

SUBMISSION

INDEPENDENT FLOOD INQUIRY

MAY 2022

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 more than **55,000 people**



Local government in NSW looks after more than **\$136 billion of community assets**



Local government in NSW spends more than **\$1.9 billion each year on caring for the environment, including recycling and waste management, stormwater management and preserving and protecting native flora and fauna**



NSW has 450 council-run libraries that attract more than **34.8 million visits each year**



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



NSW councils manage an estimated **3.5 million tonnes of waste each year**



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

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OPENING

Thank you for the opportunity to make a submission to the NSW Independent Flood Inquiry.

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.

This submission was endorsed by the LGNSW Board in June 2022.

BACKGROUND

The NSW Government has commissioned an independent flood inquiry to examine and report on the causes of, preparedness for, response to, and recovery from, the 2022 catastrophic flood event. Professor Mary O’Kane AC and Michael Fuller APM are leading the inquiry.

The Inquiry will report on:

- the causes of and factors contributing to the frequency, intensity, timing and location of floods
- preparation and planning by agencies and the community for floods in NSW
- responses to floods, particularly measures to protect life, property and the environment
- the transition from incident response to recovery
- recovery, including housing, clean-up, financial support, community engagement and longer-term community rebuilding.

The Inquiry will consider and, if warranted, make recommendations on a range of matters, including:

- the safety of emergency services and community first responders
- current and future land use planning and management and building standards in flood prone locations across NSW
- appropriate action to adapt to future flood risks to communities and their surrounds
- coordination and collaboration between all levels of government.

The Inquiry is required to report to the Premier on causation, land use planning and management and related matters by 30 June 2022, and on all other matters by 30 September 2022.

INTRODUCTION

The scale and severity of the 2022 flooding event was unprecedented, with 60 local government areas disaster-declared and floods rising to levels unseen in recorded history. Thousands of homes were damaged to the point of being uninhabitable, and many thousands more have been severely damaged. Thousands of kilometres of roads and significant public infrastructure were damaged. Tragically, members of the community also lost their lives in the flooding events across NSW.

Councils have a central role in emergency management, as well as land use planning in flood prone areas, and despite limited means, are essential in providing support to local communities as they recover. However, local government must be resourced and supported by other spheres of government in this critical work.

Indeed, recommendation 11.1 of the 2020 Royal Commission into National Natural Disaster Arrangements is that:

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.

LGNSW welcomes commitments from the NSW and Australian Governments, which so far include:

- \$60 million in immediate recovery grants to each of the disaster-declared councils,
- \$120 million in a Local Council Support Package (which includes an additional \$2 million for most highly impacted councils in Northern Rivers and \$80 million loan facility to support councils with their cashflow to alleviate financial hardship),
- \$300 million in clean-up costs for flood affected areas,
- \$145 million for urgent replacement and repair of critical water and sewer infrastructure,
- \$350 million for a modular housing package for flood affected communities.

While a focus on rebuilding impacted communities and providing immediate support to all who are affected by the floods is of course critical, it is also essential that all NSW Government agencies work with Resilience NSW and all spheres of government to plan, prepare for and build more resilient communities.

Record-breaking bushfires, floods, heat waves and extreme and prolonged drought conditions pose significant risk to communities across NSW, impairing the ability of councils to deliver on their responsibilities.

The scale of natural disasters in recent years makes clear the need for a paradigm shift where the future focus embodies a far greater emphasis on resilience and adaptation to ensure communities are better prepared for future disasters, along with urgent action to avert a climate crisis. These rolling disasters of drought, bushfire,

pandemic and flood have meant that Resilience NSW has been – perhaps understandably – focused on response and recovery, rather than its resilience function, which NSW and our communities so sorely need.

All levels of government must be able to plan jointly for a changing climate and deliver well designed, sustainable communities. Ensuring the right policy settings, tools, funding and resources to do this are in place and given the right priority is essential. For this reason, one of LGNSW’s eight advocacy priorities for 2022 calls for **improved resilience to natural disasters**.

This submission includes 46 recommendations that will contribute to building stronger and more resilient communities across NSW.

CAUSES AND CONTRIBUTING FACTORS

1. a) The causes of, and factors contributing to, the frequency, intensity, timing and location of floods in NSW in the 2022 catastrophic flood event, including consideration of any role of weather, climate change, and human activity.

Much has been written about the effects of global warming due to human induced climate change, and the scientific evidence shows an increase in the frequency and severity of extreme weather events. The likelihood of extreme downpours and flooding is set to increase due to a warmer atmosphere. For each 1°C rise in global average temperature, the atmosphere can hold approximately seven per cent more moisture. A warmer atmosphere also means there is more energy to fuel storms that generate heavy rainfall.

In recent years, NSW councils have passed a number of resolutions at LGNSW Conferences in recognition that communities across NSW are facing the impacts and consequences of climate change. 2022 LGNSW Special Conference resolutions include:

52 Liverpool City Council – Climate Action Plan

That Local Government NSW advocates to the Australian Government to meet our international obligations under the United Nations Framework Convention on Climate Change by strengthening the 2030 emissions reduction target to 50 per cent and implement policy and programs to achieve this target and the 2050 net zero emissions target.

53 Dubbo Regional Council – Gas decarbonisation roadmap

That Local Government NSW advocates that the NSW Government urgently develops a gas decarbonisation roadmap.

Covered by resolution 53 – Lismore City Council – Energy roadmap

That Local Government NSW lobbies the NSW Government:

1. noting that our net zero carbon emissions by 2030 plan will be achieved by purchasing 100 per cent renewable energy, phasing out gas and switching to electric vehicles, whilst ensuring ongoing energy efficiencies;
2. noting that in 2019 a number of NSW councils declared a state of climate and biodiversity emergency acknowledging that urgent collaborative action at all levels of government is necessary to protect our environment and community for future generations. expressing our support for a rapid reduction in the use of gas in the NSW economy;
3. requesting that the NSW Government urgently develop a gas decarbonisation roadmap so NSW can be a leader by setting business, industry and households up to be resilient and sustainable in a decarbonising world, while safeguarding jobs in important manufacturing industries.

LGNSW has made improved resilience to natural disasters a key advocacy priority for 2022. As part of this, LGNSW is calling on the NSW and Australian Governments to work together to strengthen Australia's 2030 emissions reduction target to 50 per cent, and implement policy and programs to achieve this target and the 2050 net zero emissions target.

PREPARATION AND PLANNING

1. b) The preparation and planning by agencies, government, other entities and the community for floods in NSW, including the accuracy and timing of weather forecasts, current laws, emergency management plans, practices and mitigation strategies, their application and effect.

Mitigation and adaptation

Flooding risk continues to be framed as an emergency management response rather than an adaptation response. While the 2022 flooding was unprecedented in many ways, it was not an unknown risk.

The vast majority of government funding (around 97 per cent) is spent on disaster recovery, with only 3 per cent spent on preparation and mitigation. We know that climate change will continue to increase the severity and frequency of natural disasters such as large-scale flooding events.

Councils resolved at the LGNSW 2022 Special Conference that local government should be funded and supported to undertake essential resilience and adaptation measures to address future climate risks through a special purpose one per cent increase in local government rates to fund resilience and adaptation measures.

To reduce the impacts and costs of such disasters, more funding should be invested in mitigation and adaptation, which is comparatively cheaper than disaster recovery. Although the NSW Government's Floodplain Management Program provides financial support to councils and eligible public land managers to help them manage flood risk in their communities, the majority of these projects are focused on current flood risk. It is important that this focus shifts to include more projects aimed at mitigating future flood risks.

 **Recommendation 1:** That the NSW and Australian Governments place greater emphasis on supporting and resourcing adaptation actions, which can reduce the need for, or severity of, emergency responses.

