

DRAFT SUBMISSION

# Draft Disaster Adaptation Plan Guidelines

30 August 2024







Local Government NSW (LGNSW) is the peak body for local government in NSW, representing NSW general purpose councils and related entities. LGNSW facilitates the development of an effective community-based system of local government in the State.

# OVERVIEW OF THE LOCAL GOVERNMENT SECTOR



Local government in NSW employs **55,000 people**



Local government in NSW is responsible for about **90% of the state's roads and bridges**



Local government in NSW looks after more than **\$177 billion** of community assets



NSW councils manage an estimated **4 million tonnes of waste** each year



Local government in NSW spends more than **\$2.2 billion** each year on caring for the environment



NSW councils own and manage more than **600 museums, galleries, theatres and art centres**



NSW has more than **350 council-run libraries** that attract tens of millions of visits each year



NSW has more than **400 public swimming and ocean pools**

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# Opening

Local Government NSW (LGNSW) is the peak body for local government in NSW, representing all NSW general purpose councils and related entities. LGNSW facilitates the development of an effective community-based system of local government in the State.

All councils in NSW play a key role disaster and emergency management at the local and regional level. In addition to statutory or regulatory responsibilities and despite limited means, councils also play a major role in providing support to their communities, volunteers and charities.

To obtain input from councils, LGNSW hosted a feedback forum which was attended by local government employees from across the state. This submission should be considered in conjunction with submissions made by individual councils.

This submission is provided as a draft, pending endorsement by the LGNSW Board at its next meeting. We will advise of any amendments to the submission in due course.

# Background

The *NSW Reconstruction Authority Act 2022* aims to promote community resilience to the impact of disasters in NSW through disaster prevention, preparedness, and adaptation as well as recovery and reconstruction following disasters. This is enacted through the State Disaster Mitigation Plan (SDMP) and regional Disaster Adaptation Plans (DAPs). The development of DAPs will support achieving the SDMP vision of ensuring NSW is well-prepared and successfully manages natural hazard risks to reduce the costs and impacts of disasters on communities.

# LGNSW Policy Position

LGNSW's [Policy Platform](#) consolidates the voices of councils across NSW, reflecting the collective positions of local government. Specifically relating to disaster risk mitigation, LGNSW advocates for:

- 6.1 The transfer of emergency management responsibilities to the NSW Government.
- 6.2 Prioritisation of the development and implementation of policies and programs to build the resilience of communities so that they can better withstand and recover from natural disasters. This includes a review of building codes and a review of the impact vegetation management in riverbeds has on flood management.

- 6.4 Increased funding for mitigation and betterment measures, both in advance of disasters where the risks are identified and in the recovery stage.
- 6.6 Financial support for restoration, remediation and betterment of local community infrastructure that has been severely damaged by natural disasters including climatic conditions and drought.
- 6.7 The NSW Government to work with councils to support rebuilding and recovery after natural disasters by streamlining the approvals processes and providing funding and other assistance to review and update local plans.
- 6.9 The NSW Government to support cultural burning for fire management on Crown land, National Parks and State Forests (and training and employment of Indigenous people for this task).
- 6.12 Urgent implementation and funding of the recommendations of the NSW Bushfire Inquiry.
- 6.14 Recognition of heatwaves as natural disasters and federal legislation and development of a national urban heat mitigation and adaptation strategy.
- 6.15 Funding for councils' Local Emergency Management officers and permanently embedded Community Recovery Officers.

One of LGNSW's advocacy priorities is to seek proactive strategies from the NSW and Australian Governments to respond to natural disasters and adapt to climate risks. The sheer scale of disasters in recent years demands a far greater emphasis on resilience and adaptation, to ensure communities are better prepared for future events.

## **Comment**

LGNSW supports the intent of the DAP guidelines. The focus on developing place-based policies and responses plus building community wellbeing through resilience measures is at the heart of what local governments do. However, the success of the DAP process is unassured until sufficient resources and capacity can be applied to both the NSW Reconstruction Authority (RA) and local governments.

### **A regional approach**

A regional approach is supported however there may be local differences such as information, capability and capacity that will need to be worked through by the regional steering group. Strong leadership and coordination by RA will be invaluable to the success of the regional approach.

