

# **Draft Submission NSW Independent Bushfire Inquiry**

April 2020

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## Opening

Thank you for the opportunity to make a submission to the NSW Independent Bushfire 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 is a draft submission awaiting review by the LGNSW Board. Any revisions made by the Board will be forwarded in due course.

## Background

The NSW Government has commissioned an independent expert inquiry into the 2019-20 bushfire season to provide input to NSW ahead of the next bushfire season.

Dave Owens APM, former Deputy Commissioner of NSW Police, and Professor Mary O’Kane AC, Independent Planning Commission Chair and former NSW Chief Scientist and Engineer, are leading the six-month inquiry, which is reviewing the causes of, preparation for and response to the 2019-20 bushfires.

LGNSW greatly welcomes this inquiry, which at its core will look at the improvements the NSW Government and community can make to our planning for, management of and recovery from wide-scale bushfires. Most critically, we hope the Inquiry will put greater emphasis on preparation and building resilience of NSW communities to withstand ever-increasing events of this nature.

### Extent of 2019-2020 fires in NSW

The media release from the NSW RFS<sup>1</sup> dated 31 March 2020 stated that 2019-2020 was “*the most devastating bush fire season in the state’s history*”, and highlighted the following statistics:

- more than 11,400 bush and grass fires;
- more than 5.5 million hectares (6.2% of the state) burnt;
- 2,448 homes destroyed; and
- tragically 25 lives lost, including three NSW RFS volunteers and three US aerial firefighters.

Based on current data<sup>2</sup> the fire ground in NSW covers 5.4 million hectares (7% of the state), including 2.7 million hectares in national parks (37% of the NSW park system).

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<sup>1</sup> [https://www.rfs.nsw.gov.au/\\_data/assets/pdf\\_file/0003/171921/200331-End-of-season-20.pdf](https://www.rfs.nsw.gov.au/_data/assets/pdf_file/0003/171921/200331-End-of-season-20.pdf)

<sup>2</sup> <https://www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/fire/park-recovery-and-rehabilitation/recovering-from-2019-20-fires/understanding-the-impact-of-the-2019-20-fires>

The 2019-2020 bushfires were unprecedented in their scale, with 50 of NSW's 128 local government areas (LGAs) subject of natural disaster declarations<sup>3</sup>. The extensive impact of the bushfires together with the prolonged drought on councils across NSW can be seen in [appendix 2](#).

## Terms of reference

The Inquiry is to consider, and report to the Premier on the following matters:

1. The causes of, and factors contributing to, the frequency, intensity, timing and location of, bushfires in NSW in the 2019-20 bushfire season, including consideration of any role of weather, drought, climate change, fuel loads and human activity.
2. The preparation and planning by agencies, government, other entities and the community for bushfires in NSW, including current laws, practices and strategies, and building standards and their application and effect.
3. Responses to bushfires, particularly measures to control the spread of the fires and to protect life, property and the environment, including:
  - immediate management, including the issuing of public warnings
  - resourcing, coordination and deployment
  - equipment and communication systems.
4. Any other matters that the inquiry deems appropriate in relation to bushfires.

And to make recommendations arising from the Inquiry as considered appropriate, including on:

5. Preparation and planning for future bushfire threats and risks.
6. Land use planning and management and building standards, including appropriate clearing and other hazard reduction, zoning, and any appropriate use of indigenous practices.
7. Appropriate action to adapt to future bushfire risks to communities and ecosystems.
8. Emergency responses to bushfires, including overall human and capital resourcing.
9. Coordination and collaboration by the NSW Government with the Australian Government, other state and territory governments and local governments.
10. Safety of first responders.
11. Public communication and advice systems and strategies.

***The deadline for submissions is 17 April 2020.***

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<sup>3</sup> <https://www.emergency.nsw.gov.au/Pages/publications/natural-disaster-declarations/2019-2020.aspx>

## Response

### 1. Causes of and factors contributing to bushfires

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 relationship of bushfire danger with climate change is summarised well in *Development in Australian bushfire prone areas*:

*“The extent, frequency and intensity of future bushfire events is on the rise. Research has shown that climate change is bringing on extreme weather events with lengthened fire seasons since around 1970 (Clarke et al, 2012; Climate Institute, 2016; Climate Council, 2018).*

*The average temperature has risen across the continent by almost 1°C since Federation, while rainfall in many areas has dramatically fallen from long-term averages. All but one of the ten hottest years on record have occurred since 2005 (Bureau of Meteorology, 2019). Widespread warmer and drier weather has moved from severe through to catastrophic weather conditions, including that which promotes bushfires. In summary, the areas affected by bushfire have broadened, the fire season has extended and the opportunity for hazard reduction between fire seasons is much reduced (Climate Council, 2018; Hamilton, 2019).”<sup>4</sup>*

The increasing risk and effect of climate change is also highlighted in *Planning and bushfire risk in a changing climate*:

*“bushfire is an increasingly important element of risk to be managed in Australian coastal environments. The climate change projections indicate that coastal environments particularly in the SE and SW of Australia will become hotter and drier, increasing the potential for bushfire risk. At that same time these areas are experiencing increasing urban development. The combined effect is greater exposure for coastal communities to bushfire risk.”<sup>5</sup>*

Commenting on the bushfires across the Christmas and New Year period in 2019/20, the President of the Australian Academy of Science, Professor John Shine, observed that:

*“the scientific evidence base shows that as the world warms due to human induced climate change, we experience an increase in the frequency and severity of extreme weather events...Bushfires, along with other weather and climate challenges, pose complex and wide-ranging problems. Population growth, climate change, temperature extremes, droughts, storms, wind and floods are intersecting in ways that are difficult to untangle and address...there is already abundant evidence available to help us*

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<sup>4</sup> <https://www.architecture.com.au/wp-content/uploads/Development-in-Australian-bushfire-prone-areas-Australian-Institute-of-Architects.pdf>, p 2-3

<sup>5</sup> [https://www.bushfirecrc.com/sites/default/files/urban\\_and\\_regional\\_planning.pdf](https://www.bushfirecrc.com/sites/default/files/urban_and_regional_planning.pdf), p 54

*understand the environment we live in and to design and build the future we want for Australia.*<sup>6</sup>

Climate change and bushfires are significant issues for local government in NSW. Events such as record-breaking heat waves, extreme and prolonged drought conditions, and increased risk and intensity of bushfire pose significant risk to local governments in NSW and their ability to deliver on their responsibilities to their communities. NSW councils resolved a number of positions at the 2019 Annual Local Government Conference<sup>7</sup> in recognition that communities across NSW are facing these and other impacts of climate change.

## **2. Preparation and planning – current laws, practices and strategies, and application of building standards**

Under Australia's emergency management arrangements, state and territory organisations have primary responsibility for bushfire safety. As such, the process for identifying bushfire prone land and regulating development in these areas differs between each state and territory. An overview of the different approaches is provided in *Development in Australian bushfire prone areas*<sup>8</sup>.