 **Recommendation 2:** That the NSW Government extend funding for the Floodplain Management Program to enable a greater number of projects that are aimed at mitigating future flood risks, based on predictions of a changing climate.

 **Recommendation 3:** That the NSW Government enable a special purpose one per cent increase in local government rates over and above the rate peg to fund resilience and adaptation measures for current and future climate risks.

Existing land use planning framework for development in flood prone locations

Councils have primary carriage of managing flood risk in NSW and are responsible for properly considering flood risk in their land-use planning. This must follow the framework of the NSW Government's Flood Prone Land Policy, as set out in the *Floodplain Development Manual: the management of flood liable land*¹, April 2005.

The Floodplain Development Manual sets out key issues relating to protecting existing and future occupants of flood-prone land that need to be considered in land use planning.²

Further, the NSW Department of Planning and Environment (DPE) provides direction and guidance to councils through a suite of documents, including Ministerial directions, circulars, guidelines and regulations.

In July 2021, the Government updated its guidance to councils on considering flooding in land-use planning³. The new flood prone land package includes the following:

- a revised 9.1 local planning direction on flooding,
- a new planning circular on flooding PS21-006,
- a new guideline: Considering Flooding in Land Use Planning,
- Standard Instrument (Local Environmental Plans) Amendment (Flood Planning) Order 2021,
- Environmental Planning and Assessment Amendment (Flood Planning) Regulation 2021,
- State Environmental Planning Policy Amendment (Flood Planning) 2021.

When undertaking local strategic planning and preparing planning proposals (re-zonings or reviews of entire local environmental plans (LEPs)), councils are required to include provisions that give effect to, and are consistent with, the floodplain Policy and Manual, as well as other relevant studies and management plans.

Within the land use planning framework described above, councils develop their local plans and policies using various tools to manage development in flood planning areas which include LEPs and development control plans (DCPs), Floodplain Management Plans, Floodplain Risk Management Studies and specific flood controls and guidelines (such as for caravan parks).

This existing framework and overall guidance is well-established and used by councils in their approach to land use planning for floodplain development and management. Through the application of their policies, councils seek to raise

¹ <https://www.environment.nsw.gov.au/research-and-publications/publications-search/floodplain-development-manual/Docs/Docs/Water/Floodplains/floodplain-development-manual.pdf>

² Planning Circular PS21-006 Considering flooding in land use planning: guidance and statutory requirements, July 2021

³ DPE website: <https://www.planning.nsw.gov.au/flooding>

awareness of the risks associated with living on flood liable land, but these stop short of prohibiting development in all but the high flood hazard areas.

Instruments, policies and programs applying to proposed future developments in flood prone locations

The aftermath of the February 2022 floods, and similarly, following the 2019/20 bushfires, led to many posing difficult questions around whether homes and businesses in some areas should be rebuilt or relocated.

In addition to considering betterment of infrastructure, councils in the Northern Rivers region are considering the long-term options for flood impacted communities, including building back better, building differently and/or building elsewhere. This approach is also being pursued in deliberations of the Housing Recovery Taskforce.

In the longer term, stronger policy and alternative approaches need to be explored to reduce the need to build in vulnerable locations and to plan for a transition of development away from flood prone land. However, there appear to be limitations in the existing provisions (legal, policy and financial) to facilitate and implement these often-challenging decisions. To escalate the ability to relocate businesses and dwellings to higher ground, transitional requirements and incentives, and funded alternatives need to be explored.

Looking beyond land use planning as part of the medium to longer term flood response, consideration also needs to be given to enabling more resilient and sustainable design in the planning system more broadly. It was reported in March 2022 that a requirement to consider the risks of floods and fires before building new homes had been removed along with the former Planning Minister's nine principles for sustainable development in NSW. Shortly after, in April, a decision not to progress with the Design and Place State Environmental Planning Policy (DP SEPP) was also made. A failure to consider floods and fires before building new homes has the potential to perpetuate the losses experienced in the past five years and exacerbate the problems in future.



Recommendation 4: That the NSW Government review existing provisions to more fully support relocations and compensation for landowners where changes in land use occur.



Recommendation 5: That the NSW Government should work with local government and industry on policy initiatives in the NSW planning system that will help deliver more resilient and sustainable homes, buildings and places.

Telecommunications and public information

Feedback from councils is that many areas were left without phone service or internet following the severe flooding and for an extended period, heightening communities' sense of vulnerability and frustration.

Residents were unable to access timely and reliable emergency messaging and information on transport, road closures and ongoing risks to safety. Internet connectivity issues after the emergency also affected the ability of residents and businesses to pay for certain goods and services (such as purchase of water during temporary period of water insecurity) and to request reimbursement via business grants.

Better preparation and planning for telecommunications would see more reliable and resilient networks that can maintain operation and be powered (whether by generator or battery) when mains power has been disconnected.

Reports of communities remaining without reliable phone or internet service for weeks post-flood also suggest there is a need to plan for how telecommunications access can be more rapidly restored.

Recommendation 30 of the 2020 NSW Independent Bushfire Inquiry calls for a number of actions to minimise communication outages and extended basic communication coverage during bushfires. Although the NSW Government [has reported progress against this recommendation](#) and the Australian Government is also funding more resilient networks, it is clear that significant additional actions are required.

There is also a clear need for better communications and systems for public information and warnings. Allocating dedicated district personnel specifically to monitor progress of the flood, or other natural disaster, and updating social channels, apps and community messaging would be of great benefit in providing timely information with appropriate levels of local detail.

As a further contingency, councils have also called for greater pre-disaster information sharing with the community, as there is a general lack of understanding within communities about flood risks, readiness and response. This information should outline planned evacuation centres and safe evacuation routes, as well as specific risks such as contaminated water and hazardous materials. This will ensure that even where access to communications is lost, the community would be better prepared for an informed and safe evacuation.

Also needed ahead of future emergencies is public education around water supply and sanitation, the risks of contaminated water and the need to conserve water. Greater awareness of potential disruptions to water supply and sewage services would enable residents to plan activities in advance such as storing drinking water, preparing food and considering basic hygiene. It's also important that communities can consider disruptions, contaminations and restrictions to water use when planning to evacuate or to return to their properties.



Recommendation 6: That the NSW Government work with the Australian Government to fast-track investment in actions to improve resilience and reliability of critical communications networks.



Recommendation 7: That the NSW Government provide more regular disaster preparedness information to communities to provide a baseline of disaster response actions for situations where telecommunications access is lost.



Recommendation 8: That the NSW Government improve public awareness of the risks of disruptions to water supply and sewage services during a natural disaster, and the steps that individuals can take in advance to prepare.

Evacuation routes, road access and isolated communities

Councils have also raised concerns related to vulnerable roads and evacuation routes (such as Waterfall Way between Bellingen and Dorrigo). While flood risks to a property are often considered as part of a development assessment, flood risks to access roads to properties are not. Councils have noted examples of properties that were not directly impacted by floods, but that remained isolated due to the vulnerable and limited access routes being cut. It is important that alternative routes are identified and secured for vulnerable roads.



Recommendation 9: That the NSW Government work with local governments to identify alternative routes to vulnerable roads, and that the NSW and Australian Governments fund the construction of these important routes to improve evacuation and access options in times of disaster.

Waste management

The NSW Emergency Waste Sub Plan sets out the steps that the state government and local councils should take to plan and manage waste in the event of an emergency. However, this has not yet been tailored to a regional context or comprehensively fed through into regional disaster management plans, which in most cases do not cover dealing with waste and hazardous materials. Similarly, in most cases, regional waste strategies do not currently cover the steps needed to plan for or undertake in an emergency. This means that there is a gap in advice and most councils did not have a clear, locally relevant list of operational steps to follow during flooding events.

