

1. PROTOCOL OBJECTIVES

- 1.1 To provide for the use of roads and public reserves for the purpose of filming by Commercial Production Companies free of charge.
- 1.2 To ensure that Council is made aware of Commercial Production Companies work on public lands in the Shire.
- 1.3 To ensure that any damage caused to Council area or to public property and persons, is redeemable from the Company via collection of a Security Bond.
- 1.4 To ensure, prior to approval, that any filming application submitted for the purposes of conducting filming on Council community land in relation to a proposed lease, licence or other estate for community land, that is of critical habitat; that is directly affected by a recovery plan or threat abatement plan; or that is declared to be an area of cultural significance, be notified to the relevant authority and advertised where applicable, pursuant to Section 47(2) of the Local Government Act 1993. All advertising fees incurred shall be at the expense of the filming company.

2. BACKGROUND

- 2.1 The *Filming Related Legislation Amendment Act 2008* was passed by the NSW Parliament in June 2008 to make NSW more Film Friendly. Other related regulatory and administrative changes have also been made to enhance location based screen production. These build on previous legislative and regulatory changes made.

3. APPLICABILITY

- 3.1 What may require approval, and attract fees, are activities associated with filming where approval is required under legislated or regulatory authority or services are provided to the filmmaker. Councils have authority either directly or by delegation through other state agencies such as the RTA (Roads and Maritime Services), Department of Lands, or DECC (Department of Environment and Climate Change).

4. GUIDELINES

- 4.1 Application fee may be charged to cover staff time only as determined by the *Local Government Filming Protocol*.
- 4.2 No site fee is to be charged for the use of roads and public reserves for the purpose of filming by commercial production companies.
- 4.3 Local councils (and other government agencies) may require approvals in their role as regulator of the land, for example to ensure environmental protection, public safety or management of traffic. Cost recovery only as per Council's current Fees & Charges.
- 4.4 Filmmakers may need a license or approval to film on public land in some circumstances, for example when they need to close a road or to ensure exclusive use of public land or where a government agency requires formal approval to undertake activities on its land. Cost recovery only as per adopted Fees & Charges.

- 4.5 Fees also apply for the hire of constructed facilities such as town halls, community centres and swimming pools as per the adopted Fees & Charges.
- 4.6 The fee is to be payable in advance, together with submission of evidence of current Public Liability Insurance to minimum value \$20,000,000.
- 4.7 Any additional cost that may be incurred by Council will be subject to additional charges to the producers such as “Written Approval” fee for special uses such as pyrotechnics.

Excerpt from Local Government Filming Protocol – NSW FTO

Fees could include:

Actual wages and salaries as per applicable award/agreement as per category of the employee involved, and employee-related costs – superannuation, payroll tax, workers compensation and leave provisions, overtime and car.

- Cost of vehicles on a kilometre rate as per Australian Taxation Office guidelines
- Revenue foregone, as in the use of metered parking
- Costs for required public advertising

Cost reflection does NOT include:

- Overheads or general administrative costs
- Oversupply of resources or personnel above a reasonable requirement for public safety and protection of public assets
- Occupational health and safety supervision – this is an obligation of the production company
- Replication of services already provided to a reasonable level by the production company or its contractors for example, overnight security, pedestrian control, traffic control.

5. RESPONSIBILITY/ACCOUNTABILITY

- 5.1 Manager Executive Services
- 5.2 Tourism Officer inc Film Liaison Officer
- 5.3 Manager Planning
- 5.4 Manager Infrastructure Planning

6. RELATED POLICIES/ PROTOCOLS

- 6.1 Nil

7. RELATED PROCEDURES

- 7.1 Notification to relevant departments of Council including:
 - 7.1.1 Facilities & Recreation
 - 7.1.2 Infrastructure & Planning

7.1.3 Works

7.1.4 Finance

8. RELATED LEGISLATION

8.1 This legislation and the Protocol are binding on councils. This Filming Protocol, replacing the Local Government Filming Protocol 2000, has been prepared in consultation with local councils, government agencies and the screen industry. Other related legislation include:

8.1.1 Local Government Act

8.1.2 Roads Act

9. ATTACHMENTS

9.1 Filming Application Form

10. RESOURCES

10.1 Local Government Filming Protocol - DLG

11. IMPLEMENTATION STATEMENT

11.1 To ensure this protocol is implemented effectively, Council will employ a variety of strategies involving awareness, education and training. These strategies will be aimed at Councillors, staff and council representatives and will involve:

- 11.1.1 Film & Television Information Kit – consisting of:
- Adopted Fees and Charges
 - Guidelines for Filming within Wollondilly Shire Council's Area
 - Application for Filming
 - Contact list – relevant Council staff & private sector operators
 - NPWS:
 - Standard conditions
 - Commercial filming fees list
 - Filming application
 - Filming agreement
 - Department Lands Filming contact Fact Sheet
 - Wollondilly Visitor Guide
 - Free Wollondilly map
 - Wollondilly Villages suite of brochures (6)
 - Image library on CD ROM
 - Business card – Film Liaison Officer

This information kit is designed to familiarise staff, operators and television and film industry representatives of Council's expectations and legal requirements.

12. PROTOCOL HISTORY

12.1	Date First Endorsed	17 August 2015 – Res No. 145/2015
12.2	Most Recent Endorsement	9 September 2015
12.3	Next Review Date	
12.4	Responsible Officer	Manager Infrastructure Planning
12.5	Responsible Department	Infrastructure Planning



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GENERAL MANAGER