



# FILMING & PHOTOGRAPHY TERMS AND CONDITIONS

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## Conditions

### 1. General Terms & Conditions

1. In accordance with the Local Government filming protocol 2009, all applications will be assessed on an impact basis based on the following scale:

<b>Ultra-Low</b>	<b>Low</b>	<b>Medium</b>	<b>High</b>
No more than 10 crew	11-25 crew	26-50 crew	>50 crew
No disruption is caused to the Council's stakeholders retailers or motorists or other events in the vicinity of the activities	No more than 4 trucks/vans	No more than 10 trucks	>10 trucks
Activities are contained to footways or public open space areas only.	No construction	Some construction	Significant construction
Public safety is maintained at the locations	Minimal equipment/ Lighting	Equipment used e.g.: dolly trucks medium sized cranes jibs	Extensive equipment
Vehicles associated with the conduct of the activities are legally parked at all times and are not driven onto footways parks or plaza areas	Small or no unit base required	Unit base required	Large unit base required
Usually 1-2 locations	No more than 4 locations		>4 locations

**Ultra-Low:** No more than 10 Crew, no disruption is caused to residents, retailers, motorists or other events/activities, Activities are contained to footpaths or open public space areas only, associated vehicles are legally parked at all times and not driven onto footpaths or parks.

**Low:** 11 - 25 Crew, No more than four trucks/ vans, no construction, minimal lighting/equipment, small or no unit base, no more than 2 locations.

**Medium:** 26-50 Crew, No more than 10 trucks, some construction, some equipment for example: medium trucks, medium sized cranes, unit base required, no more than four locations

**High:** >50 Crew, >10 trucks, significant construction, extensive equipment, large unit base required, > four locations.

### 2. Requirements for Production Companies

1. Make every reasonable effort to accommodate the requirements of residents and business proprietors affected by the production;
2. Abide by any conditions that Hunters Hill stipulates with respect to the application; and
3. Ensure that approved permits and associated documents are on site and available for inspection by public authorities for the duration of the shoot.
4. Council approval must be given in writing before filming on public land commences. Application forms, additional documentation and fees, must be lodged to council with a minimum of:

- a. 14 days prior to the scheduled filming commencement date and/ or
- b. Prior to the 2nd Wednesday of the month, when road closures are required of Council Roads.

Failure to provide notice as indicated above may incur an additional fee

### 3. Submission Requirements

1. Lodgement of Application Form;
2. Additional documentation required with application form:
  - A copy of the Certificate of Currency for a public liability policy minimum cover of \$20M, naming the Hunters Hill Council or any Local Government Authority as an interested party;
  - Written consent from statutory authorities such as NSW Police Service, RMS, NSW Fire Brigade;
  - A copy of the notification letter, (which is to be sent to residents in the affected area providing details of the proposed filming) and a map showing the extent of the proposed letterbox drop for the notification letter;
  - Traffic Management Plan;
  - Parking plan including a map of the proposed vehicular parking arrangements indicating the proposed location(s) for make-up / wardrobe, catering and / or technical equipment trucks and other staff vehicles. All vehicles must be parked legally at all times;
  - Environmental Plan;
  - List of cast/crew production vehicles;
  - Copy of Occupational Health and Safety Policy; and
  - A map of the park where filming is proposed indicating the extent of intended use, proposed props, effects etc.

If an application form is incomplete, incorrect or requires additional information then the applicant will be required to re-submit the application. If this is the case then an application fee is applicable for each application form.

