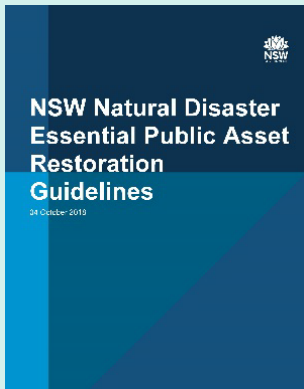


## 1. Factsheet | Introduction – Restoration of Essential Public Assets

### NSW Disaster Assistance Arrangements

The NSW Government provides a range of financial and non-financial support to assist communities to recover from the impacts of disasters through the NSW Disaster Assistance Arrangement. This includes support for individuals, small business, primary producers, local councils and not-for-profit organisations. The NSW Disaster Assistance Guidelines (NSW DAG) provide information on the specific measures that are available.

The NSW Disaster Assistance Arrangements and all related guidelines are consistent with the Commonwealth Disaster Recovery Funding Arrangements (DRFA) that came into effect on 1 November 2018.



### Restoration of Essential Public Assets

Under the NSW Disaster Assistance Arrangements councils may claim for funding assistance for Restoration of Essential Public Assets that have been damaged as a direct result of an eligible disaster.

The *NSW Natural Disaster Essential Public Restoration Guidelines* outline all the eligibility and evidence requirements for Restoration of Essential Public Assets for eligible disasters taking place from 1 November 2018. The guidelines apply to all local councils (irrespective if they have opted-in or opted-out of the interim NSW Day Labour Co-Funding Arrangements). For more information visit the support portal: <https://drfa.support>

#### What is a natural disaster?

A natural disaster is one, or a combination of the following rapid onset events:

- bushfire
- earthquake
- flood
- storm
- cyclone
- storm surge
- landslide
- tsunami
- meteorite strike
- tornado



#### What is an eligible disaster?

An **eligible disaster** is a natural disaster for which a Natural Disaster Declaration (NDD) has been made and for which:

- A coordinated multi-agency response was required, and
- State expenditure is expected to exceed the small disaster criterion (in 2018 set at \$240,000)

All declared eligible disasters are listed at the DisasterAssist website with detailed information including relief measures and corresponding AGRN number:

[www.disasterassist.gov.au](http://www.disasterassist.gov.au)

Councils seeking a Natural Disaster Declaration (NDD) should contact the Office of Emergency Management by email at [NaturalDisasters@justice.nsw.gov.au](mailto:NaturalDisasters@justice.nsw.gov.au)



#### What is an essential public asset?

In broad terms, essential public assets are assets with the following characteristics:

- ✓ they are owned by local councils or organisations established by NSW legislation
- ✓ their loss or damage severely disrupts the normal functioning of the community and they would be restored or replaced as a matter of urgency
- ✓ they are provided to meet the community's transport, health, education, justice or welfare needs
- ✓ they are provided to the community at no cost, or at a subsidised rate that is 50 percent or less of the actual cost of providing the asset

## Examples of Essential public assets

Examples of assets considered to be essential public assets under the NSW Disaster Assistance Arrangements:

- |   |            |                             |
|---|------------|-----------------------------|
| ✓ Roads   | ✓ Bridges  | ✓ Public Housing            |
| ✓ Road infrastructure (incl. footpaths bike lanes and pedestrian bridges) | ✓ Tunnels  | ✓ Flood levees              |
|   | ✓ Culverts | ✓ Stormwater infrastructure |

Roads and road infrastructure and their associated components which may include:

- |                                    |                                     |
|------------------------------------|-------------------------------------|
| ✓ Pavement and pavement seals      | ✓ Bridges and floodways             |
| ✓ Formation                        | ✓ Embankments and batter protection |
| ✓ Culverts and drainage structures |                                     |

For assets not listed above, councils may seek special approval from the Office of Emergency Management (OEM) if there is a strong case in doing so. Requests can be emailed to [NaturalDisaster@justice.nsw.gov.au](mailto:NaturalDisaster@justice.nsw.gov.au)



Examples of assets that are **not** considered to be essential public assets:

- |   |   |
|---|---|
| - Private roads   | - Beaches, coastal areas and riverbanks                                 |
| - Roads on Crown land that are not Crown Roads  | - Religious establishments (for example, churches, temples and mosques) |
| - Sporting, recreational or community facilities (for example, playgrounds and associated facilities) | - Cemeteries  |
|   | - Memorials   |

Not considered essential public assets

Financial assistance is **not** provided for insured assets:

Councils must take out reasonable levels of insurance cover for their essential public assets (including work in progress) and they must claim on these insurance policies before seeking financial assistance.

