

# MOORE POINT

## JOINT LANDOWNER GROUP

ERIKA PAWLEY, MOORE POINT JOINT LANDOWNERS GROUP

Thank you Chair and Joint Select Committee for the opportunity to provide input to the review of the NSW Reconstruction Act 2022. I represent the Moore Point Joint Landowners Group comprising of Leamac Property Group and Coronation Property.

I begin firstly by acknowledging the traditional custodians of the land and leaders past, present and emerging.

Next I would like to applaud the tremendous leadership of NSW Premier Chris Minns in addressing the housing crisis.

Just a few days ago, the Premier called out the culture in Sydney, where vocal groups believe everything must be set in stone and nothing can change.

The Premier acknowledged it is so difficult to do anything in Sydney, that if we don't adopt change in a city, we will be stuck. He said that whether its building, whether its approvals, change in use ... the easiest answer is to say no, you can't do it, it's too hard.

He said that in Sydney we have been saying NO for 20 years and now we don't have enough homes for young people and we have got to change.

These are quotes from the Premier in a post he shared on LinkedIn a week ago<sup>1</sup>. The referencing is footnoted in this document for the information of the Joint Select Committee.

By way of background, Moore Point is one of the largest private urban regeneration projects in Australia. The 32ha site is located opposite Liverpool train station, on land on the Georges River that has never experienced a recorded flood event.

Upon completion, it will encompass:

- Up to 11,000 homes,
- 23,500 permanent jobs,
- 10.8ha or 34% of the precinct of open space
- And a range of other significant public benefits including a new public primary school and bridges over the Georges River to promote active healthy lifestyles.

All next to an established CBD with a railway station, hospitals, schools, universities, services and shopping.

Whilst the terms of reference for this committee do not specifically cover housing affordability or the housing crisis, it is clear that these are key issues and priorities for the NSW Government, and the implementation of the Committee's findings will have large ramifications for the delivery of housing.

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<sup>1</sup> [https://www.linkedin.com/posts/chris-minns-339553215\\_sydney-is-at-risk-of-becoming-a-city-with-activity-7227490352176193536-2gCH?utm\\_source=share&utm\\_medium=member\\_desktop](https://www.linkedin.com/posts/chris-minns-339553215_sydney-is-at-risk-of-becoming-a-city-with-activity-7227490352176193536-2gCH?utm_source=share&utm_medium=member_desktop)

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The JLG understands that the primary object of the Act are:

- (a) disaster prevention, preparedness and adaptation, and
- (b) recovery and reconstruction following disasters.

The Joint Landowners Group agrees with the objects of the Act. The JLG appreciates and supports the wide range of functions bestowed upon the Reconstruction Authority under s10 of the Act.

The Joint Landowners Group would be supportive of the adopted Government policy regarding urban development and flood risk, consistent with the recommendation 18 of the 2022 NSW Flood Inquiry, described as being a 'risk-based' approach, if it were being applied.

However, it is our experience that the interpretation of a 'risk based' approach is varied across different parts of the NSW Government, and that there are sections within Government that are not applying a 'risk based' approach.

Some basic, plain English definitions that frame the rest of my presentation.

Retreat – an act of moving back or withdrawing.

Resilience – the capacity to withstand or recover quickly from difficulties.

Adaptation – changing something to make it suitable for a new purpose or situation.

Innovation - the process of bringing about new ideas, methods, products, services, or solutions that have a significant positive impact and value.

We note that the functions of the Authority under s10 of the Act make multiple references to the words: resilience, adaption, and coordination of whole of Government responses. But not retreat.

### OBSERVATION 1 – FLOOD PLANNING LEVELS

We have observed that across Sydney there has been an informal adoption of the 'Probable Maximum Flood' (PMF) as the guiding flood planning level to determine appropriate urban development.