### **National standards**

While the approach to bushfire management varies between each state and territory, there is one national Australian Standard AS 3959:2018 *Construction of buildings in bushfire-prone areas*. This specifies requirements to improve a building's resistance to bushfire attack from burning embers, radiant heat, flame contact and combinations of the three attack forms.

The National Construction Code (NCC) mandates application of this standard across Australia, with most states and territories introducing localised changes to their planning regimes for greater bushfire protection.

AS 3959 divides bushfire prone areas into six bushfire attack levels (BAL)<sup>9</sup> to quantify the risk of bushfire attack, ranging from 'low' to 'flame zone'. The BAL is based on the severity of the building's potential exposure to ember attack, radiant heat and direct flame contact:

- BAL-LOW - very low risk
- BAL-12.5 - low risk
- BAL-19 - moderate risk
- BAL-29 - high risk
- BAL-40 - very high risk
- BAL-FZ - extreme risk (Flame Zone)

The BAL takes into consideration a number of factors, including the location, the types of surrounding vegetation, the proximity of vegetation to any building and the slope of the land.

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<sup>6</sup> <https://www.science.org.au/news-and-events/news-and-media-releases/statement-regarding-australian-bushfires>

<sup>7</sup> <https://www.lgns.gov.au/files/imce/uploads/90/2019-LGNSW-Annual-Conference-resolutions.pdf>

<sup>8</sup> <https://www.architecture.com.au/wp-content/uploads/Development-in-Australian-bushfire-prone-areas-Australian-Institute-of-Architects.pdf>, p 10-11

<sup>9</sup> <https://www.rfs.nsw.gov.au/plan-and-prepare/building-in-a-bush-fire-area/building-after-bush-fire/your-level-of-risk>

The level of bush fire risk in turn affects development requirements – the higher the risk, the more protection is needed.

## **NSW framework**

### Development regulations

The framework for development on bushfire prone land<sup>10</sup> is set out in *Planning for Bush Fire Protection 2019* (PBP). The planning and building regulations for bush fire protection in NSW have been in place since 2002, requiring all new development on bush fire prone land in NSW to comply with the requirements of *Planning for Bush Fire Protection 2019* (PBP) and Australian Standard 3959. The *Environmental Planning and Assessment Act 1979* (section 4.14) and the *Rural Fires Act 1997* (section 100B) require all new development on bushfire prone land to comply with *Planning for Bushfire Protection 2019*. The NSW Government enacted these legislative changes in 2002 in response to past bushfire events and the significant losses of life and property, to ensure bushfire matters were considered in the development process.

The PBP provides the foundation for bush fire protection at both the strategic planning stage and during development assessment. Councils are required to consult the NSW Rural Fire Service when preparing their draft local environmental plans (LEPs) for land identified as being bushfire prone. In addition, all development on bushfire prone land must meet the requirements of PBP, unless the consent authority has consulted with the NSW Rural Fire Service. Building work on bushfire prone land must also comply with the requirements of the National Construction Code (NCC).<sup>11</sup>

These provisions provide clear directions on designing and buildings homes to be better protected from bush fire impacts. Protection measures include asset protection zones (vegetation management), access, landscaping, water supply, building design and construction. These measures assist building survival during a bush fire and contribute to the safety of fire-fighters. “Unfortunately, the majority of buildings in bush fire prone areas pre-date these regulations, meaning that most existing houses are at an increased risk of damage or loss from a bush fire.”<sup>12</sup> As a guide for upgrading existing buildings in bush fire prone areas to increase their resilience from bush fire attack, the NSW RFS has also developed *Development in bush fire prone areas*.<sup>13</sup>

### Bushfire Prone Land

Bushfire prone land is an area of land that can support a bushfire or is likely to be subject to bushfire attack. Bushfire Prone Land Maps identify areas within each local government area

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<sup>10</sup> <https://www.planning.nsw.gov.au/Policy-and-Legislation/Managing-risk-in-land-use-planning/Bushfires/Development-Regulations>

<sup>11</sup> [https://www.rfs.nsw.gov.au/\\_data/assets/pdf\\_file/0005/130667/Planning-for-Bush-Fire-Protection-2019.pdf](https://www.rfs.nsw.gov.au/_data/assets/pdf_file/0005/130667/Planning-for-Bush-Fire-Protection-2019.pdf), p 18

<sup>12</sup> [https://www.rfs.nsw.gov.au/\\_data/assets/pdf\\_file/0018/4365/Building-Best-Practice-Guide.pdf](https://www.rfs.nsw.gov.au/_data/assets/pdf_file/0018/4365/Building-Best-Practice-Guide.pdf), p 1

<sup>13</sup> [https://www.rfs.nsw.gov.au/\\_data/assets/pdf\\_file/0018/4365/Building-Best-Practice-Guide.pdf](https://www.rfs.nsw.gov.au/_data/assets/pdf_file/0018/4365/Building-Best-Practice-Guide.pdf)



that are prone to bushfires. These maps are prepared by local councils and certified by the Commissioner of the NSW Rural Fire Service.

Within the mapped bushfire prone land, proposals for new development and alterations and additions, that trigger development applications, need to meet the relevant specifications and requirements of the NSW RFS *Planning for Bush Fire Protection 2019*. This document also requires development to meet *Australian Standard AS3959-2009 Construction of buildings in bushfire-prone areas*. Development applications on bush fire prone land are required to include a Bush Fire Assessment Report.

However, in some cases building work may not require development consent and can proceed through the Exempt or Complying Development process if the development type is covered by *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* and the development meets the standards and requirements of this policy.

**Recommendation 1:** Due to the significant loss of life and property during the 2019-2020 bushfire season, it is recommended that additional resources be made available to enable affected councils and the NSW RFS and other relevant stakeholders to undertake a review of bushfire prone land maps based on latest research and information.

### Asset Protection Zones

An asset protection zone (APZ) “is a buffer zone between a bush fire hazard and buildings”<sup>14</sup>. These buildings may include residential, industrial, commercial or heritage buildings or any major building such as farm and machinery sheds. The appropriate distance for each APZ is based on a number of factors including vegetation type, slope and the nature of the development. If the APZ is designed correctly and maintained, it is intended to reduce the risk of direct flame contact and ember attack on assets and reduce the damage to the buildings and structures from intense radiant heat.

The recent RFS document, *Planning for Bush Fire Protection 2019*<sup>15</sup> contains detailed information relating to APZs including Appendix 4 which identifies requirements and standards which need to be met within an APZ.

The RFS has also published standards and a detailed guide for asset protection zones and landscaping in *Standards for Asset Protection Zones*<sup>16</sup>. This document highlights the importance of ongoing maintenance of the APZ to ensure protection from the impact of bush fires.

