

FILM POLICY

Responsible Department:	Planning and Sustainability
Responsible Section:	Tourism and Cultural Services
Responsible Officer:	Manager Tourism and Cultural Services

Objective

- To provide film and television production companies with an understanding of the procedures they must follow in order for filming to take place;
- To outline conditions under which filming will be permitted in the region;
- To provide Councils with a framework for assessing and approving filming;
- To ensure the public safety and free movement of residents whilst filming is taking place.

Introduction

The NENW Film Policy has been developed to encourage filmmaking and to facilitate the use of the region as a film location, including a 'no fees policy' for daily filming location fees.

Film New England North West (Film NENW) links organisations in the region and is a contact point for filming, providing support and referrals to assist you with your filming requirements and make your production a smooth and rewarding experience.

This Policy complies with the Local Government Filming Protocols which outline the rights and obligations of filmmakers and councils throughout the state. We recommend you read the Local Government Filming Protocols before submitting your filming application. A copy of the protocols is available at www.dlg.nsw.gov.au.

Policy

1. Council Locations

- 1.1. If you plan to film in NENW it is recommended that you first contact Film NENW who will facilitate your introduction to the appropriate Council authorities. Council's Film Contact Officer is the Media Officer, this delegate will assist with obtaining the necessary support, contact details are telephone: 02 67996 866 or council@narrabri.nsw.gov.au.
- 1.2. Production in the NENW region is possible during most times, depending on the size and nature of the production. Local Councils can advise on the timing of specific events and preferred filming times when traffic disruption will be minimised.

2. Non-Council Locations

- 2.1. If you are filming on private property or at a commercial venue, you will need to negotiate directly with the relevant property owner/manager.
- 2.2. The consent of the owner of the proposed private filming location needs to be obtained before lodging the application.

3. Permits

- 3.1. Some Councils and/or locations may require a permit to be obtained before filming can take place.

4. Permissible Times for Filming

- 4.1. Residential Areas - filming activities may take place routinely between 8:00am and 7:00pm from Monday to Saturday. Permission can be sought for filming outside these hours including Sundays and Public Holidays.
- 4.2. Non-Residential Areas - by negotiation with Council.
- 4.3. Any variation to filming times approved under the Filming Agreement will require written approval from Council.

5. Insurance and Risk Management

- 5.1. You must provide details of Public Liability Insurance cover to a minimum level of \$20 million and a copy of the Certificate of Currency at the time of making your application.
- 5.2. The Certificate of Currency must clearly state that the policy covers liability for the death or injury to any person or damage to any property arising out of the activity authorised by the permit.
- 5.3. For major productions, stunts, special effects or pyrotechnics, a higher level of cover may be required. It will be necessary for an applicant to arrange for their insurance company to issue an addendum to the policy to cover other specific activities.
- 5.4. Applicants are also required to indemnify Council in relation to any claims or other matters that may arise as a result of any filming activity. All filming activity must comply with all laws, regulations, and policies extant at the time of filming.

6. Risk Management

- 6.1. Council may require the applicant to demonstrate that a risk assessment has been conducted. Risk management plans must identify any potential hazards and actions and how it is intended that the production company will mitigate those risks associated with the filming activity.

7. Parking, Traffic and Road Closures

- 7.1. A traffic management plan may be required by Council for parking, closing of streets and/or roads. Where closure of a major arterial road is proposed, early contact with the appropriate authorities is recommended.
- 7.2. A list should be provided of all production vehicles to be parked in the vicinity of the filming location or on Council-controlled property. This list should specify the type of vehicle, size (e.g. length of trucks) and registration number.
- 7.3. It is recommended that the applicant contacts Film NENW and the relevant Council who will facilitate early contact with the appropriate authorities.

8. Resident Notification

- 8.1. All residents and businesses within the agreed vicinity must be notified in writing by the applicant at least five (5) to seven (7) business days before filming begins. This notification must include the name of a contact person on site to handle complaints, and details of the filming including whether firearms, stunts or explosives are to be used. The start time for set up and hours during which filming takes place will also be specified. Prior to commencement of filming the applicant will need to provide a copy of information distributed and demonstrate to Council's satisfaction that this notification process has been satisfactorily undertaken.

9. Access during Filming

- 9.1. Normal pedestrian and vehicle access should be maintained at all times other than when filming actually takes place.

10. Environmental Factors and Noise

- 10.1. There will be minimal disruption to the normal workings of the community;
- 10.2. The applicant will ensure that the site complies with the Film Industry "Safety Code" requirements and that all conditions required in the applicant's insurance policy are met;
- 10.3. It is imperative that noise generated by the production does not unduly disturb the community. Whilst a modest noise increase prior to 10:00pm depending on the location is allowable, after 10:00pm the noise level must be maintained at the normal background sound level and comply with the *Protection of the Environment Operations Act 1997*;
- 10.4. You must supply a list of all dangerous substances or articles to be taken on to the location.

11. Stunts/Firearms/Explosives

- 11.1. Applications to carry or use firearms on site will not be considered except when accompanied by written proof of police approval and full information regarding their use including e.g. types of weapons and safety precautions
- 11.2. Where filming requires the use of stunts or the lighting of fires or the like, full information must be provided with the application and will require the written permission of the relevant Council.

12. Cleaning and Damages

- 12.1. The production company will be responsible for the control and removal of all litter at its expense. The site will be left in the condition it enjoyed prior to filming taking place, to the satisfaction of Council. Any repair for damage to council property or infrastructure will be arranged by Council and borne by the production company/producer.

13. Bonds

- 13.1. Council may require a bond provided by the production company to make good any damage caused to a location as a direct result of filming activities. Where no damage occurs, the bond will be refunded in full.

