

<b>Policy No.:</b>	HS004	<b>HS004 – Film Policy</b>
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<b>Adopted by:</b>	Moorabool Shire Council	5 June 2013

## 1. Purpose and Scope of the Policy

To provide:

- Clear policies and protocols to guide Council's actions and responses to requests for filming within Moorabool Shire Council.
- Policy coverage to all areas of Moorabool Shire to coordinate filming activity occurring on land under its care and management.
- A framework within which applications for filming and, stills photography will be reviewed and processed.

## 2. Policy

### MOORABOOL SHIRE COUNCIL - FILM POLICY April 2013

#### Disclaimer Notice

The development of this Policy has been based on the policy writing conducted by Film Victoria for local government. Film Victoria acknowledges the assistance of the cities of Melbourne, Port Phillip, Ballarat, Greater Geelong, Greater Bendigo, Yarra, Darebin, Hobson's Bay, Stonnington, Wyndham, Hepburn Shire, Cardinia Shire, Mount Alexander Shire, Campaspe Shire and the Borough of Queenscliffe for their contributions to the development of film policy in Victoria. This Policy is not intended as a provision of legal advice to any particular circumstance nor should it be relied upon as a substitute for legal advice from a qualified legal practitioner in relation to its content.

#### About Moorabool Shire

Moorabool Shire is a prominent regional centre located in the Australian state of Victoria, approximately 50 km west of Melbourne. Moorabool Shire has a population of approximately 30,000 most of whom live in the major centres of Bacchus Marsh and Ballan. The shire offers diverse and accessible locations, infrastructure and services and a film-friendly and proactive approach to facilitating productions in the region.

It is also home to some of Victoria's most popular natural attractions – including the Lerderderg and Werribee Gorges and the Wombat State Forest.

The appeal of Moorabool Shire is its varied landscapes, pretty townships and heritage locations, and their ability to double for a number of iconic settings from around the world.

This makes Moorabool Shire the ideal setting for any film, television or photographic project.

## Vision

To increase Moorabool Shire's profile as a desirable production destination, to advocate and facilitate filming activity in the region, and to generate greater economic benefits for Moorabool Shire while maintaining community amenities.

## Background

Interest in Victoria as a location for production and post-production of films, television programs and commercials has increased dramatically in recent years. This is due to a greater awareness of the state's spectacular and diverse locations, the availability of attractive federal and state-based financial incentives, Major studio facilities in Melbourne, and Film Victoria's promotion of the state as a film-friendly production destination.

Moorabool Shire Council recognises the need for a coordinated approach across local government to address the increased demand from the local, interstate and international production industry, and has committed to promoting and facilitating greater access to its locations.

The film and television industry can generate revenue for hospitality, travel and other local industries. A powerful secondary impact of films, television programs and commercials is the promotion of the region and the stimulation of tourism and investment.

## Scope of Policy

This policy covers all areas of Moorabool Shire, to coordinate filming activity occurring on land under its care and management.

This policy introduces a framework within which applications for filming and stills photography will be reviewed and processed. The policy allows all stakeholders (including local government, public authorities, the community, producers and production companies) to understand precisely their commitments and expectations when filming in Moorabool Shire.

The document provides guidelines for filming and stills photography in Moorabool Shire including:

Motion picture photography for

- Television;
- Feature films;
- Advertising;
- Student film projects;
- Documentaries;
- Music videos; and
- Commercial stills photography.

## Strategies

Moorabool Shire Council's Film Policy will achieve its vision by implementing the following strategies:

- Implement, monitor and maintain an efficient and effective process for using Moorabool Shire for film and photographic purposes;
- Provide guidelines for a coordinated information and permit approval service for the film and television industry;
- Ensure the film and television industry adheres to the policy and guidelines;

- Provide a high level of service with efficient responses to film and television industry enquiries and film permit applications;
- Develop and maintain systems for a streamlined approach to the provision of information and service requests from the film and television industry;
- Monitor the level of film activity to minimise impacts on community amenity, both residential and business;
- Facilitate and monitor the notification of filming activity to residents, business operators and the relevant public authorities;
- Act as an advocate for the film and television industry within Council, to the community and in dealings with relevant public authorities; and
- Actively work with key government agencies, including Film Victoria, to effectively advocate and promote Moorabool Shire as a film-friendly production destination with diverse and accessible locations.