**Recommendation 2:** It is recommended that the requirements and guidelines for APZs contained in the abovementioned two RFS documents, *Planning for Bush Fire Protection 2019* and *Standards for Asset Protection Zones*, be reviewed based on

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<sup>14</sup> [https://www.rfs.nsw.gov.au/\\_data/assets/pdf\\_file/0005/130667/Planning-for-Bush-Fire-Protection-2019.pdf](https://www.rfs.nsw.gov.au/_data/assets/pdf_file/0005/130667/Planning-for-Bush-Fire-Protection-2019.pdf) (page 26)

<sup>15</sup> [https://www.rfs.nsw.gov.au/\\_data/assets/pdf\\_file/0005/130667/Planning-for-Bush-Fire-Protection-2019.pdf](https://www.rfs.nsw.gov.au/_data/assets/pdf_file/0005/130667/Planning-for-Bush-Fire-Protection-2019.pdf)

<sup>16</sup> [https://www.rfs.nsw.gov.au/\\_data/assets/pdf\\_file/0010/13321/Standards-for-Asset-Protection-Zones.pdf](https://www.rfs.nsw.gov.au/_data/assets/pdf_file/0010/13321/Standards-for-Asset-Protection-Zones.pdf)

latest research and information in conjunction with all relevant stakeholders including local government.

Land use planning and building standards together with specific siting requirements on the proximity to vegetation and defensible space around properties all help to reduce the bushfire risk. However, the conditions required at the time of planning approval need to be maintained by property owners for continued bushfire risk management. Vegetation management by private landholders, including maintaining asset protection zones (defensible space) around private lands and buildings is important. Adequate resourcing of local government and the RFS to monitor compliance and enforce such requirements and provide an ongoing program of community education and awareness, is also important.

**Recommendation 3:** To maximise the effectiveness of asset protection zones in protecting buildings and structures, it is recommended that additional resources are allocated to the RFS and local government to monitor and enforce maintenance of APZs prior to and throughout the duration of each bushfire season, and to provide more community education and awareness of the importance of maintaining properties and particularly the APZs.

#### Vegetation management and bushfire protection

In 2014, laws came into effect allowing some property owners living in designated *Bushfire Prone 10/50 Entitlement Areas* to prune or remove trees and vegetation growing on their property. These laws are designed to allow residents living in highly vulnerable bushfire prone areas greater flexibility in managing trees and vegetation on their own property. The NSW Government permits trees and vegetation to be cleared around homes, tourist accommodation, schools, hospitals and childcare centres located in bushfire prone areas, without the need to get approval. Areas able to be cleared are known as '10/50' vegetation clearing entitlement areas and are determined and mapped by the NSW Rural Fire Service. The *Rural Fires Act 1997*<sup>17</sup> permits vegetation clearing work, known as the 10/50 Vegetation Clearing Scheme including:

- trees and vegetation within 10 metres of specified bushfire prone buildings can be cleared
- undergrowth within 50 metres of specified bushfire prone buildings can be cleared.<sup>18</sup>

A Code of Practice applies to clearing under the 10/50 scheme.<sup>19</sup>

**Recommendation 4:** Due to the significant loss of life and property during the 2019-2020 bushfire season, it is recommended that the NSW Government undertake a formal review of the 10/50 Vegetation Clearing Scheme in consultation with stakeholders including DPIE and local government, including:

- an assessment of the effectiveness of the entitlement areas in reducing bushfire hazard to people and property;
- an assessment of the impacts of the introduction of the 10/50 Vegetation Clearing Code on tree canopy cover in entitlement areas;

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<sup>17</sup> <https://legislation.nsw.gov.au/#/view/act/1997/65/part4/div9>

<sup>18</sup> <https://www.planning.nsw.gov.au/Policy-and-Legislation/Managing-risk-in-land-use-planning/Bushfires>

<sup>19</sup> <https://www.rfs.nsw.gov.au/plan-and-prepare/1050-vegetation-clearing>

- Any unintended/unforeseen consequences on vegetation resulting from the introduction of the scheme.

### Bushfire Risk Management Plans

Under the *Rural Fires Act 1997* the Bush Fire Coordinating Committee (BFCC) must constitute a Bush Fire Management Committee (BFMC) for each area in NSW, which is subject to the risk of bush fires. Each BFMC is then required to prepare and submit to the BFCC a Bush Fire Risk Management Plan (BFRMP).

A BFRMP is a strategic document that identifies community assets at risk and sets out a five-year program of coordinated multi-agency treatments to reduce the risk of bush fire to the assets. Treatments may include such things as hazard reduction burning, grazing, community education, fire trail maintenance and establishing community fireguard groups.

Annual programs to implement actions identified in these plans are undertaken by the relevant land managers and firefighting authorities. In exercising its functions under the *Rural Fires Act 1997*, including the preparation of a draft bush fire risk management plan, the regional BFMC is required to have regard to the principles of ecologically sustainable development (ESD).

The BFRMP provides for landscape scale, tenure blind strategic risk mitigation asset capture and treatment strategies; however, the plans rely on individual agencies, land managers or individuals to implement the treatments. The implementation of BFRMPs is through a tenure blind annual works program that the Rural Fire Service drives, however this is impacted by staff availability and operational priorities. Other issues arising include the reliance on limited numbers of trained or qualified staff available for the delivery of planned burns or mechanical works or other risk mitigation actions.

While councils are represented on these Committees the plans are focussed on strategic asset protection at a regional scale. This does not necessarily translate to local asset management and protection at the LGA level. It is timely to consider if management actions are being applied to local assets, which may not be identified in the regional planning process but require management, planning and resources to ensure future bushfire risk to the community is minimised.

**Recommendation 5:** That BFCC's review the implementation of the regional Bushfire Risk Management Plans, including consideration of local asset management actions.

Many regional councils manage large areas of land as nature reserves across their LGA, with the extent of these on the increase as Crown Lands continue to transfer land back to councils to manage for conservation purposes. These natural reserves require active management by council however no additional resources are available for the development of fire management plans and the implementation of the identified actions. Dedicated resources, with GIS mapping support, and shared data portals with other state agencies would assist in building fire management plans for council reserves that relate effectively to the BFRMP and other agency reserve management plans.

**Recommendation 6:** That the NSW Government fund dedicated fire planning officers to assist councils to prepare and implement Fire Management Plans on council reserves and Crown Lands under council's care and control, undertake strategic planning and provide development assessment advice across council.

### Climate Change Adaptation

Bushfire risk is continuing to be framed as an emergency management response rather than an adaptation response. The 2019/20 bushfire season was unprecedented, but it wasn't an unknown risk. The NSW Government's NARCLiM climate projections indicate an increase in average and severe fire weather to occur mainly in summer and spring, with the largest increases by 2070 to occur in spring.

The NSW Government has failed to implement their climate change adaptation process through the Integrated Regional Vulnerability Assessment (IRVA) and Enabling Regional Adaptation (ERA) programs. Through 60 participatory workshops, more than 1,600 regional decision makers drawn from local government and state government agencies were engaged to plan for climate change impacts. The workshops documented key regional vulnerabilities, qualitative system transformation models, transition pathways, and first-steps projects formulated considering projected changes in climate to 2050 and beyond.