### 4. Filming on Private Property

- When you are filming or taking still photography within private property such as a residential home or a at business, you do not need development approval but you must comply with the conditions outlined in State Environmental Planning Policy No 4 (SEPP 4) -Development without Consent;
- Even though you do not need development consent, you must still avoid major disruption and inconvenience to the residents and stakeholders;
- You must lodge a filming management plan to Council including your company details, a description of filming, proposed location, commencement and completion dates, traffic

management plan (where required) length of filming, number of persons involved, details of temporary structures, and the type of equipment to be used (such as handheld or mounted camera), parking arrangements, whether there will be disruption to the location or surrounding area for example by discharging firearms (NSW Police permit for use of firearms required), any noise, vibrations, release of smells and the use of lighting or special effects;

- When you submit your management plan, you must include copies of any approvals that you need to obtain from public authorities (for example, from NSW Police);
- The Council considers applications case by case and will provide you with details such as: the number of parking spaces that you are permitted to use, the parking restrictions that apply and the parking locations marked in a detailed map;
- You must obtain public liability insurance for productions over \$20,000;
- You must notify residents by way of letterbox drop about the company details and contact numbers, description of filming, start and finish times, parking arrangements and the proposed daily length of filming;
- You must not create significant interference with the neighbourhood in which you are filming; and
- You must not carry out filming for more than 30 days within a 12 month period.

## 5. Filming on a Public Road

1. If filming is to take place on an RMS Road, written consent from the Roads & Maritime Services (RMS) - is required with the application to Council.

RMS Roads: Burns Bay Road and Victoria Road.

2. If filming is to take place on a Council Road:
  - A Traffic Management Plan is required; and
  - A map of the road where filming is proposed indicating the extent of intended use, proposed props, effects etc.

## 6. Fees & Charges

- All fees are in accordance in Council's schedule of Fees and Charges
- Application fees are to be paid upon submission of application;
- Additional fees along with Bond Payments are required, upon Council Approval;
- Payment of all fees and any bond determined by Council shall be made before filming commences. A bond is required in the event of heavy equipment being used in the shoot. The cost of repairs for any damage done to the
- Council road, kerb, footpath, park or landscaping, will be deducted from the bond and should the bond be insufficient for this purpose, that the council be entitled to recover the difference from the applicant; and
- Council reserves the right to recover any direct costs relating to filming approvals and the services provided.

### **Note 1 - Exclusive use of venue/open space**

- When a venue or open space area is barricaded or sectioned off exclusively.

#### **Note 2 - Waiver of Council Fees**

- Fees may be waived or reduced in accordance with the Local Government Filming Protocol 2009- to be determined by Recreation Booking Co-ordinator (Film contact officer) and approval by General Manager.
- All requests for fees to be waived or reduced must be lodged 14 days' notice to Council
- All application must complete the Council waver form.

#### **Note 3 - Changes to original applications**

- Major revisions to a filming application will incur a surcharge of 75% of original application fee

#### **Note 4 - Failure to obtain Council approval may incur a fine under the relevant act.**

#### **Note 5 - Risk Cost**

- Fee to ensure effective management of applications that are lodged with less than 7days notice to Council.

## 7. Filming without approval

Failure to obtain Council permission may incur a fine under the relevant act; and

Filming must be carried out as stipulated in Council's written approval.

It should be noted that the Hunters Hill Council reserves the right to refuse, limit or impose special conditions on any activity associated with filming if, in the opinion of the General Manager, the activity is likely to conflict with Council operations, is considered dangerous, cause damage, nuisance or is not in the interest of the Council.

Non-compliance with the Hunters Hill Council's conditions and/ or a significant number of complaints will result in the following:

- Immediate Cancellation of this approval, with the production company being instructed by either Council's Film Contact Officer, Law Enforcement Officer or another Council nominated representative;
- The forfeiture of any fees paid; and
- The refusal of any future applications

## 8. Road Closures

- Where a Filming Application includes a request for Road Closure, a Traffic Management Plan is required. Lodgement of the plan is required prior to the second Wednesday of the month so that it may be put to the Council's Traffic Committee for their permission;
- If a Traffic Management Plan needs to be completed questions regarding Traffic Management Plans may be requested from Council's Traffic Officers;
- RMS permission must be granted for all road closures on RMS roads. Assessment of the application requires at least four weeks;
- Police, Ambulance, Fire Brigade must be notified in writing of any road closures;
- Authorised traffic controllers or user pay Police must be used to manage traffic where required by the consent authority;

- If road closure of major road and/or some car action is to be filmed, then a Safety Officer must be in attendance at all times during filming; and
- The Film Company must notify all residents at least one week in advance, once permission is gained from the consent authority.