The make up of regional steering committees may vary region to region, particularly noting that 41 councils are not covered by the Joint Organisation structure. The inclusion of Regional Organisations of Councils (ROCs) may assist in covering some, but not all of these gaps. ROCs have a strong foundation of working together and attracting funding for regional projects and research. However, ROCs do not receive the same

level of support as JOs from the NSW Government and are not bound by the same legislative structure.

The impact of natural disasters and the resilience of communities depends on a range of factors including geography, population characteristics, socio-economic factors and social infrastructure. As such, a uniform approach across NSW will miss opportunities to embed community resilience and adaptation. Regional and disadvantaged communities may need a different approach, with more resources to engage and collaborate with those communities.

### **Boundaries**

Defining boundaries of a regional approach is often fraught with unavoidable difficulty. Boundaries could be established based on natural-hazards, for example, coastal hazards or other natural boundaries such as catchments, mountain ranges or escarpments. Indeed, it may be that the suitability of DAP boundaries and sizes varies according to each particular hazard.

NSW and Australian government agencies often use their own regional boundaries. Using existing regional boundaries defined by JOs or ROCs may work with councils having an existing shared understanding of local and place-based issues, challenges and opportunities.

In the event that a regional boundary is proposed to split a local government area, consideration of the resourcing capability of that council to participate in multiple regional steering committees and other activities should be assessed before finalising the boundary.

### **DAP governance model**

The governance model is inclusive of all levels of government, community and non-government organisations (NGOs) which have a role in disaster resilience and management. This will facilitate the intent of the Plan which is to be “locally shaped, regionally coordinated and State facilitated”.

NGOs have proven to be invaluable in prevention and recovery. However, they are only represented in the state coordination groups. This ignores the local NGOs and community groups that have assets and people on the ground when a disaster occurs.

#### **Recommendation 1:**

Include a forum or subgroup for input, planning and delivery from NGOs and community groups at the regional level.

The governance model seeks the input of Traditional Owners, Aboriginal knowledge holders and Aboriginal scientists. The guidelines should consider how these arrangements could best align with Priority Reform 1 under Closing the Gap: formal



partnerships and shared decision making. Disaster prevention, recovery and adaptation will impact Aboriginal and Torres Strait Islander people, especially in regional and remote areas, so they should be involved in the decision making to ensure better life outcomes are achieved.

**Recommendation 2:**

Consider how the DAP guidelines can best support the intent of Closing the Gap Priority Reform 1 in terms of mechanisms for formal partnerships and shared decision making with Aboriginal and Torres Strait Islander people.

It is unclear in the draft DAP guidelines who has final authorisation and ownership of the DAP and its implementation. Under the *NSWRA Act* and as stated in the Guidelines, the DAP is to be prepared by the RA, or the RA can require a council, state corporation or government agency to prepare a DAP.

The guidelines also state that the DAP “may require Ministerial approval”. The requirement for Ministerial approval indicates NSW Government endorsement of DAPs. Yet the Guidelines also state (under Stage 4, finalisation) that “implementation plans are prepared by councils”, and (p.32), “the identified relevant entity is responsible for delivery of actions”. Furthermore, these actions “...may require legislative change”. Councils could only effectively implement the Plan if authorised appropriately and resourced adequately. A situation could arise whereby the RA could develop a Plan that is onerous, unaffordable and / or unrealistic.

Adaptation at the local level often requires a policy response from another level of government. For example, changes to the National Construction Code or the NSW land use planning systems. Councils have been hampered in their disaster prevention and adaptation efforts in the land use planning system by constraints in the standard template instrument and building codes. For example, restricting development on land predicted to be impacted by natural disasters. It is essential that these actions be progressed by the state coordination group. Often these changes are opposed by those supporting short term economic gain above sustainable development and community wellbeing. In these situations, it may be useful to activate the networks within the DAP areas to advocate for DAP actions collectively.

**Recommendation 3:**

RA provide further clarification of its role in coordination, authorisation and implementation of the regional DAPs.

## Five stage process

The 5-stage process appears sensible and based on sound principles of strategic / program planning, implementation, monitoring and evaluation.

The process as written does not identify the lead agency or partner agencies for each stage. Councils' experience with the development of Coastal Management Programs has been of inconsistent engagement with agencies. Agreement to actions has occurred at the steering committee level, but has then been over-turned at the agency executive level. A lack of urgency to respond and agree on approaches has led to lengthy delays that extend costs.