For example, the South East IRVA (2012) and ERA (2017) identified scenarios describing the interaction of clearly identified vulnerabilities with extreme events which were realised during the bushfire crisis. Transition pathways had been identified, however NSW Government agencies had not implemented these actions with devastating consequences to the community. The South East IRVA identified regional strategies to reduce vulnerability including ensuring adequate redundancy in communications systems (mobile phone networks) to cope in the event of increasingly severe natural disasters. The bushfires on the south coast did result in a loss of power and communications systems, isolating communities further.

When government processes fail, the community has acted on its own. This was demonstrated by the [unofficial Cobargo Relief Centre](#) where the local community stepped up to develop their own resilience measures.

**Recommendation 7:** The NSW and Australian Governments to place greater emphasis on supporting adaptation actions, which can reduce the need for, or severity of, emergency responses.

### Community preparation and planning

Access to mental health services – and health services generally – in rural and regional areas is an ongoing matter of concern. Although healthcare is a state and federal responsibility, councils often take on additional responsibilities to meet the needs of their communities. Even outside of emergency and recovery situations, many rural and regional areas struggle to fill vacant psychology and health and wellbeing positions.

Regional communities also experience higher levels of youth suicide, 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 resilience of communities post disaster.

**Recommendation 8:** The NSW Government increase funding for specialised and appropriate youth and community wellbeing services to bolster resilience.

**Recommendation 9:** The NSW and Australian Governments adequately fund health services – particularly in regional and rural areas – so that they are better prepared for and more resilient to emergency situations.

### Asbestos and Bushfires

In preparation for and response to bushfires 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 effected 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 bush fires has been challenging for councils and state agencies. Lessons learnt from the fires is that better preparation for the post emergency phase of the bush fires is required to deliver better services to the community. An example of this was the information provided to community about the risks of asbestos exposure when returning to properties affected by fire.

There appears to be some divergence in opinion between regulators within the state government about what the perceived and actual asbestos property risks are following bush fire. This has resulted in delayed communication to community raising the risk that property owners will access their properties before they are declared safe. Further once properties have been declared unsafe there are mixed messages about the maintenance required to maintain make safe measures such as ensuring signage, barricades and the spraying of PVA glue to suppress dust are kept in place until the sites have been fully cleaned up.

This is a shared responsibility between councils and state agencies and requires the state agencies as the lead organisations to develop strategies to better prepare for the post emergency phase of bushfire.

**Recommendation 10:** 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 when councils are required to manage and/or participate in the clean-up of asbestos following natural disasters. 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 on the remediation of asbestos contamination or disturbance of any asbestos material, including naturally occurring, during or following a natural disaster or emergency.

**Recommendation 11:** The NSW Government adequately funds the Environment Protection Authority to develop a more strategic approach to planning for and

responding to asbestos waste disposal requirements following bushfires such as what is stated in the [NSW Asbestos Waste Strategy 2019-21](#) as follows;

- 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 12:** 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 bushfire to ensure consistent messaging is available for future events.

### Waste Management and Bushfires

Experience from recent bushfires is that fire damaged debris has the potential to overwhelm waste and recycling infrastructure. This has led to delayed response and recovery activities with waste remaining in the community not cleaned up many months after the fires have been extinguished. Lessons learnt from this are that detailed regionally based bushfire waste management plans are required in order to be better prepared in future. Better management of disaster debris following bushfire has positive impacts on the health and wellbeing of affected communities and the environment.

**Recommendation 13:** The NSW government fully fund the development of regionally based disaster waste management plans to ensure the health and wellbeing of affected communities and the environment are better protected from future bushfires.

### **3. Responses to bushfires, particularly measures to control the spread of the fires and to protect life, property and the environment, including:**

- **immediate management, including the issuing of public warnings**
- **resourcing, coordination and deployment**
- **equipment and communication systems.**

Some councils have identified the need for improved coordination between RFS and councils when a bushfire emergency operation is underway. A council may not be alerted to an emergency operation unless the local emergency management committee is triggered which formally involves local government. Public warnings are issued when there is risk to life and property, however there may be less urgency of action if there is no immediate threat to life and property perceived, regardless of the threat to environmental values.

Integrating a specific environmental recovery cell into the incident management team, or Local Emergency Group, could help to provide improved forward planning and on-ground response and action beyond the immediate issues of evacuation and accommodation of wildlife.

Operational planning could be improved through greater consideration of long term outcomes for the environment and engaging with experts and local knowledge holders. There is a need to focus resources on the immediate threat to life and property, however resources should also be invested at an operational planning stage to protect environmental assets. This could include the need to deploy aerial operations for rapid extinguishment of fires where high environmental values exist with potential long term social and community impacts.

#### 4. Other matters

#### 5. Preparation and planning for future bushfire threats and risks

These issues are covered in Section 2 above.

#### 6. Land use planning and management and building standards, clearing and hazard reduction, zoning, and any appropriate use of indigenous practices

The response to bush fire risk needs to be dynamic, to address changes in vegetation growth, land use changes, climate shifts, economic development, societal values, and new laws and policies.

One of the challenges facing local government in bushfire prone areas in the rebuilding process and indeed in future land use planning, will be an expected pressure to increase areas designated as bushfire prone, and for the imposition of higher planning and building standards for development on this land.

During the height of the bushfires in January 2020, Rural Fire Service Commissioner Shane Fitzsimmons warned that those who lost homes may face higher than expected rebuilding costs because of the need to comply with tougher standards.<sup>20</sup> The imposition of more stringent, and hence more costly, building and development standards presents a tension with the pressure to allow and assist property owners affected by bushfire to simply and cheaply rebuild their homes.

Councils have appreciated assistance from NSW government agencies to streamline the planning and redevelopment process for bushfire affected landowners and facilitate rebuilding. The continued streamlining of planning controls for redevelopment of residential and commercial properties, in close consultation with local councils is supported, provided balanced measures are taken to ensure that fast-tracking does not lead to poor risk management outcomes.

As urban growth continues increasing numbers of people are living in rural/urban interface areas, potentially exposing larger populations to bushfire risk. Urban development patterns therefore need to be managed so as not to increase vulnerability to climate change and disaster risk. However, balancing responsiveness to bushfire risk with the pressures of urban growth/development presents its challenges. Restricting the intensification of land uses identified as high-risk may be opposed because of a reluctance to reserve any land from development. One of the challenges facing some councils in the redevelopment process is that there is no current dwelling entitlement on some bushfire affected properties. While it may be reasonable to create entitlements in some circumstances, in others it will be deemed too hazardous for residential use of land.

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<sup>20</sup> <https://www.smh.com.au/politics/nsw/financial-shock-looms-for-those-looking-to-rebuild-rfs-boss-warns-20200117-p53sd2.html>

The potential to restrict intensification of land uses identified as high-risk, (for example where evacuation opportunities are restricted), raises the question of compensation for affected landowners. In response to the dilemma of housing in at-risk areas, consideration may need to be given to a scheme similar to the voluntary buyback program offered in Victoria following the 2009 Black Saturday fires.

