

# BROKEN HILL FILM POLICY

QUALITY CONTROL			
EDRMS REFERENCES	12/14 – D23/18365		
RESPONSIBLE POSITION	Executive Manager Growth and Investment		
APPROVED BY	Council		
REVIEW DATE	March 2023	REVISION NUMBER	3
EFFECTIVE DATE	ACTION	MINUTE NUMBER	
August 2001	Adopted	39185	
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## 1. INTRODUCTION

The purpose of this policy is to provide guidelines for filmmakers undertaking work within the Local Government boundary 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 filmmaking 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, NSW Premier's Memorandum M2021-06 Making NSW Film Friendly and related legislation and that ensures that film requests are processed promptly, access to locations is supported wherever possible and if filming access, services or approvals cannot reasonably be given, the filmmaker is advised as early as possible of this response, reasons given for it, and alternatives suggested if possible.

## 2. POLICY OBJECTIVE

The Broken Hill Film Policy has been developed to encourage filmmaking and to facilitate the use of Broken Hill as a film location.

This Policy complies with the Local Government Filming Protocols which outline the rights and obligations of filmmakers and councils throughout the state. A copy of the protocols is available at [www.screen.nsw.gov.au](http://www.screen.nsw.gov.au)

The aim of this Policy is to:

- promote the heritage and landscape of Broken Hill through film and other communication mediums

- to provide film and television production companies with an understanding of the procedures they must follow for filming to take place
- to outline conditions under which filming will be permitted in Broken Hill
- to ensure the public safety and free movement of residents while filming is taking place.

## **POLICY SCOPE**

### **3. POLICY STATEMENT**

The following are the guiding principles and standards that Council will adhere to for the implementation of this policy.

#### **3.1 ACTIVITIES REQUIRING COUNCIL APPROVAL**

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

<b>Examples</b>	<b>Legislation</b>
Filming in public spaces	Filming Approval Act 2004 No. 38
Construction of a temporary structure (e.g., a set)	Local Government Act 1993(section 68)
Exclusive use of community land for filming	Local Government Act 1993
Certain land use depending on zoning	Environment Planning & Assessment Act 1979
Vehicle and Pedestrian 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 approvals (such as community notifications) may be undertaken within a period, which is compatible with the nature of filming i.e., such approvals may be required in a relatively short space of time.

### **OTHER APPROVALS**

It is the responsibility of the production company to obtain all necessary approvals from other statutory bodies including but not exclusively, Police, Roads and Maritime Services, Environmental Protection Authority, Crown Lands etc.

#### **Drone filming**

Drone Filming is allowed but communication with the Airport Reporting Officer is mandatory. Council is generally only required to approve the take-off/landing site of a Drone/UAV and once airborne it is solely the responsibility of the operator and CASA.

The following documents must be received prior to any drone activity:

- Current Licence of Drone Operator
- Certificate of Drone Operator's Public Liability Insurance to the sum of \$20m
- CASA NOTAM approval specifying approval for the site and time of the drone filming if required.

**Line of Lode:** The Line of Lode is NSW Crown Land and filming on/from the Line of Lode requires approval from NSW Crown Lands.

**Privately Owned Land:** Filming on privately owned land requires permission from the Landowner. Note: Council is unable to release details of landowners under the *Privacy and Personal Information Protection Act 1998*.

**Filming in Remote Areas:** Off road, Silverton, Mundi Mundi etc. requires permission from NSW Crown Lands.

**Filming on State Highways:** Requires permission from Roads and Maritime Services.

### 3.2 OBTAINING COUNCIL APPROVAL

Division 4 of the Local Government Act sets out procedures designed to facilitate the approval of activities required to be undertaken for 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.
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.
5. The filming proposal is to contain all information and matters as required by any relevant legislation and/or as required Council to consider and assess the application.
6. If the application relates to land, where the applicant is not the owner, then the owner's consent is required.

### 3.3 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 will be negotiated openly and in good faith between Council, their insurers, and the production company.

### 3.4 AMENDING AN APPROVAL

Council is mindful that filming activity may be subject to the unpredictable nature 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.

### **3.5 COUNCIL CO-ORDINATION**

Unless a proposal would 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 Executive Manager Growth and Investment or Council's delegated nominee.

All documents relating to Councils approval will be made available on Council's website along with Council contacts.

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

Where applicable, a Traffic Management Plan and/or Pedestrian Access Plan will need to be submitted and approved by the Traffic Committee or relevant Council department.

