



LOCAL GOVERNMENT FILMING PROTOCOL



NEW SOUTH WALES – FILM FRIENDLY

2009

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FOREWORD

The film industry has a long and distinguished history in Australia. We were one of the first nations to produce cinematic feature films and in recent years have seen high quality local and international productions made here.

Australian screen practitioners and technicians have an enviable reputation throughout the world for the quality of their work. In addition to its artistic and cultural dimensions, screen production represents an area of technical innovation and strong economic benefit and opportunity.

The industry encompasses a wide range of activities, including feature films, telemovies and miniseries, television series, documentaries, corporate and music videos, television commercials, digital content for mobile and other portable devices, digital effects and animation and postproduction.

The industry is one which relies on high levels of professionalism and technical skill. The creative media sector is an important area for innovation — a means of improving productivity and increasing business investment in New South Wales.

More than 1,400 film and television related businesses are located in New South Wales, employing more than 6,800 people and generating income in the vicinity of \$1.3 billion per annum. The multiplier effects of this industry are very large and provide substantial economic benefits to this State. New South Wales dominates the Australian feature film and television drama production industry, attracting almost 50 per cent of total production expenditure in Australia over the last five years.

The industry is, however, a competitive one and requires action to retain its competitive edge and the benefits which flow from the skill and experience developed here. The NSW Government is committed to ensure that the environment in New South Wales is one that encourages the screen industry.

It had become evident that improvements were required to strengthen support for location filming for which this Local Government Filming Protocol forms a part.

Recent legislative changes aim to remove unnecessary red tape affecting the New South Wales film and television industry. They build on the reforms implemented by the Government in 2000 which introduced a single application system for council approvals related to filming. It also allowed for the development of a Local Government Filming Protocol under the Local Government Act 1993.

This protocol reflects the significant changes arising from these reforms. There is now a presumption that councils will grant approvals relating to filming projects. Councils are to ensure that requests for location film productions are able to occur, unless there are exceptional circumstances or legislation requires the council to refuse to grant the approval.

Local councils are to comply with this revised Local Government Filming Protocol when determining applications or setting fees, rather than simply taking it into consideration as required previously. Fees and charges related to location filming activity are, at a maximum, to be cost reflective.

This revised Filming Protocol has been developed in consultation with local councils, government agencies and the film industry to ensure that New South Wales remains film friendly while maintaining a proper balance between community and economic concerns.

The revised Filming Protocol applies to all local councils except where another filming protocol has been adopted with the approval of the Director General of the Department of Local Government. Where a council has discretion to set fees and charges relating to a filming project, the legislation now requires the council to set them in accordance with the Filming Protocol.

The Premier has also directed that NSW Government agencies have a similar obligation to support location filming. Through these changes it is intended that the screen industry in NSW will continue to grow and flourish bringing economic benefits and maintaining the technical and innovative edge which it brings to this State.

Acknowledgments

This protocol was developed as a partnership, with active involvement of the Local Government and Shires Associations, councils, the film industry and filmmakers and the Government including the Department of Premier and Cabinet and the NSW Film and Television Office.

A handwritten signature in blue ink that reads "Barbara Perry". The signature is written in a cursive, flowing style.

Barbara Perry
Minister for Local Government

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1. THE CONTEXT OF THIS PROTOCOL

The NSW government is strongly supportive of the screen industry in its many forms. However, it also recognises that location filming requires a balance between the interests of the local community, both residents and businesses, and the need of the screen industry to share public space for film production.

Assistance Programs are offered by the NSW Government for content development and production, screen organisations and events. Resources are dedicated through the NSW Film and Television Office to facilitate local and offshore production and to assist government agencies, local councils and filmmakers in location filming in NSW.

Every film made in NSW has the potential to enhance the opportunities for the ones to follow, by increasing our capacity for production, creating more jobs, demonstrating and reinforcing the strength of our local skills base and making it more enticing for companies to invest in the infrastructure that keeps our State competitive.

Although tourists tend to congregate in limited areas, tourism brings benefits to the State as a whole. In a similar way, although screen production takes place in specific areas it has State-wide benefits: employment, training, trade and the supply of goods and services. In addition, the screen industries bring the images of Sydney and NSW to local citizens, to Australians in other states and territories, and to the world at large.

In order to capture the images the screen industries have to work in locations such as the buildings, the streets and the landscapes where the stories take place. No studio set can replicate a harbour vista, a stunning beach, a vibrant street, a tranquil lake or a majestic mountain landscape.

So the screen industries must bring their workplace to the historic building, the startling modern restaurant, the busy marina, the bustling railway station, the lively shopping strip, the gushing river, the quiet suburban street or the deserted country road. And this workplace, like most workplaces, involves people, vehicles, parking, equipment, power supply, food areas, rest areas, toilets and change rooms.

When screen production comes to a regional area, the benefits are obvious: accommodation, food and fuel sales, employment and the consumption of goods and services. In metropolitan areas the direct benefits are less obvious, but screen industry personnel live and pay rates and taxes in every area of the city, shop in local shops, buy their petrol at local garages, hire local tradespeople and go to local restaurants. Goods and services are hired and purchased from all over the metropolitan area.

Unlike other industries, location filming is highly transient. Although there may be short term inconvenience to residents or businesses, like a polite visitor it

generally stays no more than a few days or hours and then leaves without a trace.

Local councils already have a record of successful collaborations with private sector partners to enhance amenities for residents and visitors - markets, concerts, dance parties, circuses, festivals. The screen industries are another effective partnership opportunity.

At the heart of all successful filmmaking is effective collaboration - not only amongst the crew, but just as importantly, between the filmmaker and the community: local residents, local council, local businesses, police and other Government agencies.

This protocol is intended to foster understanding between industry and stakeholders, to simplify procedures and build a good working relationship for NSW as a whole.

2. THE NEW LOCAL GOVERNMENT FILMING PROTOCOL

Amendments to the *Local Government Act 1993* provided that the Director General may issue a filming protocol which is binding on local councils in relation to the approvals and services provided to location filming production.

This revised protocol, is binding on local councils, and spells out the dynamic of the relationship between the screen industry in NSW and local government under these new arrangements. It seeks to generate a shared intelligence between filmmakers and councils of the issues associated with the needs of each party to support the screen industry and meet the needs of local communities.

The act of filming does not of itself require an approval by councils, nor is it subject to fees.

What may require approval, and attract fees, are activities associated with filming where approval is required under legislated or regulatory authority or services are provided to the filmmaker. Councils have authority either directly or by delegation through other state agencies such as the RTA (Roads and Traffic Authority), Department of Lands, or DECC (Department of Environment and Climate Change).

This Protocol does not cover stills photography – the *Filming Related Legislation Amendment Act 2008* and the *Local Government Act 1993* specifically exclude still photography, and it does not require council approval or attract council fees unless it involves additional activity such as blocking streets, constructing a set or additional parking. In these cases, the Protocol can provide guidance for councils in processing high impact stills shoots. Those contemplating still photography should approach councils for further information.

Access and use of land in NSW comes under various forms of control.

Public Land: This falls under various forms of public ownership and stewardship. Some public land is owned by State agencies, for example land used for hospitals, schools, railway land, power utilities, public reserves and National Parks. Access to land may be restricted, for example in water catchment area or wilderness areas. Roads are public land, controlled by the RTA (main roads) or councils (local and regional roads) or the Department of Lands (Crown roads).

Council owned land is either operational (depots, waste facilities, council buildings) or community land (parks, playing fields and lands not identified as operational).

The nature of approvals required is determined by the status of the land, the owner or steward of the land, and a variety of legislative requirements. Responsibility for approvals for use of land is determined by a range of factors. Many of these may be within the authority of council to grant, either under its

own or by delegated authority. The following points may assist in understanding.

- The nature of the land may determine what filming is possible.
- Filming is excluded from some land, such as wilderness areas, and approval may not be granted for the use of land where public safety is compromised.
- News and current affairs filming does not require approval on public land.
- Other filming and associated activities may be subject to approvals depending on the nature of the land and the nature of the activities.
- Local councils (and other government agencies) may require approvals in their role as regulator of the land, for example to ensure environmental protection, public safety or management of traffic.
- Filmmakers may need a licence or approval to film on public land in some circumstances, for example when they need to close a road or to ensure exclusive use of public land or where a government agency requires formal approval to undertake activities on its land.

Private Land: Filmmakers are very familiar with the need to seek agreement from owners to film on private land such as homes and business premises. This agreement – a licence - usually takes the form of a location agreement spelling out the terms, conditions and fees for the filming, if required.

Approval from a local council is not required for filming and associated activity which takes place entirely on private land.