## 9. Cancellations

- Cancellation of a filming application must be in writing. Once an application is cancelled, Council retains the application fee for administrative time spent processing the request;
- In the event wet weather and/or change in the filming date, the applicant must receive approval by Council;
- Non-compliance with Hunters Hill Council's conditions and/ or a significant number of complaints will result in the following:
  - Immediate Cancellation of this approval, with the production company being instructed by either Council's Film contact Officer, Law enforcement Officer or another Council nominated representative;
  - The forfeiture of any fees paid; and
  - The refusal of any future applications

## 10. Risk Management & Occupational Health and Safety

- Abide by film industry safety practices, especially in relation to special effects, stunts and the use of firearms and weapons.
- Council may request a copy of the production company's OHS manual

All production companies should have an Occupational Health and Safety Policy and depending on the filming activities the production may be required to undertake a Safety Report. All production companies should have Workers Compensation insurance and Public Liability insurance. Film Contact Officers could ask to sight the documentation if they have any concerns.

## 11. Discharge and Use of Firearms

A NSW Police permit must be obtained for the use of firearms for all film productions, whether or not the filming is on private property or on Council controlled land, roads and footways. Council must be notified of your intention to use firearms either in your application or before the commencement date of filming.

## 12. Noise & Other Disruptions

- All filming/ photography productions must comply with all applicable noise legislation;
- They must make sure that any lighting or other special effect associated with the production is not directed at motorists or nearby residential properties;
- Vegetation or trees on the public way are not to be cut, trimmed or removed unless Council provides explicit permission in writing; and
- All practicable steps must be taken to ensure that the activity does not cause a nuisance to neighbouring residents.

## 13. Construction

- Certain temporary structures, alterations or additions to building or works are exempt development where the development is for the sole purpose of filming under the State Environmental Planning Policy No. 4 (SEPP4). This applies to short term filming only, where the development will not remain in place for less than 30 days within a 12 month period. However, there may be some instances development consent may still be required.
- To ensure public safety, developments must not be accessible to the public.

## 14. Inclement Weather

In the case of inclement weather, filming/ photography may be rescheduled to another suitable date, this must be agreed on with Council.

## 15. Changes in Application

- Council must be notified in writing of any changes in the original application form;
- If there are any unplanned changes, Council's film contact officer must be advised as soon as possible; and
- The applicant may be required to complete an additional application form, in which an application fee will be applicable.

## 16. Damage

- A damage bond may be requested depending on the nature of the filming/ photography activities;
- The site is to be returned to the same condition prior to the activities conducted;
- If any damage occurs, Council is to be notified immediately; and
- A site inspection may be done with a Council officer and an agreement to modify or make good must be advised in writing.

## 17. Public Liability Insurance

All filming/ photography productions are required to provide Council with a copy of the Certificate of Currency for a public liability policy minimum cover of \$20M, naming the Hunters Hill Council or any Local Government Authority as an interested party.

The following information must be shown:

- The name of the insured;
- The policy number;
- The dates for which the policy is in effect, including the start and expiry dates; and
- The name of the insurance company with contact details.

## 18. Authorities Authorisation

**RMS:** Roads and Maritime Services - There is an information package for film shoots available on the RMS website at [www.rms.nsw.gov.au](http://www.rms.nsw.gov.au).

**NSW Police:** The Local Area Command should be notified by phone and/or email of any filming in their area, whether on private or public land, so they are informed should they receive calls from residents with complaints or inquiries.

**Public Transport Providers:** Both government and private transport providers operate in NSW. Services include country and city trains, buses, ferries, monorail, tourist buses, and air services. Filmmakers should contact the State Transit Authority and private bus companies to identify transport routes. When filming is likely to affect public transport, the operator of the service should be contacted.