There is therefore a need for regional waste groups to develop plans for emergency waste management, based on the NSW Emergency Waste Sub Plan, but tailored specifically to each region. This should contain a greater level of operational detail, including planning and training prior to an event, all the way through to emergency response and recovery. Regional waste groups require support to develop and embed these regional strategies, including building this information into existing disaster management plans and their regional waste strategies. Regional waste groups also need the resources to consult with councils to ensure the plans are implementable and tailored to the local context.

During the recent floods the existing waste infrastructure was not able to cope with the additional volumes created by damaged items and debris. In some areas such as Lismore, the waste management facilities were flooded and unusable. State and local governments responded quickly by setting up temporary waste management facilities, such as the temporary facility in Alstonville, however, this did not accept all wastes including asbestos waste. Regional disaster waste management plans should include identifying emergency waste sites in advance and obtaining the relevant approvals to be used in the instance of an emergency. These plans must also include detail on how to manage the large volume of deceased animals, asbestos and contaminated or hazardous materials.

Waste management services were also hindered during the flooding by the lack of communications and transport access. Many roads were flooded, leaving different council areas cut off from each other, as well as from the surrounding areas. In past emergencies, neighbouring council areas that have been less affected have stepped in to support other councils but the scale of the flooding this year made that more challenging. In some regions of NSW, such as the north coast area, all council areas were badly affected and did not have the capacity to offer additional support to others.

Agreements between councils on how to better work together and support each other during an emergency should be agreed as soon as possible and set out in their regional emergency waste management plans.

Developing these comprehensive regional emergency waste plans will help to prevent waste and recycling infrastructure from becoming overwhelmed and avoiding delays to recovery activities or waste remaining in communities for a while after the event. This is important because better management of disaster debris following emergencies has positive impacts on the health and wellbeing of affected communities, as well as on the environment.



Recommendation 10: That the NSW and Australian Governments fully fund the clean-up of damaged or destroyed buildings and structures, particularly those that contain asbestos, following natural disasters.



Recommendation 11: That the NSW Government support the EPA to continue to develop and implement the Emergency Waste Sub Plan, specifically the emergency waste toolkit for councils.



Recommendation 12: That the NSW Government continue to support the EPA and regional waste groups to develop regional plans for emergency/disaster waste management. These plans should include detail on how to manage deceased animals, asbestos and contaminated or hazardous materials, as well agreements between councils on supporting each other during future emergencies.

Asbestos

In preparation for and response to flooding where asbestos is present, councils are required to provide a wide range of asbestos regulation, assistance and expertise including:

- property information related to current and past uses of affected sites and/or facilities,
- engineering resources and equipment for response and recovery operations,
- formation, co-ordination and resourcing of local recovery committees,
- asbestos identification,
- monitoring of make safe arrangements,
- regulation of clean-up,
- regulation of transport and disposal,
- authorisation of demolition and re-build,
- provision of waste disposal facilities,
- detailed communications about post fire property risks including asbestos.

Provision of these diverse and specialised services during the recent flooding has been challenging for councils and state agencies. As with wider waste management, lessons learnt from the flooding is that better preparation for the post emergency phase of the flooding is required.

This should include earmarking sites that will accept asbestos waste and obtaining the relevant approvals and licences for it to be operational as soon as a future emergency occurs. The Alstonville emergency waste facility did not accept asbestos waste and some areas waited around six weeks for it to be taken to the Tweed centre, posing risks to communities.

Another example of this was the information provided about the risks of asbestos exposure when returning to properties affected by flooding. As was the case during previous emergencies, there have been some divergence in opinions between different governmental and regulatory agencies about what the perceived and actual asbestos property risks are following flooding. This has resulted in delayed communication to community, raising the risk that property owners will access their properties before they are declared safe. Awareness raising on the risks of asbestos is a shared responsibility between councils and state agencies, however, it requires the state agencies as the lead organisations to develop strategies to better prepare for the post emergency phase of flooding.

It is important that more council staff are trained to understand the risks associated with asbestos and are familiar with the guidance on how to deal with it appropriately. Where councils do not have staff trained or experienced in dealing with asbestos following disasters, the development of an asbestos emergency management squad, with members drawn from council experts in asbestos waste from across NSW, would be of great benefit to many councils.

The lack of communications also made it difficult for councils to put out important messages to the public regarding asbestos. Councils reported that internet services

were offline for some time and there were not any alternative or backup systems in place. Many community members were traumatised by the flooding and the damage to their houses and wished to clean out their homes as quickly as possible, with volunteers stepping in to help out. However, there was a lack of understanding by both community members and volunteers of the risks and prevalence of asbestos within homes and some believed that asbestos was less harmful when wet. This led to asbestos waste being mixed up with other waste and dumped on the streets outside homes, posing risks to communities and the environment. More community education is required in advance of future emergencies so that the public have improved understanding of the risks and appropriate management.

Currently, there is no legal requirement for homeowners to investigate and disclose the presence or absence of asbestos containing materials when selling their properties. This contributes to the low level of understanding within communities to the presence of asbestos and the associated risks within their own homes. If councils and government had specific lists of which properties contain asbestos, targeted awareness campaigns could be implemented before floods encouraging property owners to develop plans to manage and remove asbestos in flood prone areas before it becomes a disaster waste issue. The NSW government should review vendor disclosure laws and consider introducing regulation that requires a building or homeowner to disclose the prevalence of asbestos when selling.



Recommendation 13: That the Environment Protection Authority fund the establishment and operation of an Asbestos Emergency Management Flying Squad (AEMFS). The AEMFS would provide expert advice and guidance to councils on the remediation of asbestos contamination or disturbance of any asbestos material, including naturally occurring, during or following a natural disaster or emergency. The AEMFS could consist of a group of suitably experienced and qualified people in asbestos management providing expert guidance to Recovery Committees, Local Emergency Management Officers, and other council staff.



Recommendation 14: That the NSW Government adequately fund the Environment Protection Authority to develop a more strategic approach to planning for and responding to asbestos waste disposal requirements following natural disasters. This could be in line with the NSW Asbestos Waste Strategy 2019/21:

- NSW government and EPA work with regional waste facilities to build capacity, as well as expand capability, with landfill staff to safely and lawfully plan for and manage large-scale asbestos waste disasters,
- NSW government and EPA work with emergency services to ensure mechanisms are in place to swiftly handle asbestos waste after disasters.



Recommendation 15: That the NSW Asbestos Co-ordination Committee led by the EPA prioritise a comprehensive scientific review of communications materials provided to community about the actual and perceived risks of asbestos post flooding to ensure consistent messaging is available for future events.



Recommendation 16: That the NSW government review vendor disclosure laws and consider introducing regulation that requires a building or homeowner to disclose the prevalence of asbestos when selling a property.

Person-centred preparedness

As with previous natural disasters, the severe flooding of early 2022 had particularly adverse impacts on some cohorts with additional needs.

For example, the Aboriginal community of more than 180 people on Cabbage Tree Island in Ballina Shire has been completely displaced and has faced challenges sourcing accommodation for larger multigenerational households.

For people with disability, the [2020 Disability Royal Commission found](#) that this cohort faced an increased likelihood of experiencing homeless during disasters, and this is often due to compounding socioeconomic disparities.

New migrants and members of the community that do not speak English fluently often don't understand emergency response options available to them and how to access support following the disaster. Resolution 45 of the LGNSW 2022 Special Conference touched on this, calling for greater resourcing for emergency food relief post disaster, and planning for culturally appropriate food relief, and this should be considered as part of disaster preparedness.

Planning for evacuation centres must also ensure people with complex needs such as disability, COVID positive status or pregnancy can be safely catered for and supported. Byron Shire Council has reported that some displaced residents chose to return to homes that were still unsafe due to evacuation centres not adequately meeting their needs.