### Outcomes

These strategies will result in a number of positive outcomes for the film and television industry, Moorabool Shire and the community including:

- A balance between residential, business and film and television industry needs and interests;
- Streamlined promotion of and access to Moorabool Shire for the film and television industry;
- Recognition of Moorabool Shire as a film-friendly and premier filming location in Victoria;
- An increase in film and television productions using Moorabool Shire as a location;
- Enhanced reputation and profile for Moorabool Shire as offering a coordinated, high quality service;
- Contribution to building Moorabool Shire's capacity as a centre for arts and cultural activities;
- Greater visitor awareness of Moorabool Shire's geographical, environmental and heritage assets;
- Minimised risk of litigation and insurance claims for Moorabool Shire, and increased protection for the Council's reputation; and
- Recognition of the cultural value and economic benefits to be derived from the attraction of filming activity.

### APPLICATION TO FILM

#### Film Permits and Local Laws

When filming in streets, parks and gardens and other open spaces managed by the Council, a completed "Film Permit Application" form is necessary. If filming in or around Council-owned buildings, a "Location Agreement" may be required in addition to the Council's "Film Permit Application" form. This should be checked with the Moorabool Shire's Film Liaison Officer when the application is lodged. Once the application has been processed by Council, approval for filming and/or otherwise will then be issued.

Moorabool Shire Council's local laws incorporate guidelines for the use of roads, footpaths and other public spaces during filming activity. Commencement of this activity is subject to Council's approval and issuance of a "Film Permit".

Decisions will be based on the "Film Permit Application", evidence of adequate public liability insurance and any other documentation required by Council as outlined in this policy. Filming without a permit will result in a penalty.

The timeframe for the issue of permits correlates to the location and the activity's potential impact on the amenity of residents; business operators and traffic (refer to 'Council Notification and Consultation' and 'Permit Processing' for more information).

Filming is usually not permitted between the hours of midnight and 6.00am. In some instances, permission may be granted for filming during these hours. Express written permission from the Moorabool Shire's Film Liaison Officer must be obtained. Please refer to the "Guidelines for Filming and Stills Photography in Moorabool Shire" for details on altering curfew hours. The "Guidelines for Filming and Stills Photography in Moorabool Shire Council", "Film Permit Application" form, sample "Film Permit", "Risk Management Plan" and "Location Agreement" for Moorabool Shire Council follow as attachments.

### **Filming on Private Property**

Production companies wishing to film on private property are expected to enter into a location agreement with the owners of that property as well as to adhere to any conditions detailed in Guidelines for Filming and Stills Photography. Similar notification of neighbours and other stakeholders etc apply to filming on private property as to filming on Council property.

### **Private Property Owners and Filming**

Any enquiries and concerns by private property owners about filming on their property can be addressed by contacting Film Victoria on [www.film.vic.gov.au](http://www.film.vic.gov.au), by email at [contact@film.vic.gov.au](mailto:contact@film.vic.gov.au); by mail at GPO Box 4361 Melbourne 3001; by fax on 9660 3201 or by phone on 9660 3200.

### **Delegation of Authority**

The delegation of authority for issuing permits and charging fees rests with the Moorabool Shire's Film Liaison Officer. The Film Liaison Officer is the Council's point of contact for filmmakers and their crew, and liaises with other departments to confirm traffic management requirements and ensure film makers are using public and commercial spaces and Council facilities appropriately. The Film Liaison Officer is charged with processing applications, issuing permits, coordinating the availability of locations, monitoring filming activity in the region and liaising internally and externally.

In the event of a dispute or difference arising from the interpretation of this policy, any decision made by the Film Liaison Officer shall be final.

### **Council Notification and Consultation**

Moorabool Shire Council understands that a production's schedule may change frequently and at the last minute and, where possible, will endeavour to accommodate flexible timeframes for notification to Council of proposed filming activity.