### **3.6 FEES & CHARGES**

- a. Noting the Schedule of Fees and Charges and those exceptions previously outlined, it is not Council's intention to exploit the film industry but to ensure that Councils position is revenue neutral.
- b. Reference is made to Broken Hill City Council's 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 also apply to film production.
- c. If Council is required to advertise road closures or traffic disruption, the cost of advertisements will be borne by the filmmakers.
- d. In the case of reserves or on any site which requires a modification of existing assets or the construction of a set, a refundable bond of \$1,000 or such amount as is determined by Council, 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.
- e. Fees that are levied by Council are based on a cost recovery basis.

### **3.7 FILMING AND INTERVIEWING - COUNCIL BUILDINGS AND EMPLOYEES**

To film and interview Council employees and volunteers for public broadcast the applicant must seek consent from the General Manager via Council's Communications Manager.

### **3.8 ACKNOWLEDGEMENT OF BROKEN HILL CITY COUNCIL**

If a production company has used the services of Broken Hill City Council, it is a requirement that this support be 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).

### **3.9 GENERAL PRINCIPLES**

- A copy of Council's approval must always be kept on location and made available for inspection upon request.
- The Applicant will provide Council with a Certificate of Currency for a Public Liability Policy with a minimum cover of \$20 million held with an acceptable Insurance Company.
- Film activity must only be as stipulated in the approval and with consideration for members of the local community at all times.
- The written consent of all relevant authorities is to be obtained before filming commences and presented for inspection if requested by Council's authorised officer.
- All vehicles associated with the production are to be legally parked at all times and/or, where applicable, parked in accordance with an approved parking plan.
- 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 2000 No 40.
- 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.
- 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.
- Payment of fees and any bond determined by Council shall be made before filming commences.
- 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.
- Fixtures and fittings can only remain at the location if approved by Council.

## **4. IMPLEMENTATION**

The following Council officers are responsible for the implementation and the adherence to this policy.

### **4.1 Roles and Responsibilities**

Executive Manager Growth and Investment  
Economic Development Officer

### **4.2 Communication**

This Policy will be communicated to the community and staff in accordance with Council's Policy, Procedure and Process Framework and Council's Business Paper. On adoption by Council this Policy will be made available on Council's website.

## 5. ASSOCIATED DOCUMENTS

The following documentation is to be read by the applicant in conjunction with this policy.

Film Permit

<https://www.brokenhill.nsw.gov.au/Services/Filming-in-Broken-Hill/Apply-to-film-in-Broken-Hill>

NSW Local Government Filming Protocol

<https://www.screen.nsw.gov.au/data/publish/341/A169802%20-%20Local%20Govt%20Filming%20Protocol%20Revised%20v9%2013022009.pdf>

NSW Premier's Memorandum M2021-06 Making NSW Film Friendly

<https://arp.nsw.gov.au/m2021-06-making-nsw-film-friendly/>

Filming Proposal Form Model Community notification letter: Appendix 1

## 6. REVIEW

Review of this policy will incorporate relevant legislation, documentation released from relevant state agencies and best practice guidelines.

The standard review period will be within each term of Council following Local Government Elections, or as required to ensure that it meets legislation requirements and the needs of our community and Council. The responsible Council officer will be notified of the review requirements three (3) months prior to the expiry of this policy.

The Executive Manager Growth and Investment is responsible for the review of this policy.

## 7. LEGISLATIVE AND LEGAL FRAMEWORK

This policy is to be read in conjunction with the following:

- Local Government Act 1993(section 68)
- Local Government Act 1993
- Environment Planning &Assessment Act 1979
- Roads Act 1993, Road Transport (Safety & Traffic Management Act) 1999
- Crown Lands Act 1989
- Protection of the Environment Operations Act 1997

Council employees shall refrain from personal activities that would conflict with proper execution and management of the Broken Hill Film Policy Council's Code of Conduct provides guidance for recognising and disclosing any conflicts of interest.

## 8. DEFINITIONS

**approval holder** means a person to whom or to which a filming approval is granted.

**filming** means recording images (whether on film or video tape or electronically or by other means) for exhibition or broadcast (such as by cinema, television, or the Internet or by other means) or for sale 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 or short film, mini-series, television series or commercial and student productions.

**filming activity** means:

(a) filming, and

(b) any other activity reasonably connected with the carrying out of filming, whether or not for a commercial purpose.

**filming approval** means an approval given under this policy.

## **Appendix 1**

### **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) (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 appropriate 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 (phone number) and he/she will be pleased to assist you.

Thank you for your cooperation.

(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 appropriate 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 (e.g., feature film, TV commercial)
- type of activity and duration
- company contacts