The NSW Government should adopt a person-centred emergency preparedness model which means making sure the needs and voices of residents with additional needs are included in disaster risk management processes. These cohorts should be included from the beginning of emergency management planning to ensure their complex needs are planned for in case of disaster. This planning for vulnerable groups must also extend to disaster recovery and mental health outreach.



Recommendation 17: That the NSW Government ensure cohorts with additional or complex needs have their voices included and needs considered in emergency management planning.

RESPONSE

1. c) Responses to floods, particularly measures to protect life, property and the environment, including:

- i) immediate management, including the issuing and response to public warnings;
- ii) resourcing, coordination and deployment, including with respect to the Australian Defence Force; and
- iii) equipment and communication systems.

Emergency warnings and evacuation orders

Councils have reported that despite admirable efforts from the State Emergency Service (SES), the SES was neither resourced nor funded to respond to such a catastrophic event. The effectiveness of evacuation orders was hampered by resilience and reliability issues with communications infrastructure. Councils report that while emergency warnings were usually well communicated and received, there were concerns that evacuation orders were not being received until too late – such as when key evacuation routes were already closed.

It is critical that the SES be better resourced and equipped, including with reliable communications such as satellite phones, to be able to respond more quickly and effectively to the increasing severity and frequency of severe flooding events. The level of human resourcing required by the SES more broadly should also be reviewed. Noting the dwindling number of SES volunteers, councils have suggested there is a need for a concerted focus and a plan to increase volunteer recruitment in this area.



Recommendation 18: The SES should be better equipped and resourced, including with reliable communications suitable for the increasing severity and frequency of disasters.

Communicating road closures

Councils report delays in road closures being communicated and confusion from residents in understanding which routes had been closed.

While the NSW Government's Live Traffic website provides good coverage of closures on the State road network, its reliability for smaller local roads is significantly worse and councils report challenges in having local road closures reflected on the website. For residents, an understanding of which roads are state and which are local is often very limited, and the incomplete information on the Live Traffic website risks providing unhelpful evacuation information to communities in times of emergency.



Recommendation 19: The NSW Government should work to better incorporate local road closures onto the Live Traffic website, to provide the community with a more complete and current understanding of available evacuation routes.

Water and rain gauges

Water and rain gauges are critical to understanding preparation and evacuation needs but these must be of a minimum standard to avoid discrepancies across council areas. Ideally, there would be consistent ownership of gauges across the state and a full catchment-based approach, as some council areas face flooding risk from rivers outside of their LGA. Kempsey Shire Council, for example, funds rain gauges and river level gauges outside of its LGA, as its early warning and risk from a flooding perspective sits in neighbouring LGAs.

LGNSW has also heard from councils that greater digitalisation of gauges is needed, and data updates should be more frequent than two-hourly.

Other warning devices should also be explored. Clarence Valley Council applied for funds following the 2019/20 Bushfires to implement a network of integrated intelligent real-time multi-sensors constructed throughout the LGA maintaining 24-hour fire and flood detection and continuous micro-climate weather, air quality, soil moisture and rainfall information.

The accompanying Clarence Valley App would have detailed live conditions, warnings, notifications, tourism and event information enabling 24-hour situational awareness for emergency services, local industry, residents and visitors. Access to this type of live localised information returns community confidence, enables resilience, mitigates against climate related risk and damage, provides health information, and supports local agriculture, industry and future economic growth across the region. Funding should be made available to pilot projects such as this, with the view to roll out successful initiatives across NSW.



Recommendation 20: The NSW Government should assume ownership of rain and river level gauges across NSW to ensure consistency, a minimum standard of gauges and better information sharing across whole catchments.



Recommendation 21: The NSW Government should explore options for digitalisation of gauge systems, including more sophisticated gauge systems and sensors linked to early warning alerts.

TRANSITION FROM RESPONSE TO RECOVERY

1. d. The transition from incident response to recovery, including the roles, structure and procedures of agencies, government, other entities and the community.

Local Government Emergency Recovery Support Group

As the scale of recovery needs became clear following the 2019/20 bushfires, in early January 2020 Local Government NSW, the Office of Emergency Management, Office of Local Government, City of Sydney and Sydney Resilience Office partnered to establish the Local Government Bushfire Recovery Support Group.

This Group assisted council disaster recovery and support operations in local communities by collecting and coordinating offers of support from councils so they can be matched to the councils where support is needed, when it is needed.

The group provided:

- a database of services and resources being offered by local government,
- a matching service between councils offering support and councils requiring support,
- general guidance on potential risks and safe methods of work,
- connection to organisations that can provide advice on supporting disaster recovery.

Councils made more than 500 offers of support through the group and scores of council assistance deployments were completed.

The 2020 Royal Commission into National Natural Disaster Arrangements noted the importance of these arrangements, recommending that state and territory governments review local government resourcing sharing to ensure the arrangements provide sufficient surge capacity and take into account all risks that the state or territory government may face during a natural disaster (recommendation 11.2).

In the intervening years, the NSW Government appropriately assumed responsibility for administering the renamed Local Government Emergency Recovery Support Group.

LGNSW welcomed the NSW Government reinstating the group following the early 2022 flooding event, which is now housed within the Office of Local Government. However, LGNSW and councils would have liked to have seen this group made operational and assisting councils with a greater sense of urgency.



Recommendation 22: That the NSW Government commit to making the Local Government Emergency Recovery Support Group operational more urgently following future natural disaster events.

Housing Recovery Taskforce

LGNSW welcomed the establishment of the Housing Recovery Taskforce shortly after the February floods. The Taskforce's direct engagement with affected Northern Rivers councils has been particularly welcome and provided invaluable input.

The Taskforce is responsible for delivering an overarching strategy for the transition from immediate responses for emergency accommodation, through short term temporary accommodation through to the resolution of how to 'Build Back Better', including potential relocation of settlements.

Councils' feedback to the Taskforce has demonstrated clearly that there is a need for a mosaic of responses, rather than a one-size-fits-all approach – solutions must be tailored while also needing to have consistency.

It should be noted also that while the focus has been on the Northern Rivers area, the work of this Taskforce will be equally relevant to other flood affected areas (such as the Hawkesbury-Nepean). Any policy implications arising from the Taskforce's work should be considered in light of relevance and consequences in these other areas.

RECOVERY

1. e. Recovery from floods, including:
 - i) immediate housing, clean-up, financial support and community engagement measures; and
 - ii) longer-term community rebuilding support

Northern Rivers Reconstruction Corporation (NRRC)

LGNSW and councils have welcomed the establishment of the Northern Rivers Reconstruction Corporation (NRRC) within the Department of Regional NSW to oversee reconstruction of flood-hit communities over the next five years. This body will bring Government agencies together with the eight Northern Rivers councils to expedite longer term community rebuilding, with a key focus on identifying opportunities for betterment.

This presents a new model that if successful, could be applied to other areas of the state impacted by major natural disasters in future.

Indeed, at the LGNSW 2022 Special Conference, councils resolved to call for increased betterment programs for flood and other natural emergency restoration works:

Resolution 84: The NSW Government and Australian Government should develop, establish, implement and properly fund betterment programs to rebuild essential public infrastructure damaged in floods and other natural emergencies to a more resilient standard that ensures that infrastructure and communities are less vulnerable to the impacts of flood and other emergencies.

Betterment and mitigation funding

LGNSW has long advocated for betterment funding. Rebuilding infrastructure to its original specifications and condition is not sufficient to provide communities with the level of resilience they need in the face of more frequent and increasingly severe natural disasters. Betterment funding, a relatively small additional investment, will save billions of dollars in years to come by ensuring that infrastructure is rebuilt to a more resilient standard. It costs more to 'build back better', much more than is currently provided for by the Government's Disaster Recovery Funding Arrangements (DRFA) or any insurance cover.

