

Review of the *NSW Reconstruction Authority Act 2022*

Supplementary questions for Allianz Australia

Section 38 of the Act requires a local council and other planning authorities to consider the State Disaster Mitigation Plan and any relevant disaster adaptation plan when exercising their planning functions.

1. Is this legal requirement sufficient to require land use planning decision-makers to appropriately consider the flood risks raised in Allianz Australia's submission?

In principle, yes. Allianz's main recommendation was that the Reconstruction Authority include in the State Disaster Mitigation Plan (SDMP) or the relevant Disaster Adaption Plans (DAPs), for example, of councils and other planning authorities, require that information on flood risk be made publicly available on maps of proposed or newly approved parcels of land (eg greater than 10,000sqm) that are zoned for urban development, in particular, residential housing. The legal requirement in Section 38 of the Act would be sufficient to address the flood risk issues raised by Allianz, however, only if the SDMP or relevant DAPs contained the requirement for councils and other planning authorities to provide the flood risk information as proposed by Allianz.

2. If not, why?

Not applicable – see response to Q1.