaptation planning would be an extra burden to us. We are very, very small councils with very low revenue. My council's revenue base is less than \$6 million a year, and we are very dependent on grant funding for renewal projects. I don't think we would be able to afford any extra burden.

Ms SUE HIGGINSON: In terms of Narrabri, you mentioned the mining boom—and I'm quite aware of your LGA geographically and the mine sector there. Not every region obviously has mines in it, though many do—the Hunter et cetera. Is there a particular component of the NSW Reconstruction Authority that we haven't captured because there is a particular intersection with disasters and mines when they're such a big part of a local landscape and the community? Is there something that is particular that should be here but isn't here?

DONNA AUSLING: I think it's probably an area that requires a bit more exploration. We are fortunate to have a very high-functioning local emergency management committee. We do have mining representation as part of that LEMC framework, and very active participation by the RA representatives as well. Again, it's those local relationships and that network that's so important. To have the applicable people talking to one another and knowing who each other is, I don't think that can be understated, and the importance of having those people, with their feet on the ground, in regions like ours. But it's something that perhaps could be explored as part of this process, where there are some gaps, and maybe consultation with some of those mining stakeholders.

Ms SUE HIGGINSON: An issue that has consistently come up is the very broad powers that the planning Minister has under the Reconstruction Authority legislation. Have your planning staff or your development assessment staff—has there been any concern around the breadth of those powers? We have had legal experts suggest to us that we should now consider whether they are still relevant, whether we need those powers, and whether they should be repealed. Is there any concern from your local government's agency about those powers?

DONNA AUSLING: From a practitioner's perspective, as I alluded to earlier, we've had the benefit of a really strong relationship with our local officers. There hasn't been any conflict, particularly in the strategic planning space. We've done a lot of work in the past two to three years around strategies and detailed flood studies. We haven't experienced any direct conflict around that particular process.

Ms SUE HIGGINSON: Warren Shire Council, has anybody raised concerns about the operation of the legal powers and the breadth of the powers that the Reconstruction Authority has through the planning Minister?

SYLVESTER OTIENO: Our planning department has one member of staff, so I'll take that question on notice.

Ms SUE HIGGINSON: I take it they're pretty busy doing their own thing.

The Hon. STEPHEN LAWRENCE: I have a question about the Narrabri submission. I might start with Ms Ausling, but Warren Shire Council might also want to respond to it. On the second page of the submission you talk about how resilience is a social ability built within communities, and you talk about how it can only be effectively developed if social capital is shared. Then you talk about how that's frequently not the case in marginalised and socially disadvantaged communities, and those located within rural and regional areas. You go on to say:

On this basis, it is recommended that the objectives of the Act be amended to place appropriate context around community resilience.

Is that a request that consideration be given to amending the Act to direct the Authority to consider issues of remoteness and socioeconomic disadvantage and so forth, so that certain communities aren't getting the support that they need? I just want to make sure that I understand that paragraph correctly.

DONNA AUSLING: That's correct, particularly with respect to the First Nations and Aboriginal cohort that we have in our community that are often marginalised. I certainly think the Act could be strengthened in that space to make sure that they're sufficiently engaged through the process.

The Hon. STEPHEN LAWRENCE: I think that's an important point. I had a quick look through the Act and I couldn't see any section that seemed to do that. I wonder if Warren Shire Council has any response or thoughts on whether the Act should be amended to direct the Authority to consider issues of disadvantaged communities and so forth?

SYLVESTER OTIENO: Yes, I fully agree with that. Our council area has about 17 per cent of First Nations people, so that should be taken into consideration. We are also lucky to have local people who are very knowledgeable in disaster issues. In the last flood disasters, council pretty much led the process of flood operations. We had community members contribute significant information that helped us to really manage the flooding. That's why you probably don't hear about Warren flooding; you hear about Lismore and Forbes but not really Warren. That's because council managed it very, very well, in collaboration with the community.

The Hon. STEPHEN LAWRENCE: That's very helpful.

The CHAIR: That is a good point well made.

Mr RICHIE WILLIAMSON: I will go back to the line of questioning by Mr Butler, particularly around what has been described in Warren's submission as an onerous preparation of the disaster plans. To both of our witnesses, we're reviewing the Act, and Warren correctly says that the RA can instruct a relevant entity to prepare the plan. Is the issue that the Act is actually doing its job but there's no funding attached to the direction? Is that the issue with regard to local government preparing the plan?

SYLVESTER OTIENO: Yes, that's the main issue—resourcing in terms of staffing to prepare the plans, and also the resources to implement any outcomes from the plans.

DONNA AUSLING: Conversely, as my colleague has indicated, I don't think any practitioner is going to argue against the plan having value, but the challenge for us is the funding and resourcing of the process.

Mr RICHIE WILLIAMSON: Certainly. Thanks for clearing that up for me.

Mr ROY BUTLER: I direct this to Narrabri to shorten the response time, because I realise we are out of time. Ms Ausling, my question relates to infrastructure and I am thinking particularly about the lagoon bridge at Wee Waa. For Committee members who are unaware, Wee Waa is a levee-bank town. It sits on a massive flood plain. When it floods it can be cut off for nine or more days and the only way you get in and out is through a boat or a Unimog. With those sorts of problems, who do you see as responsible for identifying that as an infrastructure priority, to be able to get towns like Wee Waa—and there's examples in Warren as well, but I am just picking one to get the answer. Where do you see the responsibility? Is it local government or a State government agency? Where does it sit?

DONNA AUSLING: I think it's a true partnership approach. Obviously that's an issue and that's a challenge that's been identified by the community. They've raised those concerns through the local council and, in turn, we've identified an advocacy opportunity with State. We'd hope that that infrastructure upgrade could be looked at as a priority and appropriately funded to make sure that we're delivering that in a timely manner.

The CHAIR: A question maybe to you, Mr Butler, or to our guests: Who paid for the levees that are constructed around some of these towns?

Mr ROY BUTLER: Mostly Federal.

The CHAIR: That brings to an end our time with our witnesses from Warren and Narrabri councils. Thank you so much for coming all the way into the city to be with us today. We really appreciate you taking time out of your busy schedules, taking on board the point you made about how your human resources at council are pretty thin. You will be provided with a copy of the transcript of today's proceedings for any corrections that you would like to make. Please get in touch if we need to do that. The Committee staff will also email you any questions that you have taken on notice from today; I think there were one or two. The Committee may have some additional supplementary questions that we would like to send to you in writing. If we do that, could you please respond to those within 14 days. If that is a problem and a challenge, please talk to us about that and we will figure out when we can get those answers back from you.

(The witnesses withdrew.)

Ms ESMERALDA DAVIS, Director, Corporate and Community Services, Byron Shire Council, before the Committee via videoconference, affirmed and examined

Ms SARAH BOULLE, Recovery Coordinator, Byron Shire Council, before the Committee via videoconference, affirmed and examined

Ms DEB STAFFORD, Manager, Social and Cultural Planning, Byron Shire Council, before the Committee via videoconference, affirmed and examined

Mayor STEVE KRIEG, Lismore City Council, sworn and examined

Dr BRENDAN LOGAN, Chief Operating Officer, Lismore City Council, affirmed and examined

The CHAIR: Welcome. Before we proceed, do any of you have any questions about the proceedings process?

ESMERALDA DAVIS: No.

SARAH BOULLE: No.

DEBORAH STAFFORD: No.

STEVE KRIEG: No.

BRENDAN LOGAN: No.

The CHAIR: I thank Lismore City Council for providing the opening statement.⁶ Before we begin the questions, I inform the witnesses that you may wish to take questions on notice during today's proceedings, if you do not have the answer immediately to hand. We will provide you with a copy of the questions that you take on notice, and you can then provide an answer in writing within 14 days after receiving those questions. I am going to open the questions. One of the critiques has been that local government or local council is not satisfactorily and clearly enough defined in the legislation as it is. I just want to park that to one side. I know both of your councils have been dealing with the Reconstruction Authority quite a lot. Have you ever felt that you have been overlooked or somehow have been done a disservice because you are not defined well enough in the legislation? I might throw to Byron council first.

ESMERALDA DAVIS: It's not been my experience, Chair. In relation to Byron Shire Council, we've got a constructive relationship with the Reconstruction Authority and, certainly, the demands of the response to the '22 flood disasters have enabled that communication and the relationship to be well established, in my view.

The CHAIR: Excellent. That is good to hear.

BRENDAN LOGAN: If I point to our opening statement, I don't want these comments to reflect on any recent positive interactions with the RA but, to use your words, Chair, yes, I felt we were overlooked for some time in those type of things. But if you link that back to the Act and what it may or may not do, a constant question I would ask the RA is: What are you accountable for, in terms of trying to find a way to not be overlooked? It was often difficult to get an answer to that. I think it would be very helpful for this Committee to consider not just how the Act might ensure a more inclusive way of working with local government, but how you take and operationalise that Act in a way that accountabilities are clear, because a lot the time we found that the RA wasn't sure on its accountabilities, which put some uncertainty on ours. We've worked very hard to try and establish that, but it's not just about being overlooked. I think everyone struggled to work out what it was accountable for over the past couple of years.

The CHAIR: That's a good point to make. We acknowledge the RA is in its infancy, and we acknowledge that we will get better at this as we go forward, particularly when we move more into preparedness than we currently are. Maybe that will require some more extensive clarification as well.

Ms LIZA BUTLER: Like Lismore and Byron, we are topping the State in natural disasters. Byron Shire Council notes, in its submission, the claims process and the pushback from the Reconstruction Authority. Is that in relation to betterment or is it just saying, no, that's not something you can claim?

ESMERALDA DAVIS: Thank you for the question. I think there's been a range of issues across the reconstruction of essential assets. I'm possibly not the best person to speak to the detail, but just to give some

⁶ Opening statement from [Lismore City Council](#).

indication, some of the pushback has been around the scope of works, as I understand it. The lengthy approvals process has also created some challenges. In terms of the pushback, it's just around clarity of what is covered by the guidelines and what's not covered, but my understanding has been that's been primarily in relation to the EPAR works.

Ms LIZA BUTLER: In relation to the funding from the RA, have you been successful in getting any of that up-front—and this is for Lismore as well—or have you had to complete the works before you get any of the funding? Because I know that with the number of natural disasters, it is financially draining on councils.

ESMERALDA DAVIS: I might take the question from Byron's perspective. We have certainly been the recipient of some advance payments, which certainly has helped with council's cash flow. That took some time to be realised. I understand from my colleagues in infrastructure services that the advance payments have been more of a recent occurrence, rather than something that was provided immediately post-disaster. There was quite a lengthy process to get to this stage. But I'm happy to take that on notice and provide more detailed information.