Under the current DRFA, essential public assets directly damaged by an eligible disaster may be reconstructed to their pre-disaster function, making no provision for betterment. It makes no sense to restore assets to pre-disaster standards if it leaves the assets vulnerable to the next natural disaster event.

Local government is also concerned that assistance under the DRFA is limited to a tightly defined list of essential local government assets - primarily roads and bridges. LGNSW has consistently advocated for expansion of the list to include local

government waste, water and wastewater assets and other community assets. Water and sewerage assets are inarguably essential assets. This issue is specific to NSW and Queensland where local government is responsible for water and sewerage services in regional areas.

Closely related to the issue of betterment funding is the adequacy of mitigation funding. Local government nationally has been advocating for the establishment of a targeted natural disaster mitigation program at a level of \$200 million per annum for four years. Local government's call for increased disaster mitigation funding is supported by a 2014 Productivity Commission inquiry into natural disaster funding which found funding for reconstruction and recovery consumed 97 per cent of disaster funding in Australia, compared with only 3 per cent that went towards mitigation and community resilience measures.

Local government has welcomed the Federal Government's decision to establish the \$200 million Emergency Response Fund. The fund will provide up to \$150 million for response and recovery activities and up to \$50 million for mitigation measures in any one year. Local government maintains that the level of mitigation funding needs to be increased if it is to be effective. Appropriate betterment and disaster mitigation measures serve to protect exposed communities, ultimately reducing the need for recovery funding raised through taxpayers and lowering insurance premiums for those living in highly exposed areas.

Funding assistance is imperative, particularly for small councils which rely heavily on federal funding for financial viability.



Recommendation 23: That the Inquiry explicitly acknowledge the importance of betterment and mitigation in making communities more resilient to future natural disaster events and recommend:

- The DRFA be amended to include betterment funding,
- DRFA eligibility criteria be extended to include local waste and water utility infrastructure,
- Increased mitigation funding under the Federal Emergency Response Fund,
- That betterment and mitigation be included as priorities of the National Recovery and Resilience Agency.



Recommendation 24: That the NSW Government commit to an evaluation of the Northern Rivers Reconstruction Corporation in consultation with all stakeholders to consider whether this model could be applied following future major natural disasters.

Housing

Access to secure and affordable housing was already in crisis across NSW even before this year's severe flooding. The flood event has destroyed thousands of homes in the Northern Rivers of NSW, compounding years of state and federal

government inaction that has resulted in a critical lack of social and affordable housing.

Multiple reports note people sleeping in cars, caravan parks that are overflowing and families forced to move away from their communities and support networks due to an inability to secure housing. Governments understand that thousands of dwellings have been removed from the private rental market to provide accommodation for short term holiday letting. It is also the case that people living in housing at greatest risk of flooding often cannot afford to live elsewhere.

It is important for community wellbeing and recovery that people displaced by natural disasters are not dispersed away from their communities and support networks such as their families, friends, schools, jobs and health professionals with whom they may have built up trusted relationships.

An accessible housing market cannot be conjured up post disaster. It needs to be in place as a key element of preparedness and resilience for communities.

Division 7.2 (Affordable housing contributions) of the *Environmental Planning and Assessment Act 1979* (EPA Act) provides an opportunity to require land or contributions for affordable housing within an area if a State environmental planning policy (SEPP) identifies that there is a need for affordable housing, along with other qualifying criteria. The potential exists here to expand the application of these legislated affordable housing provisions to establish opportunities for contributions to be directed to appropriate affordable housing targets, and secure greater involvement at the state government level.



Recommendation 25: That the NSW Government lead coordinated and innovative action across all levels of government to re-house people in the medium and long term following floods.



Recommendation 26: That the NSW and Australian Governments invest \$2.6 billion annually over the next 10 years to build 5,000 additional units of social housing each year, to drive economic recovery and address the homelessness and housing affordability crisis right across NSW and build resilience for future crises.



Recommendation 27: That the NSW Government investigate alternative social and affordable housing models and commit to deliver social and affordable housing targets.



Recommendation 28: That the NSW and Australian Governments take action to reduce housing disadvantage impacting Aboriginal people in NSW.



Recommendation 29: That NSW government works with councils to develop local affordable housing contributions schemes under Division 7.2 of the EPA Act to establish opportunities for contributions to be directed to appropriate affordable housing targets.

Emergency accommodation

Councils welcome urgent efforts to provide immediate housing post flooding, including caravans and temporary accommodation pods that support displaced people remaining within their communities.

It would be helpful, however, to have a pre-existing understanding of the emergency accommodation that is available for each area. To this end, a regular audit of available emergency housing options would help the government understand areas at particular risk of severe accommodation pressures post disaster.



Recommendation 30: That the NSW Government fund and coordinate a continuous audit of emergency accommodation options and potential needs in communities across the state.

Roads and bridges

The 2022 floods have caused enormous damage to roads and bridges across the state and have devastated local roads in the Northern Rivers region of NSW. The cost of repairs to local roads is expected to exceed \$1 billion in this region alone. State roads assets were relatively unscathed. Much of the damage was caused by major landslips that have added to repair costs and hindered both response and recovery efforts. The damage bill far exceeds assistance that will be received under the standing Disaster Recovery Funding Arrangements (DRFA) and is well beyond the financial capacity of the affected councils. Councils require additional recovery funding from both the State and Federal Governments. Senior Government officials acknowledge this and support local government's call for additional assistance.

It is also widely recognised that it is not sufficient to simply repair the roads and bridges to their previous operational state. It is essential that we build back better. This may involve building more resilient infrastructure or relocating infrastructure. Many of the affected areas have experienced two or in some cases, three major floods in the past three years and the consensus that natural disasters are likely to more frequent and intense in future as a result of climate change. It makes absolutely no economic sense to simply restore infrastructure and then have to do the same thing again in 2-3 years' time.

Extended periods of isolation as a result of damaged roads and bridges compounds wellbeing and economic impacts of natural disasters, particularly as residents in many cases were unable to travel to their jobs. In the case of Byron Shire approximately 2,000 people work outside of the LGA. When roads were cut, there was a direct impact on service delivery and the ability of businesses to operate. For the many people whose vehicles were destroyed, isolation impacts are particularly heightened.



Recommendation 31: That the State and Federal Governments provide increased funding to impacted councils over and above that provided

under the Disaster Recovery Funding Arrangements to build back more resilient local roads and bridges.

Landslips on private property

Apart from the damages to local roads, councils also report that landslips have caused major damage to private access roads cutting residents off from local access roads.

The residents often do not have capacity to deal with landslides on their own private property, and councils are not funded or resourced to assist in these circumstances. The Australian Defence Force similarly has advised councils that responding to landslips on private property is beyond its remit. Tweed Shire has reported instances of residents having to walk significant distances to access their properties even more than two months after the flooding event.

Residents in these circumstances require urgent assistance.



Recommendation 32: The NSW Government consider how it can best support residents in responding to landslips on private property.

Water and sewerage infrastructure

Local government owns and manages the water and sewage services and infrastructure in all areas of NSW outside the Sydney and Hunter regions. Floods have caused damage to water and sewerage infrastructure across the state and have wreaked havoc in the Northern Rivers Region. Much of this damage has also resulted from landslips that have broken water and sewerage mains in many locations.

The failure of sewerage infrastructure and infrastructure required to provide potable water to communities presents serious health and environmental risks that must be dealt with urgently.

LGNSW commends councils, working in cooperation with State agencies DPE Water, Public Works Advisory and NSW Health on their ability to quickly restore potable water supplies and restore sewage treatment operations.