**Emergency and Essential Services:** Access for emergency services such as police, fire and ambulance and essential services, such as energy (electricity and gas) and water supply authorities, should be maintained at all times. In some instances their approval may be required. On occasion the film's Safety Report (see Risk Management and Occupational Health and Safety in the next section) will specify that one of the emergency services is required during filming.

## 19. Local Government Filming Protocol 2009

These conditions have been prepared in accordance with the Local Government Filming Protocol 2009.

The implications of lack of compliance are significant. This may be in relation to public safety, community support and council cooperation, as well as to future filmmakers who will also follow in the location footsteps of other productions. Failure to comply may also result in the cancellation of the relevant approvals associated with filming.

Without prejudice to any legal remedies the Council may have, in the event that a hirer breaches any of the terms and conditions contained in this document, the hirer shall insofar as the law permits accept full responsibility and liability (whether in negligence or otherwise) for all loss, damage and/or injury whatsoever resulting directly and/or indirectly from the breach/es.

Noncompliance with Hunters Hill Council's conditions and/ or a significant number of complaints will result in the following:

- Immediate Cancellation of this approval, with the production company being instructed by either Council's Film Contact Officer, Law Enforcement Officer or another Council nominated representative;
- The forfeiture of any fees paid; and
- The refusal of any future applications.

## 20. Filming Best Practice Guide

- These conditions of hire have been developed in accordance with the Local Government Filming Protocol.
- These conditions aim to reinforce the positive relationship between filmmakers and the general community by detailing a 'best practise' guide to location filming.
- The film maker's responsibilities and obligations are further recognised under the Local Government Filming Protocol which is essential reading accompanying these conditions. It can be found at [www.huntershill.nsw.gov.au](http://www.huntershill.nsw.gov.au)

- Successful location filming depends on constructive relations with affected members of the community. This imposes obligations on all involved with the production to respect the local community and ensure that despite any inconvenience, their experience is not an unpleasant one.

## Before the Shoot

### **1. Notification**

All applicants shall obtain relevant approvals for the filming activity to be conducted;

Where directed by Council, The Production Company must undertake an information letter box drop and personal communication to all business proprietors, residents and other occupants in the vicinity to be completed by (date as dictated by Council), with any concerns or requirements raised, resolved or accommodated to the satisfaction of the Council;

The information letter drop must advise residents and businesses in the area of what is planned, when and where, including details and conditions of the filming approval. It shall also provide a contact name and number for a representative at the production office and the on-site location;

In accordance with Code of Conduct for Location Filming in NSW 2009 and SEPP 4, when filming on private land, the applicant must provide Council, Police and the community five (5) days written notice of the filming activity, even if specific approvals for filming are not required;

Film makers shall give particular consideration to businesses whose trade could be adversely affected by filming activities;

When filming for an extended period or when undertaking activities with a high impact on community amenity, allow for community feedback on the proposed arrangements;

Resident notifications should be delivered in time for people to make further inquiries if they feel the need;

A copy of the resident notification letter must be submitted to Council with the application form;

When filming on private land, the local council, police and community must be notified of the filming activity, even if specific approvals for filming are not required;

Particular consideration needs to be given to businesses whose trade could be adversely affected by filming activities; and

Every endeavour is made to reduce any inconvenience to residents and/or occupiers of business premises directly affected by filming.

### **2. Brief Cast and Crew on Special Conditions**

The film crew should all be thoroughly briefed on the nature and practical application of the approval given and any conditions or requirements attached to the filming activity whether by agreement with the owners of the location or other property owners or imposed by the local council or other relevant authority; and

All cast and crew shall abide by the conditions of hire as set out in the approval permit.

### **3. Parking**

Council shall be contacted with sufficient notice to discuss parking plans for essential vehicles and unit base and see if there is a need for a traffic management plan; and

The production Company must consult directly with the community over parking issues where appropriate. This may include arranging alternative parking for residents and assistance in access to vehicles and transport arrangements in some high density residential locations. Any such arrangements must be brought to the attention of and approved by Council. Any such arrangements must be brought to the attention of and approved by Council.