Ms LIZA BUTLER: That would be great, thank you.

BRENDAN LOGAN: From Lismore's perspective, to date, since the 2022 flood, we've delivered around \$160 million in emergency and EPAR works on a range of different assets. But in our case, that's less than 10 per cent of what we still have to do in those types of things. We've worked very hard on the eligibility of those assets because that's been the crux of any argument or disagreement with either State or Federal governments. Again, coming back to accountabilities, it's not just the eligibility. What the administering agency is accountable for has been a big part of it, because for a long time I've experienced the State Government looking for ineligibility in our submissions rather than looking at them as a way to enable reconstruction.

I think we've broken the back of that, and we've worked very constructively with the RA on that. That means we haven't started a hell of a lot of what we need to do. That sort of cashflow problem or the need for advance payment hadn't emerged yet, but it is emerging and it's absolutely critical to council that that advance payment regime that we're working on is in place because the sums of money we're talking about are literally a solvency risk to council if we don't have those advance payment schedules. That eligibility and the vagaries of the DRFA, which Byron alluded to, has been a world of pain for us for some time, but I feel like we've come out the other side in recent times.

Ms LIZA BUTLER: We're hearing different versions today about some councils having to complete the works then get it. Then others, like Byron and Lismore—and I know Shoalhaven—getting some up-front. Do you think there needs to be a clear payment process and outline whether it's a percentage up-front and progress, or 90 per cent up-front? Do you think there would be benefits to that?

BRENDAN LOGAN: Yes, there would be benefits. In recent times the RA, along with the administering agencies, have actually put in place what's called a Tripartite Agreement to facilitate that. It basically allows any council that signs one of those to remain cashflow positive up to a certain amount—at the moment I think it's nominally 90 per cent, yes.

Ms LIZA BUTLER: I think that's quite dependent, though, on the support you get locally from your MP to push that. Some areas aren't getting that and some are, and it depends on the council and the relationship with the RA. That's just a comment, but I don't think that's formalised.

The CHAIR: We won't ask our witnesses to comment on that, Ms Butler.

STEVE KRIEG: Can we?

The CHAIR: No, please don't.

Ms SUE HIGGINSON: There are three things I'd love you to address—this is to you both. The first is where you're very critical about the term of who leads and led. Obviously we have, in our region, pioneered what community-led looks like and sounds like and how it should feel. I would love your views on what we can perhaps better improve in the Act about what the Reconstruction Authority's role is in leading recovery and leading the processes that it's designed to do. The second, which I think interacts with the first, is communication and the role of communication. At the moment, there are legislative heads of power that the Reconstruction Authority must communicate. I'd love your views on that. I know that, as a community affected, it's communication, communication, communication. I think we've redefined what that should mean. I will stop at those two. Could you address those two points: this idea of the lead and what we could do to improve that and the communication about what we're doing, from council's perspective?

STEVE KRIEG: I guess it comes back to you as political leaders as to what you want your organisation to look like. If you want it to be a bureaucratic organisation which prepares things like DAPs and amazing

documentation, then it doesn't have a place in that leadership role during and post-disaster. If you want it to be an organisation of accountability and action, then we need that organisation to be at the forefront. We saw some gross failures of many agencies with living what we lived through in February of 2022, and it was literally left up to the community and local government to step in and fulfil those roles. I see the Reconstruction Authority in its current form, with a former deputy commissioner of police now as its CEO, as leaning towards that actionable organisation, which is what, personally, I would like to see.

We've heard so often today—and we've been listening to the other witnesses—that local government is not equipped financially or with human resources to be able to deal with the disaster that we dealt with in February of 2022. We need State Government support, and I would like to see our Reconstruction Authority be the lead agency in conjunction with local governments. It has to be a team effort, and we're seeing that now with the current administration of the Reconstruction Authority. Communication, again, in February of 2022 wasn't great. It was left up to members of our community establishing community groups literally on the spot—the local government setting up evacuation centres and the like, and getting those people on their private watercraft to save those thousands of lives through necessity. To your point, we understand it's in its infancy, but this is the ideal time now to mould that organisation into a world-class body of people that can actually lead disaster recovery into the future.

Ms SUE HIGGINSON: I'm just trying to ascertain your ideas from the submission. The Reconstruction Authority is taking that leadership, particularly in that emergency and immediate recovery space, but that lead has to be in partnership—that is what I get from the submission.

STEVE KRIEG: You're 100 per cent right. There are roles for local government. Early days and Lismore-specific, we talk floods, and it is local government that is out there closing roads and preparing those emergency services—our levee pumps, making sure that they're all working. That's definitely a local government role. But when you're getting into the bigger picture of 4,500 people made homeless in the space of hours. That's where we need that State Government help to come in and support, and to actually be the big brother and take control of those things, because at a local government level we don't have those resources available to us.

Ms SUE HIGGINSON: In terms of the legislation now, and based on what we've learnt, do you think there should be a kind of stepped-out prioritisation in the legislation about what the Reconstruction Authority's role is immediately? I think one of the things we've learnt is that we spend a lot of time thinking about, "Oh my gosh, what will we do in five years because we can no longer have a town?" We were thinking so far ahead. But has the lesson actually been that the Reconstruction Authority's immediate role is the wellbeing and the safety of all of the people on the ground during the disaster and in the immediate aftermath? Should we be spelling that out?

STEVE KRIEG: I couldn't agree with you more. There's no one-size-fits-all disaster. As we all know, it could be an earthquake in Newcastle or a flood in Lismore.

Ms SUE HIGGINSON: I think one happened today.

STEVE KRIEG: Yes, it measured five on the Richter scale, which is why I mentioned it.

Ms SUE HIGGINSON: We didn't feel it here.

STEVE KRIEG: But there definitely needs—and coming from a private-sector background, it seems pretty clear. There should be a generic—I often refer to it as "in case of emergency, break glass" in every council chambers—go-to list of five or six key points. Our Lismore specific—and sorry, Byron. Our biggest fear was—we had upwards of 2,000 homes inundated with floodwater and, as a newly elected mayor and different things, we're thinking, "Well, there's our rater base. That's a main source of our income." That immediate emergency funding of X amount just to keep the town solvent for a start is critical to then being able to think about reconstruction and recovery. When a disaster hits, your mind is not where it needs to be quite often. To have that generic proforma, if you like, as to these are the steps that we need to follow to get back to some sort of normality, I think, is critical—is my own personal opinion.

Mr RICHIE WILLIAMSON: My initial question is to Byron, but not exclusively. Byron, in your submission on page 4 or 5, you delve into the development functions and powers of the Act. That's something that I'm particularly interested in. Broadly speaking, have you any comments—good, bad or indifferent—on the Act itself and the powers that it gives RA? Has that been an advantage or disadvantage to your local government area?

DEBORAH STAFFORD: Thank you for the question. We have experienced that it has been both advantageous and has also generated some challenges. A particular case in point may be in relation to the temporary housing villages that have been established. Certainly, the urgency around the need for housing people who were impacted and displaced by flood and landslip events was considerable. However, there does need to be within the legislation appropriate integration of assessment processes that can, through the legislation currently,

it seems, be circumvented. What that has resulted in in our shire is—in the situation involving one of the Brunswick Heads temporary housing villages, there is the potential cultural heritage impacts that may arise from the processes that were undertaken at the time. In particular, we want to really ensure that, however the legislation is framed, it does still necessitate appropriate and rigorous assessment processes whilst accommodating the timely implementation of responses.

Mr RICHIE WILLIAMSON: Should that timely rigour be, in your opinion, thrown back on or afforded to local government? Or are you suggesting that, in times of emergency, that should be then to the Department of Planning or the Minister for the Department of Planning and—the Act references, I think—the Premier?

DEBORAH STAFFORD: We'll have to take that question on notice and get back to you with the technical advice from our relevant department.

Mr RICHIE WILLIAMSON: I wonder if Lismore might have a comment on exactly the same question.

BRENDAN LOGAN: The powers question—and I've heard Ms Higginson's questions to other witnesses earlier today—is an interesting one for us. Obviously, our situation is rather unique with what's happened, and we can see examples where we wish those powers were used more for certain things and they haven't been. Then we also recognise that you do need safeguards around those powers, which I think Ms Higginson was referring to. We've reached out to the RA a number of times regarding the powers, whether it's about using them, and the two responses that stick out in my mind that are identical from different people were that the powers exist to force the relevant discussion at secretary level to move towards an outcome in an efficient manner. But our experience is that didn't occur either.

Whether it's overreach, as you put it, Ms Higginson—I think the overreach was explained to us as somewhat deliberate to force a conversation and go down a proper pathway and still get an outcome. But I think we've seen that, for whatever reason, we just haven't been able to get either to work. How those powers are used and when—one thing we kicked around in our submission was whether there is some sort of guidance, judgement or something, and someone that's exercising those powers has a framework or a matrix or something that says, "Okay, in this particular circumstance, we need to provide this particular outcome for a community. Here's some guidance as to where you can push the button on something and exercise those powers", rather than just having it there and having to interpret it on the spot with a lot of pressure and a lot of community angst going on.

Ms SUE HIGGINSON: The legal experts that put that overreach to us actually suggested, from memory, that, rather than have these kinds of broad powers that do appear, you literally have to have more express terms around why you would, in the circumstances, use them and what you would do. Perhaps that is what you're getting at—some better explanation around those so we're not frightened of those powers, so to speak. Is that your submission?

BRENDAN LOGAN: I'd align our thoughts with that, Ms Higginson. For example, pre-disaster Lismore City Council had about 3½ thousand lots of housing in its future growth plans that have not been used to date for a lot of the impacted community members we have. With a right set of powers and a way to navigate through that, Lismore had already done a lot of work that could've allocated a lot of hope to people in those buyback situations. So, yes, something that, to use your words, provides a bit more express down those opportunities that are already there with appropriate safeguards would be a good thing.

The Hon. STEPHEN LAWRENCE: I've just got one question for the Mayor of Lismore, but it might provoke some comment from Byron Bay as well, and that's obviously fine. The question is: You say in your submission, Mr Krieg, that the regulations that are made under the Act only run to a couple of pages and that the vagueness of the Act might not be such a problem if the regulations were more prescriptive in terms of the exercise of powers and responsibilities. In light of that, is there any form of stakeholder body where local councils are consulted as to the making of regulations? If not, do you think that it would be good if there was?

