

# FILM MAKING WITHIN THE BROKEN HILL CITY COUNCIL AREA

## **Purpose**

The purpose of this policy is to provide guidelines for film makers undertaking work within the boundaries of the City of Broken Hill.

The policy acknowledges the valuable contribution made by the film, television and commercial production industry to the City but also acknowledges the City's rights to protect the activities of its citizens and the assets which Council administers.

The policy acknowledges that film making may impart costs to the Council which should be recoverable.

The policy also acknowledges that Council will have regard to the NSW Local Government Film Friendly Protocol and related legislation.

## **Scope**

### **1. DEFINITION OF FILMING:**

For the purpose of this policy filming means recording images (whether on film or video or electronically or by any other means) for exhibition or broadcast (such as on cinema, television or the internet) and includes such acts or things as may be prescribed, but does not include:

Still photography unless involving the copyright property of Broken Hill City Council e.g. the Sculptures

Video recording of a wedding or other private celebration principally for the purpose of those involved.

Recording for the immediate purposes of a television programme that provides by way of current affairs or news

Filming may include Documentary, Feature Film, Mini-series, Short Film, Television Series, Television Commercial, and Student Production.

### 2. ACTIVITIES REQUIRING COUNCIL APPROVAL:

The following is a table of common filming related activities that may require Council approval:

Examples	Legislation
Construction of a temporary structure (e.g. a set)	Local Government Act 1993(section 68)
Exclusive use of community land for filming. Certain land use depending on zoning	Local Government Act 1993 Environment Planning & Assessment Act 1979
Traffic Regulation	Roads Act 1993, Road Transport (Safety & Traffic Management Act) 1999
Use of a Crown Reserve where Council is the trust manager	Crown Lands Act 1989
Noise, pollution risks	Protection of the Environment Operations Act 1997

Council may permit multiple approvals under a single filming proposal in accordance with the Local Government Act, however a proposal can only cover a single filming project.

Procedures associated with such approvals (such as community notifications) may be undertaken within a time period, which is compatible with the nature of filming i.e. such approvals may be required in a relatively short space of time.

### 3. OTHER APPROVALS

It is the responsibility of the production company to obtain approvals from other statutory bodies including but not exclusively, Police, Roads and Traffic Authority, EPA, DLWC etc.

### 4. OBTAINING COUNCIL APPROVAL

Division 4 of the Local Government Act sets out procedures designed to facilitate the approval of activities required to be undertaken under a filming proposal. The procedure is:

1. A film proposal is lodged with the Council. This proposal takes the form of an application for approval for activities/works associated with the filming proposal.
2. The proposal must be made on the approved form (see appendices).
3. Council must acknowledge receipt of the proposal within 7 days.
4. Fees or bonds must be paid either on submission of the application or prior to the commencement of any works relating to the production.

## **Film Making Within the Broken Hill City Council Area**

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5. The filming proposal is to contain all information and matters as required by any relevant legislation and/or as required by Council in order to consider and assess the application.
6. If the application relates to land, where the applicant is not the owner, then the owners consent is required.

### **5. INSURANCE ISSUES**

No application may be lodged without the deposition of a Certificate of Currency from a recognised Insurance Company for Public Liability for \$20 million which includes the clause “respecting the rights and interests of Broken Hill City Council.” and more may be required *for significantly higher risk projects. Such additional cover should be negotiated openly and in good faith between Council, their insurers and the production company.*

### **6. AMENDING AN APPROVAL**

Council is mindful that filming activity may be subject to the vagaries of the weather and other forms of delay. An approval may be amended at short notice provided Council is satisfied that:

- a) It is substantially the same as the original approval, and
- b) That no prejudice will be caused to any person who made a submission concerning the application for the approval, and
- c) It has consulted with any person or authority whose concurrence to the original approval was required and no objection to the amendment received.

### **7. WAIVING APPROVAL -LOCAL APPROVAL POLICY (LAP)**

Council may waive a formal approval process on the basis of

- ◆ Low impact upon community amenity
- ◆ No approvals required from any other authority or agency
- ◆ No construction works to be undertaken
- ◆ Activity is for a very short duration
- ◆ The applicant may be required to publicly acknowledge the contribution of Broken Hill City Council in connection with the filming
- ◆ Notwithstanding the above Council must site a Certificate of Currency as described under Insurance Issues.