**Recommendation 14:** Options for properties that do not have a dwelling entitlement need to be explored; for some properties, this may involve amendments to the Local Environmental Plan to create a dwelling entitlement, while for others, where residential land use may be considered too hazardous, there will be a need to consider options for acquisition at fair market rate.

Planning and development controls should also consider the environmental values adjacent to development. Building design and development should meet stringent bushfire protection standards, and upgrades be undertaken to protect those built assets in fire zones as the highest priority, rather than more extensive vegetation clearing. Communities adjacent to fire risk zones should be supported to reduce fuel and risk while improving ecosystem resilience and biodiversity through indigenous land use and fire practice. Resources are needed to build the expertise and experience in these practices.

**Recommendation 15:** The NSW Government should provide greater resourcing and management frameworks for fire authorities and public land managers to adopt ecological burns, hazard reduction burns and cultural burns across reserves, and invest in research and education materials on the value and application of ecological burns, hazard reduction burns and cultural burns.

An impediment to the delivery of hazard reduction works for local government is the structure of the funding programs available. The RFS offer grant funds to local government to undertake on ground fuel reduction works, either mechanical or burning. To apply, a council lists all sites and requests individual amounts per site on an annual basis. Additional grants are available to all land managers for bushfire risk mitigation and resilience projects, however councils have identified the grant process as an impediment to providing flexibility to deliver hazard reduction works. The grant funded approach to hazard reduction results in annual works programs being linked to the annual grants processes and not offering the flexibility needed to undertake these works as needed and when the risk warrants action.

In addition, the timing of ministerial funding announcements and the amounts and activities to be funded is often unpredictable and inconsistent. Funding cycles do not correlate well with the bushfire danger periods, with announcements often being made in late spring/early summer and guidelines preventing reimbursement of any works undertaken before the announcement. This makes it difficult for all agencies to allocate their own budgets before the bushfire danger period commences as there is uncertainty around which priority activities will be funded by RFS.

**Recommendation 16:** The NSW Government review hazard reduction funding programs, including structure and timing, to improve flexibility and appropriateness.



## 7. Appropriate action to adapt to future bushfire risks to communities and ecosystems

### Wildlife and conservation impact

The impact of the fires on wildlife and conservation is still being assessed. While it is known that 50.3 million ha of NSW have been affected by fire, further studies are needed for a more complete understanding of the impact on species and ecological communities. The NSW Government has prepared an initial response to wildlife and conservation bushfire recovery which identifies some of the extent of impact, however a further response assessment is being prepared and recommendations are expected to assist in future adaptation actions.

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 fire 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 bushfire mapping and analysis in a timely way to identify local biodiversity impacts and priorities for on-ground actions.

Provision of this resource including on-ground assessments of fire impacts as well as fuel load mapping of unburnt areas will assist in planning for the next fire season. Mapping wildlife refuges (areas unburnt this time) as assets and prioritising these areas for protection is needed, noting these may require management treatments such as cool burning. Councils are undertaking post wildfire assessments on their land to determine any weed threats and to prioritise these in their works programs.

Councils would welcome best practice guidelines or similar on:

- 'Make safe' activities, for example tree hollows
- Pest control in burnt areas including buffer distances for different species (eg. rabbits, foxes, deer) to ensure non-burnt surrounding areas are included.

Also, guidance on how local government can assist in providing support to private property holders (e.g. Baiting, shooting programs etc) would be useful.

In summary, LGNSW supports immediate and medium-term recovery actions which cover:

- Delivery of feral animal and weed control actions and programs,
- Creation and / or enhancement of seed banks for priority plant species,
- Provision of supplementary food, water and shelter for priority species / areas,
- Support for local community wildlife carers groups,
- Installation of habitat furniture in depleted areas including coarse woody debris (logs) and nesting boxes,
- Installation of conservation fencing,
- Identifying and protecting key unburnt refuges,
- Identifying, protecting and enhancing landscape connectivity / wildlife corridors,
- Delivering a comprehensive, adequate and representative reserve system in NSW, and

- Enhancing catchment, estuarine and near-shore marine biodiversity, health and function.

**Recommendation 17:** Relevant Government departments to provide councils with access to post bushfire mapping and assessments to prioritise the protection of unburnt areas providing wildlife refuges, and to identify weed threats at a local level.

**Recommendation 18:** The NSW Government allocate additional resources to councils to manage priority weed threats emerging as a result of the bushfires.

LGNSW also wishes to raise to this Inquiry that there has been a significant increase in allegedly unauthorised clearing of burnt native vegetation following bushfire events. For example, MidCoast Council have provided at least seven (7) reports of allegedly unlawful clearing of burnt native vegetation without proper approval since the bushfire crisis and which has affected known or potential threatened species habitats, regionally significant vegetation, corridor habitat and other areas of importance. This has contributed to biodiversity loss in affected areas. There needs to be adequate resourcing of compliance investigations and action where allegations of unlawful clearing of habitat and native vegetation are proven.

While post bushfire recovery actions are needed, all actions should be taken to avoid any further impact on wildlife and biodiversity and support provided to landholders to ensure actions are appropriate and allowable.

Consideration of the impact of land use activities in and near burned landscapes is needed to ensure that no further harm to the area occurs, or activities do not further impede bushfire recovery. An appraisal of such impacts may identify the need for moratoriums on private and public native forestry, near-shore estuarine commercial fishing in nearby waterways, and consider the impact of clearing of native vegetation under allowable activities or approvals. All of these activities need close consideration to ensure no further adverse impact on bushfire affected areas.

## 8. Emergency Response to Bushfires – Human and Capital Resourcing

All parties directly involved in the response should be commended for their efforts in dealing with this unprecedented bushfire disaster. This includes the RFS, SES, NSWFR and councils.

As previously noted, in excess of 11,400 bush or grass fires were recorded in NSW this bushfire season, burning over 7 percent of the State, with approximately 480 million animals killed<sup>21</sup>. Given the devastating extent of the bushfire disaster, it is remarkable NSW recorded only 25 deaths, the number of houses lost was limited to 2,448, and total livestock losses were in the order of 13,000<sup>22</sup>. This indicates NSW's combat agencies and frontline responders possessed a relatively high degree of preparedness and capability.

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 percent,

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<sup>21</sup> Prof Chris Dickman, University of Sydney, <https://www.sydney.edu.au/news-opinion/news/2020/01/03/a-statement-about-the-480-million-animals-killed-in-nsw-bushfire.html>

<sup>22</sup> This compares with the loss of over 100,000 livestock on Kangaroo Island

from \$856.3 million to \$1,420.9 million, an average of 6.6 percent per annum. State budget funding for the SES and RFS more than doubled over the period, with average annual increases of 11.5 percent and 10.6 percent respectively<sup>23</sup>. This has translated into a substantial increase in the number of firefighters 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<sup>24</sup>.

The disaster also revealed our high level of dependency on volunteers in providing response capability and capacity. This reliance on volunteers is particularly evident in regard to the RFS and SES and is critical to their effectiveness. Combined, they depend upon over 66,700 volunteer firefighters, the highest number of volunteers per 100 000 people in Australia<sup>25</sup>. Internationally, the RFS is said to comprise the largest volunteer fire service in the world<sup>26</sup>. 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 19:** That this Inquiry go beyond the terms of reference to recognise and document the important role of volunteers and investigate and report on measures required to support volunteerism and propose a separate review of volunteerism.

