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Mr Luke Nicholls
General Manager
Bankstown City Council
PO Box 8
BANKSTOWN NSW 1885

Our ref: 10/09517

Dear Mr Nicholls,

Re: Draft Bankstown Local Environmental Plan 2001 Amendment 44 – Wattle Street, Greenacre.

I refer to the letter from Bankstown City Council ("the Council") to the Department, dated 7 June 2010, requesting a Gateway Determination under section 56 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act') for the draft Bankstown Local Environmental Plan 2001 – Amendment 44 ('draft LEP').

I am writing to notify you that I have determined (as the delegate of the Director-General) under clause 12(2) of the *Environmental Planning and Assessment Regulation 2000* that the former LEP plan-making provisions cease to apply to the draft LEP. The current provisions of Part 3 of the EP&A Act now apply.

Furthermore I have, as the delegate for the Minister for Planning, determined under clause 122 (2) of Schedule 6 to the EP&A Act to dispense with all the conditions precedent up to section 57(1) of the EP&A Act for the making of this draft LEP. The draft LEP may be submitted to the Director-General subject to the Council satisfying the following requirement:

- undertake Community Consultation for a period of 28 days, as specified under section 57 of the EP&A and in accordance with the requirements set out in the Department's publication, "A guide to preparing local environmental plans", for a low impact proposal.

Council is encouraged to finalise the LEP within 6 months of the week following the date of this letter. Council's request for the Department to draft and finalise the LEP should be made 6 weeks prior to the projected publication date.

I acknowledge the current uncertainty in relation to certain sites within the proposed area. Council is advised that a new Planning Proposal is not required to facilitate deferral. Council should proceed with the LEP and, if deferral is required, continue without recourse to the Gateway and notify the Department of Planning of its actions. Should, however, the Council wish to terminate the LEP making process, section 58 of the EP&A Act requires Council to make a request to the Minister in this regard.

I also note that Council has a somewhat open ended timeframe for completion, dependent on resolution of the current uncertainties. Given the time taken to date on the LEP, Council should set clear requirements for any information required from the proponent and receive this documentation with 4 weeks.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Michael Druce of the Sydney West Office of the Department on (02) 9873 8564.

Yours sincerely,



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
(as delegate of the Minister and the Director-General)

**FOR
DIRECTOR
GENERAL'S
SIGNATURE
IF APPROVED**