

Tweed LEP 2014 Amendment No 24 - Amendment to clause 2.8 Temporary Use of Land for filming

Proposal Title : **Tweed LEP 2014 Amendment No 24 - Amendment to clause 2.8 Temporary Use of Land for filming**

Proposal Summary : **This Planning Proposal aims to amend clause 2.8 Temporary use of land of the Tweed LEP 2014 to remove the specific maximum time limits for filming activities on rural land.**

PP Number : **PP_2016_TWEED_004_00** Dop File No : **16/10918**

Proposal Details

Date Planning Proposal Received : **15-Aug-2016** LGA covered : **Tweed**

Region : **Northern** RPA : **Tweed Shire Council**

State Electorate : **TWEED** Section of the Act : **55 - Planning Proposal**

LEP Type : **Policy**

Location Details

Street :
Suburb : City : Postcode :
Land Parcel : **This Planning Proposal applies to all rural zoned land in the Tweed LGA**

DoP Planning Officer Contact Details

Contact Name : **Jon Stone**
Contact Number : **0267019688**
Contact Email : **jon.stone@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Matthew Zenkteler**
Contact Number : **0266702457**
Contact Email : **m.zenkteler@tweed.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Tamara Prentice**
Contact Number : **0266416610**
Contact Email : **tamara.prentice@planning.nsw.gov.au**

Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**
Regional / Sub Regional Strategy : **Far North Coast Regional Strategy** Consistent with Strategy : **Yes**

Tweed LEP 2014 Amendment No 24 - Amendment to clause 2.8 Temporary Use of Land for filming

MDP Number :		Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment : **The Department of Planning and Environment's Code of Practice in relation to communications and meetings with lobbyists has been complied with to the best of the Region's knowledge.**

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment : **The Northern Region has not met with any lobbyists in relation to this proposal, nor has the Northern Region been advised of any meeting between other Departmental Officers and lobbyists concerning the proposal.**

Supporting notes

Internal Supporting Notes : **Under the State Environmental Planning Policy - Exempt and Complying Development Codes 2008, filming can be undertaken for a maximum of 30 days in a calendar year on private land without the need for development consent. Under the Tweed LEP 2014, development consent may be granted for the temporary use of land for a maximum period of 52 days in any 12 month period. This includes filming.**

Council wish to amend the Tweed LEP 2014 to remove the specific maximum timeframe for filming to occur to provide greater certainty for the film and television industry and to better reflect the NSW Government's stated objective to support and foster this industry in NSW.

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The objectives and intended outcomes of the proposal are clearly stated in the proposal.**

The Planning Proposal aims to amend clause 2.8(4) and (5) of the Tweed LEP 2014 to add filming in a rural zone as a temporary landuse that may exceed the 52 day maximum specified in 2.8(2). This will have the effect of removing the specific maximum time limits for filming activities on rural land.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The Planning Proposal provides an explanation of provisions. It includes a plain english version of the explanation and a proposed amended clause showing the specific changes. The final drafting of the provision will be made by Parliamentary Counsel.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.3 Mining, Petroleum Production and Extractive Industries

1.4 Oyster Aquaculture

1.5 Rural Lands

5.1 Implementation of Regional Strategies

5.3 Farmland of State and Regional Significance on the NSW Far North Coast

6.3 Site Specific Provisions

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP (Exempt and Complying Development Codes) 2008

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Adequate information has been provided to allow this proposal to progress through to Gateway determination.

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment :

This Planning Proposal does not involve changes to any LEP Maps.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

The Planning Proposal does not indicate a community consultation timeframe for this proposal.

A 14 day community consultation period is considered appropriate given the proposal would be defined as low impact in accordance with the Department's guidelines.

It is not considered necessary to consult with any Government Agencies in this instance due to the minor nature of the proposal.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

The Planning Proposal generally satisfies the adequacy criteria by:

- 1. Providing appropriate objectives and intended outcomes;**
- 2. Providing an explanation of the provisions;**
- 3. Providing a justification for the proposed amendments;**
- 5. Outlining that community consultation will be undertaken; and**
- 6. Providing a project timeframe which suggests completion within 4 months.**

Timeline

Tweed LEP 2014 Amendment No 24 - Amendment to clause 2.8 Temporary Use of Land for filming

- The Planning Proposal includes a project timeline which estimates that the Plan could be finalised by December 2016 (4 months). It is considered that a 6 month time frame would be appropriate considering the nature of the Planning Proposal. This does not restrict Council from finalising the LEP amendment sooner.

Delegation.

- Council has not accepted plan making functions nor has it requested delegation to finalise the subject proposal. It is recommended that an Authorisation for the execution of delegation not be issued to Council in this instance.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : The Tweed LEP commenced on the 4th April 2014. This Planning Proposal seeks to make amendments to the Tweed LEP 2014.