If filming is primarily on private land but associated activity occurs on public land, then it may be necessary, subject to legislative requirements, for a filming approval to be sought for these associated activities. Conditions to ensure public safety, and relevant fees and charges may be applicable for such approvals, for example, running a cable across the footpath from the private property to a generator or management of reserved vehicle parking.

Provided that total filming activity is for fewer than 30 days per year, no Development Application is required.

Filmmakers must notify council when filming is entirely contained within private land, as required by SEPP4, and are under an obligation to notify surrounding residents and businesses. However a formal application is not necessary as no approval is required nor fees applicable.

3. THE LEGISLATION

The *Filming Related Legislation Amendment Act 2008* was passed by the NSW Parliament in June 2008 to make NSW more Film Friendly. Other related regulatory and administrative changes have also been made to enhance location based screen production. These build on previous legislative and regulatory changes made.

The purpose of these changes is to enable NSW to attract and maintain, domestic and international film, television and TV commercials production, in a very competitive marketplace. The new arrangements signal the support of the NSW Government to screen production by establishing a presumption that approvals for location filming should be supported wherever possible.

This legislation and the Protocol are binding on councils. This Filming Protocol, replacing the Local Government Filming Protocol 2000, has been prepared in consultation with local councils, government agencies and the screen industry.

Under the legislation, councils can only opt out of this Protocol by adopting a satisfactory alternative policy with the approval of the Director-General of the Department of Local Government.

KEY ELEMENTS OF THE LEGISLATION

- As a general principle, local councils and government agencies are required to approve screen projects unless there are compelling reasons not to do so. Councils and agencies are required to give a timely written response.
- There is now a presumption that filming activities are allowed on community land, subject to conditions to ensure environmental protection or express exclusions in the applicable plan of management.
- Government and local council fees and charges associated with location filming must be reasonable and cost reflective.
- Getting suitable parking at a reasonable cost has been a major challenge for filmmakers. Being able to park vehicles carrying equipment, sets, costumes and catering is essential to filming on location. The package of changes makes it easier for filming vehicles to park for an extended period.
- Getting access to public lands has been an issue for some productions. The legislation streamlines the processes for filmmakers wanting to film on public lands such as Crown Land, National Parks and State Forests.

Temporary structures related to filming are now subject to simpler approval processes.

4. THE ROLE OF LOCAL COUNCILS

Local councils' relationship to filming is determined in part by their ownership or stewardship of public land, or their regulatory responsibilities some of which are set out in Section 2 of this Protocol, and through the facilities and services they are able to provide in their areas.

Although the act of filming is not in itself subject to approvals or fees, local councils continue to have a key role in filmmaking management, specifically in relation to parking, traffic regulation and the use of council-managed land. Within the context of a presumption of approval, councils will also have a role in maintaining a balance between community interests, environmental, cultural and heritage protection and economic development.

Presumption of Approval: Councils are expected to grant approvals and, where appropriate, any necessary lease or licence over council owned or council controlled land for filming, unless there are exceptional circumstances. Some particularly sensitive community land may be exempt from filming, for example because of the presence of an item of Aboriginal significance, or because it is a critical habitat for a threatened species. Filming activities are allowed on community land even without express approval in the applicable plan of management.

This presumption also imposes obligations on filmmakers, who will be required to ensure that in location filming activities appropriate standards of behaviour are observed, and that requests by council are responded to in a timely manner and that information is provided accurately and honestly.

Film Contact Officer: Councils are required to appoint a Film Contact Officer who will assist filmmakers in obtaining the necessary approval, support and access to council services.

For most councils this will not usually be a full-time dedicated position, and does not require a person with film experience. It does need to be a full-time council staff member who has the authority to co-ordinate the different departments of council involved in deciding approvals and managing filming. At the same time, it should be a staff member whose duties are flexible enough to allow time for consultation with filmmakers, and for site visits. Councils need to be able to accept and process applications, and respond to ongoing inquiries, five days a week and should nominate alternative staff members who can step in if the Film Contact Officer is absent for any reason.

This is not intended to be a new position, or an imposition on Councils. While some metropolitan Councils will have a staff member with specialist skills, other Councils may find that they have existing staff with developed skills in supporting events and activities such as an event manager or tourism officer, and in many Councils the engineering department will be responsible for filming applications. If a council has a number of officers who deal with film inquiries, they should nominate one officer to co-ordinate the approval and implementation of filming. Councils should ensure that suitable staff are

available to cover the whole period of production, and to cover staff absences holidays and other leave, including sick leave.

The long hours that filming involves may mean that council staff need to be in touch with filmmakers after hours and at weekends. Council should provide an approved production with an after-hours contact number for the Film Contact Officer or delegate, such as a ranger. Councils are encouraged to ensure that delegated staff are familiar with the approval and able to deal with issues that may arise.

The NSW Film and Television Office will offer training and ongoing support to Film Contact Officers, and will work with Councils to develop processes to streamline and simplify filming applications and approvals.

Film Contact Officers may also find it useful to consult “The Satchel – Film Budgeting and Production Management” published in 2008 by Screen Australia. It is a step-by-step guide to film production in Australia. Although it’s a large volume, at 500 pages, it is comprehensively indexed and provides a thorough explanation of production terms and practices. It is listed in the “Useful Resources” section of this Protocol.

Community Concerns: Councils should usually be able to deal with community concerns by imposing conditions on approvals. For example, there may be restrictions on noise or hours of operation, a requirement for environmental protection, or a requirement that the filmmakers advise neighbours about the activity. Council should indicate the appropriate coverage area for such advice, and a copy of the letter should be sent to Council. The filmmaker has a role in communicating with affected members of the community (residents and businesses) so that disruption is ameliorated, and are required to provide a specified contact person and phone number.

Managing complaints is not a cost recovery issue if a production is acting legally and in accordance with the approval and any conditions prescribed by councils. Costs may not be imposed on a film production to recover for the time spent by council managing complaints from disaffected residents, businesses or councillors.

“Frequent Filming”: Councils have a delicate path to negotiate when particular locations are frequently used for filming, or where filming is scheduled at the same time as a major public event. The process, step by step, is outlined in Section 5 of this Protocol, and will help councils negotiate a path acceptable to all parties concerned.

Construction: Certain temporary structures and alterations or additions to buildings or works are now exempt development where the development is for the sole purpose of filming. This will apply only for short-term filming projects where the development will not remain in place for more than 30 days within a 12-month period. Also, to ensure public safety, the development must not be accessible to the public. As a workplace, the occupational health and safety of crew working with temporary film sets and equipment is the responsibility of the filmmaker.

Fees and Charges: Councils are able to recover direct costs related to filming approvals and services provided, and fees and charges are discussed in more detail in Section 6 of this Protocol.

Parking and Road Rules: Some filming will not require any unusual parking. A small crew might park two or three cars or vans in normal parking areas as used by the general public and other businesses. No notification or costs apply.

Parking for a substantial shoot will be required for three different purposes:

1. Essential vehicles

These carry camera, grips and lighting equipment, and filmmakers will always want to park them as close as possible to the shooting area, in order to limit the time and difficulty involved in moving equipment.

2. Cast and crew private vehicles

These will normally be parked in areas that are available to the general public, and costs may or may not apply as for any community member.

3. Unit parking

Unit parking is required for the support vehicles: the catering truck, makeup and wardrobe vans, cast caravans – colloquially, “the circus”. Councils, especially those with built-up areas, are encouraged to designate a number of locations that can be recommended to filmmakers for unit parking. If costs for the areas apply for any other usage, then costs for vehicles associated with filming activity may apply on the same scale. If no costs apply to other users, then no costs apply for use associated with filming activity.

RTA Guidelines: In association with legislation governing the road rules in NSW, the Roads and Traffic Authority (RTA) issues guidelines, and these will assist local councils in dealing with parking requests associated with approved filming activity. The most likely mechanism is a simplified procedure for **Partial, Temporary Road Closure** which will allow parking associated with filming in metered areas, zoned and/or timed parking (for example, resident parking areas, bus zones, no-stopping zones, time-restricted parking zones, no parking zones) and unrestricted areas that are to be reserved by the filmmakers. This process will have recoverable costs associated with it – see Section 6 of this Protocol.

A complete road closure, for example, for a stunt, a left-hand drive sequence or period filming, is a separate issue.

An exception to the NSW road rules will allow trucks to be parked in unrestricted parking areas in association with approved filming. That is, the time limits applicable in relation to residential areas will not apply when associated with filming activity. In some instances costs will apply, and these are outlined in Section 6 of this Protocol. However, as a general rule, there will be no costs recoverable by council for trucks parked in unrestricted areas. The needs of residents and businesses will need to be considered, and on occasion it may be appropriate for the production company to offer alternative parking or compensation to residents who will be adversely affected.