Local Water Utilities (LWUs) are not currently covered by the DRFA and the costs of repairing or replacing infrastructure damaged or destroyed by natural disasters is carried by the LWUs and the communities they service. LGNSW has consistently argued over many years that water and sewerage infrastructure is essential and should be treated as essential infrastructure under the DRFA, like roads and bridges. There is nothing more essential than safe water and sewage services.

LGNSW commends the NSW Government decision to provide disaster recovery funding of \$140 million over and above the DRFA to repair water and sewerage infrastructure in the Northern Rivers regions. This will include building more resilient infrastructure and relocating infrastructure in some instances.



Recommendation 33: That the Disaster Recovery Funding Arrangements be amended to include water and sewerage as essential public infrastructure permanently.

Community recovery officers

Dedicated Community Recovery Officers in councils, jointly funded by the Australian and NSW Government, contributed enormously to the recovery and resilience of communities following the severe 2019/20 bushfires.

The officers are embedded in councils and are responsible for the development of a range of recovery initiatives alongside community groups and stakeholders, ensuring community recovery needs are understood and that recovery information, events and activities can be tailored to meet local needs.

Community recovery is a long, and at times, slow process and requires a long-term commitment from the NSW Government to ensure the vibrancy and sustainability of disaster affected communities.



Recommendation 34: The NSW and Australian Governments should provide 5-year funding for the engagement and continuation of Community Recovery Officers in councils to meet long term recovery needs tailored to each local area.

Culture and the arts in recovery

LGNSW is a member of the National Taskforce for Creative Recovery, which has been meeting monthly for the past six months. The Taskforce is an initiative of the [Creative Recovery Network](#), and funded by the Australian Government to foster a greater understanding of the role of culture and the arts in strengthening recovery capability. The taskforce will seek to advocate for the consideration of arts and culture in the vital work of disaster preparedness, response and recovery. The Taskforce will soon release a Creative Recovery Handbook with practical steps and case studies from previous disasters.

One successful example of creative recovery that is already occurring in the flood affected Northern Rivers is the 'One from the Heart' music concert hosted by Lismore City Council on Sunday 15 May, with a \$75,000 contribution from the NSW Government. More than 13,000 residents were able to come together for the concert after months of crisis.



Recommendation 35: That the NSW Government embed the practices from the upcoming Creative Recovery Taskforce's Handbook into disaster preparedness and recovery, as a way to strengthen social cohesion.

Mental health services

Access to mental health services in rural and regional areas is an ongoing matter of concern. This is particularly the case following emergency and disaster recovery situations, but many rural and regional areas struggle to fill vacant psychology and health and wellbeing positions even in the absence of these catalysts.

Young people in particular experience higher levels of suicide in rural and regional communities, worsened by a lack of youth counselling services, programs and centres. Councils across NSW operate youth centres and services, but often cannot fund these for full time staff or hours of operation. Improved funding for services supporting youth and community wellbeing will improve the resilience of communities post disaster. There is a clear need for increased funding for specialised and appropriate youth services, counselling and support – particularly in disaster affected communities.

Targeted long-term funding is required to deliver resilience programs in various settings to children from pre-school up to high school. It is important that this funding is provided over a period of years (not just one to two years), in recognition that recovery from significant trauma takes years rather than months, and that children and young people are particularly sensitive to community upheaval.

This issue is at the forefront of many councils' concerns. A resolution of the 2020 LGNSW Annual Conference calls for the NSW and federal governments to investigate and explore a partnership between local government and Headspace National Youth Mental Health Foundation to ensure young people in rural, remote, isolated and public transport deprived areas gain access to appropriate and relevant youth mental health services.

At the 2022 LGNSW Special Conference, councils resolved to call for the NSW and Australian Governments to address the mental health crisis for all people and ensure adequate access to emergency and specialist treatment, intervention, acute and inpatient services, including consistency of access across rural, regional and metropolitan NSW.



Recommendation 36: That the NSW Government increase funding for specialised and appropriate youth and community mental health and wellbeing services to bolster resilience.



Recommendation 37: That the NSW and Australian Governments investigate and explore a partnership between councils and Headspace to ensure young people in rural, remote, isolated and public transport-deprived areas gain access to appropriate and relevant youth mental health services.

Youth Action, the peak body for young people in NSW, has recently released the new Ask for Health website which has been co-designed by young people and funded by NSW Ministry of Health. The website gives young people in NSW greater

confidence in navigating the health system. As part of longer-term recovery, this website should be promoted by NSW Health in disaster-affected areas.



Recommendation 38: That NSW Health refer young people in disaster impacted areas to the new Ask for Health website.

Participation of children and young people

The *Children's Guardian Act 2019* requires implementation of the [Child Safe Standards](#), to ensure children are afforded rights, safety and participation in their communities to ultimately prevent neglect and abuse. Prescribed Government Agencies are preparing Child Safe Action Plans which are due February 2023. Post-disaster, it is especially important for agencies to adhere to Child Safe Standard number 2 to ensure children are not the forgotten victims of floods. Standard number 2 calls for children to participate in decisions affecting them and be taken seriously.



Recommendation 39: That during post-disaster consultation with the community, children and young people are given a chance to input appropriately about how they are coping, what would help them recover and how they would like to see towns, homes and schools rebuilt.

OTHER MATTERS

1. f. Any other matters that the inquiry deems appropriate in relation to floods

Emergency response to floods – human and capital resourcing

All parties directly involved in the flood response should be commended for their efforts in dealing with this devastating disaster. This includes the SES as lead agency with support from the Rural Fire Service (RFS), Fire and Rescue NSW, councils and the Australian Defence Force.

This no doubt reflects the relatively large increases in resourcing the combat agencies have received from the state budget over successive years. Between 2009-10 and 2019-20, for example, recurrent funding for the combined emergency services increased by 66 per cent, from \$856.3 million to \$1,420.9 million, an average of 6.6 per cent per annum. State budget funding for the SES and RFS more than doubled over the period, with average annual increases of 11.5 per cent and 10.6 per cent respectively. This has translated into a substantial increase in the number of emergency services personnel servicing the NSW community, increasing from 56.9 per 100,000 residents in 2008/09 to 67.8 per 100,000 residents in 2017/18.

Despite funding increases, the flood disaster, like the Black Summer Bushfires disaster, also revealed our high level of dependency on volunteers, both official and unofficial community based, in providing response capability and capacity. This reliance on volunteers is particularly evident in regard to the SES and RFS and is critical to their effectiveness. Combined, they depend upon over 66,700 volunteers, the highest number of volunteers per 100,000 people in Australia, the majority of volunteers being with the RFS. The SES, however, has only around 10,000 volunteers and only 330 full time equivalent paid staff.

Volunteering needs to be preserved and strengthened into the future. This requires all spheres of government to provide appropriate support and encouragement. Councils, particularly in rural and regional areas, are strong supporters of volunteerism, with many staff and Councillors being active volunteers in the emergency services and other community groups.



Recommendation 40: That this Inquiry go beyond the terms of reference to recognise and document the important role of volunteers, to investigate and report on measures required to support volunteerism and to propose a separate review of volunteerism.

Past and existing local government grant-funded programs have also faced setbacks and delays due to flood and storm damage, as well as the diversion of local government time and resources to respond to the flooding. For example, the Greening our City program supports Greater Sydney councils to enhance urban tree canopy but some projects saw tree saplings washed away. In one project, Camden

Council lost 70 per cent of its tubestock and requires additional funding for activities including site clean-up, weed control, site preparation, re-purchase of plants and re-installation.



Recommendation 41: The NSW Government should provide additional support and flexibility to all grant-funded projects where the delivery has been impacted, through additional funding or extensions to grant deadlines.

