



## Royal Commission into National Natural Disaster Arrangements

# Submission Form

Please complete this form if you would like to provide input or comments about coordination, preparedness for, response to and recovery from the 2019-20 'Black Summer' bushfires.

## Personal and Background Information

1. Full Name

Kempsey Shire Council

Contact: [REDACTED]

2. Email

[REDACTED]

3. Mobile/Telephone

[REDACTED]

4. What is your preferred method of contact if we want to follow up with you?

Email or phone

5. The Commission would like to understand the views of community groups based on their respective experiences and background.

- Please select Option 1 if you are providing input and comments primarily based on your personal situation.
- Please select Option 2 if you are providing input and comments primarily based on your professional knowledge, qualifications or experience, or on behalf of a group or organisation

~~Option 1: Based on your personal situation, please complete the following.~~

~~a. What was your personal situation in relation to the 2019-20 Bushfires? Please choose all that apply.~~

- ~~I was not living in an area affected by bushfire~~
  - ~~I lived in an area affected by bushfires but was not evacuated, and didn't suffer personal or financial loss~~
  - ~~I lived in an area affected by bushfires and was evacuated, but didn't suffer personal or financial loss~~
  - ~~I lived in an area affected by bushfires and was evacuated, and I suffered personal or financial loss~~
  - ~~I was part of the emergency response as a fire fighter on the ground~~
-

- I was part of the emergency response as an aerial fire fighter
- I was part of the emergency response as health professional
- I was part of the emergency response as an Australian Defence Force member
- I was part of the emergency response as a Commonwealth or State government employee
- I assisted the emergency response as a community support volunteer
- I assisted the emergency recovery (i.e. after the fire event) as a community support volunteer
- Other

b. Where do you live? Please provide your Local Government Area, town name and post code.

Local Government Area \_\_\_\_\_ Choose an item.

Town name \_\_\_\_\_

Post code \_\_\_\_\_

**Option 2:** Based on your knowledge, qualifications or experience, or your role representing a group or organisation, what is your area of expertise? Please choose all that apply.

- Emergency/disaster response and/or management
- Environment/land management
- Land use, planning, building standards
- Impacts of changes in climatic conditions
- Wildlife conservation
- Traditional land and fire management practices of Indigenous Australians
- Community welfare
- Other: Local Council service areas
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## Input / Comments

- 6. In your experience, what areas of the bushfire emergency response worked well?**

Please see attached submission

- 7. In your experience, what areas of the bushfire emergency response didn't work well?**

Please see attached submission

- 8. In your experience, what needs to change to improve arrangements for preparation, mitigation, response and recovery coordination for national natural disaster arrangements in Australia?**

Please see attached submission

- 9. Is there anything else you would like to tell the Royal Commission?**

Please see attached submission

Do you intend to provide supporting material?

- Yes – Letter of Submission attached.  
 No

If you are providing any supporting material, please include it with your Submission if possible. If you need to send it separately (e.g. if you make a Submission over the phone), please ensure supporting material can be clearly identified as relating to your Submission by including your name or other identifier so that it can be considered with your Submission.

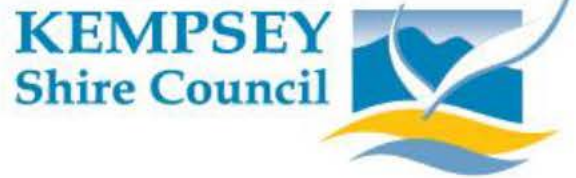
- 10. Do you agree to your submission being published? (Mandatory)**

- Yes, I agree to my submission being published in my name  
 Yes I agree to my submission being published anonymously  
 No I don't agree to my submission being published

Once you have completed this form, email it to [rcnda.submissions@royalcommission.gov.au](mailto:rcnda.submissions@royalcommission.gov.au) or print the form and post it to the Royal Commission at:

