

**Submission
No 33**

REVIEW OF THE NSW RECONSTRUCTION AUTHORITY ACT 2022

Organisation: Moore Point Joint Landowners Group

Date Received: 17 May 2024

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JOINT LANDOWNER GROUP

The Hon. Clayton Barr MP
Chairperson
Joint Select Committee on the NSW Reconstruction Authority

RE: Review of the NSW Reconstruction Authority Act 2022

Dear Mr Barr,

The Moore Point Joint Landowners Group (JLG) comprising of Leamac Property Group and Coronation Property thank you for the opportunity to comment on the review of the NSW Reconstruction Act 2022 (the Review) and whether the policy objectives of the Act remain relevant and the terms of the Act remain appropriate for securing the objectives.

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 that has never experienced a recorded flood event.

Upon completion, it will encompass:

- 11,000 homes,
- 23,500 permanent jobs,
- 10.8ha of open space, and
- A range of other significant public benefits including a public primary school and connecting an 8km riverfront walking and cycling path.

The JLG understands that the policy objectives of the Act are as follows:

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

The terms of the how the policy objects are achieved under the Act are:

- (a) establishing the NSW Reconstruction Authority to facilitate community resilience to the impact of disasters in New South Wales through prevention, preparedness and adaptation, and
- (b) providing for the functions and powers of the NSW Reconstruction Authority, including functions and powers to—
 - (i) facilitate the protection, recovery and reconstruction of affected communities, and
 - (ii) mitigate against the impact of potential disasters on communities, and
 - (iii) improve the resilience and adaptability of affected communities in relation to potential disasters, including, for example, by the betterment of affected communities, and
- (c) providing for the exercise of functions by the chief executive officer of the NSW Reconstruction Authority, subject to the Minister's control and direction, including ensuring the Authority exercises its functions effectively and efficiently.

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From the perspective of disaster protection, recovery and reconstruction in affected communities, the JLG agrees that the contents of the Act are appropriate and fit for purpose.

However, as a result of the Act and the NSW Flood Inquiry, the Authority will play a significant role in the approval and planning of future urban communities, like Moore Point, most of which will never be 'affected communities' of a disaster.

This role is largely aligned to disaster prevention, adaptation and overall resilience and with respect to the planning and delivery of new urban development and housing, the JLG suggests that further clarifications are required within the Act.

For instance, adopted Government policy regarding urban development in flood plains is described as being a 'risk-based' approach and the JLG would support this initiative. However, our experience and observations of how the Government is approaching critical decision-making processes does not appear to be risk-based or in line with resilience principles. There seems to be an informal adoption of the 'Probable Maximum Flood' (PMF) as the guiding flood planning level to determine appropriate urban development.

The PMF, as we understand is an event that is described as a 'one in ten thousand to ten million year event'. A risk-based approach should consider the PMF, but it should not be determined by the PMF. The latter does not equate to resilience or risk-based planning, rather it is a form of retreat and total prevention of development and investment. This approach is reductionist and does not account for a genuine risk-based assessment of a development proposal and its ability to provide safe and sustainable housing.

A 'retreat by default' approach not only stymies innovation but precludes the delivery of a raft of privately-funded benefits such as public green and recreational space. These spaces provide significant amenity to the community, in perpetuity, and there are global and local examples of how these spaces can be designed to be resilient, absorb and rebound from significant events. Further, there are numerous examples of these public spaces becoming cultural destinations for the community, which otherwise would not have been delivered if a 'retreat-based' approach had been adopted by authorities and industry at the time.

The Authority should be equipped to undertake appropriate and efficient disaster recovery, reconstruction and protection of affected communities. However, the Act should be clear that the Authority's role in future urban plan making decisions, and the way those decisions are guided are of equal importance to the 'combat' role of reconstruction.

Whilst industry, Government authorities and policy makers are cognisant of climate change and variances in weather patterns, there needs to be a clear understanding of the Authority's role and Government's position with respect to flood planning.

As such, the Review of the Act should ensure that the Authority's policy making (determination of flood planning levels) and Government referral functions (for planning proposals and development applications) are not governed by retreat and the PMF, but by genuine risk-based approaches and outcomes.

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Should the Joint Select Committee have any further questions regarding this submission, please feel free to contact the undersigned, below.

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