STEVE KRIEG: It's a good question. As I've heard many times today, the Reconstruction Authority is still in its infancy, so a lot of these regulatory bodies are still in their infancy as well. The key take-out for me out of all of this sort of stuff is that in times of disaster and in specifically times now of recovery—again, I want to put everything into perspective about the size and the scale of what we're doing in Lismore and the Northern Rivers. Byron is in the same boat. Clarence Valley is in the same boat—and the other five LGAs in our local area. We are feeling our way through.

We've established a group now chaired by Janelle Saffin called the Community Leaders Forum, which meets online regularly to discuss with the RA where they're up to and how local government can assist in their role. I think our timeline is six years of just roadworks ahead of us to get back to anywhere near where we need to be. To your point, I think there needs to be a lot more clarity around those regulations and people's roles within the legislation because at the moment it basically feels like we're all butting heads until we find an outcome that

most people agree with to some respect. What we need in our community is just that clarity and surety that the State Government's going to support us in our recovery.

The CHAIR: Byron Council, did you want to jump into that at all?

ESMERALDA DAVIS: Thank you. Did you want to speak, Deborah?

DEBORAH STAFFORD: Certainly. In terms of the intersection of regulatory mechanisms, obviously we're subject to the Local Government Act. Where there is potentially clear overlap in the areas addressed through these regulatory mechanisms, there is the opportunity to specifically consult with local government. I also think that the way in which the Reconstruction Authority Act is currently drafted and framed is quite indicative of a certain stance in relation to local government, which does appear to fail to recognise local government as a trusted partner of State government that is able to appropriately undertake the relevant compliance standards and so on to warrant a level of trust in a collaborative partnership.

ESMERALDA DAVIS: If I may add to Deb's comments, working in partnership with the State Government would be crucial for outcomes for the community in terms of the delivery of resilience and recovery. As we understand, the Reconstruction Authority is doing lot of planning, which is fantastic, in this space, but councils across the State will have a role in implementing many of these plans. Again, this reinforces in my view the need for that partnership, that collaboration and that meaningful engagement with local government. We are both on the same path to delivering outcomes for our community. If that relationship is fractured, we won't get the standard or quality of outcomes that our community needs.

Mr ROY BUTLER: Thanks, folks, for coming along, or coming in via video link. This question probably starts with Lismore, but I'm happy to hear from Byron as well. One of the concerns you've raised is having to communicate with so many different agencies. I absolutely acknowledge the gravity of the situation that you guys were dealing with. This wasn't a small incident; it was a massive incident—major, major flooding. Obviously, the way it is at the moment, there are lot of stakeholders to talk to. What is a better way of doing it? Dealing with that crisis at hand, what would be a better way to have that information move about?

STEVE KRIEG: I'm going to talk emotionally and let Brendan handle the logistics of it. I see these guys' frustrations every single day in that, for one DRFA claim, they could be dealing with nine different State government agencies. One will approve and the other will reject, and then you go back to square one and we end up trying to get the RA then to intervene. Where I sit, let the RA be the governing body. Personally, I don't care where the money comes from or who rubberstamps the approval. That's the RA's job then to fight with Transport or Infrastructure NSW or whatever the case may be; that's not our fight to have. I'd like the RA to be the governing body and have a lot more control, especially around budget and being able to roll out some emergency payments and things like that. The amount of work that our executive team and our flood recovery officers have had to do in dealing with all of these different, separate State government agencies has really taken a toll on their work that they've done. Brendan, take over.

BRENDAN LOGAN: Good summary, Mr Mayor. If I can give two examples, Mr Butler, that highlight the administrative burden and difficulty, currently, with regard to asset rebuilds via the EPAR process, we've essentially got two administering agencies: NSW Public Works and Transport for NSW. We deal with them depending on the category of the asset. As it currently stands, we do the work with them, we make our submissions and they approve them. Then they essentially have to, in some cases, go to RA and convince RA that, yes, that's okay, because then the RA has to convince the Federal body that, yes, these are all eligible so the State gets their funding back.

We're currently working with multiple agencies on very similar projects and feel like we have to satisfy three or four at one time on one submission. We often get caught up in processes that are actually about the State recovering money from the Federal Government rather than enacting quick reconstruction. Having worked in the State government, I kind of understand the stance. But, in our case, it's often felt like there's the State managing their risk first, which is fair enough in this environment, in one respect, but it doesn't get you a quick outcome on the ground. That's the bulk of the issue: the administration of the EPARs.

A recent example: our waste facility, totally underwater. It's the best part of a \$40 million to \$50 million rebuild, with multiple projects. We received a letter recently from a regulatory agency in the State government wanting to take compliance action. The comment was "It's been two years. You should have done better." Look, it only took one phone call to the right person in that agency and it wasn't a problem, but we've had a lot of that across a number of agencies. I think what the mayor is saying is that in the future, when those things come up, if we can just go straight to the RA and say, "On this reconstruction project, we've got some difficulty with one of your State government partners," if the RA could do that engagement and deal with those problems, we can just focus on what we've been given, which is local delivery.

ESMERALDA DAVIS: I just wanted to echo what Mayor Krieg and Dr Logan have emphasised. That's certainly been Byron's experience as well, in terms of the different layers within one agency but also the multiple growth of agencies that we're maybe dealing with. For us, certainly the experience around the claims for infrastructure recovery or restoration has been the same as Lismore's. Just another example we can offer is through our grants administration process, in terms of the pushback or the compliance requirements that are placed on councils, sometimes disproportionate to the grant amount. The administrative burden that sits with administering the compliance requirements of a grant really heavily outweighs, sometimes, the value of the grant. It just seems quite inefficient, from our perspective.

Mr ROY BUTLER: Just to your point—I think this is more for Lismore—I think State government agencies—and I know the agency you're referring to—have a requirement to acquit their responsibilities. If they're not seen to be doing something, I can understand why it's happening, but I can also appreciate it's incredibly frustrating when you've got 10,000 things you've got to do and that's probably not something that's on the top of the list.

STEVE KRIEG: The frustration, to finish that point off, is these calls or decisions are getting made out of Sydney. Come up and have a look at our waste facility and then tell us where the problems are. That's been a lot of our frustration as well. We're quite often dealing with Sydney-centric bureaucratic agencies.

Mr WARREN KIRBY: Just very quickly, because I am mindful of time, my question speaks to what we've just been talking about, but you've noted some of the negative experiences you've had with the Authority. In your opinion, does that require changes to the Act or is that inexperience that will be overcome as it gets out of its "infancy", as it's been called repeatedly?

STEVE KRIEG: Again, I'm going to take the emotional stance. A lot of it, in my opinion, comes from who's running the show and back to what you want your organisation to be. Do you want it to be a bureaucratic organisation that shuffles paper or do you want it to be an organisation that's on the ground there to deliver tangible outcomes for communities? I hope it's (b). I hope you want it to be an organisation that helps rebuild and helps in disaster recovery. For that to happen, you have to have the right people in the place. I'm not going to say that, rightly or wrongly, the people that have been put in certain positions—that's in the past, and we deal with that. But I will say that having Mr Lanyon, former Deputy Commissioner of Police, now heading up that organisation—who comes from an organisation of getting things done—I believe is the right step. We've noticed a significant improvement in the work that they're doing since Mr Lanyon has come on board and, personally, I hope that that continues.

BRENDAN LOGAN: Just to add to that, Mr Kirby—and I'd circle back to an answer I gave earlier—defining those accountabilities will be critical. We certainly have experienced things being done to us rather than with us and, like I said, I think we're past that. Having an objective in the Act is one thing, but then operationalising that, making it very clear how local government and the RA will work together and making those accountabilities clear would be a big step forward, rather than it being left to maturity and goodwill, a lot of the time, to find a way through things.

Ms SUE HIGGINSON: On that, do you have any ideas about how you could express those accountability measures, or is it on outcomes that you would then be able to measure? What do you think are a couple of lenses that you could put into the legislation that provide for that accountability? Are you suggesting it is outcomes, or is it more processes by which you can question the accountability? Is it a framework of accountability or a circle of accountability?

BRENDAN LOGAN: I don't know if it's a framework. Like I said, our situation is quite unique. You've got the social element and the housing, and you've got the asset rebuild, and it's all quite large. But one example for the moment is if you look at the administration of the EPAR funding, which Byron alluded to and which they find frustrating as well. If you just made the RA accountable as the administering agency, that removes two-thirds of the administrative burden, from our perspective, because you're not dealing with three agencies; you're dealing with one. With that accountability we've experienced, with regard to the EPARs, that State agencies go looking for ineligibility, which holds things up, rather than making sure you're working with the council to ensure eligibility. If they were accountable for ensuring eligibility rather than looking for ineligibility, you're going to be looking at outcomes a lot quicker.

Ms SUE HIGGINSON: So it's more identifying very clearly where the responsibility is and the burden of that responsibility—i.e., you possibly even determine between council, the RA and the other agencies that in this location and according to this plan, you're responsible for that, that, that and that, and that's clearly articulated. But it could, in theory, be different based on area, and some areas may not want the RA. I'm just curious about—sorry, I got carried away on this. I think this is a great idea.

The CHAIR: I'm just mindful that Byron council didn't get a chance to respond to Mr Kirby's question. I don't know if you recall the question or if you want Mr Kirby to put it to you again.

DEBORAH STAFFORD: If we could receive the question again, it would be appreciated.

Mr WARREN KIRBY: I just made the point that there has been quite lot of talk about the difference between an old regime and a new regime and the RA in its infancy. In your opinion, is it a consequence of inexperience, or should it be formalised as part of the Act? In line with Lismore's response talking about a better definition of who is accountable, at what point should it be defined in the Act, or is it just an experience thing?

DEBORAH STAFFORD: In our view and experience, it's a product of both of those things. We would be requesting that there is a relevant updating to the legislation itself, as well as the continued evolution of the organisation through which the outcomes are delivered. We would very much support and reiterate the value of increasing and improving role clarity, whilst also acknowledging that there needs to be a level of agility and adaptability across different regions that takes into account each region's strengths, weaknesses and so on. Es, could I ask if you have any comments to add to that?

ESMERALDA DAVIS: No, I think I would just reinforce that. Certainly, we understand there is a process when an organisation or an agency is newly established. As the evolution of that agency has progressed over time, we've seen more clarity. But still sometimes the governance structure is not clear, so it makes it really difficult to know who to go to for what purpose. Certainly, the evolution of the agency and the maturity of that agency will be beneficial in the long run, but I would also agree with Deb's comments around integrating or refining the legislation to give more clarity there in terms of roles, responsibilities and accountability for local government and for the agency.