The PMF, defined by the NSW SES is:

*The largest flood that could conceivably be expected to occur at a particular location, usually estimated from probable maximum precipitation. The PMF defines the maximum extent of flood prone land, that is, the floodplain. It is difficult to define a meaningful Annual Exceedance Probability for the PMF, but it is commonly assumed to be of the order of ... once in ten thousand to ten million (10,000 to 10,000,000) years<sup>2</sup>.*

Reliance on a **1-ten thousand to 1-ten-million-year event** as the single measure for flood planning is not a risk based assessment. It does not align with the recommendations of the NSW Flood Inquiry, the objects of the Act, or the functions of the Authority.

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<sup>2</sup> <https://www.ses.nsw.gov.au/media/2650/glossary.pdf>

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The reliance on the PMF is, by stealth, adopting a position of retreat and withdrawal, over adaptation and resilience, where nothing can occur below the PMF without some level of risk.

Reliance on the PMF and a retreat-based approach applies a one-size fits all approach to the entire state, irrespective of the location and the particular characteristics of an individual river system, flood plain or development proposal. This is also not consistent with the Flood Inquiry, Act or functions of the Authority.

A risk-based approach should consider the PMF, but it should not be determined solely by the PMF.

### OBSERVATION 2 – EMERGENCY RESPONSE

There are 439 rivers in New South Wales according to the NSW Geographical Names Board. As you would expect, they all have different flood characteristics, surrounding populations and development intensity, and therefore risks.

As active participants in the development of land across Sydney, it is our observation that the exact same approaches, methods and assumptions to emergency response and evacuation management are being applied to the Northern Rivers, Hawkesbury Nepean, Georges and Parramatta River systems.

Applying the same methods, approaches and assumptions is neither risk-based nor a genuine attempt to address and incorporate resilience into communities.

It assumes that the emergency response and evacuation will and should be the same for each and every flood event across the State which clearly should not be the case.

For example, in Sydney, access to and use of smartphones, and internet connectivity is high. Communities are familiar with technology and well used to receiving information this way. How many of you have checked your phones in your last break?

Use of technology and digital connectivity increases early warning notification timelines, creating an entirely different response to emergency response in Sydney, compared to other parts of NSW. The NSW Government has embraced use of this technology (Hazards Near Me) however some agencies are reluctant to incorporate into their risk based planning solutions.

Another example is the repeated use of an assumption regarding the vehicular capacity of roads used for vehicular evacuation. The figure of 600 vehicles/lane/hr is widely used, regardless of whether it is a rural road in regional NSW, or an arterial road in the middle of Sydney, with design features such as street lights and dual carriageways. It is also based on 100% of the community evacuating by vehicular means, when ABS data shows many households in dense city centres do not even own cars.

The basis for the 660 vehicles/lane/hour was described initially in a 2004 conference paper and then subsequently in a 2010 conference paper which says: “this paper was a result of the involvement in 1997... Hawkesbury Nepean Flood Advisory Committee”.

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So in 2024, we are using assumptions from 1997 to make decisions about the future of Sydney. Now, I'm old enough to remember, that in 1997 mobile phones were the size of bricks. Look how far we have come.

We have also experienced resistance by agencies to evacuation methods which are well suited to urban environments, such as evacuation by foot. In dense city locations, the NSW Government has actively encouraged people to favour active and public transport over private vehicle ownership. As a planner, I commend this approach and the efforts of the NSW Government to concentrate new housing in locations close to railway stations, as proposed through the Transit Oriented Development (TOD) SEPP.

However, other parts of Government do not accept that people without cars can evacuate to higher ground or friends and family by foot. The same assumptions for vehicle ownership are applied across Sydney, regardless of the actual dwelling mix and demographic profile.

### OBSERVATION 3 – INNOVATION AND BEST PRACTICE

As I defined in my opening, Innovation is the process of bringing about new ideas, methods, products, services, or solutions that have a significant positive impact and value.

Innovation is using research, evidence and best practice from around the world, and working together to achieve an outcome, not using 30-year-old methodology that is not research based or able to be challenged.