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

In the immediate wake of the recent fires, there have been calls for the Government to significantly increase the capacity of our emergency services. While the Government may be pressured in the aftermath of the bushfires to substantially increase recurrent capital funding for these agencies, LGNSW does not believe it would be fiscally or operationally prudent nor financially sustainable to do so.

The NSW community is fortunate to have among the best resourced and most professional combat agencies in the world and it is important to recognise the significant financial contribution NSW councils have made, and continue to make, to achieve this. Furthermore, this contribution has consistently increased at a higher rate than the annual rate peg, meaning councils have had to fund the differences from savings elsewhere. Councils are now facing further major increases in their contributions this year due to the 2018 changes to workers' compensation funding arrangements and the NSW Government's recently announced plans to spend \$217 million to expand the Government Radio Network and build a Public Safety Network for Emergency Services Organisations.

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<sup>23</sup> NSW State Budget Papers, Budget Paper No. 3, 2009-10 to 2019-20.

<sup>24</sup> Productivity Commission, Report on Government Services 2017-18, <https://www.pc.gov.au/research/ongoing/report-on-government-services/2019/emergency-management/emergency-services/rogs-2019-partd-chapter9.pdf#page=32>

<sup>25</sup> *Ib id*

<sup>26</sup> Fairbrother P, Phillips R, Tyler M, *Wildfire and Power: Policy and Practice*, <https://books.google.com.au/books?id=QjZyDwAAQBAJ&pg=PT108&lpg=PT108&dq=NSW+combat+agencies+among+the+largest&source=bl&ots=9WIHx6WS-D&sig=ACfU3U2m9NQwjRQ9GCjJby6yWE4ZrpydVA&hl=en&sa=X&ved=2ahUKEwjmn73xvsPoAhVVzjgGHTxrD4MQ6AEwA3oECAoQAQ#v=onepage&q=NSW%20combat%20agencies%20among%20the%20largest&f=false>

Councils cannot afford further increases. They are battling the compounding financial impacts of drought, bushfires and the COVID-19 pandemic. Responding to natural disasters and the pandemic has increased costs and at the same time, councils are experiencing declining revenues as more and more ratepayers are forced into financial hardship.

### **Funding Fire & Emergency Services**

The bushfire disaster renews the 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, transparent and accountable.

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

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

LGNSW has long called for the abolition of the ESL, on both insurance companies and local government. LGNSW maintains that the current system is inequitable and lacks transparency. As a result of the lack of transparency there is also a lack of accountability.

LGNSW advocates that funding from the combined levies should be replaced by a broad-based property levy.

The current funding model is inequitable because those who don't insure, underinsure or self-insure avoid or minimise their contributions to the funding of emergency services, yet they receive the same services as those that are fully insured. This fundamental inequity is exacerbated by the cascading effect of taxes - Stamp Duty and GST- that are applied on top of the combined value of the insurance premium and the ESL. These are literally taxes on top of taxes which challenge taxation principles. It should also be noted that the stamp duty revenue more than covers the NSW Government contribution to emergency services funding. The 2019-20 NSW Budget, for example, estimates total emergency services expenses at \$1.515 billion and total ESL contributions at \$1.07 billion. Revenue from stamp duty on insurance however is estimated at \$1.061 billion in 2019-20, more than double the shortfall \$445 million. The only contribution that an uninsured property owner would make is an indirect contribution through their council rates.

The lack of transparency with the ESL on insurance companies arises from the lack of clarity or consistency between insurance companies on how they allocate the cost of the levy across different kinds of policies and customers. Nor are the companies required to identify the charge. Consumers are basically left in the dark This is inappropriate for a levy that is in effect a tax to fund government emergency service agencies.

Funding through the 11.7% council contributions also lacks transparency as some costs of providing fire services are hidden in general rates. Ratepayers may not be able to identify this contribution to the funding of fire services and are generally not aware that they pay through their council rates for a State Government service.

Essentially, the current funding model imposes a hidden regime of hidden state taxes.

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 and consequently made the recommendation that:

*The State replace the Fire Services Levy with a property-based levy and introduce concessions for low-income earners. (Recommendation 64).*

Victoria has since introduced a broad-based property tax to fund their fire services. NSW is now the only mainland state that does not fund its fire services by a broad-based property levy. Other states had already introduced variations on this model - had Queensland (1985), South Australia (1999), Western Australia (2003) and the ACT (2006–07).

A property-based levy would ensure that all property owners finance the services in an equitable manner; not only owners that are insured. The levy should be based on the rateable value of each property and, for reasons of administrative simplicity, collected by Revenue NSW.

NSW was heading in this direction with the proposed introduction of the Fire and Emergency Services Levy (FESL) in 2017. However, the NSW Government made a last-minute decision to defer the implementation Fire and Emergency Service Levy (FESL) indefinitely. This was despite the new system being fully operational.

LGNSW recommends that the NSW Government end the FESL deferral and move quickly towards implementation of a revised FESL. The revised model must include removal of the ESL on councils in addition to that on insurance companies. Ideally the revised FESL would be based on the Capital Improved Value (CIV) of properties as this better reflects the value of the property being protected and is therefore more equitable. Properties are currently valued at Unimproved Capital Value (UCV-land value) for rating and land tax purposes in NSW.

**Recommendation 20:** That 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.

### **Betterment & 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, or a relatively small additional investment, will save millions 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, or a re-damaged essential public asset may be reconstructed to its 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.

Following the recent bushfires, Federal Minister for Drought and Emergency Management, the Hon David Littleproud MP, stated that the underlying ethos by that State, Federal and Local Governments should embrace is “build back better”. He described this as “a unique opportunity to actually better the infrastructure we put in, to build the resilience of our communities, as we face further disasters into the future.” Local government strongly welcomed this statement but remains concerned that the necessary changes may not be delivered.

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% of disaster funding in Australia, compared with only 3% 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 21:** 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 Bushfire Recovery Agency.

The 2019/20 bushfires have created environmental damage on a scale not seen before in NSW with widespread habitat destruction and expected local extinctions of flora and fauna as well as increased risk of land degradation due to loss of ground cover, water contamination, and weed intrusion post event.

**Recommendation 22:** That the NSW Government recognises the significant environmental damage caused by natural disasters and allocates funding in addition to the National Disaster Relief and Recovery Arrangements to ensure that the natural environment is also rehabilitated to restore functioning of critical or important eco systems.

### **Interim and temporary accommodation and evacuation centres**

Feedback from councils notes that some parts of NSW (including parts of the mid north coast) do not have evacuation centres within reasonable proximity of communities, and some evacuation centres do not have adequate facilities or amenities – including essential mobile phone coverage. The scale of the fires also resulted in damage to power supply and mobile broadcast towers resulting in mobile blackouts in critical periods affecting evacuation centres.

