

# PLANNING PROPOSAL

## HORNSBY QUARRY



August 2011

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## BACKGROUND

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Hornsby Quarry operated as a hard rock quarry from the early 1900's to the late 1990's. In 1959, the Quarry was acquired by Farley & Lewers who were then taken over by CSR Limited and incorporated into the Readymix Group.

In 1977, the Quarry was zoned Open Space under the Hornsby Planning Scheme Ordinance. In 1994, the site was zoned Open Space A (Public Recreation – Local) under the Hornsby Shire Local Environmental Plan 1994 (HSLEP). The Open Space A zoning carried with it an obligation for Council to acquire the Quarry site upon receipt of a notice in writing from the owner to do so.

In the late 1990's, operation of the Quarry became no longer viable. In March 2002, CSR Readymix served notice on the Council to acquire the site. Council subsequently gained ownership of the Quarry site in May 2002. Following the commission of numerous studies and analysis by Council and consultants with regard to opportunities for utilisation of the land, Council resolved in May 2007 to adopt a process to move forward to determine the future use and management of the Quarry.

Council ultimately resolved in August 2009, to proceed with seeking approval for filling the Quarry with Virgin Excavated Natural Material (VENM) and to prepare a masterplan for a range of post filling operations for the provision of predominantly public recreation and open space on the lands comprising the Quarry and Old Mans Valley located on the eastern side of the site.

The Planning Proposal is required to facilitate this outcome.

## PART 1 - OBJECTIVES OR INTENDED OUTCOMES

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The objective of this Planning Proposal is to amend the HSLEP 1994 to allow the filling of Hornsby Quarry. The intended outcome would be the provision of predominantly public recreation and open space on the lands comprising the Quarry, in accordance with the current zoning.

The amendment would also declare the filling of the Quarry to be designated development. As such, any subsequent Development Application would be required to be accompanied by an Environmental Impact Statement in accordance with Section 78A(8)(a) of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*. Council's intent is to ensure that a comprehensive assessment of environmental impacts and appropriate community consultation is undertaken prior to the commencement of any filling operations.

## PART 2 - EXPLANATION OF THE PROVISIONS

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Council is currently preparing a new Comprehensive Local Environmental Plan (CLEP) in accordance with the State Government's Standard Instrument. Accordingly, the proposed planning provisions would be included as an amendment to the HSLEP or the CLEP depending on the timing of the progression of the Planning Proposal. The provisions would include:

1. Allowing the filling of Hornsby Quarry as permissible development at Hornsby Quarry (Lots A, B, C, D and E DP 318676 and Lot 1 DP 926103). To accommodate access options for the filling, to also extend the area to which the permissible use applies to the Council owned land to the east (i.e. Lot 1 DP 114323, Lot 1 and 2 DP 169188 and Lot 1 DP 859646).
2. Declaring that the filling of Hornsby Quarry is designated development.
3. Reclassifying the land from Community land to Operational land within the meaning of the *Local Government Act 1993*.

## PART 3 - JUSTIFICATION

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### Section A - Need for the Planning Proposal

#### **1. *Is the Planning Proposal a result of any strategic study or report?***

No. The proposal is not a result of any strategic study or report. However, Council has undertaken a number of technical and feasibility studies over the years to determine how best to manage and use the Quarry.



**2. *Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?***

A proposal to use Hornsby Quarry as a *Major Project Spoil Disposal Facility* to facilitate its filling at minimal cost to the local community, and offer a wider community benefit, has previously been referred to the Minister for Planning and Infrastructure requesting that the project be declared a Major Project under Section 75B(1)(b) of the *EP&A Act* to allow assessment under Part 3A of that *Act*.

In April 2011, the Department of Planning and Infrastructure advised that the Project has not been declared a Major Project. Therefore, this Planning Proposal is the appropriate statutory mechanism to enable the filling of Hornsby Quarry and ensure robust environmental assessment and appropriate community consultation are undertaken.

**3. *Is there a net community benefit?***

Yes. The Planning Proposal would allow the filling of Hornsby Quarry and the creation of areas of public recreation and open space for utilisation by the community in accordance with the zoning of the site. Without filling, such a use is neither safe nor possible. Furthermore, the Proposal may also facilitate a broader public benefit through the use of the site as a spoil disposal facility facilitating the delivery of major infrastructure projects in the region.

## **Section B - Relationship to strategic planning framework**

**4. *Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?***

Yes. The Planning Proposal is consistent with the objectives and actions contained in the *Metropolitan Plan for Sydney 2036* and the *draft North Subregional Strategy*.

### *Metropolitan Plan for Sydney 2036*

The Metropolitan Plan identifies Hornsby as the Major Centre in the North Subregion and as such, this area currently provides much of the civic, cultural, retail and economic requirements for the subregion. The Plan identifies the need for 29,000 new dwellings and 15,000 new jobs in the North Subregion by 2036. In this context, the provision of a significant area of additional open space in close proximity to the Hornsby CBD (which would be the end result of permitting the proposed use of filling) would assist in catering for recreational needs of an increase in the number of residents and workers in the Hornsby area.

## *Draft North Subregional Strategy*

In accordance with the aims of the Metropolitan Plan, a key direction of the draft North Subregional Strategy is to strengthen the Major Centre of Hornsby. Pertinently, the Strategy states that, due to population growth and demographic change, opportunities for new open space should be identified where possible and that State Government and local councils should explore opportunities to improve the quality and accessibility of local open space.

**5. *Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?***

Yes. The Planning Proposal is consistent with the *Hornsby Shire Council Management Plan 2009/10 – 2011/12*. The Plan notes that 'There is a limited supply of open space and facilities for cultural and recreational pursuits and as the community grows the pressure to provide more will increase'. The Hornsby Quarry site is specifically addressed in the Plan noting that Councillors have confirmed their position and future direction for the Quarry site including Old Mans Valley as 'The two areas to be principally for public open space'.

**6. *Is the Planning Proposal consistent with applicable State Environmental Planning Policies?***

Yes. The Planning Proposal is consistent with State Environmental Planning Policies (refer to Appendix B).

**7. *Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 Directions)?***

Yes. The Planning Proposal is consistent with applicable Ministerial Directions (refer to Appendix C).