Human resourcing constraints – particularly post disaster

Local councils play a significant role in both risk management and disaster recovery. However, most councils do not have sufficient resources to separate these roles, meaning when a disaster occurs, a council's risk mitigation can be put on hold for extended periods of time while the focus is on response and recovery. Additional human resourcing is critically needed in councils to respond to disasters and to continue longer term work to improve resilience.

To claim expenses for additional resourcing under the Disaster Recovery Funding Arrangements, councils need to either recruit externally or redeploy and backfill staff, which requires valuable time unavailable to most councils during a crisis. Surge capacity could be provided by the NSW Government to be deployed in councils during large scale disaster events.

The NSW Government should also consider funding standalone resilience and emergency management resources within councils.



Recommendation 42: The NSW Government should offer direct funding to support resilience and emergency management functions within councils, including the role of Local Emergency Management Officer.

The scale of the 2022 flooding events also revealed broader deficiencies in response capacity, capability and resilience. These deficiencies need to be addressed by governments so that we are better prepared for future disasters.

Funding fire and emergency services

The flood disaster has renewed focus on the funding model for emergency services in NSW (RFS, FRNSW and the SES). It highlights the need for the emergency services to have a strong funding base, but it has also highlighted the need for the funding model to be equitable, sustainable, transparent and accountable.

Under current arrangements the combined emergency services budget is funded by:

- 73.7 per cent - Emergency Services Levy (ESL) on insurance companies, passed on to insurance policy holders,
- 11.7 per cent - ESL on councils,
- 14.6 per cent - NSW Government.

The flood disaster and the Black Summer Bushfires have also highlighted the need for the funding model to be equitable and sustainable.

The current funding model is neither equitable nor sustainable for local government. Major cost impositions on local government include the ESL, depreciation of RFS assets and the costs of providing SES facilities.

Emergency Services Levy (ESL)

Councils are struggling with the ever-increasing cost of the ESL. Steep annual increases over the past decade and the particularly large increases in 2020/21 and in 2022/23 are eroding council budgets to the extent that the ability of many councils to maintain core spending on infrastructure and services is severely impacted.

The ESL on councils is inequitable as it does not apply consistently or equitably across councils. While the levy is now collected centrally through Revenue NSW, each of the emergency services have different budgetary structures and cost allocation mechanisms, which also vary across regions.

This complex budgetary process is largely incomprehensible to councils and the general public. Beyond the lack of transparency in the budgetary process, one of the consequences of these arrangements is that the cost burden occurs disproportionately across councils and therefore ratepayers. The cost burden on councils is greatest on rural and regional councils with small rate bases and a relatively large RFS component. Further, many councils in regional areas and those on the urban fringe also carry both a large RFS component and a large NSW Fire and Rescue component, raising costs further.

As an example, in 2020/21 the 2.6 per cent rate peg provided an additional \$120,000 in revenue to one rural council. However, \$81,000 or 67.5 per cent of this increase was consumed by the increase in ESL leaving little to offset increases in other expenses like wages, building materials, fuel and electricity, let alone unanticipated disaster recovery costs. Many councils have already been pushed into deficit by the ESL and several will find themselves in serious financial difficulty if the current funding arrangements continue. Clearly, a pathway where increases in the ESL exceed increases in council rate revenue cannot be sustained.

The State Government has implicitly recognised the impact of the ESL by providing rebates to assist councils with large increases in in the ESL in 2019/20 (\$16.4 million), 2020/21 (\$32.8 million), 2021/22 (\$4.9 million) and \$43 million (2022/23). While these measures are welcome, they only provide a temporary reprieve. The increases in those years will form part of the cost base for future years which will have to be fully funded by councils.

LGNSW has long advocated for the introduction of a broad-based property levy to replace the ESL on both insurance policies and councils. This methodology has been proven with NSW now the only mainland state that does not fund its fire services by a broad-based property levy. NSW was heading down this path with the

proposed FESL (2017), but this model was deficient as in contrast to other states, it excluded replacement of the ESL on councils, only replacing insurance levies.

These views have been supported by numerous inquiries and reviews of fire and emergency services funding over decades. Most notably this includes 2009 Victorian Bushfires Royal Commission which concluded that the lack of equity and transparency in the current arrangements (the Victorian model was similar to the current NSW model) amounts to a good reason for moving to another system. It recommended that the State replace the Fire Services Levy with a property-based levy and introduce concessions for low-income earners (Recommendation 64).



Recommendation 43: That the Inquiry recommend the NSW Government restricts the annual increase in each council's emergency services contribution to the rate peg limit, with the NSW budget to fund any shortfalls, and that this remains in place until a broad-based property levy is implemented.

Wildlife and conservation

The full impact of the flooding on wildlife, conservation and ecological communities is still unknown. Studies are needed to assess the short- and long-term impacts and monitor any ongoing issues.

While some ecological communities benefit from regular flooding, we know that many species of wildlife and vegetation have been severely affected and will take time to recover. Additional resources will be required to support their recovery at a time when council resources are already stretched and existing environmental projects have faced setbacks.

Many species of animals are often displaced, injured or perish during large flooding events. Land-dwelling animals can become trapped by flood waters while birds can struggle to find shelter and become waterlogged. Displaced animals are also more vulnerable to predation by feral animals, traffic accidents and diseases.

Wildlife rescue efforts were hampered due to the floodwater and landslips blocking off roads, and veterinary centres being forced to close. The adverse impact of flooding on wildlife continues following the event due to the spread of waterborne diseases and damage to ecosystems. Vegetation and critical food sources were washed away, and floodwaters can be highly polluted, poisoning the flora and fauna.

LGNSW supports immediate recovery actions which include feral animal and weed control measures, seed banks, supporting surviving populations with supplementary food, water and shelter. Ongoing support to local community wildlife carers groups is needed and an ongoing investment in research into flood impacts on animals and plants through on-ground surveys and remote cameras tracking animal movements. The results of detailed analysis of wildlife and conservation impacts will inform councils need for further environmental protections and management actions, including potential impacts on future development decisions. Councils need access to post flooding mapping and analysis in a timely way to identify local biodiversity

impacts and priorities for on-ground actions. Mapping wildlife refuges as assets and prioritising these areas for protection is needed, noting these may require management treatments.

-  **Recommendation 44:** The NSW Government should carry out a full assessment of the impacts of the flooding on wildlife and vegetation, as well as on the delivery of environmental projects. This should include recommendations on supporting the current recovery and minimising the impact of any future flooding.
-  **Recommendation 45:** Relevant Government departments to provide councils with access to post flooding mapping and assessments to prioritise the protection of areas providing wildlife refuges, and to identify weed threats at a local level.
-  **Recommendation 46:** The NSW Government allocate additional resources to councils to manage priority weed threats emerging as a result of the flooding.