## Restoration of Essential public assets

Financial assistance for Restoration of Essential Public Assets is divided into three sub-categories:

- **Emergency Works,**
- **Immediate Reconstruction Works,** and
- **Essential Public Asset Reconstruction Works**

Each sub-category has specific claim requirements, such as a different damage notification processes and time limits (see overview on the next page).

*(Section 3.4, pp.14-15, NSW Natural Disaster Essential Public Asset Guidelines)*

Only councils that have opted-in to the Interim NSW Day Labour Co-Funding Arrangements have an extended Emergency Works time period from 21 days to 3 months and may claim for normal use of Day Labour (incl. internal plant and equipment hire). If you are uncertain if your council has opted-in or opted-out, contact OEM at [drfa.support@justice.nsw.gov.au](mailto:drfa.support@justice.nsw.gov.au)

*(Appendix D, pp.39-56, NSW Natural Disaster Essential Public Asset Guidelines)*

A damaged essential public asset may receive funding for reconstruction to its pre-disaster function (established using the 'Essential Public Asset Function Framework'). Any treatment that results in a variation to the pre-disaster function must be approved by the administering agency prior to any works commencing.

*(Section 4.2, pp.20-21, NSW Natural Disaster Essential Public Asset Guidelines)*

## Restoration of Essential public assets – sub categories overview

| Restoration of Essential Public Assets | Emergency Works   | Immediate Reconstruction Works             | Essential Public Asset Reconstruction Works                  |
|--|---|--|--|
| <b>Damage notification</b>             | <b>24 hours</b><br>(notify)                               | <b>asap</b><br>(seek agreement)            | <b>6 months</b><br>(approval)                                |
| <b>Works completion time limit</b>     | <b>3 months</b><br>(21 days for 'opt-out' councils)       | <b>3 months</b>                            | <b>2 years</b><br>(after the end of FY)                      |
| <b>Claim submission time limit</b>     | <b>3 months after completion</b>                          |  |  |
| <b>Pre-disaster function</b>           | <b>No variation accepted</b>                              | <b>No variation accepted</b>               | <b>Variation may be eligible</b>                             |
| <b>Pre-disaster condition evidence</b> | <b>Mandatory</b>  |  |  |
| <b>Damage evidence</b>                 | <b>Mandatory</b>  |  |  |
| <b>Completion of works evidence</b>    | <b>Mandatory</b>  |  |  |
| <b>Estimated reconstruction cost</b>   | <b>Not required</b>                                       | <b>Not required</b>                        | <b>Mandatory</b><br>(By Cost Estimation, or Market Response) |
| <b>Claim submission form</b>           | <b>Form 306 / EW</b>                                      | <b>Form 306 / IRW</b>                      | <b>Form 306 / EPA-RW</b>                                     |
| <b>Provision of funds</b>              | <b>Actuals</b><br>(subject to eligibility)                | <b>Actuals</b><br>(subject to eligibility) | <b>Upper Limit Grant</b><br>(subject to eligibility)         |
| <b>General ledger</b>                  | <b>Mandatory and must be included in claim submission</b> |  |  |
| <b>Normal use of 'Day Labour'</b>      | <b>Eligible for 'opt-in' councils only</b>                |  |  |
| <b>Document retention</b>              | <b>7 years</b>  |  |  |

### Claim submission

All claim submissions for Restoration of Essential Public Assets funding must be submitted to the relevant administering agency (see page 5). Submissions must be certified by the council and include:

**Form 306**

- ✓ Claim certification letter from the council
- ✓ Form 306
- ✓ general ledger
- ✓ mandatory evidence documentation

Upon request, the council must be able to provide auditable records, including breakdown of normal use of Day Labour (incl. internal plant and equipment) values.

*(Section 4.7, 4.8, 4.9, 5.2 NSW Natural Disaster Essential Public Asset Guidelines)*

## Mandatory evidence requirements

One of the key eligibility requirements for Restoration of Essential Public Assets funding is the mandatory provision of evidence clearly demonstrating that the damage is a direct result of the eligible disaster. All councils must provide three layers of evidence that are clearly linked and provide a complete picture of the damaged essential public asset.