## **Section C - Environmental, social and economic impact**

**8. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?***

A Land Capability Study undertaken for Council in 2004, determined that the area surrounding Hornsby Quarry contains regionally rare Glen Forest which is a critically endangered community. The study area is also considered to contain potential habitat for a number of threatened species.

The Planning Proposal seeks to declare the filling of Hornsby Quarry as designated development to ensure a comprehensive assessment of



environment impacts would be undertaken prior to the commencement of any infilling operations. As such, it is considered that this Planning Proposal would not adversely affect any critical habitat or threaten species, populations or ecological communities, or their habitats.

**9. *Are there any other likely environmental effects as a result of the Planning Proposal and how they are proposed to be managed?***

The following additional environmental effects have been considered in preparing this Planning Proposal. More detailed consideration of environmental impacts would be undertaken, should they be required, following the Gateway Determination.

Traffic & Access: Given the significant number of truck movements that would be required to fill the Quarry, the impact that these movements would have on the local road system and how best to access the site are of critical importance. A traffic and transport study has been undertaken involving consideration and analysis of a number of different access and timing scenarios. The analysis would guide the development of mitigation measures to manage the impact on local residents and the road network.

Operational Noise, Dust and Vibration Impacts: The potential impacts of the traffic movements and physical filling activities including any machinery in terms of noise, dust and vibration on the surrounding community (and the associated issue of the proposed hours of operation) is of major importance. Accordingly, appropriate expert investigations would be required to determine the most suitable method and timing of vehicular access to the site.

Heritage Impacts: The site contains two heritage items of State significance, namely the volcanic diatrema within the eastern face of the Quarry (which is also listed in the Register of the National Estate) and the Higgins Family Cemetery which contains the graves of the early families that settled in the Hornsby area.

It would be necessary to investigate appropriate means of maintaining the diatrema or alternatively recording and covering it if this is deemed the most appropriate way to minimise risk and enable future public use of the site. With regard to the Higgins Family Cemetery, methods to best retain and protect this heritage item during the operation of the facility would also need to be considered.

There are no registered Aboriginal objects or places within the site. However, the far western portion of the site has Aboriginal archaeological potential. Should any filling be proposed within this area, further investigation may be required.

Visual Amenity: Given the proposal relates to filling a large man-made pit, the visual impact of the work would be relatively minimal as the



landform would essentially be restored to something more akin to its original form. The protection of vegetated areas along the ridgelines would be required to maintain existing visual quality and character. The filling work however would be designed to enable public use of the majority of the site and thus the final design of the works would be to enable the site to be both functional and attractive to future users. A comprehensive landscape scheme would also be implemented and would be incorporated into the future final design for the site.

Bushfire: The site is classified as bushfire prone land and requires provision of two public road access points for ingress and egress during bushfire events. A Bushfire Threat Assessment would be required to determine appropriate access requirements and other related issues.

Geotechnical: Council has undertaken geotechnical investigations that note that there is a moderate to high risk of moderately deep seated sliding of the south-western faces of the Quarry. Other faces of the Quarry were assessed to have a low or moderate risk of deep seated sliding. Whilst the investigations concludes that there is no risk to neighbouring residential properties, the risk of slippage is high and represents a significant risk to any persons within the site (including those who access the Quarry without authorisation). Accordingly, the Quarry represents an on-going risk to public safety and to the natural environment. Doing nothing is not an option and therefore, Council has resolved to fill the Quarry using VENM.

Contamination: A number of past and present site activities are considered to have the potential to impact soil and/or groundwater in the areas near to the Quarry pit. Given the proposal relates to a facility that would allow the pit to be filled with VENM and that thereafter the area would be used as public open space, the issue of contamination is unlikely to be a significant issue for development or operation.

Hydrogeology & Drainage: The site is located within the Old Mans Creek catchment. Some drainage channels within the site were previously modified to facilitate the former quarrying of the site. The natural level of groundwater in the area is above the base of the Quarry. Water flow to the Quarry is mainly from rainfall which discharges to the pit from various points around the site. If the water level within the Quarry were left unmanaged, the water level would rise to eventually fill the pit and overflow. Council has been pumping water from the Quarry pit since late 2009 to reduce the water level within the pit and maintain the level below RL40 AHD. Any filling of the quarry would need to ensure that flooding and water quality issues are not exported elsewhere.

**10. *How has the Planning Proposal adequately addressed any social and economic effects?***



The noise, dust, vibration and traffic associated with filling the Quarry (i.e. the proposed interim land use) have the potential to impact adversely on the amenity of neighbouring residents and businesses. As such, all potential impacts and measures to mitigate these impacts would need to be fully considered and addressed as part of any Development Application. However, in the long term, once restoration of the land is complete and current risks associated with the site removed, the site would be available for use as public open space. As such, there would be significant social benefits associated with the proposal in the long term.

There are likely to be many significant positive economic impacts arising as a result of the proposed Quarry filling. These include the wider economic benefits of the proposal facilitating the delivery of major infrastructure projects. Furthermore, following restoration of the land and its development as public open space, there may be longer term economic benefits for the area if this potentially supports a greater density of development within the Hornsby town centre.

There may also be wider economic benefits associated with the proposed filling by potentially improving the timeframe in which major projects could be delivered (i.e. through the provision of a pre-approved spoil disposal site subject to the required development approval/s).

## **Section D - State and Commonwealth interests**

### ***11. Is there adequate public infrastructure for the Planning Proposal?***

Yes. A preliminary assessment of traffic impacts has been undertaken to ensure that the road network can support vehicles during Quarry filling. The site is located close to the Hornsby CBD and as such is in close proximity to transport and utilities.

### ***12. What are the views of State and Commonwealth public authorities consulted in accordance within this gateway determination?***

No consultation has been carried out with State and Commonwealth public authorities in relation to this Planning Proposal, although written support for the concept of using the Quarry as a spoil disposal facility has been received from two NSW infrastructure agencies, namely the Roads and Traffic Authority and the Transport Construction Authority.

Formal consultation would occur following the Gateway determination.

