

Film and Photography Production in Public Reserves and Public Places

Adoption Date:	11/11/2008
Amendment Date:	27/03/2018, 01/08/2022
Minute Number:	MIN08.1480, MIN18.241, MIN22.504
Review Date:	01/12/2024
Directorate:	City Futures
Record Number:	POL22/36

1. Purpose

This policy applies to all commercial film-related activity on Council Owned or Managed Land. You do not need to notify Council of recreational filming (e.g. filming as a hobby, weddings videography, and student videography).

The policy has the following purposes:

- Act as a framework for Council to provide the highest possible level of co-operation and to assist companies and/or individuals with film and/or photography shoots in the Shoalhaven.
- To assist applicants understand the procedures and guidelines involved with filming in the region.
- To ensure the public safety and free movement of residents whilst shoots are taking place.

2. Statement

This policy statement is based on the following Council Minutes

95.1428 of 20th June 1995
00.290 of 28th March 2000
01.35 of 30th January 2001
03.435 of April 2003
08.757 of 27th May 2008

3. Provisions

Council will support photography, filming and video production in public reserves and public places in accordance with the following provisions:

- a) When a production company or individual wishes to film advertisements, television series or films on land or property owned or controlled by Shoalhaven City Council then that company or person should apply for a permit by providing the following information:
1. Applicants Name
 2. Applicants Address
 3. Title of Production
 4. Type of Production
 5. Site plan showing the location(s) intended for the production
 6. Dates and Times
 7. Construction/equipment required on location
 8. Scenes to be filmed
 9. Special effects such as firearms, animals, smoke, unusual scenes (robbery, flight etc)
 10. Dangerous substances
 11. Number of cast and crew
 12. Vehicles
 13. Public Liability Insurance
 14. Arrangements for maintenance and repair after the event
 15. Risk Management Plan
 16. Details of any intended Drone usage

- b) For each instance the applicant is required to carry a minimum of \$20 million Public Liability Insurance and Shoalhaven City Council is to be specifically noted and indemnified under that insurance policy.
- c) Fees for Filming and Photography will be charged based on the most up to date schedule of fees and charges. Review fees here: <https://www.shoalhaven.nsw.gov.au/Council/Fees-Charges>
- d) When Shoalhaven City Council is satisfied with the application and any costs have been paid then a permit will be issued.
- e) The Permit/Approval
- i. The written permit must be in the area being used and must be produced on demand.
 - ii. The permit and use of the area is subject to compliance by any direction given by any authorised officer of Council or a police officer during his or her duty.
 - iii. The approval does not include the exclusive use of the remainder of the public reserve. Minimum inconvenience shall be caused to residents and to other persons wishing to use the public reserve. The rights of the general public to use and have free unrestricted access to the public reserve must be respected.
 - iv. Council reserves the right to cancel the permit immediately should any such action be considered necessary.
 - v. The use of noisy mechanical equipment is restricted to the same provisions as the playing of loud musical equipment and sound systems, after 10.00 p.m. Sunday to Thursday, after midnight Friday, Saturday and Public Holidays, before 7.00 a.m. Monday to Friday and before 8.00 a.m. Saturday, Sunday and Public Holidays. (Requirements outlined in the Protection of the Environment Operations (Noise Control) Regulation 2017 <https://legislation.nsw.gov.au/view/html/inforce/current/sl-2017-0449>)
 - vi. Vehicle access to the reserve is restricted to the time required to load and unload passengers and/or materials. No vehicle shall remain on the Reserve except for this purpose or if that vehicle is directly being used in the production. Any directions given by Council in this regard must be observed.
 - vii. Vehicle usage on beaches may require direct supervision from Council. The Event Liaison will be responsible for notifying the applicant of requirements based on nature of filming.
- f) Council will support the filming of advertisements for promotional material in the Shoalhaven region provided that such filming is consistent with this policy.
- g) If filming on private property for commercial purposes, a permit is not required, however please notify Council of the following:
- i. Company details
 - ii. A description of the filming to take place
 - iii. The proposed location/s for your shoot
 - iv. Start and end dates / times
 - v. Number of Cast, Crew and vehicles involved
 - vi. Drone information (if applicable)
 - vii. Details of expected disruption to the surrounding area such as noise, vibrations, release of smells and the use of lighting or special effects.
 - viii. Copies of resident notification letters / plan.

- ix. Copies of approvals that you need from other public authorities such as the Police.
- x. You must also follow the NSW Government's planning restrictions that relate to the property.

4. Implementation

Implementation of this policy is guided by the following:

Applications

- Applications shall be made to Council. An Application Form for this purpose shall be available on Council's website
- Written applications are not required when filming is of a minor nature e.g., stills photography, video recording of a private function, recording for the immediate purposes of a television program that provides information by way of current affairs/news or student education requirements.
- Applications may be refused where it is considered that the activity may damage, danger or be of nuisance to residents or the environment.