#### **4. Health & Safety Risk Assessment**

The Production Company and Filmmakers shall carry out hazard and risk assessments of any locations or premises to be used for filming or film related activities. A location shoot is a workplace and occupational health and safety requirements must be observed. Any such assessments must be brought to the attention of by Council. Any such assessments must be brought to the attention of by Council; and

The Production Company shall ensure the production has appropriate levels of public liability insurance and all necessary licenses and permits relating to filming activities.

### **During the Shoot**

#### **1. Parking**

All crew, cast and extras must park in accordance with normal requirements unless special arrangements have been approved by the local council or Police;

All crew and unit vehicles are to be legally parked at all times;

Vehicles associated with the production should comply with traffic and parking regulations and not park in disabled parking spots, driveways or restricted zones;

Find nearby parking spaces for non-essential vehicles if you are going to be at a location for a number of days;

Trucks should not be parked in front of active restaurants;

Generator trucks should not be parked in front of residential buildings;

Make sure that trucks and other vehicles fit under trees to avoid damage to branches. No trees, shrubs or other vegetation are to be moved, lopped or damaged. Care must be taken with parking oversized unit trucks in order to protect trees;

Unit or crew vehicles must not be parked on Council's parks or reserves or upon grass verges or footpaths, unless otherwise stated in this permit;

The Production Company must ensure that only the Production Vehicles nominated in the attached Parking Permit are to be parked at the approved locations;

Residential notification of changed parking conditions must be forwarded by an information letter drop to all business proprietors, residents and other occupants in the vicinity, to be completed by (date as dictated by Council);

The applicant must ensure that only the ticket parking spaces approved to be occupied shall be used, with no other kerb space parking, such as Disabled Parking, Loading Zone, Truck Zone, Bus Zone, Bus Lane, No Standing or No Stopping Zones, Transit Lanes, Clearways, Pedestrian and School Crossings, are to be occupied;

The applicant shall be responsible for the barricading and monitoring of the parking location to ensure the availability of the spaces, with the time of first barricading to be determined by Council;

Vehicles shall not be parked in authorised residential parking zones for longer than the period applying to the non-resident's vehicles, unless specific approval has been granted;

The Production Company must ensure that any traffic control undertaken in conjunction with filming shall be conducted by Police or RMS accredited traffic controllers and shall comply with all relevant Work Cover and industry safety standards;

The parking of any unit or crew vehicles on a state road requires RMS Approval;

Vehicles proposed to be located in Bus Zones require approval from Sydney Buses;

Road event permit and/or filming permit must be on-site at all times and located in a clearly visible position in approved vehicles;

Vehicles shall not block public or private driveways;

A vehicle carriageway of 3.5 metres width must be maintained at all times;

The applicant shall reimburse the Council for the cost of repair of any damage caused to either the public way and/or to the ticket parking machines at the approved locations, arising from the occupation of the spaces; and

The Production Company shall ensure that at no time during the use of the parking spaces shall any equipment or materials be left on footpaths and pathways, unless otherwise stated.

## **2. Noise**

Keep noise to a minimum, particularly when arriving in a neighbourhood before 7am or during night shoots.

Make sure generators are silenced;

Truck engines should not be left idling under residents' windows';

Avoid playing stereos, radios including car radios, etc, loudly, and are mindful of the noise level of walkie-talkies near residences and businesses;

Film makers are to seek appropriate permissions for music play back;

Amplifications of any kind are not to be used, including loud hailers or megaphones; and

All generators and other equipment that are used must conform to the department of environment and conservation guidelines and not create a nuisance to the amenity of the neighbours.