National Natural Disaster Royal Commission  
 Locked Bag 2000  
 Manuka ACT 2603

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Ref: F20/2705  
CM:NH

23 April 2020

Royal Commission  
Royal Commission into Natural Disaster Arrangements  
Locked bag 2000  
MANUKA ACT 2603

Civic Centre  
22 Tozer Street  
PO Box 3078  
West Kempsey  
NSW 2440

Customer Services  
P. 02 6566 3200  
F. 02 6566 3205  
ksc@kempsey.nsw.gov.au

ABN  
70 705 618 663

Sent by email to: [rcnda.enquiries@royalcommission.gov.au](mailto:rcnda.enquiries@royalcommission.gov.au)

Dear Sir/Madam,

## **ROYAL COMMISSION INTO NATURAL DISASTER ARRANGEMENTS 2019-20 BUSHFIRE SEASON**

I refer to the abovementioned matter and to the Government's Royal Commission into Natural Disaster Arrangements and the Commissions call for submissions in respect of the 2019-20 bushfire season.

As the Kempsey Shire Local Government Area ("Kempsey LGA") was significantly impacted by the bushfire events of 2019-20, Kempsey Shire Council welcomes the opportunity to make submission.

Whilst our submission focuses on lessons learnt and improvements that may be possible, I would like to highlight that many positives have come out of the response and recovery from a NSW Rural Fire Services, other response agencies and functional areas, Council and community perspective.

Accordingly, Kempsey Shire Council submits the following for consideration of the Commission:

### **BUSHFIRE RESPONSE**

#### **Communications**

1. On 12 November 2019, a date of catastrophic fire warnings across areas of the state and during the bushfire event in the Kempsey Shire LGA, a bulk text message and phone warning was distributed by the New South Wales Rural Fire Service ("NSW RFS") over a large area of the Kempsey Shire LGA. A similar message was also sent within surrounding LGA's. Whilst the intent of the message was appropriate, and it is noted that the message was not an evacuation order, unfortunately due to misinterpretation by those that received the message this resulted in widespread panic and stress, which for a large part of the area of distribution was not required.

The text message distributed was interpreted by some who received it as needing to *urgently evacuate* over a large area. Given the wide area to which this message was distributed, many who received the text message were in fact not within the vicinity of the bushfires or an area of risk that would have required them to evacuate nor consider evacuating or relocation.

For example, residents in West Kempsey received the message, resulting in a number attending to the Evacuation Centre at Kempsey Showground, also within West Kempsey. Secondly, given the large number of people at the Evacuation Centre at that time significant panic or stress occurred as a result of the message, a location which was not at risk. A nursing home, also not at risk, reported that it was enacting its evacuation plan, which if it had done so would have unnecessarily placed a burden on the resourcing of response agencies. Thankfully, this particular scenario was able to be managed via the Emergency Operations Centre.

The content of the text message and the manner in which it was widely distributed was excessively risk adverse. Albeit, emergency bushfire situations at times **don't allow** ample time in which to thoroughly consider approach and public reactions, more consideration and thought is required with respect to the content of these text and phone messages and the distribution area.

2. The bushfire events in the Kempsey Shire LGA saw the destruction or loss of power to a significant amount of communication infrastructure.

Communications are vital in times of bushfire emergencies, particularly with respect to those who live in remote areas in New South Wales. Where communication infrastructure is impacted/compromised, contingencies need to be in place with respect to communication services provided to those affected areas. Further, should communication infrastructure be damaged/destroyed requiring temporary provisions to be put in place, this should be carried out as a matter of priority. An example of this was the temporary provisions Optus put in place at Willawarrin to ensure mobile phone coverage existed. This was invaluable through the bushfire emergency event.

One resident has queried why all mobile providers are not obliged to switch to an open/free position for all users in the areas directly impacted. For example, if the Telstra tower was out but an Optus one still operating Telstra customers could gain access via that network.

Bushfire resiliency of communication infrastructure across the state also requires review given its importance in response mechanisms and risk control.