## **PART 4 - COMMUNITY CONSULTATION**

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Council is committed to undertaking comprehensive community consultation as part of the progression of the Planning Proposal. At a minimum, consultation would include:

### ***Public Authorities***

Notification letters and a copy of the Planning Proposal would be sent to relevant public authorities.

### ***Advertisement in local newspapers***

An advertisement would be placed in local newspapers identify the purpose of the Planning Proposal and where the Planning Proposal can be viewed.

### ***Advertisement on the Council website***

The Planning Proposal would be exhibited on the Council website ([www.hornsby.nsw.gov.au/onexhibition](http://www.hornsby.nsw.gov.au/onexhibition)) under On Exhibition – Town Planning. Council's libraries have access to the website.

### ***Letters to affected and adjoining property owners***

A letter would be sent to affected and adjoining property owners advising of the exhibition of the Proposal and inviting submissions.

### ***Letters to community and industry groups***

A letter would be sent to the relevant community and industry groups advising of the exhibition of the Proposal and inviting submissions.

### ***Displays at the Council Administration Building and local libraries***

The Planning Proposal would be displayed at the Council Administration Centre, 296 Pacific Highway, Hornsby and the following libraries:

Hornsby Library  
Berowra Library  
Galston Library  
Pennant Hills Library  
Epping Library

### ***Referrals to other Divisions/Branches***

A copy of the Planning Proposal would be forwarded to relevant Divisions/Branches of Council for comment.



### ***Public Hearing***

Council would hold a public hearing to engage directly with the community and relevant stakeholders. The hearing would be held at a time and location that would aim to maximise community attendance.

### ***Review of Consultation Strategy***

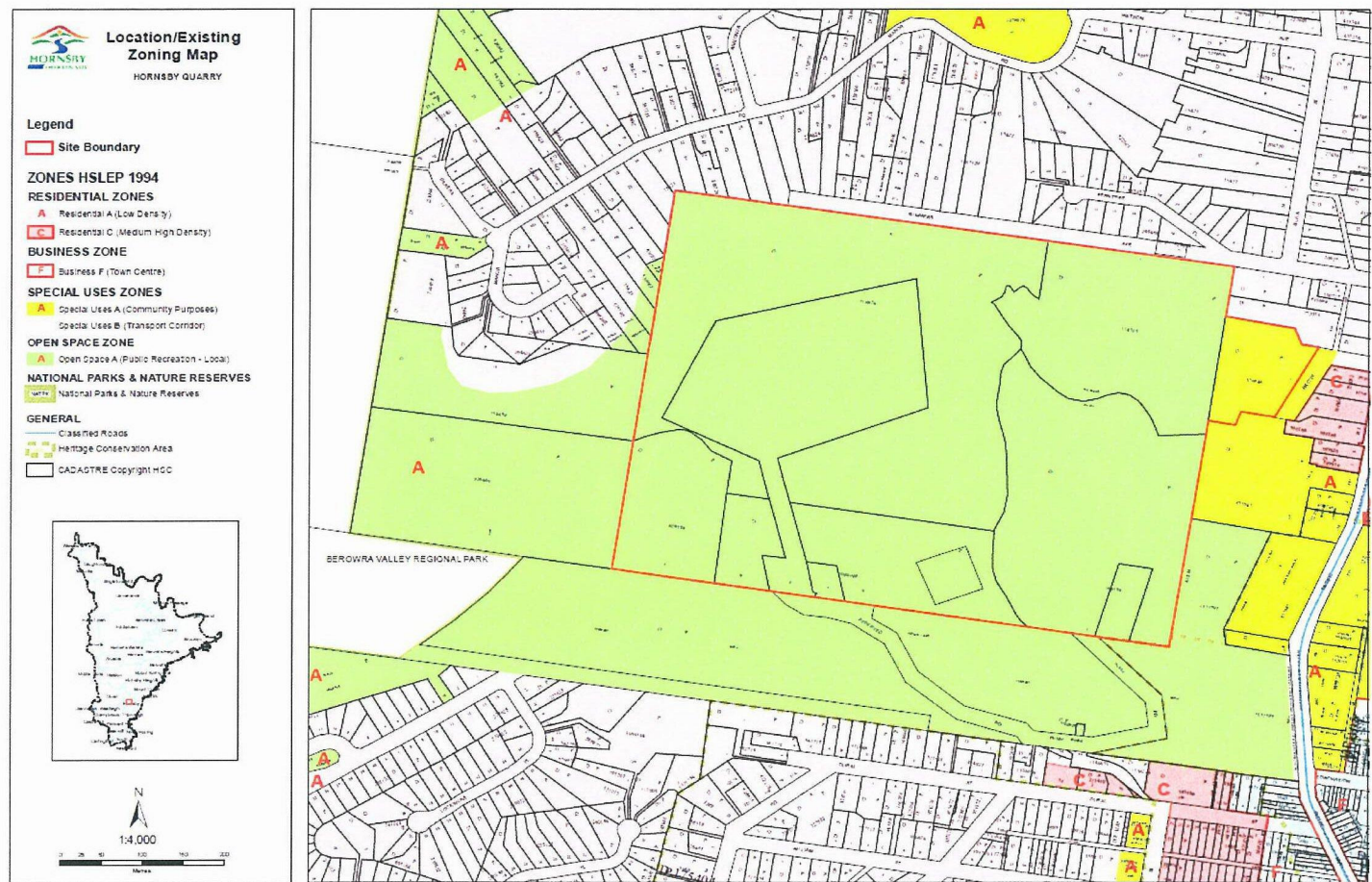
Where submissions warrant, the consultation strategy may be reviewed to extend the exhibition period and/or the methods of consultation. This may occur where a submission provides reasonable justification for a request for an extension to the exhibition period or where Council is of the opinion an amendment to the consultation strategy would facilitate greater feedback on the draft Plan.

Following the exhibition period, a report on submissions would be presented to Council for its consideration.

Note that the above activities are considered by Council to be the minimum level of community consultation that would be undertaken. Council is currently investigating options to further engage with the community throughout the development of the Planning Proposal.

