

enquiries refer  
**Klaus Kerzinger**  
in reply please quote  
**23/69212**



28 September 2023

Mr Jeremy Gray  
Director – Northern Region  
NSW Department of Planning and Environment

(Via Email [ella.wilkinson@planning.nsw.gov.au](mailto:ella.wilkinson@planning.nsw.gov.au))

Attention: Ella Wilkinson

Dear Ms Wilkinson

**Re: Planning Proposal PP-2023-876 amendment of Ballina LEP 2012 - Request for:**

- 1. Secretary Agreement**
  - 2. Extension of Time**
  - 3. Ministers Endorsement of Revised Planning Proposal**
- (Your ref: PP-2023-876 (IRF23/1081))**

Reference is made to your letter dated 19 May 2023 enclosing the Gateway determination in respect to the subject planning proposal. To enable the planning proposal to progress to the finalisation stage council seeks the following from the Department:

### **Secretary Agreement**

Your letter enclosing the Gateway determination indicated that that council will need to obtain the agreement of the Secretary to comply with the requirements of the Minister under section 9.1 of the EP&A Act Direction 4.3 Planning for Bushfire Protection.

Attached for your information is relevant correspondence received from the NSW Rural Fire Service (RFS). It is noted that the RFS now raise no bush fire related concerns or issues with respect to the planning proposal.

On the basis of the response received from the RFS, dated 27 September 2023, council seeks agreement from the Secretary related to compliance with Direction 4.3 Planning for Bushfire Protection.

### **Extension of Time**

The Gateway determination requires that the planning proposal be completed within 6 months from 19 May 2023. Given the delay council has experienced in obtaining a favourable response from the RFS completion of the planning proposal by 19 November 2023 is unlikely to be achieved.

The finalisation report to the Council is anticipated to be presented at Councils Ordinary meeting on 26 October 2023. Having regard to this and the time required to finalise the proposal, as well as the Christmas holiday period, a 3 month extension of time is requested.

### **Revised Planning Proposal**

The planning proposal placed on public exhibition incorporated options to address the initial concerns expressed by the RFS. The options, and a preferred option, are discussed within *Section 4.4 Section D – State and Commonwealth Interests*. The preferred option proposes the inclusion within Ballina LEP 2012 of a clause similar to clause 1.19A of the Codes SEPP, as detailed in Appendix 5 of the planning proposal. Such clause is proposed to only apply to attached dual occupancy development at Wollongbar at this time.

The exhibition of the planning proposal did not result in any submissions which related to bushfire issues.

Given that the RFS has not raises any concerns or issues with councils proposed response to their initial bush fire concerns, it is requested that the Minister endorse the planning proposal, as exhibited, in accordance with s3.35(2) of the EP&A Act. Further community consultation is not considered warranted given the changes to the planning proposal from the proposal submitted for Gateway determination, have already been exhibited.

If you require any additional information regarding the above or wish to discuss these matters further then please contact Klaus Kerzinger on 02 6681 0541 or via email [klaus.kerzinger@ballina.nsw.gov.au](mailto:klaus.kerzinger@ballina.nsw.gov.au) .

Yours faithfully



Klaus Kerzinger

**Strategic Planner**

**Planning and Environmental Health Division**

Enclosed: Letter from RFS dated 27 September 2012  
Exhibition version of planning proposal 22/010