3. The NSW/ACT Emergency Management Operations System (EMOS) since its commissioning has not been rolled out adequately nor had appropriate training occur. Secondly the system can be unreliable or unstable meaning it is inconsistently used across the state.

Such operations systems can offer a number of benefits if fully functional and widely used, however the system requires investment in functionality and then training. Should this not occur it may be best that the system no longer be supported.

#### Burnt out Infrastructure

4. Given the nature of the fire and our geography, a number of bridges were destroyed or damaged in the fires. Most of these needed to be replaced quickly to allow for the electricity supply network to be accessed and repaired or for ongoing evacuation routes for people and stock. This is one area where the Australian Defence Force (ADF) may have been able to assist in a rapid response capacity to make these access routes operational. Unfortunately, the activation of the ADF was too late for north coast areas.



5. Related to Item 4 above there were also a number of private land holdings that have long access roads and bridges that were burnt out. These landowners were not able to access their properties because of trees over the roads or bridges burnt out. In some cases, their machinery had also been destroyed. Urgent support for this group of residents needs to be considered in future events.

#### Evacuation Centre Establishment

6. During the emergency bushfire events, evacuation centres were required to be established with little to no warning and at times out of normal working hours. A clear set of guidelines needs to be developed and circulated (including appropriate and mandatory training) to the respective agencies which outline procedures, requirements and responsibilities with respect to setting up and operating evacuation centres. Further comment is provided below with respect to resourcing of Evacuation Centres.

#### Resourcing – NSW RFS

7. During the 2019 bushfire event in the Kempsey Shire LGA, the NSW RFS called upon significant resourcing from Kempsey Shire Council.

Resources were required to provide operational and administrative support to the Emergency Operation Centre, Evacuation Centres, undertake operations to protect the community and provide ongoing administrative support to the Fire Control Centre. This **was in addition to many of Council's day to day duties still requiring resourcing.**

Compounded with the requirement to support and protect the community whilst providing administrative and operational support required by the NSW RFS, Council did not have the resources to meet this demand over an extended period of time.

Further consideration should be given to operational and administrative support required to be provided to the NSW RFS during bushfire emergencies and contingencies put in place with respect to same.

#### Resourcing – NSW Communities & Justice

8. As part of the bushfire response, four evacuation centres were activated within the Kempsey Shire Local Government Area, with NSW Communities & Justice ("NSW C&J") ultimately responsible for the operation of these centres.

In excess of 1,050 members of our community sought shelter in these evacuation centres. NSW C&J did not have the resources and/or adequate training for the running of these centres, particularly when evacuation centres were operating in various locations in the region. As a result, Kempsey Shire Council provided significant resourcing support to the centres.

Further, as it is local residents registering with evacuation centres who are displaced from their homes and local area, it is imperative that those who are operating these evacuation centres and providing support, have the knowledge and understanding of the area to which they are providing this support.

As was experienced with the bushfire emergency in the Kempsey Shire LGA, road closures were occurring with little warning, villages became isolated and residents who were seeking shelter in these evacuation centres, looked to those operating the evacuation centres, to have local knowledge to reassure and provide them with informed and accurate updates.

Unfortunately, NSW C&J were not equipped with local knowledge and an understanding of the Kempsey Shire LGA and as a result, a number of challenges were identified with respect to their ability to provide informed support and advice to local residents within these Centres. In addition to this the NSW C&J staff had insufficient physical resources to staff the centre 24 hours a day for an extended period as required. For example, they only had one mobile phone. Council was able to provide additional resources to assist them.

Another area of concern was that the staff on the ground at the Evacuation Centre were not delegated sufficient authority to make decisions or have access to the resources to provide basic assistance to those most impacted. Higher financial/decision making authority needs to be given to those on the ground in order to make decisions that can have positive and immediate benefits for victims.

#### BUSHFIRE RECOVERY PHASE

9. The recovery phase of bushfire events is an emotionally sensitive and difficult time for not only members of communities affected by such bushfires but also the numerous Government Agencies, volunteers and the like, who assist with making the recovery as seamless as possible.