### **8. COUNCIL CO-ORDINATION**

Unless a proposal will result in marked disruption to the Central Business District or major shopping precincts, approval may be obtained through Council Officers.

Co-ordination of departmental approvals is to be under the auspices of the Manager Community Development or his or hers nominee.

All documents relating to Councils approval are to be contained in the Broken Hill Film Manual along with key Officer contacts.

In matters relating to partial or full road closures, Council reserves the right to control traffic at all times.

### **9. FEES & CHARGES**

1. Noting the LAP and those exceptions previously outlined, it is not Councils intention to exploit the Film Industry but rather to ensure that Councils position is revenue neutral.
2. Reference is made to Broken Hill City Councils Annual Schedule of Fees and Charges wherein are contained permit and fees to be charged for Barricades, Road Openings and Closures, and Material on Footpaths. These fees are to be applied to film production.
3. In the event that Council must advertise closures or disruption to traffic, the cost of the placement of such advertisements is to be borne by the filmmakers.
4. In the case of reserves or on any site which requires a modification of existing assets or the construction of a set, a bond of \$500 or such amount as is determined by Council from time to time, is to be lodged before such works are undertaken and is only to be refunded when the Council is satisfied that the site has been remediated or returned to its former condition.
5. Fees that are levied by Council are based on a cost recovery basis

### **10. FILMING AND INTERVIEWING - COUNCIL BUILDINGS AND EMPLOYEES**

In order to film and interview Council employees and volunteers for public broadcast the requirement is to outline the purpose and subject for filming and seek consent from the General Manager via the Communications Manager of the Broken Hill City Council.

### **11. Film Broken Hill and Broken Hill Studios logo -**

If a production company has utilised the services of Broken Hill City Council, Film Broken Hill or the Broken Hill Studios it is a requirement that this support is acknowledged. This will be through [the associated logos](#), in accordance with style guidelines, on film credits and other appropriate associated materials or communications (such as promotional websites, media releases).

### **General Principles**

1. The Applicant will provide Council with a Certificate of Currency for a Public Liability Policy with a minimum cover of \$20 million or an amount as determined by Council from time to time held with an acceptable Insurance Company with an endorsement stating that the policy will be held jointly with the Applicant and Council during the time of filming activity.
2. Filming activities to be carried out will be only as stipulated in the approval by Council and with consideration for members of the local community at all times.
3. The written consent of all relevant authorities to be obtained before filming commences and presented for inspection if requested by Council's authorised officer.
4. All vehicles associated with the production to be legally parked at all times and/or, where applicable, parked in accordance with an approved parking plan.
5. Equipment used and all activities associated with filming shall comply with the Protection of the Environment Operations Act 1997 and the Occupational Health and Safety Act 1983.
6. The Applicant will ensure that every endeavour is made to reduce any inconvenience to residents and/or occupiers of business premises directly affected by filming activities.
7. Residents within the vicinity of the filming are to be notified in writing prior to commencement of filming as directed by Council. Such notification must provide dates, times, all events associated with filming and the conditions fixed by Council.
8. Payment of fees and any bond determined by Council shall be made before filming commences.
9. A copy of Council's approval shall be kept on location at all times and made available for inspection upon request.
10. At the cessation of filming the Applicant will repair all damage, remove all rubbish and restore the location to its original condition prior to filming and to the satisfaction of Council.

### **Associated Policies & Documents**

Filming Proposal Form Model Community notification letter

## **Policy Details**

Key Direction	2; Our Economy
Objective :	To provide leadership and direction in economic and community development and facilitate, encourage and maximise sustainable development opportunities within the city
Function:	Economic and Community Development
Strategy :	Actively promote and position Film Broken Hill (FBH)
File Reference No.:	11/410
Adopted:	August 29, 2001
Minute No.:	39185
Amended:	September 28, 2011
Minute No.:	43000
Last Reviewed:	
Next Review Due:	September 2013
Responsible Officer:	Manager Economic Development

## FILMING PROPOSAL FORM (GUIDE)

(Please complete one application for two locations and attach to Filming Form)

### Applicant's name, Production title and Location Contact details

These should be the same as those on the Filming Proposal Form

### Description of filming

A clear synopsis of the material to be filmed and an explanation of how it will be filmed should be provided. Where there are stunts, special effects, aerial or water sequences etc., these may be better described by storyboard.