Assessment Criteria

Need for planning proposal :

Tweed Shire Council has been approached to host a production of an ongoing television series within the Shire. The production may extend beyond the provisions of the State Environmental Planning Policy - Exempt and Complying Development Codes 2008 (30 days within a 12 month period) and the Tweed LEP 2014 (52 days within a twelve month period). A production such as this has the potential to generate significant economic activity and jobs for local communities.

The Tweed LEP 2014 currently prohibits filming in the RU1 Primary Production and RU2 Rural Landscape zones by virtue of those zones being 'closed', prohibiting any land use not listed as being permitted without consent or permitted with consent. This prohibition means that consent cannot be granted for filming in the rural zones longer than the 52 days within a 12 month period permitted under the provisions of clause 2.8 Temporary Use of Land of the Tweed LEP 2014.

This proposed amendment to the LEP will enable filming to be approved under clause 2.8 Temporary Use of Land on rural land for a period longer than 52 days within a 12 month period. It will also enable the structures or facilities associated with the filming activity to be retained on the site at the secession of the project so they can be reused at a later date.

It is noted that this Planning Proposal will only affect rural zoned land and not environmental zoned land. The Tweed LEP 2014 does not currently have a suite of Environmental zones other than the E1 National Parks and Nature Reserves zone. It is anticipated that other Environmental zones will be included in the future. It was discussed with Council Staff whether they had considered either including a reference in the Planning Proposal to environmental zones or removing the reference to rural zones as a way to 'future proof' the LEP and enable this amendment to apply in environmental zones once they are included in the Tweed LEP 2014. Council Staff considered the issue but advised they would address the matter as part of a shire wide Planning Proposal for the environmental zones.

The final wording of the clause will be drafted by Parliamentary Counsel and approved by Council.

Tweed LEP 2014 Amendment No 24 - Amendment to clause 2.8 Temporary Use of Land for filming

Consistency with strategic planning framework :

The Planning Proposal is not inconsistent with the objectives of the Far North Coast Regional Strategy or the related actions of the Strategy. The Planning Proposal will facilitate economic development within the film industry and provide flow on effects of other ancillary industries. The Proposal will not impact on other themes of the Strategy including environmental and natural resources, cultural heritage, natural hazards, settlement and housing and settle character and design.

The Planning Proposal is not considered to be inconsistent with any State Environmental Planning Policy. Under State Environmental Planning Policy - Exempt and Complying Development Codes 2008, filming can be undertaken for a maximum of 30 days in a 12 month period on private land without the need for development consent. This Planing Proposal extends those provisions by requiring development consent for filming beyond the 52 days per 12 month period of the Tweed LEP 2014. It is not considered that this is inconsistent with the SEPP as development consent will need to be granted and a merit based assessment will be undertaken. The function of the SEPP will not be affected.

As filming is already permissible and the Planning Proposal only extends the maximum timeframe, the proposal will have limited potential relevance to many of the s117 directions. The proposal is considered to be currently inconsistent with s117 direction 4.4 Planning for Bushfire Protection and will require written comments from the Commissioner of the NSW Rural Fire Service before the inconsistency with this direction can be resolved. The proposal is consistent with all other s117 directions.

Environmental social economic impacts :

It is considered that this Planning Proposal will have a negligible environmental and social impact on the Shire given that filming can already occur on a temporary basis under current planning controls. The new provisions will require development consent to be granted for filming over a longer period and a merit based assessment process will consider any potential impacts. The economic benefits of this amendment to the LEP are considered to be potentially significant given the nature of the film industry and the flow on benefits to support industries such as the service and construction industries.

Assessment Process

Proposal type : **Minor** Community Consultation Period : **14 Days**

Timeframe to make LEP : **6 months** Delegation : **DDG**

Public Authority Consultation - 56(2)(d) :

Is Public Hearing by the PAC required? **No**
(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Tweed LEP 2014 Amendment No 24 - Amendment to clause 2.8 Temporary Use of Land for filming

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
2016-08-15 Cover Letter(email).pdf	Proposal Covering Letter	Yes
2016-08-16 Planning proposal.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.3 Mining, Petroleum Production and Extractive Industries**
 1.4 Oyster Aquaculture
 1.5 Rural Lands
 5.1 Implementation of Regional Strategies
 5.3 Farmland of State and Regional Significance on the NSW Far North Coast
 6.3 Site Specific Provisions

Additional Information : **It is recommended that:**

 1. The Planning Proposal be supported;
 2. The Planning Proposal be exhibited for 14 days;
 3. The Planning Proposal be completed within 6 months; and
 4. That a written authorisation for Council to exercise its plan making delegations not be granted for this matter.

Supporting Reasons : **This Planning Proposal will facilitate the development of the film industry within the Tweed Shire.**

Signature: _____



Printed Name: _____

Craig Duss

Date: _____

23/8/16