As such, the importance of ensuring communities are supported and back on their feet without delay after such bushfire events as occurred in 2019-20, is of the utmost importance as is ensuring the Government Agencies and volunteers who come to the aid of the areas affected by bushfires are able to provide efficient support and recovery response as required.

During the recovery phase, Kempsey Shire Council has experienced and continues to experience, unnecessary delays with respect to the decision-making process due to inefficient processes that continue to complicate its response in the recovery phase to the bushfire event. In times of heightened sensitivity where communities, Government Agencies and Volunteers and the like are merely looking to get back on their feet, overcomplicating the decision-making processes only hampers the ability for those affected to recover.

10. Whilst Regional Recovery Committee meetings are an important tool in the recovery **phase of bushfire events, the representatives that form those Committee's need to be** from agencies equipped with the knowledge and decision-making powers relevant to bushfire recovery phases. Without this, **these Committee's become cumbersome and** timeliness in decision making cannot occur. In addition, they also need to attend on a regular basis. A review of the minutes of the Mid North Coast meeting will show the (on average) small number of Government agencies that attended these critical meetings.

There has also been a lack of clarity with respect to the need of Local Recovery Committees. The State Recovery Plan states they should exist, but it has been unclear as to whether they are essential.

11. Regional Recovery Committee meetings are an invaluable tool, which aid with a coordinated response to the recovery phase for regional areas in New South Wales.

As such, members who form the Committee, need to be appropriate people from relevant agencies equipped with appropriate decision-making powers to ensure they remain a productive and beneficial resource in the recovery phase.

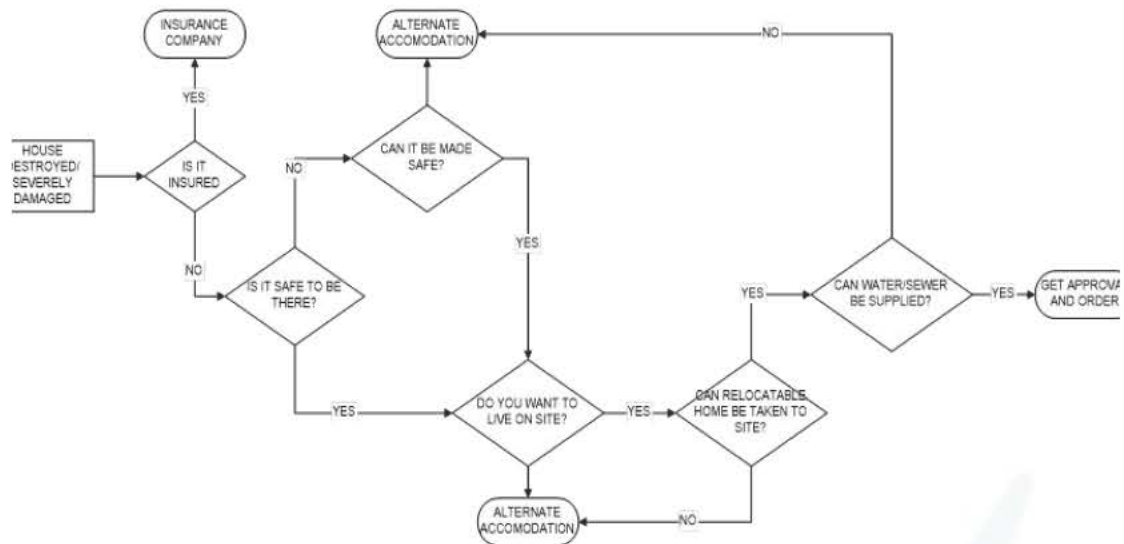
12. Whilst the 2019-20 bushfire event was unprecedented in terms of severity and area, bushfire occurrences in New South Wales are often widespread and are regular occurrences throughout the State. There is no standard information available to provide guidance and clarity with respect to the recovery process for a bushfire event, despite the fact that a number of significant bushfire events have occurred in the last 20 years. The lack of, or vague, information available with respect to the recovery process has caused confusion and uncertainty with respect to services such as waste management, fees and charges, housing and economic support.
13. The decision-making process in the recovery phase has been in an ever-changing environment, particularly for those in areas in the north of the State. Those with decision-making powers in relation to fencing, waste and we are/support have at times been unclear or without the persons with the appropriate decision-making delegation. Further those with decision-making powers, and what those decision-making powers relate to, need to be clearly identified at the outset. This has been exasperated by the ever-changing government structure and reporting lines in the higher levels of the government agencies.
14. **New South Wales' 2019-20** bushfire event saw some 2,439 homes destroyed, with 64 of those homes destroyed in the Kempsey Shire LGA. This means that large quantities of bushfire related waste, a significant amount of which is ACM, is required to be removed from the area and disposed of.

