

Elma Muratovic - LEP 15 (Lawson)

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To: "Stephen Gardiner" <Stephen.Gardiner@planning.nsw.gov.au>
Date: 20/04/2010 4:28 PM
Subject: LEP 15 (Lawson)
CC: "Paul Cashel" <PCashel@bmcc.nsw.gov.au>
Attachments: LEP 15A.jpg

Good afternoon Stephen,

Following our phone conversation today the following information is provided.

Council has realised there is an issue with the reclassification of the some of the land the subject of LEP 15.

In the past Council has placed reclassifications in Part 2 of Schedule 7, being *Lands classified, or reclassified, under amended section 30 of Local Government Act 1993 – interests changed*

In the case of LEP 15, the amendment is to be placed in Part 1 of Schedule 7 being *Lands classified, or reclassified, under amended section 30 of Local Government Act 1993 – no interests changed*

It has come to Council's attention that this is inconsistent with prior similar amendments but more importantly results in a situation where part of Lot 2 DP 560105, part of No. 5 New Street Lawson will have a use in the future which is inconsistent with the classification.

Background: Lot 2 was originally privately owned and used for retail purposes. The land was sold to the RTA some years ago and part of the larger parcel was used for road widening of the Great Western Highway.

The southern half of the subject land that is, part of Lot 2, has been developed as a Council road within the redevelopment of the Lawson Town Centre. The problem arises because it is intended that the Council will purchase Lot 2 and develop the residue of this land, along with adjoining land, for retail/commercial purposes. This piece of land is shown on the attached map in hatching. The use of this part of Lot 2 would not be consistent with the continued (and undischarged) trust for the public purpose of public road.

Council wishes to resolve this error prior to the Minister signing the LEP amendment and has proposed the following action:

- Re-exhibition of the LEP amendment 15 noting that Lot 2 DP 560105 and Lot 9 DP 263794 will have interests changed and will be noted in Part 2 of Schedule 7 *Lands classified, or reclassified, under amended section 30 of Local Government Act 1993 – interests changed*

This course is proposed as there were no submissions to the LEP amendment and no member of the public attended the Public Hearing. Council suggests placing an advertisement in the Blue Mountains Gazette on 2 consecutive weeks and have a minimum exhibition period of 14 days noting the amendment to LEP 15.

Should no submissions be received and no requests for a Public Hearing be received, then no Public Hearing would be conducted.

It would be appreciated if you could provide advice on what action DoP require Council to take to finalise this LEP.

Should you require further information, please contact Erica on the number below or by return email.

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