# APPENDIX A

## Location/Existing Zoning Map





## APPENDIX B

### State Environmental Planning Policy Checklist

| SEPP Title  |                                                                                | Compliance | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-------------|--------------------------------------------------------------------------------|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SEPP No. 1  | Development Standards                                                          | N/A        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| SEPP No. 1  | Development Standards (Amend No. 1)                                            | Draft      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| SEPP No. 2  | Minimum Standards for Residential Flat Development                             | Repealed   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| SEPP No. 3  | Castlereagh Liquid Waste Disposal Depot                                        | Repealed   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| SEPP No. 4  | Development Without Consent and Miscellaneous Exempt and Complying Development | N/A        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| SEPP No. 5  | Housing for Older People or People with a Disability                           | Repealed   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| SEPP No. 6  | Number of Storeys in a Building                                                | N/A        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| SEPP No. 7  | Port Kembla Coal Loader                                                        | Repealed   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| SEPP No. 8  | Surplus Public Land                                                            | Repealed   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| SEPP No. 9  | Group Homes                                                                    | Repealed   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| SEPP No. 10 | Retention of Low-Cost Rental Accommodation                                     | Repealed   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| SEPP No. 11 | Traffic Generating Developments                                                | Repealed   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| SEPP No. 12 | Public Housing (Dwelling Houses)                                               | Repealed   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| SEPP No. 13 | Sydney Heliport                                                                | Repealed   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| SEPP No. 14 | Coastal Wetlands                                                               | N/A        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| SEPP No. 15 | Rural Land sharing Communities                                                 | N/A        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| SEPP No. 16 | Tertiary Institutions                                                          | Repealed   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| SEPP No. 17 | Design of Building in Certain Business Centres                                 | Not Made   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| SEPP No. 18 | Public Housing                                                                 | Not Made   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| SEPP No. 19 | Bushland in Urban Areas                                                        | Yes        | The SEPP aims to protect and preserve bushland within certain urban areas, as part of national heritage or for recreational, educational and scientific purposes. Schedule 1 of the SEPP identifies Hornsby as an area to which the policy applies. Accordingly, the SEPP requires that Council would need to take into account the need to retain any bushland with the study area and the effect that rehabilitation and development of the subject site may have on adjoining bushland areas before granting any approval. |
| SEPP No. 20 | Minimum Standards for Residential Flat Development                             | Repealed   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| SEPP No. 21 | Caravan Parks                                                                  | N/A        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| SEPP No. 22 | Shops and Commercial Premises                                                  | N/A        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| SEPP No. 23 |                                                                                | Not Made   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| SEPP No. 24 | State Roads                                                                    | Not Made   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| SEPP No. 25 | Residential Allotment Sizes                                                    | Repealed   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| SEPP No. 26 | Littoral Rainforests                                                           | N/A        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| SEPP No. 27 | Prison Sites                                                                   | Repealed   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| SEPP No. 28 | Town Houses and Villa Houses                                                   | Repealed   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| SEPP No. 29 | Western Sydney Recreation Area                                                 | N/A        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| SEPP No. 30 | Intensive Agriculture                                                          | N/A        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| SEPP No. 31 | Sydney (Kingsford Smith) Airport                                               | Repealed   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

| SEPP Title                                                                    | Compliance | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-------------------------------------------------------------------------------|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SEPP No. 32 Urban Consolidation (Redevelopment of Urban Land)                 | N/A        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| SEPP No. 33 Hazardous and Offensive Development                               | N/A        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| SEPP No. 34 Major Employment Generating Industrial Development                | Repealed   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| SEPP No. 35 Maintenance Dredging of Tidal Waterways                           | Repealed   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| SEPP No. 36 Manufactured Home Estates                                         | N/A        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| SEPP No. 37 Continued Mines and Extractive Industries                         | Repealed   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| SEPP No. 38 Olympic Games and Related Projects                                | Repealed   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| SEPP No. 39 Spit Island Bird Habitat                                          | N/A        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| SEPP No. 40 Sewerage Works                                                    | Not Made   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| SEPP No. 41 Casino Entertainment Complex                                      | N/A        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| SEPP No. 42 Multiple Occupancy and Rural Land                                 | Repealed   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| SEPP No. 43 New Southern Railway                                              | Repealed   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| SEPP No. 44 Koala Habitat Protection                                          | Yes        | The Hornsby Shire is included in Schedule 1 of SEPP 44 as a local government area to which the policy applies. The dominant species of tree found within the vicinity of the quarry are Eucalyptus saligna and Eucalyptus pilularis. These species are not listed as Koala feed tree species on Schedule 2 of SEPP 44. In addition, the draft Koala Recovery Plan indicates that these species are not considered primary, secondary or supplementary feed trees within the Region. The closest Koala sighting recorded in the Atlas of NSW Wildlife is approximately 1.3 kilometres north of the study area (recorded in 1968). The most recent recorded sighting is in 2000, approximately six kilometres to the northwest of the quarry. Hornsby Quarry and the surrounds are therefore not either potential or core Koala habitat as defined under SEPP44. |
| SEPP No. 45 Permissibility of Mining                                          | Repealed   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| SEPP No. 46 Protection and Management of Native Vegetation                    | Repealed   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| SEPP No. 47 Moore Park Showground                                             | N/A        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| SEPP No. 48 Major Putrescible Landfill Sites                                  | Repealed   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| SEPP No. 49 Tourism Accommodation in Private Homes                            | Draft      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| SEPP No. 50 Canal Estate Development                                          | N/A        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| SEPP No. 51 Eastern Distributor                                               | Repealed   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| SEPP No. 52 Farm Dams and Other Works in Land and Water Management Plan Areas | N/A        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| SEPP No. 53 Metropolitan Residential Development                              | N/A        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| SEPP No. 54 Northside Storage Tunnel                                          | Repealed   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| SEPP No. 55 Remediation of Land                                               | N/A        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| SEPP No. 56 Sydney Harbour Foreshores and Tributaries                         | Repealed   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| SEPP No. 57 Protecting Sydney's Water Supply                                  | Not Made   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| SEPP No. 58 Central Western Sydney Regional Open Space and Residential        | Repealed   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| SEPP No. 59                                                                   | N/A        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |



