

Our ref: IRF24/750

Mr Daniel Seraglio
Development Director
Mirvac
Lvl 28, 200 George Street
SYDNEY NSW 2000

Via email: daniel.seraglio@mirvac.com

Dear Mr Seraglio

Planning proposal PP-2024-658 to amend Liverpool Local Environmental Plan 2008

I am writing in response to the planning proposal Liverpool City Council forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) seeking to amend Liverpool LEP 2008 by including a new Schedule 1 Additional Permitted Uses Clause to enable a mixed use development of 340 dwellings, restaurant/cafe uses and amend supporting development standards at Moorebank Marina, Lot 3, 146 Newbridge Road, Moorebank.

As delegate of the Minister for Planning and Public Spaces, I have determined that the planning proposal should not proceed as the proposal does not adequately demonstrate strategic and site-specific merit for the reasons outlined below:

- The proposal demonstrates limited consistency with the Greater Sydney Region Plan – a Metropolis of Three Cities and Western City District Plan's criteria for the location of new housing in an urban renewal context.
- The proposal demonstrates limited consistency with Council's Local Strategic Planning Statement and Local Housing Strategy in respect of locating housing in the right locations.
- The proposal is unjustifiably inconsistent with Section 9.1 Directions 1.1 Implementation of Regional Plans and 4.1 Flooding
- The proposal does not adequately demonstrate site-specific merit in relation to flooding risk.
- While the development facilitated by the proposal can evacuate during flood events, this development will absorb spare capacity for development within Moorebank East.

As discussed in our meeting held on 5th July, while the new residential population would be located above the probable maximum flood level, the approved Marina development would be subject to high hazard floods in the 1 in 100 year flood and probable maximum flood events. This poses an unacceptable risk to both property and life, particularly in light of the 2022 NSW Flood Inquiry identifying Georges River as a high-risk catchment and calls for a risk-based approach to planning.

The Department has advised Council as part of this decision that its redevelopment vision for the Moorebank East precinct should be reviewed. This should be done holistically, looking at all five sites. Council should consider development that is appropriate for the flood risk for each site and within the evacuation capacity identified for the precinct within the Georges River Evacuation study (Molino Stewart 2022). If Council wishes to exceed the

evacuation capacity, supporting infrastructure needs to be planned with a mechanism for delivery.

The Department will work with Council on its redevelopment vision for this precinct and individual applicants when requested. The Department is happy to have further conversations with Mirvac and the landowner about any alternative plans they may have for this site.

To assist with any alternative plans, the Department issued a circular on 1 March 2024 (PS 24-001) providing additional information to planning authorities in relation to addressing flood risk in land use planning. It is available to download at:

<https://www.planning.nsw.gov.au/policy-and-legislation/resilience-and-natural-hazard-risk/flooding/update-on-addressing-flood-risk-in-planning-decisions>

Should you have any enquiries about this matter, Rukshan de Silva, A/Director, Local Planning (Metro Central, West and South) can assist you, who can be contacted at rukshan.desilva@planning.nsw.gov.au.

Yours sincerely,



11/7/2024

Daniel Thompson
A/Executive Director, Local Planning & Council Support
Planning, Land Use Strategy, Housing and Infrastructure