



Environment Protection Authority

Council Community and Recreation Assets Clean-up Program

Application Guidelines



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About the NSW Environment Protection Authority

The NSW Environment Protection Authority (EPA) is an independent statutory authority and the principal environmental regulator in NSW.

It leads the state's response to managing a diverse range of activities that can impact on the health of the NSW environment and its people, using a mix of tools including education; partnerships; licensing and approvals; and audit, enforcement and financial mechanisms. It also designs and implements environmental recovery and resilience programs to support and assist our communities, including public land managers, with natural disasters. The EPA is empowered under the *Protection of the Environment Administration Act 1991* (POEA Act).

About the NSW Storm and Flood Clean-up Program

The NSW storms and floods of February and March 2021 had a catastrophic impact on communities. Floodwaters caused extensive damage to residential properties, public infrastructure, agriculture, businesses and the environment.

Over 70 LGAs have been activated for disaster assistance under the Disaster Recovery Funding Arrangements (DRFA). Many flood-affected LGAs were also impacted by previous disasters, including bushfires in 2019–20, compounding existing recovery needs.

On 27 March 2021, the NSW and Commonwealth Governments announced the activation of a NSW Storm and Flood Clean-up Program. The clean-up program assists households, businesses, primary producers and local councils affected by the floods and will include both insured and uninsured properties. The costs will be shared 50:50 between the NSW and Commonwealth Governments.

The NSW Storm and Flood Clean-up Program provides for a staged approach following the February and March 2021 storms and floods. Stage 1 of this Program provided immediate relief to impacted areas to assist the community with the removal of flood debris and waste, with Stage 2 dealing with the complex clean-up issues that remain. The EPA Council Community and Recreation Assets Clean-up Program falls under Stage 2 of the NSW Storm and Flood Clean-up Program.

Council Community and Recreation Assets Clean-up Program

Council-owned or -managed community and recreation assets have been extensively damaged following the NSW storm and flood event through February and March 2021. Such assets include parks, playgrounds, reserves, sporting fields and courts, community halls and showgrounds. There is a critical need to assist impacted councils with clean-up and make-safe activities to allow for the restored access and use of these assets by the community.

The Council Community and Recreation Assets Clean-up Program falls under the NSW Storm and Flood Clean-up Program as a discrete program to specifically support councils with the clean-up and make-safe of their damaged community and recreation assets.

Objectives

The Council Community and Recreation Assets Clean-up Program will financially support impacted councils through the reimbursement of the costs they have incurred to clean up and make safe their community and recreation assets. Clean-up of these assets is a critical step in the recovery process as it allows the community to return to using and enjoying them.

Many council community and recreation assets are also located within environmentally sensitive areas, including rivers, wetlands and beaches. Debris and waste harm these areas' environmental values, and so must be cleaned up.

Purpose

These guidelines will assist eligible councils to seek reimbursement of costs incurred with the clean-up and make-safe of their storm- and flood-damaged community and recreation assets.

Eligibility

Local Government eligibility

All councils (78 in total) declared under Australian Government Reference Number (AGRN) 954 and 960 are eligible to apply to the Council Community and Recreation Assets Clean-up Program as detailed in Attachment 1 of these guidelines.

Assets eligibility

Eligible under the program are the following council-owned or -managed community and recreation assets (on public land) directly impacted as a result of storm and flood events AGRN 960 and AGRN 954:

- parks, playgrounds and reserves
- sporting fields, including outdoors playing courts
- beach areas
- boat ramps, jetties and wharfs – used for recreational purposes including boating and fishing but not where used for formal transport purposes such as ferry services
- halls
- showgrounds
- cemeteries
- car parks that are directly associated with the above assets.

The EPA may consider other assets not listed above on a case-by-case basis but only:

- i. where an eligible council demonstrates that the primary use and function of the asset is for community and recreational purpose(s); and
- ii. the asset is not listed as ineligible below.

Assets ineligibility

The following council-owned or -managed assets are not eligible under the Council Community and Recreation Asset Clean-up Program:

- administration buildings
- day care and/or pre-school facilities
- property solely used/rented for commercial purposes

- caravan parks and/or tourist facilities
- properties or structures used by emergency services including RFS and SES.

Activities or works performed in response to coastal erosion are not considered within scope of Attachment D of the NSW Storm and Flood Clean-Up Guidelines and will not be covered by the Council Community and Recreation Assets Clean-up Program.

Clean-up and make-safe activity eligibility

Eligible council-led clean-up and make-safe activities applying to council community and recreation assets, where the need for these activities is as a direct result of storm and flood events AGRN 960 and AGRN 954, include:

- debris clean-up and removal, including green waste and flood deposited waste
- removal and clean-up of trees assessed by a suitably qualified expert to be dangerous/hazardous to public and/or worker safety
- clean-up and removal of flood deposited sediment, silt and mud
- clean-up and removal of damaged/destroyed park/playground infrastructure including equipment, furniture shelters/structures and fencing
- clean-up and removal of contaminants including asbestos caused or deposited by flooding
- clean-up and restoration (pre-disaster condition) of any sporting field or park used for the temporary storage of waste as part of Stage 1 of the clean-up
- make-safe works for the purposes of maintaining public safety and minimising environmental harm until asset repair/restoration works are completed, including
 - utilities management (sewerage, stormwater, electricity, gas)
 - prevention of public access through temporary fencing/barricading or other similar means.
 - erosion and sediment controls measures.