**Recommendation 4:**

Provide expectations and process to agencies involved in regional DAPs, so that they can develop processes that suit the agencies' operational procedures.

The time taken to undertake all stages may be in conflict with the 'urgency' to develop and implement adaptation plans; especially during times of disasters when most available resources would be diverted to response and recovery.

Every stage has an assurance process. While useful to clarify that the DAP is being developed as envisaged, it is unclear what this assurance process entails and how resource intensive this step is.

**Recommendation 5:**

Clarify what the assurance process is at every stage.

**Stage 1**

Stage 1 focusses on governance arrangements and project planning. LGNSW supports the inclusion of a requirement to develop a key stakeholder and community engagement plan for the entire DAP development timeline. The community engagement plan should consider if the communities in which they are operating might be subject to consultation fatigue given they have experienced cumulative natural disasters.

**Stage 2**

Stage 2 focusses on understanding the current and future risks (hazards, exposure, vulnerability) of disasters. Key to this stage is understanding the prior work and programs that already exist. Challenges will arise as this may not have occurred consistently across the region and may have been developed for other purposes. To avoid duplication of effort, these existing sources of intelligence should be considered in a flexible approach to include the information where possible.

Available natural hazard information may vary between local government areas as councils may have already invested in relevant studies. The regional steering groups will need to work through the equity of how to support councils at different stages of organisational knowledge and capacity.



The [Roles and Responsibilities for Climate Change Adaptation in Australia](#) that were agreed to by the then Council of Australian Governments' (COAG) Select Council on Climate Change in 2012 has States and Territories *delivering local and regional science and information where that information is most effectively delivered at the local and regional scale*. Where natural hazards data and analytical tools are needed, the NSW Government is better placed to procure these to ensure data integrity and consistence across regions.

To understanding the current risk within a location, it would assist councils to collate a database of what risks, hazards and vulnerabilities might be present in the region. This would assist in risk identification as well as state-wide planning.

An area where local government has identified a need for further work is waste collection, transport and disposal and for it to be viewed an essential service for communities that is critical to recovery efforts.

Preparing for large-scale waste events caused by natural disasters should include strategies to enhance surge capacities and consider messaging and communication channels. During recent natural disasters, a lack of pre-arranged transfer sites led to significant delays and increased public health risks due to waste accumulation.

Changes to planning and environmental regulation have occurred post disaster to aid in recovery. Pre-negotiating these thresholds with agencies could expedite decision-making and response times during emergencies.

### **Stage 3**

This stage is developing options to avoid, reduce or adapt to disaster risks. An adaption pathway approach is proposed which is a decision-making strategy that is made up of a sequence of manageable steps or decision-points over time. Data collection and analysis will be key to understanding when thresholds have been reached and support decision-points and this should be factored into implementation plans.

Expectations of when cost benefit and distribution analysis of adaptation pathways is required would also assist in pathway development. Will the analysis apply when a cost threshold for an action is reached? Will the analysis occur during the development stage or when the threshold or decision-point occurs? Will further methodologies be provided for the various analyses to reduce duplication of effort and provide consistent results?

### **Stage 4**

This stage provides opportunity for community consultation of the draft DAP to seek input into a final DAP. This stage also includes a task to establish a monitoring framework however it oversimplifies the challenges in monitoring a pathway approach. Adaptation is a process and not an outcome. Yet the monitoring framework provided

focusses on the plan being implemented when the end goal of adaptation is a moving target.

**Recommendation 6:**

Develop a monitoring framework that is suitable for resilience and adaptation approaches and outcomes.

**Stage 5**

This stage focusses on implementation of the DAP and monitoring. Further clarity is needed to identify who is the audience for the reporting. There is also a need for consistent and timely data.

**Recommendation 7:**

To enhance preparedness, there should be a mechanism for real-time data sharing on across and agencies councils during and after a disaster. This could be facilitated by the NSW Government through a centralised platform.

Stage 5 could be improved by including debrief activities after a disaster event to reflect on the challenges, what worked and what needs improving in the DAP. RA would be the appropriate lead to run this process and facilitate any recommendations into the DAP.

**Recommendation 8:**

Include a requirement to capture the learning from disasters to iteratively improve DAPs.