## **3. Traffic Management (Pedestrian and Vehicular)**

All Traffic Management plans must be approved by Council's Traffic Engineer;

Where applicable RMS and other approvals may be required;

Production personnel must co-operate with state agencies and local council to maintain efficient traffic flows and the safety of other road users. The Production Company must ensure that the activities are undertaken without unduly disrupting stakeholders, pedestrians and/or motorists in the vicinity of the location, by at all times ensuring the right of unrestricted access and by maintaining a safe and clear footway for public use;

Traffic stopping and traffic diversions must be carried out by properly authorised personnel and in accordance with a traffic management plan agreed by local council and if necessary RMS;

Pedestrian traffic should not be obstructed at any time unless stipulated in the permit and all cables are to be channelled neatly and safely;

Filming approvals do not permit the closing of any public road to normal uses or disruption to traffic, including pedestrian movement, unless specifically authorised by Council; and

A minimum of 1.8 metres clear width on the footpath must be available for pedestrians.

#### **4. Shops and Businesses**

Do not loiter in front of shops or residences and block the access of the local community;

Do not block buildings or keep equipment in front of buildings that are not working directly with the shoot. Do not stack equipment in front of closed shopfronts when there is an early call - the business owners will need to open on time, and receive deliveries;

Crews should be encouraged to patronage local businesses during breaks; and

Inconvenience to local residents or businesses must be kept to a minimum during filming.

#### **5. Evidence of Permits on Site**

In accordance with the Code of Conduct for Location Filming in NSW 2009, a copy of the filming permit (and other regulatory approval) shall be on-site all times and in the possession of the Location or the Unit Manager, who should be identifiable by all crew members;

In accordance with the Code of Conduct for Location Filming in NSW 2009, applicants are to consult with Council and other approving authority if there are material changes to filming plans, in case an amended approval is required;

The Production must comply with the provisions of approvals; and

Council reserves the right to amend or cancel the approved permit at any time.

An inspection may be carried out by Council staff at any time.

#### **6. Emergency and Essential Services Access**

Access to fire exits or utilities (e.g. electricity, water, telephone lines) and emergency vehicle access must not be impeded.

#### **7. Communication and Compliance**

Filmmakers must maintain regular communication with the local council or approving authority's Film Contact Officer and report any damage to the site as soon as possible;

Filmmakers must be available to verify that the conditions of approval are met;

Filmmakers must comply with all Council signs, and all directions from Council officers or other authorities; and

It is the responsibility of the permit holder to identify and obtain any permits required by authorities other than Council.

#### **8. Removal of litter**

The Production Company shall ensure that the area to be used for filming and related filming activities shall be maintained in a clean and tidy condition to the satisfaction of the Council with all waste materials bagged and removed from the site by the Production Company. Any costs involved for any extraordinary cleaning subsequently required during or after the shoot, which is to be undertaken by the Council, will be borne by the applicant;

All litter is to be removed at the end of each days filming; and

Council may require a damage or cleaning bond as deemed fit.

#### **9. Risk Management and Occupational Health & Safety**

Abide by film industry safety practices, especially in relation to special effects, stunts and the use of firearms and weapons.

It is the Filmmaker's responsibility to verify immediately before commencement of activities that the location is safe and suitable for the approved use (as council cannot be responsible for last-minute hazards e.g. broken glass).

All cables located on footpaths are to be covered by Work Cover approved ramps and/or other safety measures.

Appropriate safety measures and hazard markers must be in place to prevent injury or harm to the public and production crew.

All lighting must be directed away from motorists on nearby carriageways and from residential premises.

All production companies should have an Occupational Health and Safety Policy and depending on the filming activities the production may be required to undertake a Safety Report. All production companies should have Workers Compensation insurance and Public Liability insurance. Film Contact Officers may ask to sight the documentation if they have any concerns.

#### **10. Access**

Access must be maintained at all times for residents, the public and emergency services.

Access to fire exits or utilities (e.g. electricity, water, telephone lines) and emergency vehicle access must not be impeded.

#### **11. Lighting**

No nuisance is to be caused to the users of any thoroughfare by glaring floodlights or special lighting.

## After the Shoot

In accordance with the code of conduct for location filming in NSW 2009, filmmakers are to;

- Leave the location clean and tidy and in its pre-filming condition.
- Only leave fixtures and fittings at the location where this is requested or approved by the local council.
- Report any damage
- Undertake a site inspection with the council or approving authority's Film Contact Officer if required.