

Chief Executive's Office

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Health

Hunter New England
Local Health Network

11th March 2011

The General Manager
Port Stephens Council
PO Box 42
RAYMOND TERRACE NSW 2324

Dear Sir

**Re: Proposed Health Services Facility (HealthOne)
4 Jacaranda Avenue, Raymond Terrace**

Hunter New England Local Health Network (**HNELHN**) is proposing to develop land at 4 Jacaranda Avenue, Raymond Terrace for the purposes of a HealthOne Facility. The land is located in the 2(a) Residential "A" Zone under the *Port Stephens Local Environmental Plan 2000 (2(a) Zone)*.

HNELHN has been advised that the proposed development will be permissible with development consent as a 'health services facility' under clause 57 of *State Environmental Planning Policy (Infrastructure) 2007 (SEPP)*, if the 2(a) Zone is an 'equivalent' land use zone to the R1 General Residential Zone (**R1 Zone**) identified in the Standard Local Environmental Planning Instrument (see clause 56 of the SEPP).

To determine if land use zones are equivalent, the 'relevant authority' is required to form an opinion about whether equivalent land uses are permitted in each of the zones. For the purposes of the proposed development, HNELHN is the 'relevant authority' because it is the public authority proposing to carry out the development (see clause 6 of the SEPP).

I have reviewed the permitted land uses in the 2(a) Zone and in the R1 Zone under the Standard Local Environmental Planning Instrument. I have formed the view, for and on behalf of HNELHN, that the land uses permitted in the 2(a) Zone are equivalent to those permitted in the R1 Zone. This is because a range of residential development (from high density to low density) is permissible in both of the zones. The similarity between the objectives of the 2(a) Zone and the R1 Zone also supports that opinion.

The 2(a) Zone is therefore equivalent to the R1 Zone, and the proposed development is permissible with development consent under clause 57 of the SEPP.

A development application for the proposed HealthOne Facility is enclosed.

Yours sincerely

Michael DiRienzo
Chief Executive

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