

Joint Select Committee on the NSW Reconstruction Authority

Supplementary questions for Moore Point Landowners Group

1. Which specific functions of the Authority in the Act relating to disaster prevention and urban planning are unclear? What changes would help clarify these functions?

The Moore Point JLG appreciates and supports the wide range of functions bestowed upon the Reconstruction Authority under s10 of the Act.

Our observations are that the coordination between government agencies in s10 c and s10 d could be improved.

The adopted Government policy regarding urban development and flood risk, consistent with the recommendation 18 of the 2022 NSW Flood Inquiry, is described as being a 'risk-based' approach.

The Joint Landowners Group would be supportive of this, 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 interpreting this approach as NO RISK.

A suggested improvement to s10 c and s10 d would be to strengthen the word *coordinate* to *lead*, as shown below.

(c) information provision and exchange and community engagement, including—

(i) **leading** collaboration and coordination between government agencies, local councils, service providers and communities to improve disaster prevention, preparedness, recovery, reconstruction and adaptation, and

(ii) increasing the flow of information and enabling community participation to support the development of strategies for disaster prevention, preparedness, recovery, reconstruction and adaptation,

(d) to **lead** the development and implementation of whole-of-government policies for—

(i) managing the risk of disasters in the State, and

(ii) ensuring communities can recover, reconstruct and adapt effectively and efficiently following disasters, and

(iii) improving the preparedness and resilience of communities for potential disasters,

2. How could the Authority's powers under the Act potentially hinder innovative urban development?

Innovation is the process of bringing about new ideas, methods, 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.

The Act does not hinder innovative urban development. Innovation is being hindered by people in agencies that have a role in the planning process, that apply very conservative and outdated assumptions to decisions relating to urban development as outlined below.

2.1 Reliance on PMF

We have observed that across Sydney there has been a recent 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) years¹.

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.

Any 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.

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.

2.2 Evacuation by foot

We have experienced resistance 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 (refer to the Transit Oriented Development SEPP).

However, other parts of Government, like the SES, 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, car ownership rates and demographic profile.

2.3 Shelter in place

The SES does not support shelter in place, except for existing dwellings.

For contemporary, well designed precincts and buildings, shelter in place is a safe option for those who do not wish to evacuate because they do not own a car or other reasons. Contemporary,

¹ <https://www.ses.nsw.gov.au/media/2650/glossary.pdf>

resilient buildings have a far greater capacity to be designed and constructed to maintain supply of essential services, and flood loads, than older, existing housing stock.

Applying the same policies, methods, approaches and assumptions to the Northern Rivers, Hawkesbury Nepean, and Georges River systems is neither innovative, risk-based nor a genuine attempt to address and incorporate resilience into communities.