DEBORAH STAFFORD: Could I also add that if there were to be any sort of framework that was considered for inclusion in the legislation, in addition to particular outcomes and roles, it should be a community-centred, collaborative framework. In an effective collaboration, each party knows what their lane is and where that begins and ends, and therefore can effectively enact the functions that are prescribed to it whilst also maintaining that agility that's needed at the local level.

The CHAIR: We are at the end of our session. I thank all of you for the precious time that you've given up in terms of both making a submission and appearing today. We understand that councils are incredibly busy and time-poor, so we sincerely thank you. You will be provided with a copy of the transcript from today's proceedings for corrections. The Committee will also email to you any questions that have been taken on notice so that you have them in writing as well, and the Committee may formulate some supplementary questions that we want to send to you in writing in the coming days. We would ask that if we do that, you return these answers within 14 days of receiving them.

(The witnesses withdrew.)

(Short adjournment)

Mr NATHAN McBRIARTY, Manager, Infrastructure Strategy and Planning, Wollongong City Council, sworn and examined

Councillor MATT GOULD, Mayor, Wollondilly Shire Council, before the Committee via videoconference, affirmed and examined

Mr PETER BUCKLEY, Director, Shire Services, Wollondilly Shire Council, before the Committee via videoconference, sworn and examined

Mr COREY McARDLE, Manager, Waste and Environmental Services, Wollondilly Shire Council, before the Committee via videoconference, affirmed and examined

The CHAIR: I welcome our ninth panel of witnesses today. Before we proceed, do you have any questions about the process we're about to embark on?

NATHAN McBRIARTY: No, Chair.

The CHAIR: I inform everybody that you may receive a question that you don't have the immediate answer to. You can, of course, take that question on notice and at a later time report back to us in writing, hopefully within 14 days after receiving the question. We are going to go straight into questions. Can I just double-check that you have all had interactions with the Reconstruction Authority because of declared events since the Reconstruction Authority was established two years ago. Is that right?

NATHAN McBRIARTY: Correct, Chair.

MATT GOULD: Correct, Mr Chair.

The CHAIR: That's a yes from Wollongong and most definitely a yes from Wollondilly. I've been posing this question all day. Essentially, a number of the submissions and evidence we've been given from local councils is that the role for council isn't clearly enough spelt out in the legislation at the moment. I accept that, and I park that to the side. However, despite the fact that that's not clearly articulated, in your interactions with the RA, the Reconstruction Authority, have you had the unfortunate event of being delivered some sort of disservice, being overlooked or not included simply because you're not in the legislation? Or have you generally found the Reconstruction Authority to always make sure that you're a part of the conversation et cetera, despite it not being clearly articulated in the legislation? I might start with you, Mr McBriarty.

NATHAN McBRIARTY: The experience of Wollongong council has been definitely the opposite. We've been receiving good support from the Reconstruction Authority. I can lean on the 6 April event that hit our city, where it was a major storm event, and we are still unpacking that with our community today. What that taught us is that they were able to be agile enough to work with us to connect us to the right agencies, mainly in particular the support around waste and working with the waste services levy and allowing us to support our community to clean up that waste. We had over 3½ thousand tonnes of waste in those first couple of weeks to collect. To be able to be agile and work with the Reconstruction Authority has been really great, in that space.

The other thing we'd have to call out about that support was setting up the recovery centres within our city. We had two activated from 6 April, and what we were able to do was be agile enough to embed our customer service teams within those recovery centres. We could leave the Reconstruction Authority and the supporting agencies and people in that room to help our community, while we could then feed information from those community members to where infrastructure may have been impacted or where we had to get to make safe under that emergency response period. It has been very helpful for us to get on our feet. And then the support—our general manager, Greg Doyle, is the chair of our regional recovery committee. What we have been able to do is seek a lot of support from the Reconstruction Authority to ensure that this ongoing reconstruction of our city is continued but also then supporting that region around us.

The CHAIR: Fantastic. Wollondilly, how about your interactions? Have you been overlooked because you're not in the legislation or have you been warmly embraced as part of decision-making along the way?

MATT GOULD: Generally, we've had a very positive relationship with them, Mr Chair. They have been responsive. They have answered the phone whenever we've needed them. Like our colleagues at Wollongong, they have worked with us to embed within some responses that we were doing. We've had quite positive interactions in that regard. Our challenges have tended to be more around some of the administrative burden in the way they undertake their operations and approval pathways and such, which have been very cumbersome and certainly in need of work. But as far as the efforts of the organisation to involve us, I don't think we could fault them.

The CHAIR: Yes, we've heard quite a lot about the practices. Particularly around financial interactions, it has been a bit more challenging. Thank you very much for that. That is, of course, good to hear.

Ms LIZA BUTLER: Good afternoon, everyone. Thank you for joining us and giving us your time. My first question is to Wollondilly. You talk about when there's a disaster, you're only being assessed at pre-disaster condition. Do you think that the Reconstruction Authority should move into betterment to help mitigate future disasters when something happens to some infrastructure?

MATT GOULD: I certainly think there is a role in taking a "build back better" approach, particularly where we have infrastructure that we know is going to be repeatedly impacted by major flood events, for instance. It seems to me to be a very short-term view to restore a piece of infrastructure to the condition that it was prior to a flood, knowing full well that when the next flood comes it wasn't in a condition to survive, so we're going to have to be seeking to rebuild it yet again. In those circumstances, it would make a lot more sense to actually go, "What do we need to make this more resilient seeing that we are seeing, unfortunately, a far higher frequency of these significant events?" and making sure that what we build back is actually robust enough that it's likely to be able to continue to perform the role that it needs to perform rather than failing the very next flood.

Ms LIZA BUTLER: Have you had infrastructure—bridges et cetera—that have failed and you've had to rebuild? If so, would it have been cheaper to do it better the first time than continue to do it?

MATT GOULD: We've certainly got some examples of some roads, for instance, that have failed repeatedly. Our engineers had a specific way that they wanted to fix it because they believed that it would resolve the issue, and we weren't able to get the funding for that, and we were given quite a prescriptive, "This is the way it has to be done," which was a method that our staff were not particularly familiar with. As our engineers anticipated, the next flood we had about two months later, that same piece of infrastructure then failed and we had to go through the entire process again. Similarly, we have—

Ms LIZA BUTLER: Sorry, can I just add—that point there, when you've had to go through the process a second time, are you building it the same way the third time or are you able to build it back better this time?

MATT GOULD: Our experience to date has been that it's about restoring it to the condition it was when we started rather than taking a "build back better" approach. The other challenge that we have had in that space, particularly where we have had back-to-back-to-back events, is a complete failure to look at the cumulative impact. They will look at the impact of a single event and they will fund that, but with the length of time it takes to get these approvals, some of this infrastructure has copped two or three floods after that point, and then when they're looking at it, they're not looking at what has the cumulative damage been; they're looking at what damage was done in this first piece.

Big Hill Road up at The Oaks is a great example of that, where it sustained multiple areas of significant damage, and it took two years before we were able to get the funding to start the reconstruction of that because of this failure to consider cumulative impact. When we got the approval for the first one, the second flood had already damaged it further, so then we had to go back to apply for the funding for that second flood rather than them looking at it as a full process of what is actually needed to just get this infrastructure back up and running.

Ms LIZA BUTLER: That leads to my second question for Wollongong council. You mentioned the cumulative impacts, especially around stormwater—how you may not be able to identify that right now.

NATHAN McBRIARTY: One of the things that is unique with Wollongong is the escarpment and all the water flowing, and it holds also a lot of Sydney Water's catchment up on the escarpment, Merrigong. That flow generally runs through a natural watercourse or a piped watercourse. We've got over 685 kilometres of pipework. To get cameras down those pipes is going to take a significant amount of time. We share the same experience with Wollondilly that these cumulative impacts keep coming. By the time we've checked the camera and the damage in that pipe, it might have changed again by the time we're able to come and repair that.

We also have over 112 basins because of that unique scenario of how the water comes off the mountain. We need to hold the water back before it gets to the ocean to not impact property and risk to life and people. For us to get into all those basins to make sure they are clear and have the capacity to hold that water for the next storm event—which in our instance after 6 April came a few weeks later—needs to be looked at. For us to practically get boots on ground to go check that out, we need to unpack how we do that into the future. That's something we're looking at moving forward, which is to be innovative in this space to make sure that we can actually see what's in our infrastructure and going wrong to get our community back on its feet.

Mr WARREN KIRBY: Both councils have expressed concerns about the disaster adaptation plans. Is it the council's view that the Authority should be responsible for preparing the disaster adaptation plans, or rather,

that the Authority be required under policy or law to provide adequate support to councils directed to prepare the disaster adaptation plans?

NATHAN McBRIARTY: We are supportive of the disaster adaptation plans. What Wollongong's position is we have lot of this planning in place: We have detailed flood risk management studies and plans; we're work on our coastal zone management plans; and we have a bushfire management plan. They have been well communicated with our community and engaged with. What we're saying is bringing it together and supporting councils to be resourced to have a locally led disaster adaptation plan that we can scale up and use across the region, but we need to do that with the State's support and especially the Reconstruction Authority's frameworks to actually deliver on those plans and drive some of those implementation actions within the plans.

MATT GOULD: We have some concerns around the shift from a more localised approach to it being a regional approach. Then when you're looking at it as a regional issue, who is taking on the leadership and the direction for those regionally identified risks, particularly when, between LGAs, they may vary, and taking into account that councils are only responsible for their LGA and we can't commit funding on projects outside our LGA—the DAP is having a regional approach. We would be urging that the State Government take responsibility for the coordination of resourcing and the leading of the efforts to ensure that there is the consistency and standardisation of the DAPs. Then also making sure there is sufficient funding and resources allocated to local councils for the development and implementation of the council's portion of the DAP, and that the model still retains the flexibility to apply a localised approach where it is deemed more appropriate.

We're in an interesting position here in Wollondilly where we sit right on the edge of the Sydney basin, so sometimes we have some regional-type challenges and sometimes we have some metropolitan-type challenges. Because of that, there is often a need to take a little bit more localised approach than just taking a very broadbrush regional approach. We want to make sure there is the flexibility there so we can get the best outcomes. But broadly speaking, we are supportive of the DAP approach.