14. Other Authorities

- 14.1. Some areas within the NENW region are not directly controlled by Councils and may require separate filming permission. Film NENW can assist production companies by providing contact details for other authorities such as Transport for NSW, Police, National Parks & Wildlife Service, Aboriginal Lands Council. It is the onus of the applicant to seek approval from the relevant authority, and more time should be allowed for the processing of such applications;
- 14.2. Whilst obtaining approval from other authorities is the responsibility of the applicant, assistance may be provided by Film NENW and Council.

15. Promotional Photography

- 15.1. Film NENW and/or Council may request permission from the production company/producer to photograph the crew during filming. All images will be used solely for promotional purposes to attract filming to the Shire.

16. Best Practice

16.1. It is the responsibility of the producer or the producer’s representative to liaise with local Council/s to ensure Best Practice standards are observed and met during the production process.

17. Fees and charges

17.1. A per production fee of \$550.00 (including GST) will apply to all productions in the NENW region. This fee covers the application process, a one-off locations fee, and site costs of filming on public land or in public buildings or spaces.

17.2. **No Daily Locations Fees** associated with filming on public land or in public buildings or spaces will be charged, except where an existing hire fee is in place.

17.3. Permit fees and charges may apply in the following circumstances:

- (a) If a planning permit is required;
- (b) Where Council personnel are required to be present during filming;
- (c) Where additional services and resources are requested from Council;
- (d) Where temporary road closures are required (costs provided on application to the relevant Council).

17.4. Applications for filming should be made at least ten (10) working days before the requested filming date, subject to the scope of the production.

	Commercial Stills Photography	Documentaries Short Films Children’s Productions	TV Drama Mini-series	TV Commercials	Films <\$10million budget	Films \$10million + budget
Cash Bond (paid to relevant Council if applicable)	Nil	\$500	\$500	\$750	\$1,000	\$2,000
Public Liability Insurance (minimum required)	\$10million	\$10million	\$10million	\$10million	\$10million	\$10million

Note: Cash Bond fees quoted do not include GST.

18. Waiving Fees and Charges

18.1. Council may agree to reduce or waive fees if the production is, for example:

- (a) A student film production;
- (b) A documentary;
- (c) An educational, charitable or community project;
- (d) A tourism-based production.

18.2. A request to waive fees and charges associated with commercial filming/photography activity must be received by Council in writing. The decision to waive may be delegated to the General Manager or his/her nominee

19. Film Production – Code of Conduct

- 19.1. At the direction of Council, written and face to face notification must be provided to each resident or business proprietor who is either directly affected by the activities or is located in the vicinity of the production. This includes actual filming, parking, base camps, and meal areas. The notification should include:
- (a) Name of the Production Company;
 - (b) Name of the Production;
 - (c) Nature of the Production (i.e., feature film, television series, TV commercial);
 - (d) Type of activity and duration (i.e., dates, times, number of days, parking requirements, lighting and special equipment, time of first arrival and likely departure);
 - (e) Company contact and telephone number (location manager, unit manager, first assistant director);
 - (f) Name and telephone number of the Council contact pertaining to the production;
 - (g) The Code of Conduct should be attached to the filming notification that is distributed to the community.
- 19.2. The Production Company and its representatives must make every reasonable effort to accommodate the requirements of residents and business proprietors affected by the production.
- 19.3. Every member of the Production Company (including security personnel) must be conversant with the Code of Conduct and abide by it during the production.
- 19.4. The Production Company and its representatives must abide by any conditions stipulated in Council approval.
- 19.5. Council reserves the right to cancel an approval, in the event of non-compliance with the approval conditions, if substantive complaints are received during the production, or if an emergency situation arises in the area.
- 19.6. Council reserves the right to refuse an application by a production company where its previous activities have resulted in a significant number of substantive complaints from the local community.
- 19.7. The Production Company and its representatives must maintain normal access for motorists and pedestrians through the filming site at all times other than when filming actually takes place.
- 19.8. Production vehicles must not arrive in or near a residential location earlier than the time stipulated in Council's approval and must park in the areas nominated in the approval.
- 19.9. The Production Company and its representatives must ensure that all other production and crew vehicles are either legally parked at all times or parking in parking stations.
- 19.10. The Production Company and its representatives must maintain at all times clear of any obstruction, four-metre-wide emergency vehicle lane through the filming site.
- 19.11. The Production Company and its representatives must not remove, move or tow away any private vehicle from the filming site.
- 19.12. The Production Company and its representatives must abide by the requirements of Council and the NSW Police Service regarding the location and parking of production vehicles.
- 19.13. The Production Company and its representatives must remove all props, rigging or other materials associated with the production, as well as any directional signs erected for filming purposes, upon completion of the production.
- 19.14. The Production Company and its representatives must not remove, trim or cut any vegetation or trees on the public way unless approved by Council.
- 19.15. The Production Company and its representatives must ensure the location is in a clean and tidy condition at the completion of the production, or the Company will be required to reimburse the Council for the full cost of any extraordinary cleaning services.
- 19.16. The Production Company must reimburse the Council for any damage (such as illegal removal of traffic or parking signs, identifiable damage to streets, footways, parks and open spaces) caused to the public way as a result of the production.

19.17. The Production Company and its representatives must comply with any industry standards regarding professional and personal conduct at all times during the course of the production.

References

- *Local Government Act 1993* (NSW).

History

Minute Number	Meeting Date	Description of Change
191/2008	April 15, 2008	Adopted
26/2012	February 21, 2012	Reviewed
210/2013	April 2, 2013	Reviewed
164/2017	August 15, 2017	Reviewed
	January 21, 2021	Rebranded
336/2022	October 18, 2022	Endorsed for Public Exhibition
362/2022	November 22, 2022	Adopted