Activities or works performed in response to coastal erosion are not considered within scope of Attachment D of the NSW Storm and Flood Clean-up Guidelines and will not be covered by the Council Community and Recreation Assets Clean-up Program.

Cost for clean-up and make-safe activities eligibility

Costs incurred by councils, including waste disposal fees directly associated with performing the above-listed clean-up and make-safe activities, will be eligible for reimbursement under the Council Community and Recreational Assets Clean-up Program. Eligible costs include the following associated costs where councils demonstrate they are directly related to the clean-up and make-safe activities performed to their eligible community and recreational assets:

- council tip fees waived
- contractor costs, temporary employees or consultants
- additional plant and equipment hire
- variable costs of operating plant and equipment (e.g. fuel, maintenance and consumables)
- extraordinary council wages such as overtime and additional allowances of officers undertaking eligible program activities.

Council day labour costs and any other costs that would have been incurred had the disaster not occurred are ineligible. Day labour costs will however be considered as a co-contribution by councils under the program. Also excluded are any costs associated with:

- building contents
- compensation for loss of income or shortening of asset life
- non-statutory council on-costs such as profit margin, depreciation of assets, administrative charges, council audit costs and electricity.

Funding

Available funding

Up to \$18 million in total funding is available to eligible councils under the Council Community and Recreation Assets Clean-up Program.

Provision of funding

All funding provided to councils under the program will be on the basis of reimbursement of actual expenditure (excluding GST) incurred for the clean-up and make-safe of their community and recreation assets, and subject to eligibility and assessment criteria requirements.

All funding provided under the Council Community and Recreation Assets Clean-up Program is subject to State and Commonwealth audit and assurance activities, and the EPA (or other nominated agency) may recover funding that has been previously provided to councils, for activities that have subsequently been found to be ineligible.

In the event that a council is required to participate in a State or Commonwealth audit and assurance activity, any costs incurred by the council remain the responsibility of the council.

How to apply

Applicants will apply for funding via [SmartyGrants](#). The EPA website gives the [closing dates](#).

Applications

In applying, eligible councils will need to detail all eligible clean-up and make-safe activities undertaken and the corresponding costs they are seeking reimbursement of. Clean-up and/or make-safe activities need to be grouped against a specific eligible council community and recreation asset such as an individual park or reserve. Applications may include multiple assets and there is no need to lodge multiple applications for each individual council community and recreation asset for which reimbursement is sought.

Where eligible clean-up and make-safe activities are still to be undertaken, councils will be able to apply for reimbursement once these costs have been incurred and the works are completed under a future round (or rounds) of this program.

Assessment of applications

The EPA will assess all applications against the following criteria:

- a. applicant, asset, clean-up and make-safe activity and cost eligibility
- b. the pre-disaster condition

- c. that the damage was as a direct result of AGRN 960 and/or 954 storm and flood events
- d. general ledger/transaction
- e. completion of clean-up and/or make-safe works evidence.

Applicants must provide all necessary information and documentation to allow the EPA to review and determine their application against these assessment criteria. To help councils prepare their applications, the following sections explain further what is needed to meet these criteria.

Pre-disaster condition evidence

To ensure that damage identified is the direct result of AGRN 960 and/or 954 storm and flood events, the pre-disaster condition of damaged council community and recreation assets must be demonstrated.

Councils must provide evidence of the location, nature and pre-disaster condition of each community and recreational asset through one or more of the following (in order of preference):

- a. visual data, including photographs or video footage
- b. geospatial data, including satellite images
- c. maintenance records
- d. asset registers that sufficiently document the condition of the asset, or
- e. an inspection report or certification (undertaken at the time of the damage assessment) conducted or verified by a suitably qualified council staff member or engaged third-party professional, with the appropriate level of expertise and experience, that confirms the damage was caused by AGRN 960 and/or 954, with sufficient basis for this. The name and title of the suitably qualified council staff member or engaged third-party professional must be included in the report(s) or certification.

Councils must provide the latest evidence available, no older than four (4) years prior to March 2021.

The information provided in the application must be presented in a way that makes it easy to determine the asset location and the evidence of the damage. For example, if photographs are used to show the pre-disaster condition and damage, they should make possible a direct 'before and after' comparison.