Mr WARREN KIRBY: Just a follow-up on that, the Wollongong City Council submission recommends adding legislative requirements to implement disaster adaptation plans across State planning laws and policies. Based on that recommendation, is it council's view that section 38, which requires relevant planning authorities to consider the DAPs, is insufficient to enforce the plans?

NATHAN McBRIARTY: I think from that information it would need to have that clarity of what parts of other legislation and the Environmental Planning and Assessment Act need to be turned off or turned on to achieve some of those outcomes. In terms of when we're working within our own infrastructure, there is clarity. But what's very unique for Wollongong's instance is that a lot of the adaptation work that will need to be done from an infrastructure perspective is also found in private land ownership. That's where it's quite challenging to step under the legislative requirements that we can do.

To give an example there, we have 88 kilometres of natural water courses and 60 per cent of them are private. For us to then do adaptation, it actually means: is it a voluntary purchasing scheme approach or is it council coming through and working with those landholders to make sure that those properties are more resilient? Generally what we're seeing, since we've been speaking to the community after the event, is that the properties that are higher above the watercourse are reluctant to come in and spend money on those watercourses to fix it, and it's the downstream properties that are finding that sheer impact.

To unpack and to answer your question, the challenges with legislation would be very complex for Wollongong to do. It would take us a great amount of detail to step through, which is what we are trying to do in response to 6 April, but it wouldn't be an easy activity. If we're too prescriptive in that place—I think of Wollondilly's comments that each LGA is quite different in itself. I think we'd have to be careful in the legislative requirements. It may not be a one size fits all.

Mr ROY BUTLER: Just going back to the cumulative impacts because I'm interested in the relationship between cumulative impacts and betterment, how would the RA consider cumulative impacts and use that to inform the financial and commonsense case for betterment? Is there a straight calculation? Have you given any thought to it?

NATHAN McBRIARTY: Yes, we have. I'll use an example of land slip as one of the unique characteristics of Wollongong. For example, after 6 April the land slip high risk for our region still continued into 11 August should no more rain occur. We put forward to RA that the emergency has not ended yet; we are still in a high-risk situation because that's a flow-on effect to that rain event causing another potential natural disaster in our area. We had rain in that period so it did continue. We're still monitoring those across our city. It's using data and validation of what councils and local governments have on their risk to measure that. We would say that the

emergency period should not commence until that time that we are in the clear, is what we would say, in an emergency.

In terms of betterment, we are lucky in that we're working in that space. We do fund the additional betterment. We've got multiple examples of the last few years where we've made the call for our community. Because the cost and implications if we don't—from talking to our community, media, explaining to them the situation, we actually come back and do that. We've had weirs that we've spent extra funds from our infrastructure delivery programs but even down to the small scale of our shoulders on our roads, we are actually doubling funding we're receiving through the DRFA to make sure our shoulders are more resilient. If water is going to get into our road pavements, we're going to be left with further risks, say, for example a bushfire occurs in our city. These are major road corridors that we have limited access in and out of our cities, so we need to, from a risk-based approach, make that call. We have a quite clear picture on when we would and when we wouldn't undertake betterment infrastructure.

Mr ROY BUTLER: Just back to Mr McBriarty, I'm quite happy for you to take this on notice: Would you be able to provide the Committee with some examples of where the council has made the call based on cumulative impacts that you've gone to betterment and chosen to spend more money so we can see how that's played out in terms of cost or the disruption to the community? That would be helpful.

NATHAN McBRIARTY: I will take it on notice for the weir example because that's quite helpful for us. That was hit in a declared natural disaster in 2022. However, in the April 6 event it stayed up and did not move. The community were really happy to see that. So there's an example of where we've funded that. We have to compliment as well, working with the agency. There were lots of negotiations back and forth, which leads to the administrative burden you've heard about today, which is fine, but we still got a good outcome in the most recent event. If I can use the shoulder example on our major roads, Mount Keira Road entry, the gateway to Western Sydney from Wollongong—for a 300 metre stretch of road, we're looking at \$100,000 to better that with a shock creek swale along the edge of the road pavement. What we are eligible for is funding around that \$50,000 mark, so that's really where we are at. It's in some instances double but, on that scale, that's holding up a road that's quite significant from not only any emergency risk but also economic benefit. That road is also used in and out of the city by visitors from Western Sydney in the summer but also for cycling races as well.

Mr ROY BUTLER: Wollondilly, do you have anything to add to that?

MATT GOULD: A really good example for us of this kind of thing is Sheehy's Creek Road. It has been severely damaged by both the 2019-20 bushfires and then the multiple flood events that we've had. We have been able to get funding for \$8 million worth of work to restore it, but we were pushing very hard for them to do a bit of betterment work because there is a couple of hundred thousand tonne of rock that keeps throwing itself through the road every time we have a flood event, and we were not able to get that funded.

We have the situation now where every time we have a flood more rocks go through the road. We're about to spend \$8 million fixing the road, and I am very confident that the next major flood event we have we will spend another \$8 million because that rock will have thrown itself through the road again. The cost of just fixing it properly and removing that removable rock whilst in the short term would be more expensive, in the long term it would save us having to spend millions and millions of dollars repeatedly to repair a road that is of critical strategic importance to our shire.

Mr ROY BUTLER: Thank you, and, again, if there are any examples you would like to take on notice and provide once you've had a chance to think about it, please do.

Mr RICHIE WILLIAMSON: I'll keep my question pretty brief. It is to the representatives of Wollondilly. We've heard a lot today about community recovery and resilience officers. You've put in your submission that the Government should legislate that there be officers and they be embedded in councils, and I'm assuming at the State Government's cost. In your opinion, should that be on a fifty-fifty basis or are you saying that they should be your staff paid for by the State Government?

MATT GOULD: In a perfect world, having that funding fully funded would make a world of difference. For a council like ours where we have been disaster declared nine or 10 times in the past five years, they have performed an absolutely critical role. We have found ourselves a couple of times where we had funding from the bushfires for instance and then that funding was about to run out just as we started copping the floods, and if we hadn't had that role there we would have had much worse community outcomes to the point now where we have funded that ourselves moving forward. But I am also aware that for a great many councils, being able to fund that role themselves is not something that they would have the financial capacity to do.

So, in an ideal world, yes, fully State funded and provided to councils but anything that moves in the right direction, whether it is a fifty-fifty co-funding, whether it is some sort of ongoing funding model. But it is a world

of difference with these officers when they're on the ground beforehand and they have already done all of the establishment and have those links in the community. They are far more efficient than trying to do it after the fact and build those relationships. The difference we have seen having the role—it's something every council should have.

PETER BUCKLEY: Mr Chair, if I could support the Mayor as well in this case. The two examples this year, we have had two floods in the main street of Picton, so a major thoroughfare—Remembrance Driveway, which connects Camden to the Southern Highlands through Picton—and we had up to 900 millimetres of water through the town where we've had shops impacted. We went from a perspective of actually going from dealing with the flood issue, where during the night when the water subsided our resilience officer was on the ground starting the clean-up events with our shopkeepers, with the community, to opening up the roads quickly. The fact that Wollondilly made the commitment over 12 months ago to fund this role—if we didn't have that role, it would have been a huge gap in that process. Certainly from our examples this year with the two floods, it did really help bring the town and connection between the Southern Highlands and Camden and Sydney back together again, so it was an investment from our part.

Ms SUE HIGGINSON: I'm just curious in terms of your experience about the way communications are delivered through the community as an event has unfolded or is unfolding, because the Reconstruction Authority in the legislation now has a power around communications. Is your experience that the RA does disseminate information to the community or has it been council's role? What is the relationship there, and if the RA has disseminated information and communications through the community, has that been helpful, positive or got in the way of what council was doing?

NATHAN McBRIARTY: Thanks for the question. I think communication is key, especially with those vulnerable communities at that time. Where the Reconstruction Authority was super effective with our event in April was in bringing information to all the Ministers, MPs and the key stakeholders in our community really quickly to make sure we were all on the same page. There still is a role to play for council. With respect to Wollondilly's previous comments there and that resilience officer and how you understand your community at the local level, it is really important that we have a channel built forward.

We're working on a disaster management approach pilot in the city to get us ready for future events. A big part of that will be communication so that we're there to support the Reconstruction Authority because it is critical, especially when it is across more than one local government area as well, that the information is consistent. But sometimes there are nuances that are unique to different local government areas. For example, some local governments might have a waste facility and others not. The information that's sent broadly out from a State government perspective—it needs to know what is happening at that local level and we would feed that information back through.

Ms SUE HIGGINSON: Great. Any other experiences?

MATT GOULD: From our perspective, we certainly haven't seen them take on a communications role. Our position would be that, particularly in the response phase, the relevant agency should be leading the comms so that we ensure there is that single source of truth of message. The role that our council has taken on is to support and amplify that message. One of the big concerns when we have flooding is trying to make sure that we have that consistency of message, so it is important, I think, to make sure that the lead agencies are really taking that role on rather than the water getting muddied at all.

The CHAIR: Thank you all very much for appearing before the panel today and, of course, for making your submissions and helping to inform the work that we're trying to do. All of you will be provided with a copy of the transcript for corrections. If you believe they need to be made, please get in touch. We will also send you in writing any questions that have been taken on notice, and I believe there were one or two of those today, so you'll get those in writing; don't stress about needing to remember what it was. Finally, the Committee as a panel may devise some additional written questions that we will send to you. If we do that, could you please do your very best to respond to those within 14 days, but please talk to us if that 14 days is not appropriate. Again, my sincere thanks on behalf of the Committee for appearing and giving us your precious time. I do hope all goes well back in your local council areas. Thank you so much.

(The witnesses withdrew.)

Councillor DAVE McCANN, Mayor, Coolamon Shire Council, Executive, Riverina Eastern Regional Organisation of Councils, sworn and examined

Mr TONY DONOGHUE, General Manager, Coolamon Shire Council, affirmed and examined

Mrs JULIE BRIGGS, Chief Executive Officer, Riverina Eastern Regional Organisation of Councils, before the Committee via videoconference, affirmed and examined

The CHAIR: I welcome our penultimate witness panel. You are our tenth panel today. Before we proceed, do you have any questions about the hearing process?

JULIE BRIGGS: No.

TONY DONOGHUE: No.

DAVE McCANN: No.

The CHAIR: I acknowledge that Coolamon Shire Council have sent through an opening statement.⁷ I remind witnesses that if you are presented with a question today that you don't have the information immediately available to hand or to mind, you can take that question on notice. If you do so, we ask that you respond in writing within 14 days of receiving the question. We'll send you a copy of that question.

