



## Planning

**COPY**

### Office of the Director General

Mr Paul Woods  
General Manager  
Kogarah Council  
Locked Bag 8  
Kogarah NSW 2211

10/07041

Attn: Rita Vella, Coordinator Strategic Planning

Dear Mr Woods,

I refer to your letter of 1 March 2010 requesting that I determine the 5(a) Special Uses zone, under Kogarah Local Environmental Plan LEP 1998 ("Kogarah LEP 1998") to be equivalent to the SP1 Special Activities Zone, under State Environmental Planning Policy (Infrastructure) (the "Infrastructure SEPP").

Upon consideration of this matter, I have determined under clause 6(1) of the SEPP (Infrastructure) 2007 that the Kogarah LEP 1998 5(a) Special Uses Zone is equivalent to the SP2 Infrastructure Zone.

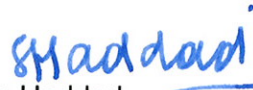
Under the Standard Instrument, the SP2 Infrastructure Zone better reflects the intended use of the site for a health service facility and the Cancer Care Facility will also be permissible in this zone. Further, I can advise that Kogarah's Equivalent Zone table with regard to State Environmental Planning Policy (Exempt and Complying Development Codes), on the Department's website, will be updated to reflect this change. Council should note that the equivalent zones will need to be reviewed when Council prepares its Standard Instrument LEP.

I would advise that my determination confers no opinion as to the suitability of a Cancer Care Facility at the subject site, other than its permissibility under the Infrastructure SEPP. The merits of any proposal will need to be given appropriate consideration through the development assessment process.

I note that the site of the proposed Cancer Care Facility is on the border of Rockdale LGA. As such, Rockdale Council should be consulted prior to the determination of the proposed facility.

Should you have any further enquiries about this matter, I have arranged for Mr Michael File, Acting Regional Director, Sydney Region East, to assist you. Michael File may be contacted at the Department's Bridge Street Office on telephone number (02) 9228 6113.

Yours sincerely

  
Sam Haddad  
Director General 8/4/2010.