**Resourcing needs**

Adequate resourcing of local governments is critical. Councils will play a crucial role, if not a leading role, in data, technical information, local knowledge, community engagement, understanding and integration of other plans, implementation, management and monitoring and reporting.

Councils have raised that the DAP process somewhat duplicates existing processes through the regional and local emergency management committees and the enabling regional adaptation program run by the Department of Climate Change, Energy, the Environment and Water (DCCEE).

To ease resourcing pressures, it has been suggested that RA lean into these existing arrangements. Consideration should be given as to whether the existing arrangements have participants with the right knowledge and skills to inform mitigation, recovery and adaptation activities. To develop a robust and informed DAP, the scope may require involvement from a number of council staff with different expertise, increasing resourcing levels expected of councils.

The draft DAP guidelines also state that community engagement will occur at every stage of the DAP preparation. As councils have existing networks within their communities, it is expected that councils will contribute resourcing to this level of extended community engagement.

The draft DAP guidelines note that council actions will be implemented through the Integrated Planning and Reporting (IP&R) framework. If not directly funded through the RA, this will therefore compete with other community priority actions in constrained budgets. Requiring DAP actions to be part of the IP&R framework does not guarantee that actions can be resourced and implemented.

In general terms however, councils are currently absorbing \$1.36 billion per year in cost shifting and are unable to raise sufficient revenue due to rate pegging and funding arrangements that are no longer fit for purpose. Increasing community needs and expectations of councils cannot be met within the available funding. Councils do not have access to sufficient funding to invest in more resilient infrastructure and to build back better after disasters. Nor do they have reliable funding to work with their residents to build community resilience.

Recommendation 11.1 of the 2020 Royal Commission into National Natural Disaster Arrangements, recognised the resourcing limitations of local governments, and the need for state and territory governments to support and assist local governments if our communities are to be better prepared for natural disasters:

*Recommendation 11.1: State and territory governments should take responsibility for the capability and capacity of local governments to which they have delegated their responsibilities in preparing for, responding to, and recovering from natural disasters, to ensure local governments are able to effectively discharge the responsibilities devolved to them.<sup>1</sup>*

In line with this recommendation, Councils are still awaiting the outcome of the State Disaster Mitigation Plan action for the Reconstruction Authority to work with the Office of Local Government to: *'Investigate options to support resourcing and capability-building in local councils'*, which is due by the end of 2024.<sup>1</sup>

Councils have already been seeking extra resources to participate with the DAP process. The recently announced round 2 of the Disaster Ready Fund has 6 projects for disaster adaptation planning from local governments ahead of the release of the DAP guidelines.

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<sup>1</sup> Report, Royal Commission into National Natural Disaster Arrangements, 30 October 2020. Available at: <https://www.royalcommission.gov.au/natural-disasters/report>

**Recommendation 9:**

Implement funding schemes to provide adequate financial support to local government commensurate with need, in relation to disaster prevention, adaptation, recovery and reconstruction.

## Conclusion

So much is riding on adapting and becoming more resilient to the more frequent and intense natural disasters fuelled by a changing climate. Economic prosperity, social cohesion and community wellbeing depends on implementing the intent of the *NSW Reconstruction Authority Act 2022*. However, local government is still not clear on how it will be funded and supported to participate in the development and implementation of regional DAPs. The NSW Government must ensure that councils are resourced and supported for this critical task.

## Summary of recommendations

1. Include a forum or subgroup for input, planning and delivery from NGOs and community groups at the regional level.
2. Provide a mechanism for shared decision making with Aboriginal and Torres Strait Islander people.
3. RA provide further clarification of their role in coordination, authorisation and implementation of the regional DAPs.
4. Provide expectations and process to agencies involved in regional DAPs, so that they can develop processes that suit the agencies operational procedures.
5. Clarify what the assurance processes is at every stage.
6. Develop a monitoring framework that is suitable for resilience and adaptation approaches and outcomes.
7. To enhance preparedness, there should be a mechanism for real-time data sharing on across and agencies councils during and after a disaster. This could be facilitated by the NSW Government through a centralised platform.
8. Include a requirement to capture the learning from disasters to iteratively improve DAPs.
9. Implement funding schemes to provide adequate financial support commensurate with need, in relation to disaster prevention, adaptation, recovery and reconstruction.