| SEPP Title  | Compliance                                                            | Comment  |
|-------------|-----------------------------------------------------------------------|----------|
| SEPP No. 60 | Exempt and Complying Development                                      | N/A      |
| SEPP No. 61 | Exempt and Complying Development for White Bay and Glebe Island Ports | Repealed |
| SEPP No. 62 | Sustainable Aquaculture                                               | N/A      |
| SEPP No. 63 | Major Transport Projects                                              | Repealed |
| SEPP No. 64 | Advertising and Signage                                               | N/A      |
| SEPP No. 65 | Design Quality of Residential Flat Development                        | N/A      |
| SEPP No. 66 | Integration of Land Use and Transport                                 | Draft    |
| SEPP No. 67 | Macquarie Generation Industrial Development Strategy                  | Repealed |
| SEPP No. 68 |                                                                       | Not Made |
| SEPP No. 69 | Major Electricity Supply Projects                                     | Repealed |
| SEPP No. 70 | Affordable Housing (Revised Schemes)                                  | N/A      |
| SEPP No. 71 | Coastal Protection                                                    | N/A      |
| SEPP No. 72 | Linear Telecommunications Development – Broadband                     | Repealed |
| SEPP No. 73 | Kosciusko Ski Resorts                                                 | Repealed |
| SEPP No. 74 | Newcastle Port and Employment Lands                                   | Repealed |
| SEPP 2004   | Seniors Living                                                        | Repealed |
| SEPP 2004   | Housing for Seniors or People with a Disability                       | N/A      |
| SEPP 2004   | Building Sustainability Index: BASIX                                  | N/A      |
| SEPP 2004   | ARTC Rail Infrastructure                                              | Repealed |
| SEPP 2004   | Sydney Metropolitan Water Supply                                      | Repealed |
| SEPP 2005   | Development on Kurnell Peninsula                                      | NA       |
| SEPP 2005   | Major Development                                                     | N/A      |
| SEPP 2005   | State Significant Development                                         | N/A      |
| SEPP 2006   | Sydney Region Growth Centres                                          | N/A      |
| SEPP 2007   | Mining, Petroleum Production and Extractive Industries                | N/A      |
| SEPP 2007   | Temporary Structures                                                  | N/A      |
| SEPP 2007   | Infrastructure                                                        | N/A      |
| SEPP 2007   | Kosciuszko National Park - Alpine Resorts                             | N/A      |
| SEPP 2008   | Rural Lands                                                           | N/A      |
| SEPP 2008   | Exempt and Complying Development Codes                                | N/A      |
| SEPP 2009   | Western Sydney Parklands                                              | N/A      |
| SEPP 2009   | Affordable Rental Housing                                             | N/A      |
| SEPP 2009   | Western Sydney Employment Area                                        | N/A      |
| SEPP 2010   | Urban Renewal                                                         | N/A      |
| SEPP 2011   | Sydney Drinking Water Catchment                                       | N/A      |
| SEPP        | Competition                                                           | Draft    |
| SEPP        | Sewerage Works                                                        | Draft    |
| SEPP        | Subdivision                                                           | Draft    |
| SEPP 2004   | Application of Development Standards                                  | Draft    |

Advice received from the NSW Department of Planning has indicated that the Project is not considered Major Development.

Advice received from the NSW Department of Planning has indicated that the Project is not considered a State Significant Development.

| Sydney Regional Plans (deemed SEPPs) |                                               | Compliance | Comment                                                                                                                                                                                                                                                                                                                                  |
|--------------------------------------|-----------------------------------------------|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SREP No. 1                           | Dual Occupancy                                | Repealed   | The aim of the Hawkesbury-Nepean SREP is to protect the environment of the River system by ensuring that the impacts of future land uses as considered in a regional context. The Planning Proposal is consistent with the general planning considerations, specific planning policies and recommended strategies in Part 2 of the SREP. |
| SREP No. 2                           | Dual Occupancy                                | Repealed   |                                                                                                                                                                                                                                                                                                                                          |
| SREP No. 3                           | Kurnell Peninsula                             | Repealed   |                                                                                                                                                                                                                                                                                                                                          |
| SREP No. 4                           | Homebush Bay                                  | Repealed   |                                                                                                                                                                                                                                                                                                                                          |
| SREP No. 5                           | Chatswood Town Centre                         | N/A        |                                                                                                                                                                                                                                                                                                                                          |
| SREP No. 6                           | Gosford Coastal Areas                         | Repealed   |                                                                                                                                                                                                                                                                                                                                          |
| SREP No. 7                           | Multi-Unit Housing - Surplus Government Sites | Repealed   |                                                                                                                                                                                                                                                                                                                                          |
| SREP No. 8                           | Central Coast Plateau Areas                   | N/A        |                                                                                                                                                                                                                                                                                                                                          |
| SREP No. 9                           | Extractive Industry (No. 2 - 1995)            | N/A        |                                                                                                                                                                                                                                                                                                                                          |
| SREP No. 10                          | Blue Mountains Regional Open Space            | Repealed   |                                                                                                                                                                                                                                                                                                                                          |
| SREP No. 11                          | Penrith Lakes Scheme                          | N/A        |                                                                                                                                                                                                                                                                                                                                          |
| SREP No. 12                          | Dual Occupancy                                | Repealed   |                                                                                                                                                                                                                                                                                                                                          |
| SREP No. 13                          | Mulgoa Valley                                 | N/A        |                                                                                                                                                                                                                                                                                                                                          |
| SREP No. 14                          | Eastern Beaches                               | Repealed   |                                                                                                                                                                                                                                                                                                                                          |
| SREP No. 15                          | Terrey Hills                                  | Repealed   |                                                                                                                                                                                                                                                                                                                                          |
| SREP No. 16                          | Walsh Bay                                     | N/A        |                                                                                                                                                                                                                                                                                                                                          |
| SREP No. 17                          | Kurnell Peninsula                             | N/A        |                                                                                                                                                                                                                                                                                                                                          |
| SREP No. 18                          | Public Transport Corridors                    | N/A        |                                                                                                                                                                                                                                                                                                                                          |
| SREP No. 19                          | Rouse Hill Development Area                   | N/A        |                                                                                                                                                                                                                                                                                                                                          |
| SREP No. 20                          | Hawkesbury Nepean River (No. 2 - 1997).       | Yes        |                                                                                                                                                                                                                                                                                                                                          |
| SREP No. 21                          | Warringah Urban Release Areas                 | Repealed   |                                                                                                                                                                                                                                                                                                                                          |
| SREP No. 22                          | Parramatta River                              | Repealed   |                                                                                                                                                                                                                                                                                                                                          |
| SREP No. 23                          | Sydney and Middle Harbours                    | Repealed   |                                                                                                                                                                                                                                                                                                                                          |
| SREP No. 24                          | Homebush Bay Area                             | N/A        |                                                                                                                                                                                                                                                                                                                                          |
| SREP No. 25                          | Orchard Hills                                 | N/A        |                                                                                                                                                                                                                                                                                                                                          |
| SREP No. 26                          | City West                                     | N/A        |                                                                                                                                                                                                                                                                                                                                          |
| SREP No. 27                          | Wollondilly Regional Open Space               | Repealed   |                                                                                                                                                                                                                                                                                                                                          |
| SREP No. 28                          | Parramatta                                    | N/A        |                                                                                                                                                                                                                                                                                                                                          |
| SREP No. 29                          | Rhodes Peninsula                              | N/A        |                                                                                                                                                                                                                                                                                                                                          |
| SREP No. 30                          | St Marys                                      | N/A        |                                                                                                                                                                                                                                                                                                                                          |
| SREP No. 31                          | Regional Parklands                            | Repealed   |                                                                                                                                                                                                                                                                                                                                          |
| SREP No. 33                          | Cooks Cove                                    | N/A        |                                                                                                                                                                                                                                                                                                                                          |
| SREP 2005                            | Sydney Harbour Catchment                      | N/A        |                                                                                                                                                                                                                                                                                                                                          |