5. THE PROCESS, STEP BY STEP

Step 1 – “GREENLIGHT” and FIRST CONTACT

Filmmakers will approach councils at different stages of the production process.

On some occasions, a filmmaker will be looking at a number of locations before the project is “greenlit” – that is, actually confirmed for production. The filmmaker may need to explore possible locations so they can create an accurate budget as a basis on which to seek funding. Often location scouts will approach areas, especially regional areas, to explore locations where they might bring an international production. In this instance, Australia, NSW and the regions are being compared to a whole range of other possibilities worldwide, and the local scouting team is attempting to secure production dollars for the screen industry, the State, and regional and local government areas.

More usually, with both Australian and international productions, the project has been “green lit” before locations are identified – the script and finance are in place and the project will go ahead. A feature film or high-end television drama may have some weeks of pre-production in which to find and lock in locations. However, many other factors impact on a production’s schedule and generally timelines are very tight.

Television commercials (TVCs) have particularly short time lines. A client company (a bank, a toothpaste maker, a car manufacturer, an insurance firm, a department store) will commission an advertising agency to prepare a campaign. Once the campaign and the strategy are agreed, and if it includes TVCs, the advertising agency will seek “bids” from TVC production companies. The agency and the client company will commission one of the production companies to carry out the work. Sometimes the lead time to the on-air date is short, and the production company has to assemble its resources at very short notice. This is a major reason why councils see TVC companies returning often to the same filming sites – they know they will work - and making late applications. A good example is an election campaign, and the speed at which political TVCs are created by all parties to deal with emerging campaign issues.

Some series television can also have short lead times as scripts may be finalised very close to the time of filming. This is especially the case with weekly and 5-nights-a-week television dramas.

Understanding where a project is sitting in the “greenlighting” process helps councils understand the nature and timing of requests for filming approvals.

At the point of initial contact between the filmmaker and council, whether the project has been ‘greenlit’ or the filmmaker is making a preliminary enquiry, the Location Manager and Film Contact Officer should exchange contact details.

If at this stage, or any other, councils have any inquiries about the legitimacy of a production, the Council Film Contact Officer should contact the NSW Film and Television Office on (02)9264 6400. The FTO will either already know of the production, or have the contacts to find out information about it.

Step 2 – SCOUTING & CONFIRMING SUITABILITY

Once a project is greenlit, the location manager (possibly assisted by freelance location scouts) will visit and photograph a number of potential locations that fit the creative, budget and schedule demands of the production. Their aim at this stage is twofold – to give the director a suitably large number of creative choices, and to establish with location owners and councils that they can in fact carry out their filming requirements at that location. Ongoing liaison with council and an informal inspection may be needed at this stage.

At this stage, The **Film Contact Officer** should advise the location manager/scout:

- Whether conditions, circumstances or problems are foreseeable with the location and need to be factored into a proposal.
- Whether the location is particularly sensitive, for example because of the presence of an item of Aboriginal significance, heritage issues, or because it is a critical habitat for a threatened species, and whether council may therefore withhold approval.
- Any potential clashes with other events, sports fixtures or filming requests and council activities such as maintenance or roadwork.
- What other approvals council requires in order to approve the activity.
- Whether community consultation will be needed, for example, for major construction, impact on traffic or pedestrian flow, impacts on business trade
- Any conditions that are likely to be imposed on the approval to deal with community concerns
- The cost of lodging the application and an estimate of cost recovery charges and bonds, if practical.
- Where the filming proposal involves filming exclusively on private land no council permit is required, although filmmakers must notify council and are under an obligation to notify surrounding residents and businesses. However a formal application is not necessary as no approval is required nor fees applicable. However the Film Contact Officer should ensure the applicant is aware of the requirement for notification of council set down in State Environmental Planning Policy No. 4 (SEPP 4 - Development Without Consent and Miscellaneous Exempt and Complying Development).

Step 3 – THE FORMAL APPLICATION

Once the creative team has confirmed that the location is suitable, **the filmmakers** will apply to Council's Film Contact Officer using an appropriate application form. A generic form is also included in Section 12 of this Protocol – "Useful Forms and Templates". The Industry Code of Conduct for Location Filming is fundamental to the relationship between the filmmakers and Local Councils, though further specific conditions may apply.

The Film Contact Officer should, wherever possible, acknowledge receipt of the application within one business day by phone, email or text. Councils should ensure delegation as far as possible to allow applications to proceed promptly, and make best endeavours to process applications in the shortest time possible. Filmmakers should be aware that very short time frames may make it

difficult for the council to process the application in time and a late application may not receive approval within the time sought.

The Film Contact Officer should advise filmmakers promptly if there are any council meetings or other processes that may delay or influence approval. This notification should be given up front if possible or if not then as soon as the requirement emerges.

Information provided on applications to councils should be clear, honest and enable the council to make informed decisions. This should include an accurate assessment of the number of vehicles and crew and realistic descriptions of activities and timeframes.

The application fee is due and payable at this stage, and it is non-refundable, even if filming does not go ahead at the location.

The time frame for approvals will vary with the complexity of the proposal and the number of people and authorities who need to be consulted, and filmmakers should be realistic in their assessment of lead times. The Film Contact Officer should provide an estimate to the production of the timeframe council will need to respond to the application. Decisions should be able to be made by council staff and only taken to a meeting of councillors in unusual circumstances.

The filmmakers should check the special requirements listed in the Application Form (parking, traffic management, level of public liability insurance required, environmental and heritage protection, temporary construction, special effects, gunfire) and start the process of seeking approvals from relevant authorities.

Some key areas of additional consultation are:

- **Parking:** The filmmakers must comply with council parking regulations and may also need to consult with Police, RTA and the local community. Filmmakers are required to comply with normal parking regulations. If trucks are legally parked Councils may be notified but additional fees may not be charged. Essential costs incurred for traffic management may be recovered, as discussed in Section 6 of this Protocol. However, parking may be provided through partial temporary road closures and RTA guidelines need to be followed. Fees for such a service may be charged and may include foregone revenue in locations where metered parking exists – see Section 6.
- **Traffic management:** If traffic is being stopped, held or diverted, or if filming is to take place on roads, the filmmakers need to have appropriate approval from the local council, Local Area Command (Police) and the Roads and Traffic Authority (RTA). They may also need to inform the State Transit Authority, private bus companies, tour operators and emergency and essential services. If filming takes place on the roads or interferes with traffic flow it will often be necessary to submit a traffic management plan (TMP) to council, and filmmakers are urged to seek the support of experienced consultants to prepare a TMP. (*The NSW Film and Television Office on (02)9264 6400 can provide a list of experienced consultants*). Councils should co-operate with filmmakers to approve traffic plans promptly – the traffic committee may need to

meet by phone.

- **Traffic control** must be carried out by individuals authorized by the RTA, and in some cases by user-pays police. In metropolitan locations traffic controllers are usually booked through an experienced traffic management firm, and in rural locations the local council will often provide authorised traffic controllers, at cost, as required.
- **Weather cover:** If wet weather is going to have an effect on the filming, the filmmakers should also give the Council's Film Contact Officer an indication of what schedule changes might be required, and the impact on the council approval.

Step 4: COUNCIL CONSIDERS APPLICATION

The Film Contact Officer checks over the application to ensure that all necessary information is supplied for council to make its decision, keeps in touch with the location manager to be sure the process is on track from both sides; and asks for further information if it is needed.

The Film Contact Officer checks again that the location is available for the dates/times and that there are no other known activities that might affect filming. Risk assessment will normally be part of a film's standard safety management. However, if the council requires any specific information or plans to ensure public safety, then the filmmakers should be informed promptly.

The Film Contact Officer may need to consult community, employee or interest groups by advertising or letter or direct contact, for example, when a change to a regular sports practice time is involved or when filming is proposed on land being restored by a bush regeneration group. In some circumstances a representative of the production may be required to participate in the consultation, including site meetings, such as when removal of non-period street lighting or a temporary change of signage to a foreign language is proposed.

Site meetings for council and filmmakers may be needed to cover issues such as use of council staff or services, impact on operations, parking arrangements, traffic regulation, set construction and business, employee or resident access. If the arrangements are complex, the filmmakers might invite the Council's Film Contact Officer to a technical survey to discuss the details.

"Frequent Filming"

Some locations are exceptionally attractive to filmmakers, both Australian and international, for example iconic beaches and historic areas. Other locations are frequently used because they are convenient for TVC companies, or because they are an established part of an ongoing television series.