I have been putting this question to all the councils. We have been receiving a significant amount of feedback through the submissions and through the testimony that there's concern from a local council level that there's not enough explicit direction around the role for local council and local government inside the Act as it currently is written. If I accept that and put it to the side, in spite of that, have your interactions with the Reconstruction Authority been embracing and acknowledging and complementary to each other or have you had some experiences where the Reconstruction Authority has fundamentally overlooked you and overruled you because you weren't present enough in the legislation? I might start with you, Mrs Briggs.

JULIE BRIGGS: I would have to say in our region, first of all, we have been somewhat blessed in that we haven't any major disasters.

The CHAIR: Don't say that out loud. Touch wood.

JULIE BRIGGS: I know. Touch wood. We have had floods in Cootamundra and Lockhart, and the south-eastern corner of Greater Hume was terribly affected by the 2019-20 floods, but when we look at our cousins in Lismore and the Hawkesbury, we seem to have very blessed. We do have this ongoing interaction with the Reconstruction Authority. REROC has had a project that's been funded through the Reconstruction Authority this year around doing more community preparedness. We say in it our submission. There needs to be greater collaboration with the resources on the ground but—following on from talking about this earlier today—not just with local government but in regional and particularly in the rural areas, with community groups that are working on the ground that traditionally do volunteer roles and that can put, if you like, boots on the ground very quickly in that recovery space because they're there. They know their community just like local government does.

We've put in ours that we want to see a requirement for them to be more collaborative and to have a stronger coordination role. I think if they did that, then they would be better able to coordinate between the Commonwealth, the State, local government, emergency services, volunteer groups and local government as well. We would like to see the Act beefed up to require more coordination and more collaboration.

DAVE McCANN: I would say, supporting Mrs Briggs statement, we certainly believe that it needs to be a leadership role, particularly in the recovery phase, rather than a coordination. What we're seeing is a proliferation of plans starting to appear. Whilst I'm certainly not suggesting that we don't plan for disaster and disaster recovery, I think we're running the risk of confusing that space with an overabundance of plans. The Reconstruction Authority, by its very nature, has a significant role to play in that recovery phase and, therefore, we believe that they should be given legislative power to actually lead that, as a combat agency would in the combat phase.

Ms LIZA BUTLER: Good afternoon. You both talk about in your submission the onerous and overly bureaucratic financial acquittal process. In fact, REROC, you mentioned that one council decided not even to apply for some of the money that was on offer because of that process. Could you talk to that please?

⁷ Opening statement from [Coolamon Shire Council](#).

JULIE BRIGGS: I could even go one better and say that if you talk to the general manager of the Coolamon Shire Council, he'll tell you all about it. It was Coolamon Shire Council that returned the money so I'm sure Tony would be more than prepared to explain to you what the problem was. The DRFA has had very onerous reporting requirements that council after council have said to me they just can't fulfil. It takes too long. There's too much paperwork. I have to say that we actually met with Mal Lanyon today and he acknowledged the fact that the DRFA paperwork was not, if you like, fit for purpose, and that they recognised that they needed to change the way we were doing business to get outcomes on the ground faster. We were very heartened. The REROC board met today and they met with Mr Lanyon. We were very heartened to hear he's also recognising that the DRFA is not responding in the way that it should to meet the challenges of the regular disasters that are happening right across the region. Mr Donoghue will explain what happened at Coolamon and why the money went back.

TONY DONOGHUE: To answer that, I'll give you some more stories associated with trying to get some funding out of this. We were right on the periphery of where the disaster struck. We sent out staff to take photos. They were in the backhoe and they took photos of the tree in front of them as they were about to remove it. We then put that in for funding and were told, "No, we'd need a photo of the tree no longer there." We said, "Why would we send a backhoe driver out and a photo be from within the cabin?" When we went out and took the photo, they came back—because it was date-stamped and it was facing west—and they said, "No, this photo now faces east. How do we know that the tree's been moved?" So we had to go back and take the photo from the east.

On another occasion we took photos of where water was over the road but it was not accepted because the sign of water over the road was not visible. We said, "Well, it can't be visible because we put it back 1.5 kilometres where we stopped people going up the road so that they don't go through this damage." That wasn't accepted. Every year after a pothole is put forward to be fixed, they take seven millimetres of gravel off it because they assume that every year seven millimetres of gravel will be removed, but the community wants it done instantly. They don't care who's managing the road or how it's getting fixed; they need it to be operational straightaway. We get in and do it. We declare the disaster, we get given emergency money to go and do the work and then we get told, "We are not going to accept these things because on Google Earth we have had a look at the pothole and it's either bigger or littler than what you thought it was when we drove the road with cameras." After the fourth or fifth time, my engineers were saying, "We don't want it."

What you are doing is you are running the risk that—in our case, when you get a disaster declared, it triggers a whole lot of things that can happen for the community in funding that they can get. As soon as you are making a council reluctant to be disaster declared because of the bureaucracy that's associated with it, you are potentially risking the community using that benefit. In the end, as I've said in our submission, we were very lucky to be at the edge of the disaster and we could afford to give that money back. We used the potholes—in-house we call them pothole one, two and three money, which are those series of untied repair grants that were given by the Government to do the work that was required.

DAVE McCANN: If I could just add to that by way of highlighting that roads issue, the Coolamon shire, by its very location—during the last flooding event that saw Forbes and Narrandera inundated and led to the closure of the Newell Highway, which is obviously a significant route in New South Wales, traffic was diverted through the Coolamon Shire. Our role in that area in becoming a diversion point for the Newell Highway is quite significant. The difficulty we had in relation to potholes, and the damage that was done to the road as a result of that increased traffic, is a concern.

The CHAIR: Presumably, those roads were local roads and not State roads—the Newell Highway?

TONY DONOGHUE: They're a variety of regional roads and local roads.

Mr RICHIE WILLIAMSON: My question is to Mrs Briggs, but not exclusively. On page 4 of your submission you outline and make a fair point about drought not being included as a natural disaster. You've outlined possible changes to section 6 of the Act that pretty much put drought in. Would you and your members be advocating for the lead agency in drought to change? Of the DPI, LLS and other lead agencies now, are you suggesting that they not be the lead agency in drought?

JULIE BRIGGS: What we are suggesting is that drought be considered a disaster. If it was considered a disaster, by a natural extension, it would fall within the RA. You would want to consolidate all of your disaster management into a single agency. Having said that, we know that, when RA is dealing with floods, for instance, it's also then, in its coordination role, also dealing with Transport for NSW and LLS because there are dead animals and it's dealing with DPI because of the floods and crops. I don't think that clustering, if you like, all the disasters under a single agency—I think that's efficient.

If we're promoting a coordination role for them or, as Councillor McCann said, a leadership role and coordinating them, then I think it makes sense for drought to go to RA and then RA to perform a coordination

role. Again, with drought, LLS, you've got animals and you've got water issues around low water levels and toxic water that you get with drought, you've got the DPI. There is a strong coordination role. If we're saying that RA should lead the coordinated response to the recovery from a disaster or dealing with a disaster, then in that role they're dealing with multiple agencies. I think it makes sense to put drought there too.

DAVE McCANN: If I could add to that, the access that RA should have to mental health and support agencies in a drought environment is crucial for rural and regional communities and farmers on the land. We would like to think that RA would have an overarching role there in the recovery of the community from a drought event.

JULIE BRIGGS: Can I just add to that a little bit? I can't emphasise enough how important that lead coordination role is in a disaster. For instance, down in the south-east, when the bushfire was on, there was an agency—I'm not quite sure who and some of the residents aren't either—that went around to every property and put a ribbon or something on the front gate to indicate there was asbestos there. Okay, great. The asbestos had been identified as a dangerous product that needed to be dealt with. Nobody knew what happened after that because nobody had this coordination role to say, "Okay. Now go to each of those places and collect the asbestos and tell the residents what is going on." Most of the residents just sat there waiting to see what happened. In some instances, nothing happened, because there is not a lead coordinator. I think that's absolutely where RA needs to be to make sure that things that are started are finished.

DAVE McCANN: If I may, to that end as well, the role of the combat agency and then local government and where RA sits with local government in the recovery phase of any disaster is becoming more and more blurred. Hence, in my view, that emphasises the need for RA to have greater control so that council can do what council does—roads, rates and rubbish, if I can be so bold—and allow the recovery agency to actually go and look after those physical needs of the community and so forth.

Ms SUE HIGGINSON: I want to pick up on that final point there. I'm just thinking of Lismore. We have had the benefit of hearing from different councils and various different experiences. Would you accept that maybe it is a proposition that, if that's what some LGAs want, in terms of RA taking that lead, then that should be an option but, perhaps, if another region has a different approach and wants to take a community-led approach which they say is through council, that could and should be accommodated in the legislation?

DAVE McCANN: I think that you make a very good point there. We are a small LGA, so I appreciate the point. What we are seeing, as I said before, with the proliferation of plans that are coming out and different agencies crossing over in a lot of what they do, is that, as a local government, our role is very much diminished. If an emergency was to occur or a disaster in our area, it is most likely that the district emergency operation centre would open. If it's a larger event such as Lismore and the fires of 2019 and 2020, the State operation centre opens. At the end of that little line, we have the local operation centre. In a lot of areas, they probably work well. But there are other areas where they are a wasted resource. They don't really fulfil that role that they were intended to do years ago when they were established.

You are correct in what you say. There is probably an opportunity to allow LGAs to create what they would like to see and have a community-based approach, if that suits. But, for areas such as ours in the Riverina, we are more comfortable with a larger operations room with actual control and the ability to actually do things. There are examples that I can give in the 2019-20 bushfire. In the Snowy Valleys LGA, the local emergency operation centre was opened but there was no RFS liaison officer. It seems a little bit difficult to understand what that emergency operation centre was doing. The council was working very hard fixing roads and sending graders to do what they have to do, but I think that could be better coordinated at a district level.

TONY DONOGHUE: The combat agencies should be fighting the fire. There doesn't seem to be an overarching body that sits between the emergency management Minister and operating and managing emergency management holistically from preparedness to combat to recovery. All you need to do is trigger whatever the combat agency requirement is, be it fire, flood or drought, as per the previous question. That's the model we're talking about.

DAVE McCANN: If we accept the premise that disasters are going to increase and become bigger, the ability to say that it's going to be contained in an LGA boundary is somewhat surplus to the argument. We're suggesting, as we've done in previous evidence we have given elsewhere, that there really is a need for an emergency services department, if that is the case. Working the emergency, bringing those combat agencies under control to look at budgeting and resourcing and the like, and then running the emergency, if I can, and handing to recovery New South Wales to take the community back to normality. Local government has a role to play, don't get me wrong, but we're not probably the lead agency.