**Recommendation 23:** That the NSW Government review the location, adequacy and resilience of evacuation centres and their supporting infrastructure and act to ensure this essential safeguard is reliably available to all at risk communities.

Councils have advised that in some local government areas there is insufficient or inadequate interim housing available to locate people close to their communities. Where accommodation is a significant distance from their original communities, there is a risk that people may need to change jobs or schools. If these people do not return to the location of their previous home, the future viability of their community is threatened. LGNSW called for the NSW Government to address a lack of appropriate interim housing for displaced people and welcomed the Deputy Premier's 10 March 2020 announcement of 100 standalone temporary accommodation pods to ensure people could remain living near to their communities, workplaces, schools and support networks.

**Recommendation 24:** That the NSW Government ensure that temporary accommodation arrangements are available to be provided rapidly and in sufficient quantities to ensure bushfire affected people can remain close to their communities, workplaces, schools and support networks.

## **9. Coordination and collaboration by the NSW Government with the Australian Government, other state and territory governments and local governments.**

Councils welcomed the recovery grants provided by the National Bushfire Recovery Agency. Thirty three NSW councils that had been severely affected by bushfires received \$1 million grants under the new program. Councils were pleased that the funding was paid quickly and was relatively untied. Councils also welcomed the \$100,000 - \$250,000 grants paid from the NSW Bushfire Community Resilience and Economic Recovery Fund.

Councils have emphasised the need for recovery assistance to be maintained for 2-3 years, pointing out that recovery is a long process. Many consider that recovery assistance for business and local industry is an important component of this.

Feedback from councils experiencing bushfire events in 2019 expressed concern about lack of overall coordination of recovery.

Some councils reported there had been a lack of communication at a state level regarding processes. Councils were often reporting to several different agencies as well as hosting community forums where the process was unclear for participants. Councils also found issues

in the sharing of information between agencies. Some councils reported that information collected by one agency was not been provided to others, increasing the on the ground response needed and duplicate reporting.

A key form of support councils received has been personnel from the Australian Defence Forces (ADF). The announcement and arrival of the ADF to assist in recovery was welcomed, however councils felt it was not always coordinated well. Neither local government nor the State representatives really understood what the ADF could and could not do.

The support from volunteers, charities and NGOs is also widely appreciated.

Community resilience has been flagged as a vital part of the bushfire recovery process. This theme is common across discussions around support for direct and indirectly affected residents and businesses.

LGNSW also welcomes the NSW Premier's 6 April announcement that a new NSW Government agency, Resilience NSW, would be established to lead the whole-of-government prevention, preparedness and recovery effort. Resilience NSW will oversee and coordinate emergency management policy, service delivery and all aspects of disaster recovery at a state, national and international level. Local government plays a critical role in resilience and recovery. To ensure truly whole-of-government coordination, it is essential that this new agency consult and engage with local government on an ongoing basis, and in line with the Intergovernmental Agreement signed between LGNSW and the NSW Government in October 2019.

**Recommendation 25:** That the NSW Government and Resilience NSW consult and engage with LGNSW and local government on an ongoing basis to ensure a whole-of-government approach to resilience and recovery.

### **Local Government Bushfire Recovery Support Group**

As the scale of recovery became clear, 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 (LGBRSG). This Group is assisting 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 provides:

- 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; and
- connection to organisations that can provide advice on supporting disaster recovery.

As at April 2020, councils have made 562 offers of support through the group and 50 council assistance deployments have been completed.

Forms of assistance have included:



- records officers to locate archived planning files for hundreds of properties and structures damaged in fires
- planners to replace staff that have had to take leave as their own properties had been damaged by fires
- engineering staff to conduct assessments of damaged timber bridges
- work crews to clear debris blocking access roads
- media and communications work to assist community recovery.

The LGBRSG represents an excellent example of generosity, coordination and collaboration among councils and NSW Government agencies in supporting recovery and rebuild.

**Recommendation 26:** That the NSW Government consider how it can support and reintroduce when necessary the successful recovery model pioneered by the Local Government Bushfire Recovery Support Group.

## Conclusion

LGNSW welcomes the opportunity to input to the Inquiry and has made several recommendations that aim to improve the way NSW prepares for and manages bushfire emergencies and recovery. The unprecedented scale and impact of the 2019/20 fires, combined with drought conditions followed by floods and then the COVID-19 pandemic has seen governments and communities stretched to their limits. The Inquiry presents an opportunity to learn and adapt, to focus on how we can improve processes and relationships – between and within governments, and with the community – to better withstand these events in the future.

For further information, please contact Kelly Kwan, Executive Manager, Advocacy on [kelly.kwan@lgnsw.org.au](mailto:kelly.kwan@lgnsw.org.au) or 9242 4038.

## Appendix 1: Summary of Recommendations

**Recommendation 1:** Due to the significant loss of life and property during the 2019-2020 bushfire season, it is recommended that additional resources be made available to enable affected councils and the NSW RFS and other relevant stakeholders to undertake a review of bushfire prone land maps based on latest research and information.

**Recommendation 2:** It is recommended that the requirements and guidelines for APZs contained in the abovementioned two RFS documents, *Planning for Bush Fire Protection 2019* and *Standards for Asset Protection Zones*, be reviewed based on latest research and information in conjunction with all relevant stakeholders including local government.

**Recommendation 3:** To maximise the effectiveness of asset protection zones in protecting buildings and structures, it is recommended that additional resources are allocated to the RFS and local government to monitor and enforce maintenance of APZs prior to and throughout the duration of each bushfire season, and to provide more community education and awareness of the importance of maintaining properties and particularly the APZs.

**Recommendation 4:** Due to the significant loss of life and property during the 2019-2020 bushfire season, it is recommended that the NSW Government undertake a formal review of the 10/50 Vegetation Clearing Scheme in consultation with stakeholders including DPIE and local government, including:

- an assessment of the effectiveness of the entitlement areas in reducing bushfire hazard to people and property;
- an assessment of the impacts of the introduction of the 10/50 Vegetation Clearing Code on tree canopy cover in entitlement areas;
- Any unintended/unforeseen consequences on vegetation resulting from the introduction of the scheme.

**Recommendation 5:** That BFCC's review the implementation of the regional Bushfire Risk Management Plans, including consideration of local asset management actions.

**Recommendation 6:** That the NSW Government fund dedicated fire planning officers to assist councils to prepare and implement Fire Management Plans on council reserves and Crown Lands under council's care and control, undertake strategic planning and provide development assessment advice across council.

**Recommendation 7:** The NSW and Australian Governments to place greater emphasis on supporting adaptation actions, which can reduce the need for, or severity of, emergency responses.

**Recommendation 8:** The NSW Government increase funding for specialised and appropriate youth and community wellbeing services to bolster resilience.

**Recommendation 9:** The NSW and Australian Governments adequately fund health services – particularly in regional and rural areas – so that they are better prepared for and more resilient to emergency situations.

