



CENTRAL DARLING SHIRE COUNCIL

Title of Policy	Filming in Central Darling Shire		
This applies to	All Council Officials, External Stakeholders		
Author	Greg Hill	Date approved:	
Position of Author	General Manager	Authorised by:	
Legislation, Australian Standards, Code of Practice	Local Government Act 1993 Local Government (General) Regulation 2005 Roads Act 1993		
Related Policies/Procedures	Filming Application Form		

PURPOSE

The purpose of this policy is to provide guidelines for film makers undertaking work within the boundaries of the Central Darling Shire Council.

The policy acknowledges the valuable contribution made by the film, television and commercial production industry to the Shire but also acknowledges the Shire's rights to protect the activities of its citizens and the assets which Council administers.

The policy acknowledges that film making may impart costs to the Council which should be recoverable.

The policy also acknowledges that Council will have regard to the NSW Local Government Film Friendly Protocol and related legislation..

SCOPE

1. DEFINITION OF FILMING:

For the purpose of this policy filming means recording images (whether on film or video or electronically or by any other means) for exhibition or broadcast (such as on cinema, television or the internet) and includes such acts or things as may be prescribed, but does not include:

Still photography unless involving the copyright property of Central Darling Shire Council

Video recording of a wedding or other private celebration principally for the purpose of those involved.

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Recording for the immediate purposes of a television programme that provides by way of current affairs or news.

Filming may include Documentary, Feature Film, Mini-series, Short Film, Television Series, Television Commercial, and Student Production.

OBJECTIVES

1. ACTIVITIES REQUIRING COUNCIL APPROVAL:

The following is a table of common filming related activities that may require Council approval:

Examples	Legislation
Construction of a temporary structure (e.g. a set)	Local Government Act 1993(section 68)
Exclusive use of community land for filming. Certain land use depending on zoning	Local Government Act 1993 Environment Planning &Assessment Act 1979
Traffic Regulation	Roads Act 1993, Road Transport (Safety & Traffic Management Act) 1999
Use of a Crown Reserve where Council is the trust manager	Crown Lands Act 1989
Noise, pollution risks	Protection of the Environment Operations Act 1997

Council may permit multiple approvals under a single filming proposal in accordance with the Local Government Act, however a proposal can only cover a single filming project.

Procedures associated with such approvals (such as community notifications) may be undertaken within a time period, which is compatible with the nature of filming i.e. such approvals may be required in a relatively short space of time.

2. OTHER APPROVALS

It is the responsibility of the production company to obtain approvals from other statutory bodies including but not exclusively, Police, Roads and Traffic Authority, EPA, DLWC etc.

3. OBTAINING COUNCIL APPROVAL

Division 4 of the Local Government Act sets out procedures designed to facilitate the approval of activities required to be undertaken under a filming proposal. The procedure is:

1. A film proposal is lodged with the Council. This proposal takes the form of an application for approval for activities/works associated with the filming proposal.
2. The proposal must be made on the approved form (see appendices).
3. Council must acknowledge receipt of the proposal within 7 days.

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4. The filming proposal is to contain all information and matters as required by any relevant legislation and/or as required by Council in order to consider and assess the application.
5. If the application relates to land, where the applicant is not the owner, then the owner's consent is required.

5. INSURANCE ISSUES

No application may be lodged without lodging a Certificate of Currency from a recognised Insurance Company for Public Liability for \$20 million. Major productions may require higher insurance cover. This will be negotiated between Council and the applicant at Council's request.

6. AMENDING AN APPROVAL

Council is mindful that filming activity may be subject to the vagaries of the weather and other forms of delay. An approval may be amended at short notice provided Council is satisfied that:

- a) It is substantially the same as the original approval, and
- b) That no prejudice will be caused to any person who made a submission concerning the application for the approval, and
- c) It has consulted with any person or authority whose concurrence to the original approval was required and no objection to the amendment received.

7. WAIVING APPROVAL

Council may waive a formal approval process on the basis of:

- ◆ Low impact upon community amenity
- ◆ No approvals required from any other authority or agency
- ◆ No construction works to be undertaken
- ◆ Activity is for a very short duration
- ◆ The applicant may be required to publicly acknowledge the contribution of Central Darling Shire Council in connection with the filming
- ◆ Notwithstanding the above, Council must site a Certificate of Currency as described under Insurance Issues.

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8. COUNCIL CO-ORDINATION

Unless a proposal will result in marked disruption to main township precincts, approval may be obtained through Council Officers.

Co-ordination of departmental approvals is to be under the auspices of the General Manager or his/her nominee.

All documents relating to Council's approval are to be contained in the Central Darling Shire Council HP Records (TRIM) along with key Officer contacts.

In matters relating to partial or full road closures, Council reserves the right to control traffic at all times.

9. FEES & CHARGES

1. Reference is made to Central Darling Shire Councils Annual Schedule of Fees and Charges wherein are contained permit and fees to be charged for Barricades, Road Openings and Closures, and Material on Footpaths. These fees are to be applied to film production.
2. In the event that Council must advertise closures or disruption to traffic, the cost of the placement of such advertisements is to be borne by the filmmakers.
3. In the case of reserves or on any site which requires a modification of existing assets or the construction of a set, a bond of \$500 or such amount as is determined by Council from time to time, is to be lodged before such works are undertaken and is only to be refunded when the Council is satisfied that the site has been remediated or returned to its former condition.
4. Fees that are levied by Council are based on a cost recovery basis

10. FILMING AND INTERVIEWING - COUNCIL BUILDINGS AND EMPLOYEES

In order to film and interview Council employees and volunteers for public broadcast the requirement is to outline the purpose and subject for filming and seek consent from the General Manager of Central Darling Shire Council.

11. Central Darling Shire Council logo and acknowledgement

If a production company has utilised the services of Central Darling Shire Council, it is a requirement that this support is acknowledged on film credits and other appropriate associated materials or communications (such as promotional websites, media releases).

General Principles

1. The Applicant will provide Council with a Certificate of Currency for a Public Liability Policy with a minimum cover of \$20 million or an amount as determined by Council from time to time held with an acceptable Insurance Company with an endorsement stating that the policy will be held jointly with the Applicant and Council during the time of filming activity.
2. Filming activities to be carried out will be only as stipulated in the approval by Council and with consideration for members of the local community at all times.
3. The written consent of all relevant authorities to be obtained before filming commences and presented for inspection if requested by Council's authorised officer.
4. All vehicles associated with the production to be legally parked at all times and/or, where applicable, parked in accordance with an approved parking plan.
5. Equipment used and all activities associated with filming shall comply with the Protection of the Environment Operations Act 1997 and the Occupational Health and Safety Act 1983.
6. The Applicant will ensure that every endeavour is made to reduce any inconvenience to residents and/or occupiers of business premises directly affected by filming activities.
7. Residents within the vicinity of the filming are to be notified in writing prior to commencement of filming as directed by Council. Such notification must provide dates, times, all events associated with filming and the conditions fixed by Council.
8. Payment of fees and any bond determined by Council shall be made before filming commences.
9. A copy of Council's approval shall be kept on location at all times and made available for inspection upon request.
10. At the cessation of filming the Applicant will repair all damage, remove all rubbish and restore the location to its original condition prior to filming and to the satisfaction of Council.