TONY DONOGHUE: As a support agency.

DAVE McCANN: Yes, we're not the lead agency; we're a support agency.

The CHAIR: Mrs Briggs, did you want to make a brief comment?

JULIE BRIGGS: Yes, I do on the community stuff. Oddly enough, we discussed it in a board meeting today. I don't think having RA in a lead coordination role excludes the role of having a community-led response. That's because what we see with the coordination is using the best resources available that are on the ground at the time. We talked a lot today about the role of local government in identifying those community groups on the ground that can be activated to assist with recovery. What happens sometimes now at a State level, and possibly with RA, is a tendency to go to the big organisations—Mission, Red Cross and those ones—when there are on-the-ground community organisations who know the people, are known to local government and have boots on the grounds immediately.

There is a need for local government to work with RA in its coordination role to say, "We've got these boots on the ground. How can we best utilise those instead of duplicating efforts?" You end up with duplicated efforts of community groups trying to respond to things, and outsiders coming in to help. I'm sure a number of people have experienced well-meaning people tripping over each other trying to help. That's where a lead coordination role becomes significant. I don't see a community-led response meaning that RA doesn't have a role. I think RA needs to recognise that the community has expertise in responding to things and providing resources locally, and that needs to be leveraged better than it actually is at the moment.

Mr ROY BUTLER: You can answer this one quite briefly—it doesn't need to go into detail. Do you think that the Act needs to account for the unique nature of regional and remote communities and areas? I'm talking about distance, Indigenous communities and things like lots of unsealed roads?

DAVE McCANN: Absolutely.

TONY DONOGHUE: Yes.

JULIE BRIGGS: Yes. If it has got enough provision in it to consult and coordinate and work with local government, then those kinds of things are going to happen naturally. You need to talk to the—sometimes there's just not enough talking. We have suggested there should be more collaboration in there. That's one of our amendments. That's specifically why. We should be collaborating with Aboriginal communities—with First Nations people—about their special needs, and with people living in rural and remote areas about what their special needs are. If we have a willingness to collaborate within the Act, and we encourage it, I think those kinds of things are covered.

Mr WARREN KIRBY: My question goes to your extraordinarily fun experience a little bit earlier regarding the removal of a tree. We did have feedback from another council about the onerous task of dealing with multiple agencies in that recovery phase, where they might put in a submission and two agencies approve it and one denies it, so they're back to the drawing board. Do you see, on top of the role that you've already identified of the Authority having a coordination role on the ground, that perhaps the Authority should also have a coordination and point role when it comes to the recovery and submissions to government to take some of the burden off?

TONY DONOGHUE: We asked for the Reconstruction Authority to have an adjudication role as well on some of those issues where we're providing information. It's a very weird system because Transport for NSW are the body that does the initial approval but wants to ensure that their processes have enough audit rigour to pass through the Federal Government audit process that is associated with this funding being rolled out. From our perspective, there needs to be some trust in the three tiers of government that, if a disaster has been declared, we will go out and fix what needs to be fixed. As I said, that road that needs to be repaired needs to be repaired tomorrow—not two weeks away and not two years away. We can take the photos and show people how we're going to fix it, but there has got to be some trust that it's fixed and that's what the price is. The previous one we sat in on, the betterment issue, it's crazy to be fixing roads back to a standard that we know is going to get damaged again. I just think there needs to be some trust that this money needs to be rolled out and rolled out appropriately, effectively and responsibly. Local government can do that just as well as State or Federal government can do.

DAVE McCANN: Going to Mr Donoghue's point about trust, I think there's a perception that, when local government talks about betterment, it's a cash grab to get more money for our own local government area, but the simple fact is that by bettering the asset, we're hopefully going to ensure it's not going to be damaged again. As a council, I'm very proud of our council's financial and accounting position. We'd like to be able to negotiate, at the very least, once that money is coming through, to say, "We actually have some funds that we can contribute." It doesn't have to be all that money coming from government but at least to be able to negotiate through our budgetary processes and say that we may need a bridge or whatever. We had planned to fix it so, if we're getting more money, we will do it better.

Ms SUE HIGGINSON: It's a cost-saving mechanism.

DAVE McCANN: It is a cost saving.

Ms SUE HIGGINSON: I wonder if that should be in the legislation.

JULIE BRIGGS: At REROC we try not to use the word "betterment" but "mitigation". We think that using public money to return something to exactly the way it was before the disaster occurred is just a waste of public money. We should be returning it to a condition where, if the same disaster occurs in the same place, the asset is not impacted. But what we find is that, over and over again, the same culverts are washed out, the same roads are washed away and the Newell Highway is once again closed because of flooding. We could spend all this public money returning the asset to exactly the same space it was in before the disaster, and, yea, another disaster and it's gone again.

The other thing that we've recommended in there—and we have lobbied for this for some time now—is that RA play more of an Ombudsman's role in breaking deadlocks. What we find now with the DRFA is that Transport for NSW will decide that the road needs to be repaired to a certain standard, but the council will want a different standard. I've had councils fighting with Transport for NSW over whether something should have 15 millimetres of gravel or 8 millimetres of gravel, so the road wasn't fixed at all. The RA should have this Ombudsman role and break the tie. That goes again to this sort of leadership role we see in coordinating—"This is going to happen. Go fix the road."

When there are multiple agencies and multiple perspectives on what should happen, the buck needs to stop somewhere, where a decision is made so that things can move forward. That's not in the system at the moment.

The CHAIR: I want to thank all of you sincerely for the time that you've provided, both in making your submission and in appearing with us today. You will each be provided with a copy of the transcript for corrections. If there is anything in there that you think has been incorrectly reported, please talk to us about that. The Committee staff will also email any questions that have been taken on notice during today's proceedings. The Committee itself may formulate supplementary questions in writing that we want to send to you on the back of your testimony to get a little bit more detail. We ask that you return those answers within 14 days, if that's possible. Please talk to us if it's not. Other than that, on behalf of the Committee, I again sincerely thank you for being a part of the process and the conversation. I know you're doing it across a whole range of committees. It's important work. We can't land on good answers, reports and recommendations without the people at the frontline participating, so thank you so much.

(The witnesses withdrew.)

Mr ANTHONY McMAHON, Chief Executive Officer, Bega Valley Shire Council, before the Committee via videoconference, on former affirmation

Mrs ILIADA BOLTON, Director, Business and Governance, Bega Valley Shire Council, before the Committee via videoconference, affirmed and examined

Mr CAREY McINTYRE, Director, City Services, Shoalhaven City Council, before the Committee via videoconference, affirmed and examined

The CHAIR: I welcome our final set of witnesses for today. Before we proceed, do you have any questions about the hearing process?

ANTHONY McMAHON: No.

ILIADA BOLTON: No.

The CHAIR: Mr McIntyre, are you able to hear me? We can hear him. How about we get Mr McIntyre to drop out and then come back on? I'll throw to Bega straight away. Mr McMahon, you have already heard this question fundamentally. It's the question that I've asked all the council groups. We recognise that there have been a lot of submissions concerned about the lack of direct and specific language in the Act around the role for local government and local council. I wanted to check in that, despite the absence of that specific and direct language, the Reconstruction Authority, in its work with you, has very much included you, involved you and made sure that you're a part of that process and that you haven't missed out on any opportunity to be involved with the Reconstruction Authority, never minding the way the legislation is currently drafted. Would you like to respond to that?

ANTHONY McMAHON: I'm really glad you asked this. We actually do have very good, close working relationships with the agency's staff. They've been very collaborative. A big part of that is to do with the formation of longstanding and lasting relationships over periods of time with those staff. It has certainly been very collaborative. The underlying issue is getting clarity amongst all of us as to whose role is what. It's not for lack of trying of the agency staff that we aren't trying to get through that. They're really engaging. I have regular catch-ups with our regional director as well. It's quite good.

The CHAIR: We will pause there. We can hear Shoalhaven. Can Shoalhaven hear us? Not yet. Ms Bolton, did you have anything that you wanted to add to the words of Mr McMahon?

ILIADA BOLTON: I'd just like to add that what stands out for me is that the Reconstruction Authority employs local people, and that local knowledge and connection makes it very good from an operational perspective to be able to work closely together.

The CHAIR: That's good to hear. Other witnesses indicated that some of the decisions were made in Sydney. It may well be that the decisions are made in Sydney but, at the very least, having local people inside of the workforce is great. Mr McIntyre, can you hear us now?

CAREY McINTYRE: I can. Can you hear me?

The CHAIR: We have got you loud and clear. Thank you very much. The question I just posed to Bega Council, I will pose to you now, Mr McIntyre. Fundamentally, the summary of it is that we recognise that councils are concerned about the lack of direct referral to them in the legislation as it stands at the moment. I'm checking in to see whether or not your interactions and engagement with the Reconstruction Authority have been good, prosperous and promising or have you been overlooked and have there been some bad outcomes because you don't have a direct position in the legislation?

CAREY McINTYRE: I'd have to characterise the communication and the relationship between Shoalhaven City Council and the RA as absolutely positive. We certainly have a comment to make about the legislation, which will come, but we've certainly found the RA to be collaborative and to have a good understanding of the resource and capacity constraints upon local government.

The CHAIR: Thank you so much. That's terrific to hear. Ms Higginson, I'm going to go to you for questions.

Ms SUE HIGGINSON: Clearly, you're in the hot areas that have been very impacted over time. We have seen that the Reconstruction Authority is now in its kind of—everybody is saying it's immature, but realistically it has had some pretty rapid learning from the Northern Rivers Reconstruction Corporation into the Reconstruction Authority. I note that Bega speaks quite positively about the Reconstruction Authority. I'm curious about where you think there is most capacity for the Reconstruction Authority to be better empowered to do what it is currently

doing, if you have considered that and identified any places where you think it could be better bolstered or empowered to do the work that you are enjoying that it does.

The CHAIR: Bega, do you want to go first on that one?

ANTHONY McMAHON: I'm happy to jump in to start with on that one. Again, for us, the relationships and the people that are involved in Reconstruction are really good, and they're trying to get clarity and answers. Even the Reconstruction Act alone isn't enough for them to get clarity. I spoke earlier to some of the issues around that planning and preparedness work that's already happening across other agencies that the RA wasn't even aware of before we started this dialogue around disaster adaptation plans. Similarly, at the back end, in the recovery phase, things like the turning on of category C and D funding then triggers certain things that Reconstruction are able to do or not able to do.