**Recommendation 10:** 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 when councils are required to manage and/or participate in the clean-up of asbestos following natural disasters. 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 on the remediation of asbestos contamination or disturbance of any asbestos material, including naturally occurring, during or following a natural disaster or emergency.

**Recommendation 11:** The NSW Government adequately funds the Environment Protection Authority to develop a more strategic approach to planning for and responding to asbestos waste disposal requirements following bushfires such as what is stated in the [NSW Asbestos Waste Strategy 2019-21](#) as follows;

- 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 12:** 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 bushfire to ensure consistent messaging is available for future events.

**Recommendation 13:** The NSW government fully fund the development of regionally based disaster waste management plans to ensure the health and wellbeing of affected communities and the environment are better protected from future bushfires.

**Recommendation 14:** Options for properties that do not have a dwelling entitlement need to be explored; for some properties, this may involve amendments to the Local Environmental Plan to create a dwelling entitlement, while for others, where residential land use may be considered too hazardous, there will be a need to consider options for acquisition at fair market rate.

**Recommendation 15:** The NSW Government should provide greater resourcing and management frameworks for fire authorities and public land managers to adopt ecological burns, hazard reduction burns and cultural burns across reserves, and invest in research and education materials on the value and application of ecological burns, hazard reduction burns and cultural burns.

**Recommendation 16:** The NSW Government review hazard reduction funding programs, including structure and timing, to improve flexibility and appropriateness.

**Recommendation 17:** Relevant Government departments to provide councils with access to post bushfire mapping and assessments to prioritise the protection of unburnt areas providing wildlife refuges, and to identify weed threats at a local level.

**Recommendation 18:** The NSW Government allocate additional resources to councils to manage priority weed threats emerging as a result of the bushfires.

**Recommendation 19:** That this Inquiry go beyond the terms of reference to recognise and document the important role of volunteers and investigate and report on measures required to support volunteerism and propose a separate review of volunteerism.

**Recommendation 20:** That 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.

**Recommendation 21:** 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 Bushfire Recovery Agency.

**Recommendation 22:** That the NSW Government recognises the significant environmental damage caused by natural disasters and allocates funding in addition to the National Disaster Relief and Recovery Arrangements to ensure that the natural environment is also rehabilitated to restore functioning of critical or important eco systems.

**Recommendation 23:** That the NSW Government review the location, adequacy and resilience of evacuation centres and their supporting infrastructure and act to ensure this essential safeguard is reliably available to all at risk communities.

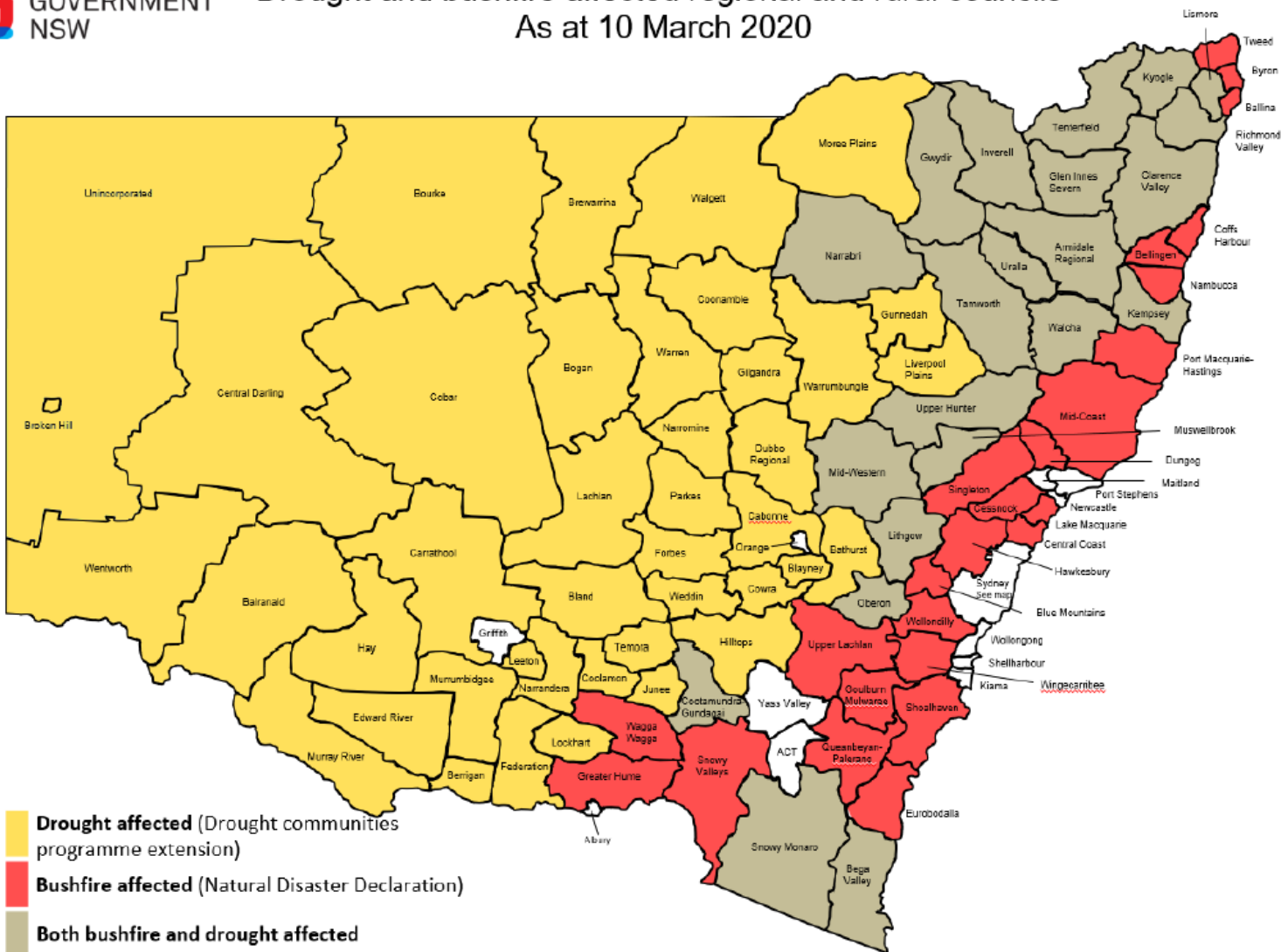
**Recommendation 24:** That the NSW Government ensure that temporary accommodation arrangements are available to be provided rapidly and in sufficient quantities to ensure bushfire affected people can remain close to their communities, workplaces, schools and support networks.

**Recommendation 25:** That the NSW Government and Resilience NSW consult and engage with LGNSW and local government on an ongoing basis to ensure a whole-of-government approach to resilience and recovery.

**Recommendation 26:** That the NSW Government consider how it can support and reintroduce when necessary the successful recovery model pioneered by the Local Government Bushfire Recovery Support Group.

## Appendix 2: Drought and bushfire affected regional, rural and metro councils

### Drought and bushfire affected regional and rural councils As at 10 March 2020



**Bushfire affected metro councils  
As at 10 March 2020**