Damage evidence

To establish a basis that the damage sustained was a direct result of AGRN 960 and 954, councils must provide evidence of the exact location, nature and extent of the damage of each community and recreation asset through one or more of the following most appropriate means:

- geospatial data, including satellite images
- visual data, including photographs or video footage, or
- asset inspection report/s conducted or verified by a suitably qualified council staff member or engaged third-party professional, with the appropriate level of expertise and experience, that confirms the damage was caused by AGRN 960 and/or 954, with sufficient basis for this. The name and title of the suitably qualified council staff member or engaged third-party professional must be included in the report(s) or certification.

This evidence needs to be obtained as soon as reasonably practicable, and preferably no later than three (3) months from the time that the damaged community and recreation asset became accessible to the council.

For more information about capturing eligible evidence of damage, please see Appendix F (Visual and Geospatial Evidence – Best Practice) of the [NSW Natural Disaster Essential Public Assets Restoration Guidelines](#) (NSW Government, 19 October 2018).

General ledger/transaction listing

A general ledger/transaction listing in Excel format (or equivalent) that directly correlates to the expenditure included in application form must be provided. If the expenditure cannot be supported by evidence such as invoices when requested, funding assistance may be rejected or recalled by the EPA.

In providing the general ledger/transaction listing, applicants must detail that the most economically efficient approach to cleaning-up and/or making safe of the eligible council community and recreational asset was undertaken in consideration of the circumstances experienced at the time this occurred. This includes value for money; supply rates for labour, plant and equipment hire; and other eligible clean-up and make-safe cost elements.

Completion of clean-up and/or make-safe works evidence

Councils should provide a representative photo of each of the key types of clean-up and/or make-safe activities undertaken to the damaged community and recreation asset. This may include a range of work – for example, clearing of silt and debris, removal of hazardous trees, placement of barricading, and temporary disconnection of essential services such as electricity. The number of photos to be provided should correspond with the level and scope of damage incurred to the council community and recreational asset.

If photos showing the completed clean-up works and/or make-safe activities were not captured and now cannot be, councils must instead provide written details of the activities performed, including the date(s) these were completed. The written details must be certified by the relevant supervising council manager.

Successful applicants

Successful applicants will be advised in writing including the actual costs (excluding GST) that have been approved for reimbursement. Upon receipt of this notification, applicants will need to enter into a deed of agreement with the EPA. Funds for reimbursement of costs will be released according to the terms and conditions set out in this agreement, including provision of any needed supporting documentation.

Appeals process

Councils that have concerns about the outcome of a funding claim may write to the EPA as the agency administering the program, setting out their concerns and requesting that they be referred to Resilience NSW as the coordinating agency for action.

Resilience NSW will convene an appropriate independent panel to consider the council's concerns. The panel will assess council's appeal in terms of the criteria provided in these guidelines and provide a recommendation to the EPA in relation to the appeal.

The EPA will then consider its position in relation to the claim.

Should the council continue to have concerns with the EPA's decision, it may seek a further review of the matter from Resilience NSW directly.

Resilience NSW will assess the council's appeal in terms of the criteria provided in these guidelines, the NSW Disaster Assistance Guidelines (DAG) and the Disaster Revery Funding Arrangements (DRFA), and provide a recommendation to the EPA in relation to the appeal.

What you need to do

Use this checklist to ensure you complete your application for the program.

- Read these guidelines carefully
- Check eligibility requirements
- Check assessment criteria
- Submit your application via [SmartyGrants](#) by the closing date

Key dates

Visit the EPA's website for [closing dates](#).

Where to get help

Recovery and Resilience Programs Team

The EPA can help you with understand/interpret these guidelines and develop your application. If you have any questions about these guidelines, eligibility or the types of activities that can be included in your application, please contact us on:

- phone: 131 555
- email: RecoveryandResiliencePrograms@epa.nsw.gov.au.

Attachment 1

Local government areas declared under AGRN 960 and 954

Armidale	Hornsby
Ballina	Hunters Hill
Bathurst	Inner West
Bega Valley	Inverell
Bellingen	Kempsey
Blacktown	Ku-ring-gai
Blue Mountains	Kyogle
Bogan	Lachlan
Brewarrina	Lake Macquarie City
Byron	Lismore
Cabonne	Lithgow
Camden	Liverpool
Campbelltown	Liverpool Plains
Canterbury Bankstown	Maitland
Central Coast	Mid-Coast
Central Darling	Moree Plains
Cessnock	Muswellbrook
Clarence Valley	Nambucca Valley
Cobar	Narrabri
Coffs Harbour	Narromine
Coonamble	Newcastle City
Cumberland	Northern Beaches
Dungog	Oberon
Eurobodalla	Parramatta
Fairfield	Penrith
Georges River	Port Macquarie Hastings
Gilgandra	Port Stephens
Glen Innes Severn	Queanbeyan Palerang
Goulburn Mulwaree	Richmond Valley
Greater Hume	Shoalhaven
Gunnedah	Singleton
Gwydir	Snowy Monaro
Hawkesbury	Sutherland

Tamworth
Temora
Tenterfield
The Hills
Tweed
Upper Lachlan

Uralla
Walcha
Walgett
Warren
Wingecarribee
Wollondilly