## APPENDIX C

### Section 117 Direction Checklist

| Issue                                                      | Ministerial Direction                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Compliance | Comment |
|------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|---------|
| <b>1. Employment and Resources</b>                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |            |         |
| 1.1 Business and Industrial Zones                          | <p>A Planning Proposal shall encourage employment growth in suitable locations, protect employment lands and support the viability of "identified strategic centres".</p> <p>A Planning Proposal LEP shall retain the areas and locations of existing business and industrial zones.</p> <p>A Planning Proposal shall not reduce the total potential floor space area for employment uses and related public services in business zones.</p> <p>A Planning Proposal shall not reduce the total potential floor space area for industrial uses in industrial zones.</p> <p>A Planning Proposal shall ensure that proposed new employment areas are in accordance with an approved strategy.</p>                                                                                                                                                                                                                                           | N/A        |         |
| 1.2 Rural Zones                                            | <p>A Planning Proposal shall not rezone rural land for urban purposes, including residential, business or industrial purposes.</p> <p>A Planning Proposal shall not contain provisions which will increase the permissible density of rural zoned land.</p> <p>A Planning Proposal shall not include provisions that control access from traffic generating developments to classified roads in rural zones.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | N/A        |         |
| 1.3 Mining, Petroleum Production and Extractive Industries | <p>Council shall consult the Director-General of the Department of Primary Industries (DPI) to identify any resources of coal, petroleum and extractive materials of State or regional significance and existing mines or extractive industries occurring in the area subject to the draft LEP.</p> <p>Council shall seek advice from the Director-General of the DPI on the development potential of the identified resources.</p> <p>Council shall consider any likely conflict between the development of existing mines or extractive industries, or identified resources and other land uses.</p> <p>Where a Planning Proposal prohibits or restricts development of identified resources or is likely to conflict with other land uses, Council shall consult with the Director-General of the DPI concerning the draft LEP and provide a copy of any comments received to the Director-General of the Department of Planning.</p> | N/A        |         |

| Issue                  | Ministerial Direction                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Compliance | Comment |
|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|---------|
| 1.4 Oyster Aquaculture | <p>Council shall ensure the Planning Proposal is consistent with the <i>NSW Oyster Industry Sustainable Aquaculture Strategy (2006)</i>.</p> <p>Council shall identify any Priority Oyster Aquaculture Areas (POAA) and oyster aquaculture leases outside such an area to which the Planning Proposal would apply.</p> <p>Council shall identify any proposed land uses which could adversely impact on a POAA and oyster aquaculture leases outside such an area.</p> <p>Council shall consider any likely incompatibilities between oyster aquaculture and other land uses and evaluate ameliorative measures.</p> <p>Where a Planning Proposal could result in an impact on a POAA and oyster aquaculture leases outside such an area, Council shall consult the Director-General of the Department of Primary Industries (DPI) concerning the draft LEP and provide a copy of any comments received to the Director-General of the Department of Planning.</p> | N/A        |         |

## 2. Environment and Heritage

|                                    |                                                                                                                                                                                                                                                                                                                                                                                             |     |                                                                                                                                                                                                                                                                                                                                  |
|------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2.1 Environmental Protection Zones | <p>A Planning Proposal shall include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>A Planning Proposal that applies to environmental protection zoned land or land identified for environmental protection purposes shall not reduce the protection standards that apply to the land.</p>                                           | N/A | The land is currently zoned Open Space A (Public Recreation – Local). The Planning Proposal does not seek to alter this zoning.                                                                                                                                                                                                  |
| 2.2 Coastal Protection             | A Planning Proposal shall be consistent with the <i>NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997</i> , the <i>Coastal Design Guidelines 2003</i> and the <i>NSW Coastline Management Manual 1990</i> .                                                                                                                                                       | N/A | Hornsby Council is not in the NSW Coastal Zone (pursuant to Govt Gazette 18 November 2005)                                                                                                                                                                                                                                       |
| 2.3 Heritage Conservation          | <p>A Planning Proposal shall contain provisions to facilitate the conservation of items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance.</p> <p>A Planning Proposal shall contain provisions that facilitate the conservation of areas, places, landscapes and objects identified of being of Aboriginal heritage significance.</p> | Yes | Items of heritage significance have been identified within the vicinity of the quarry. The Planning Proposal would require an EIS to be prepared for any development application and as such a comprehensive assessment of heritage impacts would be undertaken and would include appropriate mitigation and management actions. |
| 2.4 Recreation Vehicle Areas       | Planning Proposals shall not zone or enable land to be developed for a recreational vehicle area where the land is in an Environmental Protection Zone, is a beach or dune, or in other areas unless the council has taken into                                                                                                                                                             | N/A |                                                                                                                                                                                                                                                                                                                                  |