Councils have to balance filming applications with community needs and amenity. Frequent requests to use a site can create a significant challenge for a local council. However, in line with the policy that location filming is to be supported, it is recommended that Councils develop strategies to manage usage of sites subject to higher demand. This can include developing parking

management plans or providing suggestions of alternative locations which match the attributes sought by the filmmaker. Similarly, filmmakers will need to consider whether alternative locations are equally suitable for capturing the images sought.

Please also note that SEPP 4 specifies that a private property must not be used for more than 30 days in a 12 month period. Staff of the NSW Film and Television Office are available for help and guidance in setting reasonable levels of usage and may assist in identifying alternative sites.

“Premium” fees are not to be charged for “Frequent Filming” locations

Additional services

Sometimes the filmmaker might request council services such as earthworks, water carts, utilities, security, cleaning, special community consultation, vehicles and the like. Provided there is enough notice and the resources are available Councils may decide to provide the help requested. Fees for the services are discussed in Section 6, and council should provide written estimates in advance.

Step 5: FEES AND CHARGES

The legislation requires that fees associated with filming projects are set in a transparent manner and on a cost-reflective basis. Councils are able to recover an application fee and direct expenses related to filming approvals and services provided, (for example, traffic controllers, additional rangers) but are not permitted to charge any additional fees. For further details see Section 6 of this Protocol.

Step 6: DECISION AND NOTIFICATION

The **Film Contact Officer** notifies the production in writing by letter (via mail, fax or email), of the approval, including the finally agreed costs, any special conditions or restrictions, filming date and times and contact details. Where urgency is involved, phone contact can be used prior to formal written notification. Special conditions might include, for example, the need to put in place some special environmental protections. The presumption is that councils will approve filming applications unless exceptional circumstances exist.

Curfews should be avoided as they may impose undue restrictions on filming, for example, making it impossible to achieve dawn shots and night shoots. In circumstances where council feels an early start or late finish will adversely affect residents or businesses, they are encouraged to impose a condition requiring the filmmakers to get written approval from affected residents or businesses.

It is the **filmmakers’** responsibility to obtain all other approvals required (police, RTA, children’s employment, environmental, and so on)

REFUSALS AND APPEALS

Generally an approval should be granted unless exceptional circumstances apply. Such instances are expected to be rare and unusual. As an example only (and the particular circumstances must be considered in each instance), a

major public event which will attract large crowds and pose real risk to public safety could be exceptional. However, the challenge of managing crowded urban spaces is not itself exceptional.

A request by a film production may not be reasonable, for example, to close a busy road during peak hour. Even where a council believes exceptional circumstances apply, negotiations with the film production over relocation, alternative times, or the imposition of appropriate conditions should be considered.

If approval is refused, council must provide reasons for the refusal in writing. Council will need to inform the applicant by phone, fax or email as soon as practicable after the decision has been made, and must give written reasons for the refusal within three business days of the decision.

Reasons for refusal must be relevant and not relate to extraneous matters such as community disaffection, screen content or “quality control”. Difficulties such as peak usage periods (for example, school holidays) and other major events do not provide immediate grounds for refusal. Councils are encouraged to work with the filmmakers or impose appropriate conditions in order to manage the locations in the interests of both filmmakers and the community.

Another example of extraneous matters is if a council holds a view that the content of the filming activity promotes values which it does not endorse (for example, violence, alcohol consumption, portrayal of a region in an unflattering manner). Elected officials are entitled to be informed about proposed filming activity in their area. However, opposition from interested councillors, council staff, residents or other interest groups are not sufficient grounds for refusal.

Councils have no editorial function provided the filmmakers are complying with the law. Councils do not have the authority to withhold approval on the basis of content or moral grounds.

Council must also advise the applicant of the appeals process, which is detailed in Section 9 of this Protocol.

Step 7: FILMMAKERS' RESPONSIBILITIES

Code of Conduct for Location Filming: The screen industry and NSW Film and Television Office have adopted a Code of Conduct for Location Filming – see Section 12(b). The screen industry acknowledges it is important to respect the community and comply with the Code of Conduct for Location Filming. Filmmakers should ensure that all crew on location understand and comply with the Code of Conduct.

Conditions: Any special conditions of the approval must be met, whether before, during or after filming. The cast and crew should be briefed so that they fully understand the implications of special conditions, for example noise restrictions or protection of wildlife.

Local community notification: Filmmakers need to do a letter drop to residents and the local community with the details of the filming, with a copy to council for

information. The letters should be delivered with enough lead time for people to make further inquiries. The letter should indicate the times and nature of the shoot, conditions of council approval, and provide a contact name and number for the production. The production should have a strategy for managing community concerns and/or complaints. If filming permission is sought at especially short notice, for example for a production contracted at short notice or for a sudden schedule change, additional time and effort may be needed to inform affected residents, for example door knocking as well as letter boxing.

Filming on private land: The filmmakers must ensure they meet the requirements of State Environmental Planning Policy No 4 (SEPP4). This includes notifying the council and affected residents in writing. Full details can be found at:

<http://www.legislation.nsw.gov.au/scanview/inforce/s/1/?EPITITLE=%22State%20Environmental%20Planning%20Policy%20No%204%E2%80%94Development%20Without%20Consent%20and%20Miscellaneous%20Exempt%20and%20Complying%20Development%22&nohits=y>

Impact: Filmmakers should make arrangements to minimise inconvenience or disadvantage to businesses, residents or the general community. This includes letting people who may be affected know what is planned, where and when. In some instances where the impact is substantial, such as where filming is late at night, alternative accommodation may need to be provided for affected residents, or where trade for a business is significantly impaired, arrangements made to mitigate the effects.

Emergency and essential services access: Access to utilities (e.g. electricity, water, telephone lines, gas) and emergency vehicle access must be available at all times and fire exits must not be blocked.

ID and information: The filmmakers should clearly identify themselves to residents and other members of the public – ID lanyards are an easy and useful method. Film crew should politely respond to reasonable inquiries from the public about the filming. Some production companies set up folding notice boards at access points to inform and thank the public. Any special conditions of approval should be noted on the call sheet and cast and crew should be briefed on them during safety induction on set.

Permits on site: The filmmakers should have a copy of the written approval on location at all times. This would normally be held by the unit manager and all the production crew should be able to identify this person and direct enquiries to them.

Changes - Planned: If the information given in the application changes before the filming, council should be notified far enough in advance to consider the changes and if necessary amend the approval. Conversely, if any changes occur at the council's end, the filmmakers should be notified straight away. This may also require further notification to the local community if the changes are significant.

Changes – Unplanned: Where unexpected events, for example bad weather or illness, force a change to the shoot schedule, the filmmakers should consult

with the Council's Film Contact Officer as soon as possible. A 'weather hold' on another day/time at the initial application stage is an effective way of overcoming challenges due to bad weather and reduces the time spent by council in managing the schedule change. The Film Contact Officer should notify the filmmaker of any unforeseen events at the council end, for example a burst water main.

Damage: The filmmakers must report any damage to the site as soon as possible to Council's Film Contact Officer.

Site inspections, reports and agreements to modify or make good: The Film Contact Officer should maintain records of site inspections and any agreements to change the terms of approval or to restore the site if it is damaged during filming.

Step 8: IT'S A WRAP – SITE RESTORATION AND THE BOND

Once filming is finished at a location, the production team has to wait for "rushes clearance" before they can completely vacate a site. This means that the producer, director and editor have to confirm that they have achieved all the necessary shots at the site. This is especially important if there has been construction at the site.

Once rushes have been cleared, the filmmakers clean up and restore the site to the agreed condition, report any damage, if required undertake a site inspection with the Film Contact Officer, and submit their application for refund of any bond. The Film Contact Officer reviews damage reports and photographs and either signs off that all is OK, or gives the filmmakers a written report of anything that may be unsatisfactory – within five days. If repairs or restoration are required, a time frame is agreed between the filmmakers and council. If council is proposing to retain all or part of the bond to carry out repairs, the filmmakers are advised of the reasons, otherwise the bond is to be refunded within seven days, preferably by electronic transfer.

On occasion, the council may agree that the filmmakers will leave fixtures and fittings at the location. However if the filmmakers of their own accord leave items at the location, or do not restore the location to its previous condition, the council in consultation with the filmmakers may remove the items, restore the location and require the filmmaker to pay the costs.

Flowchart for Managing Filming Applications

1. Initial contact/Preliminary enquiry

- Film Contact Officer (FCO) and filmmaker exchange contact details
- FCO advises of any foreseeable concerns with location



2. Filmmakers scout locations and confirm suitability

- Filmmakers liaise with council regarding proposed filming.
- FCO advises filmmakers of foreseeable concerns/sensitivities with location and any known event clashes.
- Informal site inspection with FCO may be required.
- FCO directs filmmaker to online application form.