If a council cannot provide adequate evidence it may be ineligible for funding, or it may result in reduced funding.

*(Section 4.3 and Appendix F, NSW Natural Disaster Essential Public Asset Guidelines)*

### Pre-disaster condition evidence

- Visual data (with metadata intact)
- Geospatial data
- Maintenance records
- Asset registers, and/or
- Inspection report/certification



#### Pre-disaster condition evidence:

- ✓ must be the latest evidence available, but no older than 4 years prior to the Natural Disaster Declaration (NDD) date
- ✓ must demonstrate the exact location and have a clear link to the same asset's damage evidence

### Damage evidence

- Visual data (with metadata intact)
- Geospatial data, and/or
- Inspection report(s)

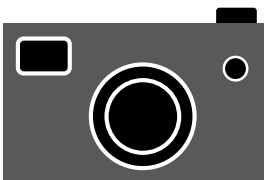


#### Damage evidence:

- ✓ must demonstrate a clear link to the same asset's pre-disaster condition evidence
- ✓ must be obtained as soon as reasonably practicable and before any works have started, and:
  - no later than 3 months for Emergency Works and Immediate Reconstruction Works
  - no later than 6 months for Essential Public Asset Reconstruction Works,
 from the date the damaged asset becomes accessible to the council

### Completion of works evidence

- Visual data (with metadata intact)



#### Completion of works evidence:

- ✓ must be obtained as soon as possible after completion of works
- ✓ must include photographs or video footage with metadata intact that clearly identify the exact location and scope of all completed works
- ✓ must be provided for each location at which eligible works have been completed
- ✓ must include representative photo of each of the key works types undertaken on the damaged asset, i.e. photos of each treatment type if multiple treatment types were involved
- ✓ must demonstrate a clear link to the same asset's pre-disaster condition evidence and damage evidence

## Coordinating agency

### Office of Emergency Management (OEM)

The Office of Emergency Management (OEM) is responsible for coordinating disaster relief and recovery operations in NSW which includes the provision of financial and non-financial support through the NSW Disaster Assistance Arrangements. Working in partnership with local councils, OEM establishes Evacuation Centres, Recovery Centres and Recovery Committees, and coordinates the analysis of disaster impact assessment data.

OEM works closely with the Australian Government to declare natural disasters and coordinates the delivery of disaster assistance to individuals, businesses, primary producers, not-for-profit organisations and local councils.

When disaster strikes, OEM contacts affected councils to understand the extent of damage and to gather information that supports the activation of a Natural Disaster Declaration (NDD).

If a Natural Disaster Declaration (NDD) is made, OEM assists impacted councils to understand the support that is available and facilitates effective working relationship with the administering agencies, primarily Public Works Advisory (PWA) and NSW Roads & Maritime Services (RMS)

Councils needing assistance in relation to the NSW Disaster Assistance Arrangements can contact OEM via email: [NaturalDisasters@justice.nsw.gov.au](mailto:NaturalDisasters@justice.nsw.gov.au)

## Administering agencies

Councils impacted by a natural disaster are requested to engage directly with their regional administering agencies as soon as possible with a notification of the scope of Emergency Works and to seek initial agreement of required Immediate Reconstruction Works.

All claims for funding of Restoration of Essential Public Assets must be submitted to the relevant administering agency, depending on the type of claim and restoration works carried out.

**Public Works Advisory** is the principal agency for essential public asset restoration claims that relate to all eligible essential public assets **other** than road infrastructure:



- ✓ **flood levees**
- ✓ **stormwater infrastructure**
- ✓ **clean-up**

Claims for the above asset types should be submitted to Public Works Advisory for approval. Contact information is available at: <https://publicworksadvisory.nsw.gov.au/contact/>

**NSW Roads & Maritime Services (RMS)** is the principal agency for eligible essential public asset restoration claims that relate to:



- ✓ **roads**
- ✓ **bridges**
- ✓ **road infrastructure** (including footpaths, bike lanes and pedestrian bridges)
- ✓ **tunnels**
- ✓ **culverts**
- ✓ **clean-up**

Claims for the above listed asset types should be submitted to NSW Roads & Maritime Services for approval. To contact RMS call 131 782 (option 2) and request your Regional office.

*If there is a conflict or inconsistency between this factsheet and the NSW Natural Disaster Essential Public Asset Restoration Guidelines, the guidelines prevail.*