| Issue                                                   | Ministerial Direction                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Compliance | Comment                                                                                                                                                                                |
|---------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                         | consideration relevant guidelines listed in the Direction.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |            |                                                                                                                                                                                        |
| <b>3. Housing, Infrastructure and Urban Development</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |            |                                                                                                                                                                                        |
| 3.1 Residential Zones                                   | <p>A Planning Proposal shall include housing provisions that broaden the choice of building types and housing locations, make more efficient use of existing infrastructure and services, reduce urban sprawl and be of good design.</p> <p>A Planning Proposal shall contain a requirement that residential development is not permitted until land is adequately serviced with water and sewerage. Draft Plans shall not contain provisions which reduce the permissible density on residential zoned lands.</p>                                                                                                                                                                                                                                                           | N/A        |                                                                                                                                                                                        |
| 3.2 Caravan Parks and Manufactured Home Estates         | <p>Planning Proposals shall retain existing zones of land or utilise an appropriate zone under the Standard Instrument to permit caravan parks in LEPs.</p> <p>When preparing Planning Proposals, Council shall consider the categories of land and principles in SEPP No. 36 to determine suitable zones, locations and provisions for Manufactured Home Estates.</p>                                                                                                                                                                                                                                                                                                                                                                                                       | N/A        |                                                                                                                                                                                        |
| 3.3 Home Occupations                                    | Planning Proposals shall permit home occupations to be carried out in dwelling houses without the need for development consent.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | N/A        |                                                                                                                                                                                        |
| 3.4 Integrating Land Use and Transport                  | A Planning Proposal shall locate zones for urban purposes in areas in accordance with the identified guidelines and policies to reduce travel demand, including the number of trips generated by development and the distances travelled.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Yes        | The proposed end use of the Planning Proposal is primarily public recreation and open space. The quarry is located in close proximity to the Hornsby CBD and transport infrastructure. |
| 3.4 Development Near Licensed Aerodromes                | <p>For a Planning Proposal affecting land in the vicinity of a licensed aerodrome, the Council shall consult with the Department of Commonwealth responsible for aerodromes and the lessee of the aerodrome.</p> <p>A Planning Proposal shall take into consideration the Obstacle Limitation Surface (OLS) and for land affected by the OLS permit development compatible with the operation of an aerodrome and prepare appropriate development standards.</p> <p>A Planning Proposal shall not rezone land for certain purposes listed in the direction where the Australian Noise Exposure Forecast (ANEF) exceeds the levels specified in the direction. Draft LEPs which rezone lands for such purposes shall include a provision regarding interior noise levels.</p> | N/A        |                                                                                                                                                                                        |

| Issue                     |                                   | Ministerial Direction                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Compliance | Comment                                                                                                                                                                                                                                                                                                                                                |
|---------------------------|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>4. Hazard and Risk</b> |                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |            |                                                                                                                                                                                                                                                                                                                                                        |
| 4.1                       | Acid Sulphate Soils               | <p>Council shall consider the <i>Acid Sulphate Soils Planning Guidelines</i> adopted by the Director-General of the Department of Planning when preparing a Planning Proposal that applies to any land identified on the Acid Sulphate Soils Risk Maps prepared by the Department of Natural Resources.</p> <p>Planning Proposals that regulate works in acid sulphate soils shall be consistent with the Acid Sulphate Soils Model LEP or such other provisions provided by the Director-General of the Department of Planning.</p> <p>Council shall not prepare a Planning Proposal that intensifies land uses on land having a probability of containing acid sulphate soils unless an acid sulphate soils study has been considered.</p>                                                                                                                                                                                                                                                                                                                                    | Yes        | It is expected that there will be minimal if any disturbance to ASS associated with implementation of the proposal. However, this will be addressed as part of any development proposal. Infilling of the quarry is also not considered to be intensification of the use of the site but rather a proposal to return it largely to its original state. |
| 4.2                       | Mine Subsidence and Unstable Land | <p>Where the land is subject to mine subsidence, council shall consult the Mine Subsidence Board to ascertain if the Board has any objection to the Plan and the appropriateness of the development for the potential level of subsidence.</p> <p>A Planning Proposal shall not permit development on unstable land.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Yes        | Council has undertaken extensive geotechnical investigations of the quarry site and have considered land stability in preparing this Planning Proposal. It is considered that the infilling of the quarry will assist in stabilisation of the quarry which currently has restricted public access due to the instability of the quarry walls.          |
| 4.3                       | Flood Land                        | <p>A Planning Proposal shall include provisions that give effect to the <i>NSW Flood Prone Land Policy</i> and are consistent with the <i>Floodplain Development Manual 2005</i>. A draft LEP shall not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.</p> <p>A Planning Proposal shall not permit development in floodway areas, permit development that will significantly impact on other properties, permit a significant increase in development, result in a substantial increase in the need for government spending on flood mitigation, permit specified development without the need for consent.</p> <p>A Planning Proposal shall not impose flood related development controls above the flood planning level for residential development.</p> <p>In preparing a Planning Proposal, Council shall not determine a flood level inconsistent with the <i>Floodplain Development Manual 2005</i>.</p> | N/A        |                                                                                                                                                                                                                                                                                                                                                        |
| 4.4                       | Planning Bushfire Protection      | <p>Council shall consult with the Commissioner of the NSW Rural Fire Service in the preparation of any Planning Proposal following receipt of a</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Yes        | Consultation would be undertaken as part of formal consultation                                                                                                                                                                                                                                                                                        |



