

TWEED SHIRE COUNCIL MEETING TASK SHEET

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Action Item - COUNCIL MEETING Tuesday, 13 June 2006

Action is required for Item **P21** as per the Council Resolution outlined below.

NOTE: THE RECOMMENDATIONS RELATING TO ITEMS FROM THE PLANNING COMMITTEE AND OPERATIONS COMMITTEE HELD TUESDAY 13 JUNE 2006 WERE ADOPTED BY COUNCIL AT MINUTE NUMBERS 107 (PLANNING COMMITTEE) AND 109 (OPERATIONS COMMITTEE) AT THE COUNCIL MEETING HELD 13 JUNE 2006

TITLE: [PD-PC] Tweed Local Environmental Plan 2000 Amendment No. 70 (Exempt & Complying Development) & Amendment No. 4, Development Control Plan No. 40 (Exempt & Complying Development)

COMMITTEE DECISION:

**Administrator Turnbull
Administrator Payne**

RECOMMENDED that : -

1. Council requests the Minister for Planning to make Tweed Local Environmental Plan Amendment No 70 (Exempt and Complying Development) as exhibited.
2. Council adopts Amendment No 4 to Development Control Plan No 40 (Exempt and Complying Development) as exhibited subject to the following further amendment to Schedule 1 in respect of Film Shoot Productions, subject to the following further amendment: -

in Schedule 1 in respect of Film Shoot Productions add the following in the column headed "Advisory Note": -

" For private owned sites and iconic sites see State Environmental Planning Policy No 4, Clause 15".*

FOR VOTE - Unanimous

TITLE: [PD-PC] Tweed Local Environmental Plan 2000 Amendment No. 70 (Exempt & Complying Development) & Amendment No. 4, Development Control Plan No. 40 (Exempt & Complying Development)

ORIGIN:

Strategic Town Planning

FILE NO: GT1/DCP/40 Pt2 & GT1/LEP/2000/70 Pt1

SUMMARY OF REPORT:

Council exhibited an amendment to Development Control Plan No 40 - Exempt and Complying Development between 1 March 2006 and 5 April 2006, together with an enabling amendment to Tweed Local Environmental Plan 2000.

This amendment makes Film Shoots Production exempt development. One issue that has arisen following exhibition of the amendments has been 'Film Shoot Production'. Filming on Council administered land is controlled by the requirements of the Local Government Act and the relevant Plan of Management for the land. It is therefore counter-productive to also require development consent for any aspect of filming hence the proposed DCP amendment.

Any application for filming must meet the requirements of the relevant Plan of Management for the land. To ensure maximum control of any adverse impact of filming that Plan of Management needs to be upgraded, along with the procedures for issuing temporary licences on Council administered land.

Clause 15 of SEPP4 nominates the use of private land for the purpose of filming as exempt development.

To provide for completeness, the Advisory Note to the item in Schedule 1 of the DCP in respect of Film Shoots Production could include the following: -

For private land and iconic sites see State Environmental Planning Policy No 4, Clause 15.

RECOMMENDATION:

That : -

- 1. Council requests the Minister for Planning to make Tweed Local Environmental Plan Amendment No 70 (Exempt and Complying Development) as exhibited.**
- 2. Council adopts Amendment No 4 to Development Control Plan No 40 (Exempt and Complying Development) as exhibited subject to the following further amendment to Schedule 1 in respect of Film Shoot Productions, subject to the following further amendment: -**

in Schedule 1 in respect of Film Shoot Productions add the following in the column headed "Advisory Note": -

***** For private owned sites and iconic sites see State Environmental Planning Policy No 4, Clause 15".***

REPORT:

Council exhibited an amendment to Development Control Plan No. 40 - Exempt and Complying Development between 1 March 2006 and 5 April 2006, together with an enabling amendment to Tweed Local Environmental Plan 2000.

The purpose of the Amendment to Development Control Plan No. 40 was to include: -

- Provisions for the use of Council land for the purpose of filming
- Provisions relating to the erection of single dwelling houses and ancillary development
- A variety of minor amendments to DCP40 to improve the efficiency of the approvals process for public works
- A clearer explanatory statement of what is exempt development

The Amendment of Tweed LEP 2000 included an enabling clause to bring the amendment into force and amendments to clauses 9 and 10 to ensure that Council's planning provisions for exempt and complying development are in accordance with State Government legislation.

No submissions were received during the exhibition process.

One issue that has arisen following exhibition of the amendments has been 'Film Shoot Production'. Proposals for filming typically fall into the following land tenures:

- Private land;
- Council administered land;
- Other public land which is not administered by Council.

Filming on Council Owned Land

This is controlled by the requirements of the Local Government Act and the relevant Plan of Management for the land. It is therefore counter-productive to also require development consent for any aspect of filming hence the proposed DCP amendment.

This amendment makes Film Shoots Production exempt development subject to the requirement that it must comply with the requirements of the 'Procedure for Issuing Temporary Licences for Events on Council Administered Land, including Road Reserves'.

Any application for filming must still meet the requirements of the relevant Plan of Management for the land. Unfortunately the current Plan of Management for Council administered land does not include filming. Therefore to ensure maximum control of any adverse impact of filming that Plan of Management needs to be upgraded, along with the procedures and criteria for issuing temporary licences on Council administered land.

Filming on Private Land

Clause 15 of SEPP4 nominates the use of private land for the purpose of filming as exempt development, subject to the following: -

- It is not carried out for more than 30 days within a 12 month period at a particular location. Whether or not those 30 days are consecutive.
- The filming must not create significant interference within the neighbourhood. 'Significant interference' does not include short disruptions referred to in the SEPP.
- A filming management plan must be prepared and lodged with the consent authority for the location at least 5 days prior to the proposed commencement of filming, and contain the details listed in the SEPP.
- The person carrying out the filming must obtain a policy of insurance for public liability for not less than \$10,000,000.
- The person carrying out the filming must, at least 5 days before the commencement of filming at a particular location give notice in writing to residents within a 50 metre radius of the location and contain the details listed in the SEPP.
- It must not involve or result in any permanent and irreversible changes or any damage to any part of an item of environment heritage, a heritage conservation area or an environmentally sensitive area.

Filming on private land which falls outside of the parameters of exempt development will require development consent.

To provide for completeness, the Advisory Note to the item in Schedule 1 of the DCP in respect of Film Shoots Production could include the following: -

- For private land and iconic sites see State Environmental Planning Policy No. 4, Clause 15.

Other Public Land

Filming on this land is proving to be the most problematic. If the land is managed by Council, it may grant a lease or licence for any activity which is consistent with the statutory purpose of the land. Any licence or lease must be granted in accordance with the Local Government Act.

If the filming activity is not in accordance with the lease purpose for the land, the owner issues the licence (imposing conditions as required), NOT Council. Filming is not included in lease purposes pursuant to the Crown Lands Act. Therefore, Council is unable to grant a lease or licence for Crown Land under its care, control and management.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

To view any "**non confidential**" attachments listed below, access the meetings link on Council's website www.tweed.nsw.gov.au or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).

1. Draft Development Control Plan No 40 (Amendment No 4) (DW 1406121) - please note this is the exhibited document with items to be deleted in ~~strike-out~~, and items to be included in *italics*.
 2. Draft Tweed Local Environmental Plan 2000 (Amendment No 7) - Written Instrument (DW 1353247).
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