Bonds

- Bonds are charged in accordance with the State Filming Protocols and are detailed in Council's fees schedule. -

Insurance

- At the time of making the application, the Applicant must provide documented evidence of public liability insurance cover to a minimum level of \$20 million. This document should contain the name of the applicant/production company; details of the policy and its expiry date and Shoalhaven City Council be specifically noted and indemnified under that policy.

The value of the insurance policy may need to be extended depending upon the nature of the proposed filming activity. This will be determined by Council's Insurance Manager.

Bonds

- Bonds are charged in accordance with the State Filming Protocols and are detailed in Council's fees schedule.

Damages

- The site shall be left in the condition as it was prior to filming taking place.
- Any repair for damage to Council's property will be arranged by Council and charged to the Applicant.

Permissible Times for Filming

- Residential Areas: Filming activities may take place routinely between 7.00 am and 8.00 pm from Monday to Saturday and 8.00 a.m. to 7.00 p.m. Sundays and Public Holidays. Special permission is required for filming and/or the use of noisy mechanical equipment outside these hours.
- Filming activity outside of these hours is permitted by negotiation with Council.
- Non-residential areas are permitted by negotiation with Council.
- Where sensitive activity necessitates the presence of a Council officer, costs will be covered by the Applicant.

Notification

- All residents and businesses within the vicinity of the film location are to be notified in writing by the Applicant at least 3 days before filming commences. Where the land has been defined as 'critical habitat' under section 47A of the Local Government Act, notification must occur at least 7 days before filming commences.
- Notification must include the name of a contact person on site to handle complaints, and details of the filming activities including whether firearms, stunts or explosives will be used. The start time for set up and hours during which filming takes place will also be specified.

Parking

- It is understood that the following production vehicles require direct access to the location: grip; generator; gaffer; camera; sound; standby props. Other unit vehicles shall adhere to normal parking regulations except by prior arrangement with Council.
- Where the location is a beach or public reserve, vehicle access will be subject to special conditions and may require the direct supervision of a Council Ranger. Costs will be covered by the applicant.
- Where unit vehicle numbers exceed 20, a parking plan shall be submitted with the application.

Environmental factors

- There shall be minimal disruption to the normal workings of the Community. Normal pedestrian and vehicle access shall be maintained always other than when filming takes place.
- The Applicant will ensure that the site complies with the Film Industry "Safety Code" requirements and that all conditions required in the Applicant's insurance policy are met.
- All activity associated with the film production shoot must be undertaken to comply with the Protection of Environment Operations Act (1997). Lights shall be directed away from motorists and residences.

Special Requirements

- Where a road closure or the control of traffic is required, an appropriate traffic management plan and associated traffic control plans should be submitted for review a minimum of six weeks prior to implementation.
- Where filming requires the use of stunts or the lighting of fires etc, full information including an authorised Safety Report must be provided with the application.
- The intention to mount temporary structures is to be advised in the application and a Site Layout Plan submitted for Council's consideration.
- Permission must be sought from Council for the pruning/removal of vegetation.
- The permit issued by Shoalhaven City Council does not include the approved use of a Drone. Any use of a Drone will require separate approval from the Civil Aviation Safety Authority (CASA). Please visit <https://www.casa.gov.au/aircraft/landing-page/flying-drones-australia> for further information. Please note, much of the Shoalhaven exists within a military zone and requires approvals from relevant bodies.

Other Authorities

- This policy applies to the use of land owned or managed by the Council. Where land is governed by another authority, (i.e. National Parks and Wildlife Service, Aboriginal Lands Council, Dept of Land) it is the responsibility of the applicant to seek approval from that authority.
- Applications for filming on Council managed land may also require the approval of authorities such as the Police, the RTA, the Environmental Protection Authority, the Civil Aviation Authority etc.
- Whilst obtaining approval from other authorities is the responsibility of the Applicant, where possible assistance will be provided from Council.
- The applicant is responsible for checking whether copyright attaches to any objects that might be filmed.

Additional Obligations

- Council will advise the Applicant if they are required to notify Police, Fire Brigade and Ambulance Services of details of the film location, timetable and any scheduling changes.
- Council will make every reasonable attempt to inform the applicant of any known activities that may conflict with filming.
- Any directions or requests given by Council shall be complied with immediately.
- The Council shall be informed as soon as possible of any production delays necessitating extension or rescheduling of the shooting dates. Confirmation of scheduling changes is contingent upon approval by Council.
- All crew members shall adhere to the Film Industry Code of Practice as outlined in the State Filming Protocols, which are available through the NSW Film and Television Office.
- It is a condition of approval that Council be acknowledged in the credits of the production.

Penalties

- Where any person, association or company is found to be in breach of the Agreement, cancellation of approval and refusal of future applications may result.

5. Review

To be reviewed within one year of the election of a new Council.