3. Formal application

- Filmmaker applies using formal application and supplies all additional information (as advised on the application form eg. parking plan, traffic management plan, PLI cover)
- FCO acknowledges receipt of application within one business day and advises time frame for decision.
- FCO to advise if any scheduled meetings need to take place prior to decision – either with filmmakers or within council eg Traffic Management Committee (although this may take place out of session by phone if timeframe requires).
- Application fee is due and payable.



4. Council considers application

- FCO liaises with relevant departments within council that may be affected by the proposed filming eg. Waste Management Unit, Traffic/Engineering Unit, Construction and Regulation Unit, Events/Venue Management
- Additional services – FCO liaises with the relevant council department or contractor if the filmmakers require additional council services (eg. cleaning, banner removal, standing of plant equipment, access to utilities, bollard removal). FCO gives a cost estimate of additional services to the filmmakers.
- FCO liaises with filmmakers if it is envisaged that conditions need to be imposed on approval or amendments made to filming proposal.
- FCO considers if a bond is required and liaises with filmmaker to agree to a reasonable level.



5(a). Application Approved: Issue permit and invoice

- FCO advises filmmaker of approval in writing.
- Permit contains terms and conditions of approval including approved filming dates and activities, approved parking arrangements and traffic management plans.
- Amounts invoiced must be applied according to section 6 of the Local Government Filming Protocol.



5(b). Application Refused

- PLEASE NOTE: An approval should be granted unless exceptional circumstances apply.
- FCO to advise filmmaker of refusal as soon as possible.
- Written reason for the refusal must be given to the filmmaker within three business days.



6. After The Shoot

The FCO may undertake a site inspection with the filmmaker, if required.

Filmmaker reports any damage of the site to FCO. The filmmaker, in consultation with FCO, performs site remediation. If a portion of the bond is to be retained to repair damage the FCO must advise the filmmakers of the reasons.

If a bond was supplied and there is no damage, the FCO must refund the bond within seven business days.

6. COST RECOVERY/FEES AND CHARGES

The only council fees and charges that apply to filming are for recovery of specific council costs. The legislation requires that fees associated with filming projects are set in a transparent manner and on a cost-reflective basis.

Fees and fee setting mechanisms in this Protocol apply to all councils unless an alternative Council protocol has been approved by the Director General.

Any fees or charges determined through the Protocol provide maximum limits and this does not prevent a local council from deciding to waive or adopt a lesser fee or charge in any case. This may be in response to the nature of the screen production (perceived local, social or charitable benefit) or may be an incentive to encourage production companies to bring a project to a region.

The Director General of the Department of Local Government may review the fees and charges in the Protocol from time to time to allow for changes in cost structures.

For clarification – the act of filming in itself does not attract any fee.

In relation to location filming related activities councils are only able to impose fees in three areas:

1. For lodgement of an application where an approval is required from council;
2. To recover costs from services provided by the council; and
3. For the hire of constructed facilities such as town halls, community centres, and swimming pools (as allowable under the council management plan).

Application fees

The costs schedule below reflects the costs which may be charged by councils in considering applications by filmmakers for approvals. The table provides a schedule of fees for applications for approvals and in relation to traffic management plans. The schedule sets out the maximum fees which may be imposed, although councils may choose to impose lower fees or no fees at all.

The application fee is non-refundable, however, councils may elect to refund in the event filming does not proceed.

It is acknowledged that the fees may in any instance be higher or lower than the actual costs of processing an individual application. However, the schedule provides a simple, clear and consistent method of calculation, reflects the likely complexity of an application, and encourages best practice in council processes.

| Ultra Low | Low | Medium | High |
|---|--------------------------------|--|--------------------------|
| No more than 10 crew | 11-25 crew | 26-50 crew | > 50 crew |
| No disruption is caused to the Council's stakeholders, retailers or motorists or other events in the vicinity of the activities | No more than 4 trucks/vans | No more than 10 trucks | > 10 trucks |
| Activities are contained to footways or public open space areas only | No construction | Some construction | Significant construction |
| Public safety is maintained at the locations at all times during the conduct of the activities | Minimal equipment/lighting | Equipment used for example, dolly, trucks, medium-sized cranes, jibs | Extensive equipment |
| Vehicles associated with the conduct of the activities are legally parked at all times and are not driven onto footways, parks or plaza areas | Small or no unit base required | Unit base required | Large unit base required |
| | Usually 1-2 locations | No more than 4 locations | > 4 locations |
| \$0 | \$0 - \$150 | \$0 - \$300 | \$0 - \$500 |

When a production is filming on private property or areas not controlled by the Council, and the council is required to approve parking plans or unit base plans, the application fee category of \$0 - \$150 applies.

A major revision to the filming application will incur an additional 75% of the application fee. A major revision arises where significant changes occur in the timing and nature of the filming activity, and where this could seriously disrupt arrangements made by surrounding businesses and residents in anticipation of the filming activity or where the approval required consideration of a number of new matters by the council.

Assessment of Traffic Management Plans:

The following fees cover the administrative cost of processing traffic management plans.

| Low | Medium | High |
|---|--|---|
| Stop/go traffic control on a local or council-managed road. | Stop/go traffic control on a multi-laned or state road | Road closures |
| Police consultation | Police consultation | Police consultation |
| | RTA consultation | RTA consultation |
| \$0 - \$100 | \$0 - \$300 | As per council's adopted road closure fees that apply to other applicants. |

Recovery of costs for services

Councils may only charge fees for services they provide.

If an approval is required, and no other services are required then no fees, other than for the application, may be imposed. If all vehicles are legally parked, if there is no interference to the public's use of the space (non-exclusive occupation), if there are no cables run across council land, if there are no environmental issues – then cost recovery should be nil.

What is cost recovery?

In the cost recovery model below, councils will need to develop cost templates for those services where a fee is not specified. These costs need to be reflective of the actual cost of those services, and should be provided to the New South Wales Film and Television Office and filmmakers. These should be used to determine fees levied for the cost of those services, and should properly compensate council for the use of those services.

Councils will not have identical scales of fees. Variations arise from local conditions and circumstances in each council area, as well as other factors which affect the cost of service provision.

The Government policy supporting the screen industry allows that councils will be allowed to recover costs associated with the services that they provide. The cost recovery principle to be used for this Protocol is that costs should reflect the direct costs for the service provided. That is, administrative overhead charges should not be included in calculation of costs. Councils should examine schedules of fees for services to ensure that unreasonable or monopoly margins are not imposed.

The fee schedules should be itemized and transparent, and calculated at the same rate as other public use of council services and facilities. No additional differential loading is to apply to services provided because they are associated with filming. Fees could include:

- Actual wages and salaries as per applicable award/agreement as per category of the employee involved, and employee-related costs –

superannuation, payroll tax, workers compensation and leave provisions, overtime and car

- Cost of vehicles on a kilometrage rate as per Australian Taxation Office guidelines (<http://www.ato.gov.au/>)
- Revenue foregone, as in the use of metered parking
- Costs for required public advertising

Cost reflection does NOT include:

- Overheads or general administrative costs
- Oversupply of resources or personnel above a reasonable requirement for public safety and protection of public assets
- Occupational health and safety supervision – this is an obligation of the production company
- Replication of services already provided to a reasonable level by the production company or its contractors for example, overnight security, pedestrian control, traffic control

Charges for contracted council services, such as cleaning and security, must be at competitive market rates and included in councils' management plan. The production company may elect to choose alternative suppliers who are legally allowed to carry out the work required, provided this does not conflict with existing contracts council may have for specific services or work on specific sites.

Although fees would not generally apply to the non-exclusive use of a public area, judgement needs to be exercised to ensure that the activity does not prevent the use by the community. If the scale of film production activity constructively prevents use by the general public, then a licence for exclusive use may need to be applied to part of the area (with associated fees).

In some circumstances council may determine that there is a need for council supervision of a production. Although this should not be a presumed requirement for productions, the circumstances may suggest that it is appropriate and in some instances may be requested by the production. The level of supervision will be determined by the needs of each situation.

| | |
|---|--|
| Supervision during hours | Hourly rate as per fees and charges that apply to all users of public space. |
| Supervision after hours | Hourly rate as per fees and charges that apply to all users of public space. |
| Site visit/inspection (including before approval and after the filming has taken place) | Hourly rate as per fees and charges that apply to all users of public space. |

Where a particular filmmaker has a poor history with council in location filming, supervision may be appropriate. In contrast, councils may determine that lesser supervision is required for filmmakers who have previously worked in a council area and have demonstrated appropriate understanding of their obligations.

If industry based accreditation standards or mechanisms are established, councils may take these into account in deciding on the level of supervision and other requirements imposed on the filmmaker.

