

Mr David Smith  
Acting Director  
City Economy and Growth  
Liverpool City Council  
Locked Bag 7064  
LIVERPOOL BC NSW 1871

Via email [lcc@liverpool.nsw.gov.au](mailto:lcc@liverpool.nsw.gov.au)

Attention: Luke Oste

Dear Mr Smith

**Flooding Risks and Hazards for the Moorebank Area –  
Planning Proposals to amend Liverpool Local Environmental Plan 2008:  
PP\_2020\_LPOOL\_003\_00, PP\_2020\_LPOOL\_006\_00 and  
PP\_2020\_LPOOL\_005\_00 (Amendment Nos 85, 86 and 87).**

I am writing regarding the above three planning proposals to amend various planning controls at Moorebank.

Based on advice from the Environment, Energy and Science Group (EES) and NSW State Emergency Service (SES) the Department is aware that there are unresolved issues regarding flooding and evacuation in this part of the local government area. In particular, I understand EES has reviewed the flood assessment by Cardno dated 13 April 2018, submitted to support Amendment 85 and considers it is inadequate and that it should address issues raised by EES and SES.

The Department's Western team met with EES on 23 November 2020, who indicated that Council is required to consult the relevant zone commander of SES during the preparation of the regional flood study. Upon further discussion, EES advised that any introduction of planning controls in the low flood risk precinct (above the flood planning level and up to the limit of the floodplain (PMF) will need an application to the Department for a "Case for Exceptional Circumstances" under the current Planning Circular PS07-003 – Direction 4.3, Ministerial Direction 9.1(2).

Given the above, and noting that Council's Regional Flood Study is currently being prepared for Moorebank East and is due to be finalised in February 2021, as delegate of the Minister for Planning and Public Spaces, I have determined that:

- (1) under section 3.34(2)(b) of the *Environmental Planning and Assessment Act 1979* (the Act), the planning proposals relating to Amendments 86 and 87 should be resubmitted once the findings of Council's Regional Flood Study can inform these proposals; and

(2) the Gateway Determination for Amendment 85 (PP\_2020\_LPOOL\_003\_00) issued on 11 September 2020, has been altered under section 3.34(7) of the Act, to require the proposal to be updated (if necessary) to address the findings of Council's Regional Flood Study, and be resubmitted to the Department for review (see the attached Gateway alteration). An additional 3 months has been provided for the proposal to be finalised.

Council is also encouraged to consider whether incorporating all three planning proposals into one precinct wide planning proposal may better demonstrate issues such as the cumulative impacts of flooding, evacuation and traffic across the precinct and on the surrounding area. The Department can facilitate discussions between SES, EES and Council to progress these proposals if required. Council is also requested to ensure that the findings of the Regional Flood Study is finalised and informs any other future planning proposals located within the study area, prior to forwarding to the Department for a Gateway determination.

I look forward to working with Council in planning for these sites in 2021, and greatly appreciate the ongoing positive collaboration between Council and the Department. Should you have any enquiries about this matter, please contact Frankie Liang on 8289 6671 or via [Frankie.liang@planning.nsw.gov.au](mailto:Frankie.liang@planning.nsw.gov.au)

Yours sincerely



10 December 2020

**Adrian Hohenzollern**  
**Director, Western**  
**Central River City and Western Parkland City**

Encl: Gateway Alteration – Amendment 85