SUMMARY OF RECOMMENDATIONS

| Preparation and Planning | |
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| 1 | That the NSW and Australian Governments place greater emphasis on supporting and resourcing adaptation actions, which can reduce the need for, or severity of, emergency responses. |
| 2 | That the NSW Government extend funding for the Floodplain Management Program to enable a greater number of projects that are aimed at mitigating future flood risks, based on predictions of a changing climate. |
| 3 | That the NSW Government enable a special purpose one per cent increase in local government rates over and above the rate peg to fund resilience and adaptation measures for current and future climate risks. |
| 4 | That the NSW Government review existing provisions to more fully support relocations and compensation for landowners where changes in land use occur. |
| 5 | That the NSW Government should work with local government and industry on policy initiatives in the NSW planning system that will help deliver more resilient and sustainable homes, buildings and places. |
| 6 | That the NSW Government work with the Australian Government to fast-track investment in actions to improve resilience and reliability of critical communications networks. |
| 7 | That the NSW Government provide more regular disaster preparedness information to communities to provide a baseline of disaster response actions for situations where telecommunications access is lost. |
| 8 | That the NSW Government improve public awareness of the risks of disruptions to water supply and sewage services during a natural disaster, and the steps that individuals can take in advance to prepare. |
| 9 | That the NSW Government work with local governments to identify alternative routes to vulnerable roads, and that the NSW and Australian Governments fund the construction of these important routes to improve evacuation and access options in times of disaster. |

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| <p>10</p> | <p>That the NSW and Australian Governments fully fund the clean-up of damaged or destroyed buildings and structures, particularly those that contain asbestos, following natural disasters.</p> |
| <p>11</p> | <p>That the NSW Government support the EPA to continue to develop and implement the Emergency Waste Sub Plan, specifically the emergency waste toolkit for councils.</p> |
| <p>12</p> | <p>That the NSW Government continue to support the EPA and regional waste groups to develop regional plans for emergency/disaster waste management. These plans should include detail on how to manage deceased animals, asbestos and contaminated or hazardous materials, as well agreements between councils on supporting each other during future emergencies.</p> |
| <p>13</p> | <p>That the Environment Protection Authority fund the establishment and operation of an Asbestos Emergency Management Flying Squad (AEMFS). The AEMFS would provide expert advice and guidance to councils on the remediation of asbestos contamination or disturbance of any asbestos material, including naturally occurring, during or following a natural disaster or emergency. The AEMFS could consist of a group of suitably experienced and qualified people in asbestos management providing expert guidance to Recovery Committees, Local Emergency Management Officers, and other council staff.</p> |
| <p>14</p> | <p>That the NSW Government adequately fund the Environment Protection Authority to develop a more strategic approach to planning for and responding to asbestos waste disposal requirements following natural disasters. This could be in line with the NSW Asbestos Waste Strategy 2019/21:</p> <ul style="list-style-type: none"> • NSW government and EPA work with regional waste facilities to build capacity, as well as expand capability, with landfill staff to safely and lawfully plan for and manage large-scale asbestos waste disasters, • NSW government and EPA work with emergency services to ensure mechanisms are in place to swiftly handle asbestos waste after disasters. |
| <p>15</p> | <p>That the NSW Asbestos Co-ordination Committee led by the EPA prioritise a comprehensive scientific review of communications materials provided to community about the actual and perceived risks of asbestos post flooding to ensure consistent messaging is available for future events.</p> |

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| 16 | That the NSW government review vendor disclosure laws and consider introducing regulation that requires a building or homeowner to disclose the prevalence of asbestos when selling a property. |
| 17 | That the NSW Government ensure cohorts with additional or complex needs have their voices included and needs considered in emergency management planning. |
| Responses | |
| 18 | The SES should be better equipped and resourced, including with reliable communications suitable for the increasing severity and frequency of disasters. |
| 19 | The NSW Government should work to better incorporate local road closures onto the Live Traffic website, to provide the community with a more complete and current understanding of available evacuation routes. |
| 20 | The NSW Government should assume ownership of rain and river level gauges across NSW to ensure consistency, a minimum standard of gauges and better information sharing across whole catchments. |
| 21 | The NSW Government should explore options for digitalisation of gauge systems, including more sophisticated gauge systems and sensors linked to early warning alerts. |
| Transition from response to recovery | |
| 22 | That the NSW Government commit to making the Local Government Emergency Recovery Support Group operational more urgently following future natural disaster events. |
| Recovery | |
| 23 | <p>That the Inquiry explicitly acknowledge the importance of betterment and mitigation in making communities more resilient to future natural disaster events and recommend:</p> <ul style="list-style-type: none"> • The DRFA be amended to include betterment funding, • DRFA eligibility criteria be extended to include local waste and water utility infrastructure, • Increased mitigation funding under the Federal Emergency Response Fund, • That betterment and mitigation be included as priorities of the National Recovery and Resilience Agency. |

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| 24 | That the NSW Government commit to an evaluation of the Northern Rivers Reconstruction Corporation in consultation with all stakeholders to consider whether this model could be applied following future major natural disasters. |
| 25 | That the NSW Government lead coordinated and innovative action across all levels of government to re-house people in the medium and long term following floods. |
| 26 | That the NSW and Australian Governments invest \$2.6 billion annually over the next 10 years to build 5,000 additional units of social housing each year, to drive economic recovery and address the homelessness and housing affordability crisis right across NSW and build resilience for future crises. |
| 27 | That the NSW Government investigate alternative social and affordable housing models and commit to deliver social and affordable housing targets. |
| 28 | That the NSW and Australian Governments take action to reduce housing disadvantage impacting Aboriginal people in NSW. |
| 29 | That NSW government works with councils to develop local affordable housing contributions schemes under Division 7.2 of the EPA Act to establish opportunities for contributions to be directed to appropriate affordable housing targets. |
| 30 | That the NSW Government fund and coordinate a continuous audit of emergency accommodation options and potential needs in communities across the state. |
| 31 | That the State and Federal Governments provide increased funding to impacted councils over and above that provided under the Disaster Recovery Funding Arrangements to build back more resilient local roads and bridges. |
| 32 | The NSW Government consider how it can best support residents in responding to landslips on private property. |
| 33 | That the Disaster Recovery Funding Arrangements be amended to include water and sewerage as essential public infrastructure permanently. |
| 34 | The NSW and Australian Governments should provide 5-year funding for the engagement and continuation of Community Recovery Officers in councils to meet long term recovery needs tailored to each local area. |
| 35 | That the NSW Government embed the practices from the upcoming Creative Recovery Taskforce's Handbook into disaster preparedness and recovery, as a way to strengthen |

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| | social cohesion. |
| 36 | That the NSW Government increase funding for specialised and appropriate youth and community mental health and wellbeing services to bolster resilience. |
| 37 | That the NSW and Australian Governments investigate and explore a partnership between councils and Headspace to ensure young people in rural, remote, isolated and public transport-deprived areas gain access to appropriate and relevant youth mental health services. |
| 38 | That NSW Health refer young people in disaster impacted areas to the new Ask for Health website. |
| 39 | That during post-disaster consultation with the community, children and young people are given a chance to input appropriately about how they are coping, what would help them recover and how they would like to see towns, homes and schools rebuilt. |
| 40 | That this Inquiry go beyond the terms of reference to recognise and document the important role of volunteers, to investigate and report on measures required to support volunteerism and to propose a separate review of volunteerism. |
| 41 | The NSW Government should provide additional support and flexibility to all grant-funded projects where the delivery has been impacted, through additional funding or extensions to grant deadlines. |
| 42 | The NSW Government should offer direct funding to support resilience and emergency management functions within councils, including the role of Local Emergency Management Officer. |
| 43 | That the Inquiry recommend the NSW Government restricts the annual increase in each council's emergency services contribution to the rate peg limit, with the NSW budget to fund any shortfalls, and that this remains in place until a broad-based property levy is implemented. |
| 44 | The NSW Government should carry out a full assessment of the impacts of the flooding on wildlife and vegetation, as well as on the delivery of environmental projects. This should include recommendations on supporting the current recovery and minimising the impact of any future flooding. |

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| 45 | Relevant Government departments to provide councils with access to post flooding mapping and assessments to prioritise the protection of areas providing wildlife refuges, and to identify weed threats at a local level. |
| 46 | The NSW Government allocate additional resources to councils to manage priority weed threats emerging as a result of the flooding. |

LGNSW would welcome the opportunity to assist with further information during this review. To discuss this submission further, please contact LGNSW Executive Manager Advocacy Damian Thomas at damian.thomas@lgnsw.org.au or on 02 9242 4063.