Local Governments are not well equipped to deal with such waste and the State **Government's response to assist with** aiding ability to expand waste facility capacity in the bushfire waste removal process, was slow and risked further delays to the recovery process for those affected.

15. Many homes were destroyed or damaged during the bushfire event of 2019-20. There needs to be provision with respect to temporary housing for those who are displaced after such bushfire emergencies. Programs such as the Minderoo temporary housing pod program are beneficial however, cannot accommodate all who have been displaced from their homes as a result of the bushfire event of 2019-20. Better access to temporary housing is required in order to assist members of the community displaced as a result of such events.

While the efforts of Minderoo are to be applauded a simple process for review of the **suitability of sites for temporary accommodation back 'on farm'** needs to be considered. The flow chart below was provided to the Regional Recovery Committee in November 2019 and if acted on then many families would have been in accommodation prior to Christmas. As it is, **the area is still waiting for temporary 'on farm' accommodation.**





Furthermore, in rural areas some of the community have working farms and as such, have an economical requirement to be back on their property. Better consideration is required with respect to displaced community members to ensure that the property they are relocated to is suitable for their individual requirements and circumstances. Further, the safety and well-being of displaced community members is paramount, we need to ensure they are located to safe areas and not areas with negative social issues.

16. Further delay to the introduction of the Fire and Emergency Services Levy should occur while the recovery phase occurs.
17. In the case of the Kempsey Shire, approximately 45% of the Local Government Area was burnt out. The majority of this was farmland and bush. The fires destroyed homes as highlighted above but also destroyed people's livelihoods through the destruction of machinery, equipment, storage sheds and fencing. An improved response to these losses is required. Boundary fences need to be replaced/repared as a matter of urgency; however internal fences also need to be repaired. In one example a farmer explained the situation where they had boundary fences repaired but the cattle who were ready to calf moved to the back of the farm where it bordered forests and the newborn calves were being taken by wild dogs. If internal fences had been repaired the cattle could have been held closer to the front of the property and not impacted in this way.
18. The data available to assist the recovery effort was patchy, inaccurate in some instances and many gaps were found. There is a need to vastly improve the data and its veracity to assist in the recovery efforts. Here at Kempsey Shire we were fortunate to have a State Government employee based in our Recovery Team at the Council for several months. The work that this staff member did was invaluable to ground truth the data. There appears to be a need to have more directly on the ground staff verifying the data over an extended period of time as we have seen members of the community only coming forward after several months and they were not on any other data sources.
19. There was a strong focus on mental health needs, however this needs to be delivered on the ground with a mix of formal and informal opportunities. Very few farmers will sign up to having, for example, 10 phone sessions.

20. Following bushfire property damage consistency in application of planning processes relating to demolition, clean up and rebuild are required. Kempsey Shire Council immediately implemented controls to assist with a streamlined process for demolition and clean up approval via a greatly simplified development application process. The consent provided for ability to achieve vegetation clearances (30m) surrounding the demolished building site, clearing along property access corridors and ability to put in place temporary accommodation for up to 3 years for the rebuild process. This was undertaken to assist immediate response and provide for ultimately a more streamlined process for the rebuild approval.