Parking:

The limited availability of adequate parking in many urban areas is a challenge for residents, businesses and local councils. In these locations, requests from filmmakers to accommodate parking in association with location filming are a common source of concern by local communities.

This appears to contribute to a reluctance by some councils to assist such requests and continuing complaints by filmmakers over difficulties in dealing with local councils, levels of fees and conditions imposed on parking.

The need for film productions to locate critical vehicles near to film sites will remain and requires constructive solutions and flexibility by all stakeholders to resolve.

As outlined above, recent changes to the NSW road rules and associated guidelines from the RTA are designed to simplify parking associated with filming activity. Fees for parking are to be limited to the costs for processing applications and for services required to reserve areas to accommodate vehicles. For example, there will be an administrative cost associated with a partial temporary road closure or other mechanisms suggested by RTA guidelines, the placement of barricades and signage, and the control of traffic, if these services are provided by the council.

The only exception to this is where spaces usually subject to metered parking will result in lost revenue to council. As such these funds can be recovered by council as a cost recovery component. Calculation of the costs recovered should be based on average revenue lost from the metered spaces for the use by the filmmaker, rather than by presumption of full space occupancy.

Costs for council-supplied barricading and costs of providing signage in zoned and restricted parking areas are recoverable. Provision of spaces to accommodate essential film production vehicles close to the filming location may require road areas to be reserved and barricaded for a period prior to, and immediately after film activity as a legitimate part of the film related activity.

Alternative parking arrangements may be required for businesses and residents and are matters to be addressed as part of the approval and may result in costs for the film production, although these should arise only if essential and reasonable. All costs should be transparent and consistent.

Trucks associated with approved filming will be able to park in unrestricted parking areas, and no fees will apply. The trucks will need to be identified, and council will need to be notified. No fee will apply for the notification.

Bond/remediation (if required)

In some circumstances a bond may be reasonable and necessary. Councils should publish the rate they will apply to bonds for specific sites and specific

usage. They should only apply where there is a risk of damage or the necessity for a clean-up where additional costs may apply. Bonds should be repaid or released as soon as practicable after the completion of filming and site clean up.

| | |
|------------------|---|
| Bond | A reasonable level to be negotiated between council and filmmaker depending on risk assessment. |
| Cleaning | Fee for service |
| Site remediation | Case-by-case depending on the damage/remediation requirements. |

Additional Services (if required)

| | |
|-----------------------------|-----------------|
| Security | Hourly rate |
| Additional site preparation | Fee for service |
| Cleaning | Fee for service |
| Waste management | Fee for service |
| Access | Fee for service |
| Power | Fee for service |
| Water safety | Fee for service |

Cancellation

The application fee is non-refundable if a filmmaker decides not to proceed with an application for approval.

Facility/Venue Hire

Councils may impose fees for the hire of formal venues such as town halls, community centres, swimming pools, that is, constructed facilities which are subject to hire or fees as general commercial activity (even if at a concessional or negligible rate for council or community uses). Conditions, such as cancellation fees, may apply as with standard hire conditions for the venue.

Venue fees are not to be charged for the short term use of public open spaces such as parks, playing fields, malls, plazas, or roads which are generally open for public use. Enclosed ovals and playing fields where surfaces are developed and maintained, the area fenced and offered for hire for professional level sports (that is, where access and fee for entry may be applied) may be treated as constructed facilities and relevant venue hire fees imposed.

Fees are not to be imposed for wear and tear on a site, including use of parks and grassed areas, although this does not prevent requirements for remediation or repair for actual damage.

Fees are generally not applicable for non-exclusive use of public open spaces. Non-exclusive use generally means that the number of cast and crew is small, and lighting equipment, cabling and other hazards would not be used and public risk and inconvenience is minimal. Temporary structures, cabling and equipment (other than simple camera stand and sound equipment) may require exclusion of the public for reasons of safety.

Where a filmmaker seeks use of public open spaces and where exclusive or controlled access is required (for example where cables and quantities of equipment create a risk to public safety), councils may require action to address these risks (such as signage, cable bridges, barriers or officials controlling public access). Councils may recover costs if it provides these services.

Although as a general principle fees may not be charged for use of open public space, where the use continues for more than three days or where the public use of the area is significantly disrupted, film productions should provide some form of compensation to the council or affected residents and businesses as a form of appreciation for the impact from its use, particularly if the location is one subject to popular and substantial public use.

Similarly, where arrangements are made to provide parking on roadways (even if provided by temporary partial road closure), no fees may be charged for the use of the space, although costs of services provided by council such as barriers and traffic control may be recovered (see also the above section on Parking).

Methods of Payment: Given the timing issues involved in applications for filming, Councils should encourage electronic methods of payment, that is, bank transfers and online credit card payments.

“Frequent Filming”: A higher fee may not be imposed for a location which a council believes is subject to frequent filming. Frequent filming does not constitute grounds for refusing an application and it is recommended that Councils develop strategies to manage usage of such sites. Please also note that SEPP 4 specifies that a private property must not be used for more than 30 days in a 12 month period. Staff of the NSW Film and Television Office are available for help and guidance in managing popular filming sites.

It is not appropriate to charge different application fees for filming in a “peak season” or “off peak season”.

7. OTHER APPROVALS

Filmmakers must operate in compliance with applicable legislation, for example wearing seat belts, observing speed limits and traffic signs and having an authority to employ children less than 15 years of age.

In addition, many aspects of filming may require approval in addition to those for which council may give approval. Although Councils will assist as much as possible, the responsibility for obtaining relevant approvals from other authorities remains with the filmmaker. A number of these include:

- Indigenous approvals – In most places it is polite to request permission to film from traditional owners, who may also agree to carry out a welcome ceremony. This permission will be required for any filming on land controlled by indigenous people or containing sites or items of significance. Filmmakers and Film Contact Officers are encouraged to consult the Indigenous Unit of Screen Australia on issues of indigenous content and locations well in advance of filming.
- Private property – Clearly, permission from the property owner will be required to film on privately owned land.
- Children's employment – Filmmakers must hold an Authority to employ any child less than 15 years of age for entertainment in NSW. Contact the NSW Office for Children – Children's Guardian (OCCG) on 02 8219 3600 or visit the website at www.kidsguardian.nsw.gov.au for more information.
- Roads and Traffic Authority (RTA) is the main agency responsible for approving the activities noted below. Whether approval comes from the RTA or the local council or the NSW Department of Lands depends on the status of the road, and on the nature of the filming. Filmmakers should check with council whether the council and/or RTA permission is required. In addition, filmmakers need to take into account the time the RTA will need to assess a proposal. There is an information package for film shoots available on the RTA website at www.rta.nsw.gov.au.
 - To film on state roads, rural freeways and highways
 - To film with tracking vehicles and low loaders on state roads, rural freeways and highways
 - To erect a notice or barrier etc. for regulating traffic on a public road
 - To erect a structure or carry out a work in, on or over a public road
 - To dig up or disturb the surface of a public road
 - To remove or interfere with a structure, work or tree on a public road
 - To pump water into a public road from any land adjoining the road
 - Use of bridges

- Excess weight permits—where vehicles exceed weight limits placed on a road
 - Over-dimension vehicle permits—where vehicles exceed dimensions of vehicles operating under the General Permit scheme
 - Unregistered vehicle permits—where a vehicle is not already registered and needs to be driven on a public street, for example, period cars or modified vehicles.
- NSW Police – The Local Area Command should be notified by phone and/or email of any filming in their area, whether on private or public land, so they are informed should they receive calls from residents with complaints or inquiries. At times approval from Police may be required or the Police may have a larger role depending on what is being filmed, and how, for example if stunts, firearms or traffic diversions are involved. User pays operates when Police services are required.

The filmmaker is responsible for this notification although alternative arrangements for this may be agreed with the local council.

- Some key authorities - specific organisations manage certain high-profile locations. For example:
 - The Sydney Opera House—Sydney Opera House Trust
 - Centennial and Moore Parks—Centennial and Moore Park Trust
 - Royal Botanic Gardens and Domain—Royal Botanical Gardens and Domain Trust
 - The Rocks, Circular Quay, Darling Harbour, Cockle Bay and areas of harbour foreshore—Sydney Harbour Foreshore Authority
 - Sydney Olympic parkland -Sydney Olympic Park Authority
 - National Parks—Department of Environment and Climate Change, Parks and Wildlife Division
 - Railway property—Rail Corporation NSW and Rail Infrastructure Corporation.
 - Activities on water may also require the involvement or approval of the NSW Maritime Authority or the NSW Department of Lands.
 - State Forests – NSW Department of Primary Industries, Forests NSW
 - Sydney Harbour Federation Trust
 - Department of Defence
- Department of Planning – State Environmental Planning Policy No. 4 (SEPP4) means that most temporary construction for filming does not require Planning permission. However in some instances development consent may still be required, for example where a building will be used as a temporary studio for extended filming of a television series.