### Location

Please use a separate form for each location. The location/s should be clearly described and acceptable map references or a plan of the area attached, with the location required clearly marked.

Please note: It is the applicant's responsibility to negotiate permission to film on or in any associated property that is not under the control of council, and consent must be included in the application.

### Dates

For each location provide the following information:

Dates, call and wrap times for construction/dressing (reduced crew) where applicable

Dates, first call time and wrap time for filming (full cast and crew)

Dates, call and wrap times for strike (reduced crew) where applicable

### Number of Personnel

This is the total of all persons who will visit the location each day including, but not limited to, cast, crew, extras and visitors.

### Construction Details

Details of temporary structures to be erected, or major dressing to be undertaken, together with a schedule of construction and removal should be supplied.

### Proposed Equipment

Supply a list of special equipment being used such as, but not limited to cherrypickers, lifts, portable lighting rigs etc.

### List all Dangerous Substances etc.

Supply a list of all dangerous substances or articles to be taken on to the location.

### Parking

Provide a list of all production vehicles to be parked in the vicinity of the filming location or on council controlled property. The list should specify type of vehicle, size (ie. length of trucks) and registration number.

It may be necessary to provide a parking plan, keeping in mind that it must comply with all parking regulations.

Please note: The management of parking will involve consultation with Police, council and the local community.

### Traffic Management

Any disruption of traffic or use of roads for filming needs to have approval from the local police and appropriate roads authority.

It may also be necessary to obtain approval or advise the State Transport Authority, private bus companies, tour operators and providers of essential services.

Details of roads affected together with times of proposed traffic regulation should be supplied. It may also be necessary to submit a traffic management plan.

If it is intended to use production company personnel to control traffic a list of their names and evidence of RTA accreditation will need to be supplied.

Please note: A proposal requiring a traffic management plan may take longer to process and lead time will depend on the complexity of the shoot.

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## **FILMING PROPOSAL FORM (GUIDE)**

(only one copy of this form should be completed and it should be accompanied by details for each location)

### **Public Liability Insurance**

Minimum cover of the Applicant's Public Liability Insurance should be \$A20,000,000. Please supply name of Insurance Company, Policy No and expiry date and attach a certificate of currency to the proposal.

It will be necessary for an applicant to arrange for their insurance company to issue an addendum to the policy to cover specific filming sites on community land or other council managed land.

Please note: In all cases local councils will and other landowners may require that their rights and interests be noted on the policy by way of separate indemnities.

### **Reduction or waiving of fees**

If the Applicant wishes to request a reduction or waiver of fees, please state reasons, and supply any relevant documentation to support this (for example, in the case of a student filmmaker, community based group, etc). It is at council's discretion and subject to any policy it may have, whether it will reduce or waive fees.

### **Consent of Owner to Filming Proposal**

The consent of the owner of the land described in the proposal needs to be obtained before lodging the application.



# MODEL COMMUNITY NOTIFICATION LETTER

## COMMUNITY NOTIFICATION LETTER

(This letter should be prepared on the Applicant's letterhead)

Dear Resident,

We wish to advise that we have received approval from Broken Hill City Council to film (name of production) a (type of production) at (location address).

We propose to film on (date/s) and will be working from (unit arrival time) to (wrap).

We will be filming (give a detailed description of sequences to be filmed including any traffic control, special effects etc. Please include as much information as possible so that residents are fully informed).

Our production unit consists of (number of vehicles) which will be parked (advise where it is intended to park). We will attempt to ensure that any inconvenience to you is kept to a minimum.

Should you have any queries please call (location representative) on (Tel. No) and he/she will be pleased to assist you.

Thank you for your cooperation.

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(Signed by Applicants representative  
Type name and title)

NOTE: If notice is short it may be advisable to "doorknock" these letters rather than leave them in mailboxes.

It is suggested that as much information as possible be given to residents so that they are fully informed as to what is happening.

Essential elements:

- name of company
- name of production
- kind of production (eg feature film, TV commercial)
- type of activity and duration
- company contact