



Title: Filming On Public Land

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Why should council be involved in providing sites for film-making?

Film-making, as an economic activity, provides many benefits for local, regional, state and national economies. The areas where film-makers can provide economic benefit to an area include employment, accommodation, construction, hiring, travel, freight, film processing and post production facilities. Successful films can earn foreign exchange for the country as well as being a vehicle for the promotion of tourism.

In 1994-95, according to figures supplied by the New South Wales Film and Television Office, \$1.3b was spent in Australia on filming activities. Of this, \$800m was spent in NSW. Without the co-operation of location suppliers, including local councils, the economic benefits from filming may be lost to alternative localities, regions or States.

If it is to support film-making, why does council need a policy?

Council is responsible for the good government of the City. Part of this responsibility includes ensuring public land (including roads and parks) are available for the normal purposes for which they are provided. As well, through its planning and land use control powers, Council's attempt to strike a reasonable balance between its residents expectation of a reasonable quality of life and peaceful enjoyment and the business community's expectation to carry on its activities in a reasonable manner.

Film-making activities are generally short-term uses of both private and public land that have the potential to affect property owners and occupants reasonable expectations to be able to enjoy their properties and publicly-provided facilities in the normal course of their daily lives.

It is therefore necessary for the activities associated with filming to be carried out in a regulated way, and in a way that enjoys the broad general support and understanding of the community.

What does the policy set out to achieve?

The policy is designed to be a set of guiding principles and rules about how Council (and through Council, its community) are prepared to allow public land to be utilised for filming purposes; the object being that a reasonable compromise is struck between the legitimate aspirations of the local film industry and the local community.

What are filming activities?

Filming activities can be as low impact as personal photography to fully fledged commercial motion picture filming. This policy does not affect bona-fide personal still or motion picture filming, involving hand-held equipment such as cameras or V.C.Rs. It does apply to the activities of commercial still and motion picture photographers, using Council controlled land for filming activities.

One exception to this definition is the use of public land for the purpose of bona-fide news and current affairs reporting, which normally only involves short term use of the land (in the context of the news or current affairs item). In the interests of facilitating the

proper dissemination of information of general public interest, this type of filming does not fall within the definition of filming activities for the purposes of this policy.

The term "filming activities" includes filming-related activities, such as parking, catering, lighting etc.

What amount of advance notice of the proposed filming activity does council require?

In order that applications receive the proper consideration, only those received in excess of five working days prior to the start of filming activity will be considered as normal notice applications. Applications received later than this will be subject to a penalty fee of twice the normal application fee. Applications received with less than three clear working days notice will be refused.

What information is needed when an application is made?

Generally speaking Council requires details of:

1. the applicant/company
2. address and contact details
3. where the proposed activities are to take place (filming, parking, including parking plan layout catering etc.)
4. the nature of the filming, what it is for (documentary, drama, advertisement etc.), a description of the scenes to be filmed, how it is going to be done (eg. traffic control, number of people, lighting, stunts, special effects, firearms, explosives etc.)
5. when it is going to occur (days and hours) including details of setting up, filming and dismantling).
6. In conjunction with the application we need to be assured that if the application is approved, the applicant will:
7. indemnify Council regarding liability for personal injury or property damage arising from the activities
8. produce proof of public liability insurance coverage, in the amount of \$10m, with Council noted as being jointly insured for the period of the activity
9. pay to Council, in advance of the activity commencing, all location fees and bonds required (having already paid an application fee)
10. notify all occupants of premises in the vicinity of the activities of its intention to undertake filming activities at least 3 days prior to the commencement, and to satisfactorily resolve any reasonable concerns expressed by occupants as a result of the notice
11. make available a copy of the film for community archival purposes
12. acknowledge the assistance of the community and Council of the City of Canterbury in the making of the film/program, through the film's/program's credits
13. not portray the Canterbury community or Council in an unfavourable light by means of the filmed material
14. abide by all conditions attaching to any approval granted, both those that are standard for all approvals and any that are required to be imposed as a result of the particular characteristics of the filming. (See Annexure 1 for Standard Conditions of Approval).

What fees should be charged?

There are 2 fees payable in respect of approved applications. These are the processing fee for the application and location fees for filming activities. When the filming takes place on Council land the location fee shall be on either a daily or half daily basis. Where parking of vehicles associated with the filming takes place the following additional fees shall apply.

Non Regulated Spaces

Up to 10 cast and crew vehicles, plus 4 service vehicles- Free

More than 10 cast and crew vehicles, and between 5-7 service vehicles- \$50/day

Unlimited cast and crew vehicles and 8-10 service vehicles- \$100/day

Regulated Spaces (where approved by Council)

A surcharge of \$10 per space, per day.

Where regulated spaces are used, the written concurrence is to be obtained of the occupants of premises whose businesses/residences receive a benefit from the parking restriction.

In relation to processing fees, a charge of \$100 per application will be sufficient to cover Council's expenses in most circumstances. If however there is a need for Council to seek out additional information from the applicant which was not supplied by means of the application, or other special requirements which involve staff in what is considered greater than normal processing time, such additional time should be charged for at the rate of \$50 per hour. In addition to fees a bond should be held by Council to cover such expenses as repair of any damage to public property, cleaning etc. This bond is refundable on application at the conclusion of the filming activity.

Are there occasions where fees should not be payable or where they should be reduced?

All proposals should be required to pay application fees, as these fees relate to recovery of Council's costs.

Location and parking fees for bona-fide students who can establish that the filming activity is for a bona-fide study purpose and that the footage will not be used for commercial purposes will be exempted from these fees.

In appropriate circumstances filming by the ABC, SBS, community-based television stations and other government agencies and instrumentalities will be eligible for a discount of up to 50% on location fees.

No application or fees are required for bona-fide news gathering and current affairs purposes. The only exception to this is where for event reconstruction purposes it is necessary for a television news crew to film a "simulation" of a previous event. In such a case and where timing permits, the film-maker is still required to make application, but no fees will be payable.

Should there be a general restriction on hours?

Generally speaking, all filming activity should be restricted to between the hours of 7.30 a.m. - 7.00 p.m.

Applications that seek approval for times outside these hours should be accompanied by the written concurrence of all occupants of premises likely to be adversely affected by the filming activity. Prior to making formal application, the intending applicant shall confer with Council to obtain a listing from Council of all such properties, and submit the occupants' responses to Council with the application. The applicant shall obtain the unanimous concurrence of those occupants likely to be affected before any approval is issued by Council.

Are there any sites that are exempt from the policy?

Council-owned land that is leased requires the applicant to obtain the lessee's consent to the filming activity, if the activity is carried out wholly on the leased land. Council charges will still apply where the principal activity is on the leased land but other Council land is used for ancillary filming activities.

Where the Council-owned land is used for a Council business enterprise (eg. golf course, velodrome, aquatic centre etc.) the above schedule of fees will not apply, and charges will be decided by negotiation. The negotiated charge would reflect the level of disruption caused by the filming to the normal functioning of the business, or the charge that would otherwise be payable by the application of the above charges, whichever is greater.

What happens when filming activities are postponed or cancelled?

When activities are cancelled Council will be entitled to retain all application fees and \$50 from any pre-paid location and parking fees.

Where activities are postponed, the applicant will be required to renotify all occupants previously consulted of the alternative time and date, giving no less than 24 hours notice. Council will be entitled to charge an additional fee of \$50 for each occasion it is necessary to re-schedule filming activities.

Forms To Be Used

Pro-forma versions of the application form, indicative conditions of consent and an initial schedule of fees (to be reviewed by Council annually) are available.