

CONFIDENTIAL

MEMO




TO: ALL COUNCILLORS
FROM: EXECUTIVE MANAGER, PLANNING DIVISION
DATE: 5 October, 2001
MEMO NO. PLN 243/01
SUBJECT: Hornsby Quarry

In my previous advices, I indicated that Council was in receipt of a notice to acquire part of the lands contained within the Hornsby quarry. The land is presently zoned 'Open Space' and Clause 17 of the Hornsby Shire Local Environmental Plan obliges Council to acquire the land upon receipt of a written request. Such a request has been received from CSR Limited.

I indicated that Council's solicitor Abbott Tout and Murray Tobias, QC were of the opinion that Council was not obliged to acquire the property as it was not exclusively reserved for open space purposes. Mr Tobias' advice was previously circulated. Abbott Tout Solicitors are now in receipt of a revised opinion from Murray Tobias, QC indicating that he has reviewed the matter and considers that his previous advice was wrong. This being so, Mr Tobias considers that CSR would be entitled to enforce the notice that it has given under Clause 17(5) of the Hornsby Shire Local Environmental Plan and require Council to acquire the relevant land.

The claim for compensation by CSR is in excess of \$20 million. This amount will undoubtedly be contested. Owing to the constraints of the site, it is considered that there is little urban development capability which would warrant compensation. This matter will require determination by the Land and Environment Court.

A meeting is to be arranged with Council's legal team to consider Mr Tobias' revised opinion. I will keep Councillors informed of progress in this matter. Meanwhile, a callover is pending in the Land and Environment Court regarding CSR's notice for Council to acquire the land.


PETER HINTON
Executive Manager
Planning Division

PP 022828

PH:JT

Response Required
YES NO

THE BUSHLAND SHIRE