- Department of Environment and Climate Change (DECC) – Management of noise, air or water pollution, some open fires and some helicopter movements. When the planned filming is likely to cause community concern (a great deal of smoke, loud noises, explosions, vibrations or the appearance of water or air pollution) DECC's 24 hour Pollution Line should be notified so staff can be informed (one to two days notice). Filmmakers should also consult the DECC to seek information and advice on how to minimise environmental impacts from filming and waste disposal.
- The Department of Lands is responsible for Crown land across the State. Crown land is state-owned and administered by the NSW Department of Lands and managed for the benefit of the people of NSW. It includes Crown reserves (reserved for specific public purposes including State parks and environmental protection areas), some water storage areas (Sydney Catchment Authority covers Sydney's catchment areas), some port facilities and services, unreserved lands, Crown public roads and submerged Crown lands (that is, below mean high water mark such as the beds of rivers and estuaries and extending three nautical miles out to sea). Many of the state's town squares and local parks, state heritage sites, buildings, community halls, nature reserves, coastal lands, waterway corridors, sport grounds, racetracks, showgrounds, caravan parks, camping areas, travelling stock routes, rest areas, walking tracks, commons, community and government infrastructure and facilities are within Crown Reserves.

Filmmakers need to contact the local council or the NSW Department of Lands film contact officer to check on land status for filming proposed and obtain appropriate approvals for filming on Crown land. Further details can be found at www.lands.nsw.gov.au.

- Public Transport Providers - Both government and private transport providers operate in NSW. Services include country and city trains, buses, ferries, monorail, tourist buses, and air services. Filmmakers should contact the State Transit Authority and private bus companies to identify transport routes. When filming is likely to affect public transport, the operator of the service should be contacted. Information can be obtained from the 131500 Transport Infoline at www.131500.info/realtime/default.asp or telephone 131500. Wherever possible disruption to public transport routes should be minimised.
- Emergency and Essential Services - Access for emergency services such as police, fire and ambulance and essential services, such as energy (electricity and gas) and water supply authorities, should be maintained at all times. In some instances their approval may be required. On occasion the film's Safety Report (see Risk Management and Occupational Health and Safety in the next section) will specify that one of the emergency services is required during filming.

8. RISK MANAGEMENT AND OCCUPATIONAL HEALTH AND SAFETY

All production companies should have an Occupational Health and Safety Policy and depending on the filming activities the production may be required to undertake a Safety Report. All production companies should have Workers Compensation insurance and Public Liability insurance. Film Contact Officers could ask to sight the documentation if they have any concerns.

Stringent safety requirements apply to the screen industry, especially in regard to special effects, stunts, firearms and weapons. Only appropriately qualified people are permitted to operate in these fields. Filmmakers must be able to satisfy the council that they hold all necessary licences and permits for the proposed activities. Filmmakers undertake hazard and risk assessments of any locations or premises in which they propose to make screen productions. If Councils already have risk or hazard assessments of premises or locations under their control they should co-operate with filmmakers to make further detailed assessments.

The filmmaker needs to check the level of public liability insurance required by the council and will co-operate with Councils in having them “named” on public liability insurances, if required. Filmmakers should expect to provide cover for \$20 million in most cases, and more may be required under special circumstances for significantly higher risk projects. Such additional cover should be negotiated openly and in good faith between Council, their insurers and the production company.

Councils may also consider reducing the level of public liability cover required in the case of low risk productions such as a low impact short film.

9. DISPUTE RESOLUTION

If a filmmaker is dissatisfied with the conditions of approval or a decision to refuse an application, they should in the first instance speak with the relevant approving authority or other relevant Government agency where it is the landowner. They may subsequently seek mediation through the NSW Film and Television Office who may seek support from other relevant agencies such as the Department of Premier and Cabinet.

10. WHO'S WHO ON A FILM CREW

The key relationship for filming is between the screen production's location manager and the local council's Film Contact Officer, and these two people should negotiate and confirm the details of filming in a council area. However, many departments in the screen production will have specific requests before and during location filming, and it's useful for council staff to understand why the requests are being made, and what are the responsibilities of key production personnel. The location manager remains the key channel of communication.

All crew and cast have a duty of care in respect of occupational health and safety issues, and public safety issues.

The producer is the key person in charge of the entire production. He or she will have selected the script, raised the finance, appointed cast and key personnel and have oversight of both creative and administrative aspects of the production. Most important for location filming, the producer has responsibility for ensuring that all the relevant insurances and Occupational Health and Safety (OHS) measures are in place.

The production manager is responsible for keeping track of the budget; approving schedules and call sheets; and hiring and firing crew. With location filming, the production manager may become involved in more complex issues of approval, oversight and insurance.

The location manager is initially responsible for finding and securing locations that fit the creative, budgetary and scheduling needs of the production, and then for managing the locations during the shoot. He or she acts as the representative of the Production Company and negotiates with property owners, council and relevant authorities on location details, approvals and, if necessary, price.

The unit manager is responsible for vehicle parking, both essential vehicles and private vehicles, and for the hour-to-hour management of the filming site. If the location manager is not on site on the filming day, then the unit manager is the main contact for location issues.

The director is responsible for the overall creative vision of the screen production including the performance by the actors; and managing all creative elements of the production. He or she will be looking for a location with a particular "look" and may want to shoot in one direction or another to emphasise or hide part of the streetscape or landscape.

The 1st assistant director works with the Director to manage day to day and minute to minute operations on set during filming. The 1st AD prepares the shooting schedule and organises each shooting day to make the best and most efficient use of a location, and may have requests, for example, about time of day to shoot sequences and traffic or pedestrian control. If weather or other factors delay filming, the 1st AD will re-schedule the production to provide another opportunity to achieve the affected scenes.

The director of photography is the head of the Camera Department, responsible for the look of the screen production. The DOP creates the visual representation of script: camera, film stock, lenses, lighting style and color scheme, and the composition of each shot. On location, the DOP may, for example, wish to shoot at a particular time of day or from a particular side of the road so that the actors and the setting are shown in the most appropriate light. With night shoots, the DOP will have requests and requirements about the size and positions of the lights.

The production designer is the head of the Art Department, and responsible for planning and overseeing the creation of the sets, scenery, costumes, and other items that appear in front of the camera. The **art director** and **construction manager** report to the production designer and also have requests and responsibilities when filming is taking place on location. For example, they may wish to remove modern street lighting for a period film or change street signage to indicate a different country.

The gaffer is responsible for supplying the lighting to the set, and for the power source, whether this is the generator or on-site power. They also take responsibility for the safety of electric power and lighting both for the film's employees and for the general public.

The grip is responsible for all equipment that supports the camera, from a simple tripod to dollies, cranes, tracking vehicles, boats and aircraft.

For further (entertaining and informative) descriptions of crew roles please see the glossary on www.imdb.com.

THE SCHEDULE AND THE CALLSHEET

The running of a production is determined in broad terms by its shooting schedule. A feature film or television series will be able to issue a preliminary shooting schedule a few weeks ahead of production, and it will be revised as detailed requirements emerge and are adjusted. Television commercials and television series have much shorter lead times and may release a schedule only a day or two before the shoot.

The schedule is issued to all key crew, and usually contains an indication of what alternative scenes will be shot if wet weather occurs. From day to day, the production's key document is the call sheet issued late each day with full details of the next day's filming. These key documents are easy to understand once a reader cracks the format – basically the same every time – and it's useful for Film Contact Officers to understand the nature of the documents and how they communicate the filmmakers' intentions. Ask to look at them as discussions proceed.

11. USEFUL RESOURCES

PUBLICATIONS

The most comprehensive guide to production practices in Australia is found in “The Satchel – Film Budgeting and Production Management”. It is available to order via the Screen Australia website, www.screenaustralia.gov.au. A special price for councils is under negotiation.

WEB LINKS

New South Wales Office of Film and Television is a key link for local councils: www.fto.nsw.gov.au.

Screen Australia is the federal agency supporting screen production, and has a very useful website with valuable links, www.screenaustralia.gov.au.

The Internet Movie Database is the major international site for film and television fans and professionals alike, www.imdb.com.

12. APPENDIX

- a. FILMING AND PHOTOGRAPHY APPLICATION FORM
- b. INDUSTRY CODE OF CONDUCT FOR LOCATION FILMING IN NSW

Filming and Photography Application Form

This application is for filming and still photography on council owned property, in open spaces and outdoor areas such as footpaths, roads and parks within the [insert council name] area.