| Issue                                                                        | Ministerial Direction                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Compliance | Comment                                                                                  |
|------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|------------------------------------------------------------------------------------------|
|                                                                              | gateway determination and prior to undertaking community consultation and take into account any comments made.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |            | following the gateway determination.                                                     |
|                                                                              | A Planning Proposal shall have regard to Planning for Bushfire Protection 2006, avoid permitting inappropriate development in hazardous areas and ensure that hazard reduction is not prohibited in the asset protection zone (APZ).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |            |                                                                                          |
|                                                                              | A Planning Proposal, where development is proposed, shall comply with specified provisions to minimise bushfire hazard risk, as appropriate.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |            |                                                                                          |
| <b>5. Regional Planning</b>                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |            |                                                                                          |
| 5.1 Implementation of Regional Strategies                                    | A Planning Proposal shall be consistent with a regional strategy released by the Minister for Planning.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Yes        | See Section B                                                                            |
| 5.2 Sydney Drinking Water Catchments                                         | A Planning Proposal shall be prepared in accordance with the general principle that water quality within the hydrological catchment must be protected and in accordance with specified principles.<br><br>When preparing a Planning Proposal that applies to land within a hydrological catchment, Council, shall consider any strategic land and water capability assessment, or a settlement or rural residential strategy, consult the Sydney Catchment Authority (SCA) under Section 62 of the EP&A Act and zone SCA land in accordance with the specified zones from the Standard Instrument.                                                                                                                                                                                                                                                         | N/A        |                                                                                          |
| 5.3 Farmland of State and Regional Significance on the NSW Far North Coast   | A Planning Proposal shall not rezone land identified as "State Significant Farmland", "Regionally Significant Farmland" or "Significant non-contiguous farmland" for urban or rural residential purposes.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | N/A        |                                                                                          |
| 5.4 Commercial and Retail Development along the Pacific Highway, North Coast | A Planning Proposal that applies to land "within town" shall provide that new commercial or retail development shall be concentrated within distinct centres rather than spread along the Pacific Highway. A draft LEP that applies to land "out of town" shall provide that new commercial or retail development shall not be established near the Pacific Highway. Development with frontage to the Pacific Highway shall consider the impact the development has on the safety and efficiency of the Highway.<br><br>A Planning Proposal shall permit a highway service centre beside the Pacific Highway where they are located close to the town bypassed, the local economy is considered and there is adequate separation from other service centres.<br><br>A Planning Proposal shall limit the uses permitted in highway service centres to those | N/A        | Direction applicable to councils between Port Stephens Shire and Tweed Shire, inclusive. |

| Issue                       |                                                                              | Ministerial Direction                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Compliance | Comment                                                                                                                                                                                                                                                                                                                                      |
|-----------------------------|------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                             |                                                                              | specified in the Direction.                                                                                                                                                                                                                                                                                                                                                                                                                                                |            |                                                                                                                                                                                                                                                                                                                                              |
| 5.5                         | Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) | Council shall not prepare a Planning Proposal that is inconsistent with relevant agreements and strategies that apply to the area.                                                                                                                                                                                                                                                                                                                                         | N/A        |                                                                                                                                                                                                                                                                                                                                              |
| 5.6                         | Sydney to Canberra Corridor                                                  | A Planning Proposal shall include provisions that give effect to, and are consistent with, the publication entitled <i>The Sydney to Canberra Corridor Strategy 1995</i> .                                                                                                                                                                                                                                                                                                 | N/A        |                                                                                                                                                                                                                                                                                                                                              |
| 5.7                         | Central Coast                                                                | A Planning Proposal shall be consistent with the Gosford-Wyong Structure Plan except as amended by the Sydney Regional Environmental Plan No. 6 – Gosford Coastal Areas.                                                                                                                                                                                                                                                                                                   | N/A        |                                                                                                                                                                                                                                                                                                                                              |
| 5.8                         | Sydney Second Airport: Badgerys Creek                                        | Planning Proposals shall not contain provisions that enable development which could hinder the potential for development of a Second Sydney Airport.                                                                                                                                                                                                                                                                                                                       | N/A        |                                                                                                                                                                                                                                                                                                                                              |
| <b>6. Local Plan Making</b> |                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |            |                                                                                                                                                                                                                                                                                                                                              |
| 6.1                         | Approval and Referral Requirements                                           | <p>A Planning Proposal shall minimise provisions requiring concurrence, consultation or referral of development applications to a Minister or public authority.</p> <p>A Planning Proposal shall not identify development as designated development unless Council can satisfy the Director-General that such is warranted.</p>                                                                                                                                            | Yes        | The Planning Proposal has identified the proposed use as designated development. It is considered warranted by Council to ensure a comprehensive, transparent and independent environmental assessment is undertaken for any subsequent development application where Council would be the owner, likely operator and the consent authority. |
| 6.2                         | Reserving Land for Public Purposes                                           | <p>A Planning Proposal shall not create, alter or reduce existing reservations or zonings of land for public open space without the approval of the relevant public authority and the Director General.</p> <p>When a Minister or public authority requests a Council to reserve land for a public purpose, include provisions relating to the use of land reserved for a public purpose, rezone and/or remove a reservation, the Council shall accede to the request.</p> | Yes        | The land is currently zoned for public use and this Planning Proposal does not seek to change the zoning. The additional use of 'quarry infilling' will ultimately increase the public use of the area by providing public recreation and open space areas.                                                                                  |
| 6.3                         | Site Specific Provisions                                                     | <p>A Planning Proposal that amends another LEP to allow a particular development to be carried out shall either:</p> <ul style="list-style-type: none"> <li>* allow that land use to be carried out in the zone; or</li> <li>* rezone the site to an existing zone without imposing any additional development standards or requirements applying to that zone; or</li> </ul>                                                                                              | Yes        | The Planning Proposal aims to add an additional land use to allow infilling of the quarry as an interim use. This will ultimately allow for additional public recreation and open space in accordance with the land zoning.                                                                                                                  |



| Issue | Ministerial Direction                                                                                                                                   | Compliance | Comment |
|-------|---------------------------------------------------------------------------------------------------------------------------------------------------------|------------|---------|
|       | * allow that land use on the land without imposing any development standards in addition to those already contained in the principal LEP being amended. |            |         |

## 7. Metropolitan Planning

|     |                                                         |                                                                                                                                                            |     |               |
|-----|---------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|---------------|
| 7.1 | Implementation of the Metropolitan Plan for Sydney 2036 | A Planning Proposal shall be consistent with the NSW Government's Metropolitan Plan for Sydney 2036 {published in December 2010} ("the Metropolitan Plan") | Yes | See Section B |
|-----|---------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|---------------|