There is no other area of government policy that has not shifted or evolved over the last 30 years. For example, the Sydney lockout laws were introduced by the NSW Government from 2014 with the objective of reducing alcohol-fuelled violence. It has been observed that these laws have impacted on our city's night time economy and people's enjoyment of our city. So we have, over the few years, seen the laws lifted and more recently, a suite of vibrancy reforms introduced. A current example of being open to change, to adapt, to work with stakeholders, to deliver significant positive impact and value.

### CASE STUDY – MOORE POINT

At Moore Point for instance, careful flood modelling and world's best practice urban design has located each and every home above the PMF. Residents would be able to either leave in line with early warnings, or as a high-density precinct with ready access to public transport, residents who do not own cars would be able to walk out of their homes to safe locations, and to family and friends. As a last resort and for those who desire, they could wait out the flood from the safety of their homes which will be designed to withstand flood loads and maintain essential services like water and power.

At present, none of these emergency management responses have been adopted by the NSW Government.

So whilst the Premier and the Minister for Planning are pulling all levers to address the housing crisis by prioritising growth next to railway stations and services, some parts of Government are actively blocking housing in these locations by not even considering a risk based approach.

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I go back to the Premier's comments, that for 20 years in Sydney we have been saying, no, we can't do that, it's too hard. As the Premier has said, we have to adopt change in our city.

In my words, we have to innovate, we have to be willing to undertake a genuine risk-based assessment of proposals, taking into account each location's flood risk, together with emergency responses that are specific to a location and its population.

I encourage the Joint Committee to ensure this review ensures that pragmatic, risk-based approaches are able to be proposed and assessed, rather than denied consideration due to a 'retreat by default' position.

A 'retreat by default' approach not only stymies innovation but precludes the delivery of a raft of community benefits such as public green and recreational space. We know that Western Sydney is the hottest part of Sydney, and will only get hotter. Cool, green, riverside spaces provide significant amenity to communities in perpetuity. There are many global and local examples of how these spaces can be designed to be resilient, absorb and rebound from significant events. James Davidson will speak more on that.

To conclude, and as mentioned in my introductory remarks, this review should not unintentionally undermine another of the Government's priorities – housing supply and affordability. In addressing the housing crisis, the Government has set itself a target of delivering 377,000 homes over the next five years, approximately 264,000 of those will be delivered in Sydney. Applying a one size fits all approach of retreat will not deliver the housing and other public benefits Sydney needs.

A conservative and rigid approach to flood planning for the delivery of these dwellings will undoubtedly mean that this housing target and the housing accord will not be achieved in NSW.

JAMES DAVIDSON, JDA ARCHITECTS

As flood events across Australia become more frequent and severe, current planning legislation is making it difficult to preserve heritage sites on flood-prone sites such as Moore Point. The current approach to flood management is outdated, and there is a growing need for a more nuanced and innovative approach that properly addresses these evolving risks whilst preserving the functional and significance of these buildings now and into the future. Flood resilient design and preparedness are the answer. Our approach seeks to integrate flood resilient design principles and strategies with the preservation of heritage buildings and focuses on preparedness and the proactive management of these sites rather than simply relying on post-flood recovery efforts which as we all know are constrained by many factors.

We see buildings of a heritage significance and flood resilience as complementary. For example, instead of adding new building elements that may not be flood appropriate to old buildings, we emphasize the importance of preserving and celebrating the original building fabric. This approach not only maintains the aesthetic integrity of these structures but also aligns with sustainable practices in relation to the adaptive re-use of old buildings and structures.

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The overall aim at the heart of this approach is to encourage design innovation to enhance both the functionality and historical significance of sites like Moore Point and is essential to effectively protect and maintain their historical integrity, now and into the future. Flood resilient design can assist in future-proofing buildings of historical significance in locations where they would otherwise remain unused or underutilised and face demolition in the long term.