Across the State various methods of achieving this outcome (or thereabouts) have been put in place via Councils and/or ultimately direction received by the Department of Planning Industry and Environment (DPIE). However, with prompt attention and decision making from DPIE, consistent information and associated actions could have been implemented across the State with the significant benefit of minimising uncertainty that existed.

21. Whilst unapproved, it must be acknowledged that there are a great number of dwellings without consent within rural and regional areas that have been impacted by bushfire (or may be in the future). Residents of such dwellings are now displaced, and in many instances, have little opportunity to afford necessary approvals for rebuilding, nor ability to ultimately afford rebuild costs and the associated conditions that would apply to access and achieving the required BAL rating. Consistency across the State in managing these scenarios is critical whilst also accommodating the welfare of those residing in such residences.

#### GENERAL

22. Assistance from the Australian Defence Force in times of bushfire events as occurred in 2019-20, is invaluable.

With resources severely stretched during the bushfire events of 2019-20, the decision to deploy members of the Australian Defence Force to aid with both the response and the recovery phase was unnecessarily delayed and more particularly, at least 6 weeks too late for those north of the State. By the time resources were made available at the end of 2019, priority was then for these resources, both manpower and plant, to be deployed to the southern part of the State.

23. Bushfire events as occurred in 2019-20 not only have significant economic impacts, but also significant impacts on tourism in the State.

In particular, whilst local tourism campaigns were not due to commence until February 2020, in November 2019, Destination New South Wales commenced advertising warnings against travelling to bushfire affected areas on their website and in the case of the Kempsey Shire LGA, without first liaising with Council. These warnings were premature, uninformed and damaging to the areas affected.

There should be a consolidated approach between Government Agencies and the Local **Council's affected by bushfire emergencies to ensure** the information circulated is informed and accurate.

24. Local Councils are not equipped with expert bushfire knowledge required to make decisions relating the grant funding received as part of the Regional Bushfire Grants Program. **Nor should Local Council's be responsible for making applications with respect**



to, for example, hazard reduction activities. As the bushfire experts, the responsibility of applying for and obtaining this funding should be the responsibility of the NSW RFS.

Accordingly, it is submitted that a more strategic approach is required, not via requests of Local Councils without bushfire expertise.

25. The unprecedented bushfire events present an opportunity to review the effectiveness of the emergency management framework and structure that operates within the state. Local Government has played a significant lead role in aspects of the response and are now leading the local recovery process. This has highlighted that an in-depth knowledge of the local area, both from geographical and community perspectives, is paramount to providing an informed, prompt and effective response to the emergency and the recovery. Councils have the most thorough understanding and knowledge of the local area and therefore responsibility for coordination of these aspects may be best placed with Councils.

However, Councils across the state are under resourced with respect to emergency management. This needs to be addressed to ensure improved planning, education and response/recovery capacity is in place at a local level.

Alternatively, heightened capacity via state agencies is required to assume much of this responsibility. If this is the preferred direction then restructuring the agencies that exist for emergency management, response and recovery is required to provide for this capacity at a local level.

The Mid North Coast Joint Organisation has a Disaster Preparedness Officer in place. Consideration should be given as to what role such programs/positions can play in disaster preparedness going forward.

26. Review of the appropriate balance of planning controls across the State is necessary to provide for ability to live in rural and regional areas in safety, whilst not making it cost prohibitive for people to live in the bush. The best opportunity to achieve this outcome is via development in appropriate areas with appropriate measures in place to mitigate bushfire hazards. The effectiveness of these measures into the longer term is also of importance to assist with ensuring measures to manage hazards are enduring or easily within the ability of the property or asset owners to manage.

I appreciate the time taken to consider our submission and should you have any questions or require further information we would welcome the opportunity to discuss this further. Council's Director Operations & Planning, [REDACTED], can be contacted by phone: [REDACTED] or email: [REDACTED]

Yours faithfully

[REDACTED]

**CRAIG MILBURN**  
**GENERAL MANAGER**