



Department of Planning, Housing and Infrastructure

Monica Barone
Chief Executive Officer
City of Sydney Council
GPO Box 1591
SYDNEY NSW 2001

Our ref: IRF24/2207

Dear Ms Barone

Planning proposal PP-2024- 255 to amend Sydney Local Environmental Plan 2012

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to amend the *Sydney Local Environmental Plan 2012* (Sydney LEP 2012) to enable an increased floor space ratio (FSR) and increased maximum building height for development at 242-258 Young Street, Waterloo to facilitate a primary and secondary school, retain the existing film school and provision of a new cafe.

As delegate of the Minister for Planning and Public Spaces, I have determined that the planning proposal should proceed subject to the conditions in the enclosed gateway determination.

I have also agreed, as delegate of the Secretary, the inconsistency of the planning proposal with applicable direction of the Minister under section 9.1 of the Act - 1.4 Site Specific Provisions and 4.1 Flooding is justified in accordance with the terms of the Direction.

Considering the nature of the planning proposal I have determined that Council may exercise local plan-making authority functions in relation to the planning proposal.

The proposed local environmental plan (LEP) is to be finalised on or before 14 August 2025. Council should aim to commence the exhibition of the planning proposal as soon as possible. Should Council seek to make a proposed LEP, the request to draft the LEP should be made directly to Parliamentary Counsel's Office well in advance of the date the LEP is projected to be made. A copy of the request should be forwarded to the Department of Planning, Housing and Infrastructure.

It is noted the planning proposal is supported by a Design Guide prepared by Council. The Department notes for future planning proposals Design Guides prepared by Council will not be supported by the Department as it is not considered an appropriate mechanism to facilitate development outcomes. We would be happy to discuss other options with Council officers should the need arise in the future.

The Department's categorisation of planning proposals in the Local Environmental Plan Making Guideline (Department of Planning and Environment, 2021) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Patrice Rando to assist you. Patrice can be contacted on 02 9860 1572.

Yours sincerely



23 October 2024

Jazmin van Veen
Director, Local Planning (North, East and Central Coast)
Local Planning and Council Support

Encl: Gateway determination