We have had issues in the past where we've assumed that Public Works, for example, could do things in the recovery space in our communities and the RA has helped us to try to get that support turned on, but then Public Works' response is, "No, if the cat C and cat D funding isn't coming, we can't come in and do the things we did last time." Again, it is a little bit around that expectation management. What I am alluding to is to be conscious to the fact that this piece of legislation alone could be clearer with the definitions, but that still may not help some of these sideways issues. Looking at this in isolation is a little bit risky, from my perspective.

CAREY McINTYRE: I think the prevalent legislation could be assisted in a couple of ways to, as you say, make the RA more effective. Firstly, I think there is an opportunity within the legislation to expand upon how the RA is to deliver its work. That is predominantly set out in Part 1, Division 1, section 4, where we talk about the how. For me, an expansion and a greater level of articulation in that part of the Act would help to steer both State government agencies and local government agencies in terms of understanding the full remit or value of the RA. I think the second element of that is that it is the council's view that the RA needs to have more sweeping powers when it is responding to a particular event. We believe that the RA needs to have the ability to make directions and give directions and, in a sense, prevail over some of the views and some of the bureaucracy associated with some of the other departments—just by way of example, in no particular order, I think of Transport for NSW and the EPA.

There is an opportunity for the Reconstruction Authority to have greater powers to make decisions and also direct funds. It will, therefore, have the ability to provide funding to local governments in a more expedient fashion to enable local governments to get on with the emergency works and the immediate reconstruction works sooner. For me, there is an ability to increase the level of authority, if you like, that the RA has in the event of a natural disaster or otherwise. Finally, I think it would be supportive and more effective were the RA to have a more centralised communications role. Obviously, that comes with the need for resourcing. I accept that. However, we describe it in our submission as a single point of truth, where local governments don't need to refer to other departments—again, Transport for NSW or the EPA. When it comes to the State's position on certain matters, they can go to the RA and the RA alone and know that the RA is speaking with authority.

The CHAIR: Ms Bolton, is there anything you want to add?

ILIADA BOLTON: I support those comments. The other item that we spoke to in our submission was around the data and that single source of truth or that coordinated approach. That was what we found in the recovery. We have had experiences previously where we are trying to limit how many times we have to ask the same questions to deliver services to people who have been impacted by disasters through recovery. That is something I would like to see strengthened in this legislation.

Mr WARREN KIRBY: That was actually where I was going with my question. I was quite curious about your submission in regards to data management and information sharing. You have just touched on it there. Can I get you to elaborate on that a little bit? That is also for Shoalhaven City Council to expand on. That is quite an interesting point that I don't know we have heard before.

ILIADA BOLTON: From our experience, we would like to see potentially the Service NSW model strengthened, as I mentioned, so a resident or individual could actually have an identifier that would help every agency that is providing support with that backstory. What we found in the 2019-20 fires was that people who had gone through some trauma were dealing with a lot of different agencies and they were having to resubmit information all of the time. With the Coolagolite fires that we experienced in October last year, we were able to consider or reconsider an inter-agency data agreement, but we were not actually able to finalise that and have that as part of standard practice. I understand there is a draft there and there is something to work on. But we would need resourcing, again, and the ownership of who would manage that data is also something that would need to be addressed.

The CHAIR: Can I just clarify, was it the Privacy Act that prevented the inter-agency exchange of information?

ILIADA BOLTON: To answer the question, yes, the Privacy Act does put limitations on how we can share data across. It is also the technology that is not available for us to be able to do that—that centralised data system.

The CHAIR: Mr McIntyre, you haven't had a chance yet to answer Mr Kirby's question?

CAREY McINTYRE: Yes, just to segue, in a sense, from the previous points that were made, Shoalhaven's position is that at those times of emergency, there is often an almost inevitable level of confusion and perhaps even contradiction when talking to the various agencies. It is the council's view that—I use that term again—a single point of truth where all information could be fed not just by other agencies but also by the local emergency management officers to a centralised clearing house in the RA. That could then start to push that information out into the public and into the community. Our experience has been that the dearth of information that goes to the community typically in an emergency or natural disaster, for example, is what causes significant amounts of anxiety and grief in the community. When we talk about resilience and we talk about recovery, that starts from the event. From the council's perspective, there needs to be an immutable single point of reference where all people—being agencies, local governments and the community—can go to ensure they have the right information at the right time.

Mr ROY BUTLER: I was going to go down the information pathway as well. Is there anything any other members want to ask?

The CHAIR: I am thinking about the Hazards Near Me app. I know it is new. It took over from Fires Near Me?

Mr ROY BUTLER: Yes, now it has all of the things happening in one place.

The CHAIR: I wonder if that agency could do some of this stuff. As a local MP, in the 2019-2020 fires, on our social media we were just pushing out the exact same message that was on that website and it was the single source of truth. Ms Butler, do you want to ask any questions? I know you are very familiar with the circumstances of both these councils.

Ms LIZA BUTLER: I am very familiar, but I do want to ask a question because I think it is important for it to be on the record and for all of the councils to have their say. Shoalhaven has now topped the State with 15 natural disasters since the 2019-2020 fires. Bega is not very far behind. I am sure they will both have comment. Mr McIntyre, just around the most recent disaster where we were able to get that tripartite agreement together, what were the benefits of having that ready to go?

CAREY McINTYRE: Certainly, and you are absolutely right that the Shoalhaven Council has experienced 15 events. Over the last four years \$83 million has been spent on those events and approved amounts are up to around \$100 million. It is almost to the point of being business as usual for this council. The tripartite agreement, therefore, creates a great opportunity to ensure that funds are forthcoming—and, again, in as expeditious a manner as possible. My only cautionary note is that, in regard to funding for emergency works and immediate reconstruction works, we don't get funding for that up-front through the tripartite. Ultimately, we are reimbursed for that but, in the meantime, council needs to carry that burden, as it were.

When you are experiencing 15 events over four years, that burden is ongoing and basically perpetual. Certainly, the tripartite's cover of the essential public asset reconstruction works, or EPAR, is a significant step forward and has been a great boon to the council in that regard. I believe that, like any new system, there is an opportunity for some finessing. For this council, that finessing would be around the opportunity to access early works and immediate reconstruction work funding earlier, rather than council carrying the burden.

Ms LIZA BUTLER: If Shoalhaven City Council hadn't been given progress payments, with that many disasters, what would that have done to council's financial resources?

CAREY McINTYRE: Council's existing financial challenges are well documented. The exacerbation that this would have brought to that is hard to calculate. Without the advanced funding flowing through, council's financial situation would have indeed been quite dire.

Ms LIZA BUTLER: Could you please tell the Committee about the betterment funding and a bridge that is about to be replaced—it had been damaged, then built, then damaged, and now it's going to be built again?

CAREY McINTYRE: Yes, I will. Betterment forms a significant part of our submission. In fact, it is weaved all the way through it. There are significant reasons why betterment must be a consideration, in our view, in terms of the legislation covering RA and in supporting legislation elsewhere. To the example you have cited,

and it is referenced in our submission, we have a bridge here in the Shoalhaven called the Yarramunmun Creek Bridge. It was originally reconstructed using funds which included some funding from the council. The cost of that reconstruction was in the vicinity of \$1.7 million. That work was essentially destroyed in a subsequent event, particularly in November 2023. We have since spent some money on that. However, the bridge remains significantly under-repaired. It is in need of significant repair and, indeed, reconstruction.

The Council and the State Government have now collectively spent \$2.1 million on this bridge and we have rebuilt it twice. The reason why we are at \$2.1 million and still without an effective or serviceable bridge is because of betterment. We haven't been able to raise the level of the bridge or significantly change the design of the bridge or the approaches to the bridge and the abutments et cetera. As a result, because we are trying to replace like for like, we find ourselves putting money into Yarramunmun Creek Bridge and continuing to see it destroyed in subsequent storm and flooding events. I would implore the Committee to consider the positive benefits that betterment could bring to infrastructure such as this, where it's clearly impractical to rebuild it at the same standard, yet we do that because we can't do anything else—because of the funding arrangements that are in place.

The CHAIR: There is a definition for insanity. I think it has something to do with if you keep doing what you've been doing. Bega, did you have any comments that you wanted to make along a similar vein or in response to the question that has been put by Ms Butler?

ANTHONY McMAHON: Probably to one of the earlier bits around the funding, it is important that we get as much reimbursement happening in advance of or immediately after we spend it. The other space that is a little bit more complicated is in the emergency response phase, particularly in bushfires. What I'm alluding to here is if a fire is happening and it's still under a section 44 declaration, there are certain funding mechanisms that can be accessed through the RFS as part of that. But then, at same time, under the DRFA arrangements, there is emergency works funding that can be provided.

In the past we have experienced finger-pointing between the RFS and their predecessors about who should fund the work that was done within road corridors where there were dangerous trees on road verges. Again, that's one of those examples around how not all of these funding mechanisms are that simple. Realistically, the essential public asset repair works, which is what Mr McIntyre talked about, is starting to work a bit better and is getting better, but there are still these complex fringe scenarios around that, too.

Ms LIZA BUTLER: Director McIntyre, I know you and I have had conversations around uniform policies when a disaster hits. What Mr McMahan was just saying—is that what you mean when you talk about those uniform policies?

CAREY McINTYRE: Yes, that's correct. It goes to my earlier point where I talked about there being a multitude of messages and a multitude of responses needed for the various departments, and what council calls for is a uniform policy approach from the State, but also a uniform policy platform which can be implemented at a local government level to ensure that local governments are working similarly—and, in doing so, that will help the RA to do its work as well, if that makes sense. There is no point in the RA dealing with a different approach from every entity, particularly when some of those entities abut each other. Yes, I'm looking for a uniform policy approach and platform at a local government level but also at a State government level as well.

The CHAIR: I thank witnesses very much for making submissions, taking the time to be with us, and helping us on this journey to understand how it works on the front line. It is greatly appreciated. You will be provided with a copy of the transcript for corrections. If you've taken a question on notice, it will be provided to you in writing. In the ensuing days, the Committee may prepare some additional written questions. They will be sent out to you. If we do that, we ask you to turn them around in 14 days if that is possible. If it is not possible, please speak to us. I thank everybody involved in the hearing today including the Committee secretariat, the audiovisual team and Hansard. It has been quite a busy day. Thank you all very much.

(The witnesses withdrew.)

The Committee adjourned at 17:05.