Please ensure that you have read the [insert council name]'s filming guidelines as these will include the terms and conditions of your filming approval.

If the information in this application is inaccurate it may lead to the cancellation of an approval at any time.

The following document is an application and does not constitute a filming permit or location contract.

Part 1: Applicant Details

| | | |
|----------------------|----------------------|----------------------|
| Title | Given Name/s | Family Name |
| <input type="text"/> | <input type="text"/> | <input type="text"/> |

Position

| | |
|--------------------------------------|----------------------|
| Production Company/Organisation Name | ABN |
| <input type="text"/> | <input type="text"/> |

Production Company/Organisation Address

| | |
|----------------------|----------------------|
| Business Number | Mobile/Cell Number |
| <input type="text"/> | <input type="text"/> |

Email Address

Part 2: Production Contact Details

| | |
|----------------------|----------------------|
| Producer: | |
| Name | Mobile |
| <input type="text"/> | <input type="text"/> |

Email Address

Production Manager:

Name

Mobile

Email Address

Location Manager:

Name

Mobile

Email Address

Part 3: Production details

Name of Production

Production summary/synopsis/script

[* Function to upload attachment]

Type of Production (please tick appropriate box):

Feature

TV Drama

Documentary

TV Commercial

Corporate Video

Short Film

Music Video

Student Film

Children's Production

Children's Production

Infotainment/Travel Show

Reality TV

Stills shoot/photography

other (please specify)

Part 4: Location details

Please provide below details for each location.

LOCATION 1:

Date (include proposed date and back up/wet weather date)

Dates of additional bump-in/bump-out (if required)

Time of use (incl. crew arrival and departure)

From:

To:

Location

Description of Activities

Personnel numbers:

Cast

Crew

Extras

Parking requirements:

No. of essential vehicles

No. of unit vehicles

No. of private vehicles

- Please attach a list of production vehicles by type, size and registration details.
- Please attach a parking plan (including catering and unit base), specifying street location, number of spaces required and any applicable parking restrictions.

[* Function to upload attachment]

Please tick if your shoot involves any of the following;

[] Temporary traffic control

[] Street dressing

- Reconstruction of crime/emergency
- Road closure Cherry pickers/lighting towers Cast dressed as police/emergency services
- Low loaders Camera crane Car chases/driving sequences
- Stunts Camera track Crowd control/security
- Firearms/gunfire Generator
- Smoke effects Temporary structures Children
- Fire effects Scaffolding Animals
- SFX Playback Other

PLEASE NOTE: Many of the above activities will also require approval to be sought from other statutory authorities eg. Police, RTA, EPA, RSPCA, NSW Office for Children’s Guardian, NSW Fire Brigades, NSW Rural Fire Service, NSW Department of Lands.

If you have ticked any of the above, please give details:

ADDITIONAL LOCATION

[If capability include a button to expand information required for each location, as above]

Part 5: Supporting Documentation Checklist

- Public Liability Insurance certificate of currency.
- Traffic management plan (when required)
- Parking plan
- Authorised safety report (when required)
- Community notification letter
- Environmental management plan (when required)

Part 6: Lodging the Application

You can lodge the completed application form and supporting documents:

Online: [If capability, "Submit application" button]

By email: [If capability, "Save" button]
Please submit saved application and supporting documents to
[Insert relevant council email address]

By fax: [Insert council fax number]

In person: [Insert council address]

Part 7: Payment of the Application Fee

On submission of this application form the applicant undertakes to pay the relevant application fee outlined by council. Payment methods include credit card, cheque, cash (in person at council chambers) or EFT.

Once your application has been received, the Film Officer will contact you to acknowledge receipt and advise of the timeframe council will need to process your application.

For further information regarding your application please contact [insert Film Contact Officer's phone number].

Code of Conduct for Location Filming in NSW

At the heart of all successful filming is an effective collaboration – not only among the crew, but just as importantly, between the filmmaker and the community: local residents, local councils, local businesses and other Government agencies.

This Code of Conduct aims to reinforce positive relationships between filmmakers and the general community by detailing a ‘best practice’ guide to location filming. It was developed in consultation with key industry guilds and associations to reflect the professional standards of Australian screen practitioners.

The filmmaker’s responsibilities and obligations are further recognised under The Local Government Filming Protocol, which is essential accompanying reading and can be found at [insert web address].

Successful location filming depends on constructive relations with affected members of the community. This imposes obligations on all involved in the production to respect the local community and ensure that despite any inconvenience, their experience is not an unpleasant one.

BEFORE THE SHOOT

Notification

- Obtain relevant approvals for the activity to be conducted.
- Advise residents and businesses in the area by letter box drop of what is planned, when and where. Include details and conditions of the filming approval and provide a contact name and number at the production office and the location.
- The letters should be delivered in time for people to make further inquiries if they feel the need.
- When filming for an extended period or undertaking activities with a high impact on community amenity, allow for community feedback on the proposed arrangements.
- When filming on private land, the local council, police and community must be notified of the filming activity, even if specific approvals for filming are not required.
- Particular consideration needs to be given to businesses whose trade could be adversely affected by filming activities.

Brief cast and crew on special conditions

- The film crew should all be thoroughly briefed on the nature and practical application of the approval given and any conditions or requirements attached to the filming activity whether by agreement with the owners of

the location or other property owners or imposed by the local council or other relevant authority.

Parking

- Contact the local council early on to organise parking plans for essential vehicles and unit set up and see if there is a need for a traffic management plan.
- Consult directly with the community over parking issues where appropriate. This may include arranging alternative parking for residents and assistance in access to vehicles and transport arrangements in some high density residential locations.

Health and Safety and risk assessment

- Carry out hazard and risk assessments of any locations or premises to be used for filming or film related activities. A location shoot is a workplace and occupational health and safety requirements must be observed.
- Make sure the production has appropriate levels of public liability insurance and all necessary licenses and permits relating to filming activities.

DURING THE SHOOT

Parking

- All crew, cast and extras must park in accordance with normal requirements unless special arrangements have been approved by the local council or Police.
- Vehicles associated with the production should comply with traffic and parking regulations and not park in disabled parking spots, driveways or restricted zones.
- Find nearby parking spaces for non-essential vehicles if you are going to be at a location for a number of days.
- Trucks should not be parked in front of active restaurants.
- Generator trucks should not be parked in front of residential buildings.
- Make sure that trucks and other vehicles fit under trees to avoid damage to branches.

Noise

- Keep noise to a minimum, particularly when arriving in a neighbourhood before 7am or during night shoots.
- Make sure generators are silenced.

- Truck engines should not be left idling under residents' windows.
- Avoid playing car radios loudly, and be aware of the noise level of walkie-talkies near residences and businesses.
- Get appropriate permissions for music play back.

Traffic

- Production personnel must co-operate with state agencies and local council to maintain efficient traffic flows and the safety of other road users.
- Traffic stopping and traffic diversions must be carried out by properly authorised personnel and in accordance with a traffic management plan agreed by local council and if necessary RTA.
- Pedestrian traffic should not be obstructed at any time unless stipulated in the permit and all cables are to be channeled neatly and safely.

Shops and businesses

- Do not loiter in front of shops or residences and block the access of the local community.
- Do not block buildings or keep equipment in front of buildings that are not working directly with the shoot. Do not stack equipment in front of closed shopfronts when there is an early call – the business owners will need to open on time, and receive deliveries.
- Crews should be encouraged to patronise local businesses during breaks.

Evidence of permits on site

- Copies of local council and other approvals should be available on location at all times. They should be held by the location manager or the unit manager, who should be identifiable by all crew members.
- The Production must comply with the provisions of approvals.
- Consult with the local council or other approving authority if there are material changes to filming plans, in case an amended approval is required.

Emergency and essential services access

- Access to fire exits or utilities (e.g. electricity, water, telephone lines) and emergency vehicle access must not be impeded.

Maintain regular communication

- Maintain regular communication with the local council or approving authority's Film Contact Officer and report any damage to the site as soon as possible.
- Be available to verify that the conditions of approval are met.

Removal of litter

- Remove all litter before the end of each day's filming.

Risk management and occupational health and safety

- Abide by film industry safety practices, especially in relation to special effects, stunts and the use of firearms and weapons.

AFTER THE SHOOT

- Leave the location clean and tidy and in its pre-filming condition.
- Only leave fixtures and fittings at the location where this is requested or approved by the local council.
- Report any damage
- Undertake a site inspection with the council or approving authority's Film Contact Officer if required.

Thank you for honouring this Code of Conduct. The implications of lack of compliance are significant. This may be in relation to public safety, community support and council cooperation, as well as to future filmmakers who will follow in the location footsteps of other productions. Failure to comply may also result in the revocation of the relevant approvals associated with filming.