

Warringah Council Policy

Policy No. PL660 Filming

Filming on Council Managed Land

1 Purpose of Policy

1.1 The purpose of the policy is:

- to ensure that all film makers using areas under Council's control are treated in a fair and equitable manner, in accordance with the *Local Government Filming Protocol*, 2009 ('the Protocol');
- to encourage a responsible working relationship between Council and film makers, and to protect location venues and the local amenity of residents;
- to maintain a balance between community interests, environmental, cultural and heritage protection and economic development.

2 Background

The Protocol was 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 Protocol contains a Code of Conduct which aims to reinforce positive relationships between film makers and the general community by detailing a 'best practice' guide to location filming. This guide was developed in consultation with key industry guilds and associations to reflect the professional standards of Australian screen practitioners.

The Protocol specifically excludes still photography.

3 Principles

3.1 This policy covers all filming in Council's area.

3.2 Permission for filming may be granted subject to the completion of an application which meets all relevant criteria, including complying with a relevant Plan of Management. Warringah Council may refuse an application because of issues such as public safety, or the availability or suitability of the proposed location.

3.3 Fees and charges for filming will be reasonable, cost reflective and set in accordance with the Protocol and are outlined in Council's adopted fees and charges.

3.4 All cast and crew shall abide by the conditions that Warringah Council stipulates as set out in the film permit and comply with all Council signs and directions from Council officers or other authorities.

3.5 All applicants for filming should read the *Code of Conduct for Location Filming in NSW*, which is located within the Protocol. This can be viewed on the Department of Local Government's website (www.dlg.nsw.gov.au). Where parking or road closures are relevant to filming, applicants for filming should also read *Filming Projects: Guidelines for Parking and Road Closures*, NSW Roads and Traffic Authority, April 2009. This can be viewed on the RTA's website (www.rta.nsw.gov.au).

- 3.6 Council's *Filming Guidelines and Standardised Conditions for Filming Activities in Council Managed Areas* are based on the *Code of Conduct for Location Filming in NSW* and form part of this policy. In the case of any inconsistency, this policy prevails.
- 3.7 Film makers must make every reasonable effort to accommodate the requirements of the residents and business proprietors affected by filming.
- 3.8 The Film Contact Officer will process applications and assist applicants in obtaining the necessary approval, support and access to Council services. Council will advise applicants of alternative contacts in situations where the Film Contact Officer is not available.

4 General Conditions

- 4.1 Applications for filming, particularly medium or high impact filming that require parking and/or temporary road closures and/or will affect pedestrian, residential, business or other access should generally be submitted **seven (7) working days** before filming is due to commence.
- 4.2 Applications for low impact filming, student filming and news crew style filming that do not require parking, road closures and do not affect pedestrian, resident or business or other access, may be submitted **two (2) working days** before filming is due to commence.
- 4.3 If the filming requires road closures (other than temporary road closures), applications should be submitted **six (6) weeks** before filming is due to commence.
- 4.4 While Council aims to process applications efficiently, the time periods above have been determined by Council taking into account Council's resources and the steps needed to assess an application properly. The issue of a film permit may be delayed if applications are submitted with less notice.
- 4.5 Prior to Council issuing a film permit, the Applicant must produce written evidence of a current Public Liability Insurance Policy with a minimum cover of \$10,000,000 or such higher amount as Council requires from time to time. Indemnity is required in the joint names of the Applicant and Warringah Council for their respective rights and liabilities. The Applicant will where practicable obtain its insurance from an insurer having an office in Australia.
- 4.6 An applicant may request, and Council may agree to provide, additional services. Fees for these services will be charged to the applicant and are separate from other fees.
- 4.7 If filming takes, or is planned to take, more than three days in public open space, or in Council's opinion the public use of the area will be significantly disrupted by filming, the applicant agrees to pay compensation to Council as a daily rate. The applicant must negotiate the level of compensation with Council in good faith, and the compensation will be charged to the applicant and is separate from other fees.
- 4.8 All fees and compensation under this policy are payable on demand or otherwise on the terms negotiated with Council.
- 4.9 Council may impose a bond or guarantee requirement in its discretion, where in Council's view there is a risk of damage or the necessity for a clean-up where additional costs may apply. If so, any filming permit will not be effective until the bond or guarantee is provided to Council in a form and from an institution acceptable to Council, acceptance not to be unreasonably withheld.
- 4.10 The hire of Council facilities is separate from any fees in this policy and is subject to the usual commercial terms of the facility concerned.



4.11 Non-compliance with the Council's requirements and/or receipt of a significant number of reasonable complaints regarding the activities will result in the following measures being implemented:

- Immediate cancellation of the approval, with the applicant and all associated production staff and resources being instructed by either the Film Contact Officer or other authorised Council officer.
- Removal of all personnel and equipment associated with the application from Council property.
- Total forfeiture of any and all fees paid to the Council.
- A requirement that any future application will need to show cause as to why it should be considered.

5 Authorisation

This Policy was adopted by Council on 25 May 2010.

It is effective from 1 September 2010.

It is due for review on 31 August 2014.

6 Amendments

This Policy was last amended on 25 May 2010.

7 Who is responsible for implementing this Policy?

Manager, Parks, Reserves and Foreshores

8 Document owner

Director, Community and Environmental Services

9 Related Council Policies

- a) *Filming Guidelines and Standardised Conditions for Filming Activities in Council Managed Areas*
- b) Reserves, Beaches, Sports Fields and Rock Pools Booking Policy

10 Legislation and references

- a) *Local Government Filming Protocol 2009 and Code of Conduct for Location Filming in NSW* (www.dlq.nsw.gov.au)
- b) *Filming Projects: Guidelines for Parking and Road Closures*, NSW Roads and Traffic Authority, April 2009 (www.rta.nsw.gov.au)

7 Definitions

"Film" or "filming" refers to recording images by film, video tape, or electronically or by other means, whether or not for exhibition or broadcast, but does not include still photography.