Generally, a Film Permit Application that DOES NOT have any impact on the normal flow of traffic must be submitted to Council at least seven (7) business days prior to the intended commencement date of filming activity. Applications that DO require traffic and pedestrian management planning must be submitted at least twenty (20) business days prior, to allow time for these extra measures to be considered by Council.

It should be noted that applications for permits for any proposed filming within the Avenue of Honour, Bacchus Marsh may require a longer processing period.

Major filming activity may require special consultation with representatives of Council before and during the production process to ensure that any risks which may be associated with the filming activity are minimised, e.g. ongoing disruptions to parking and traffic. (See also 'Risk Management' and 'Traffic and Pedestrian Management Plans').

### Permit Processing

Most film permit applications will be turned over within 48 hours where all the required information is provided, however, applicants will need to allow for the impact on the location if short notice is given, and will be required to contact relevant stakeholders of their intention to film. (See 'Communication with Stakeholders').

### Fees

Moorabool Shire Council wishes to ensure greater access to its locations and encourage filming activity by providing a "no fees policy" for film permit processing.

Unless existing fees apply to exclusive use of a particular area (e.g. parks, gardens), the "no fees policy" will apply to filming activity that occurs on Council-owned land or property. However, costs to Council in providing supervisory personnel (if required), event coordination, expenses associated with advertising, traffic control, road closures and any other costs incurred in the facilitation of the application will be borne by the applicant.

A bond may be required for filming activity in buildings and on or around property owned by Council. A bond is refundable and will act as a security deposit to be paid to Moorabool Shire Council subject to the conditions of the "Film Permit". A bond may be applied based on an assessment of risk to, or adverse impact on Council property and to ensure that the production company follows the "Guidelines for Filming and Stills Photography" and the "Location Agreement".

The bond (if applicable) will be negotiated before filming begins and will be returned within 14 days of its conclusion, subject to any claim for damages.

Other fees that may apply include requests for reserved on-street parking. All vehicles must be parked in accordance with a parking plan agreed to by Council at the time of application (refer to 'Fees to Other Departments' and 'Traffic and Pedestrian Management Plans').

### Sponsorships - Criteria for Fee Waiver

Fees for filming activity may be waived in certain circumstances. Moorabool Shire Council treats this type of support as a sponsorship.

Applicants in receipt of sponsorship are required to acknowledge the Council in the end credits of the project. The acknowledgment will read "Filmed in Moorabool Shire and/or "Thanks to Moorabool Shire Council, and the communities of (names of towns/areas in which filming takes place).

Any applicant seeking to have fees waived must attach a written request to the "Film Permit Application" stating the rationale for sponsorship. The Film Liaison Officer is delegated with the authority to approve sponsorship.

Sponsorship may be available for:

- Projects which demonstrate benefits for the community;
- Projects which concern charitable activities;

- Documentaries whose subject relates to the cultural heritage of Moorabool Shire;
- Emerging producers and/or directors; and
- Student projects.

Fees will not be waived retrospectively. If fees are waived, charges may still be payable for a bond and/or additional costs such as insurance, security, supervision, the moving or relocation of physical items, and any costs incurred by Council as a result of the filming activity.

### **Fees to Other Departments**

In the majority of applications the location fee charged (if applicable) covers the full service provided by Council. Additional fees may be charged when film crew park their vehicles in metered or restricted parking areas. There may be additional permits and/ or fees required with certain activities (e.g. erecting a crane on a footpath). Any additional requirements should be discussed with the Film Liaison Officer when lodging the application.

### **Damage to Council Property**

Any costs associated with the clearing away of waste generated by the filming activity and for any damage to Council infrastructure including, but not limited to, parks and gardens, irrigation, roads and other Council property will be borne by the production company/producer.

The production company/producer shall restore the location to its pre-existing condition by the conclusion of filming and to the satisfaction of Council.

If such restoration works are not undertaken to the standard required by Moorabool Shire Council, Council may, at the cost of the production company, in all respects undertake or have undertaken by independent contractors restoration works.

The production company/ producer will pay the costs of such restoration works to Council within seven (7) days of a request in writing from the Film Liaison Officer. Council may, if it so determines, apply the amount of the bond (if applicable) paid by the production company/producer as payment or part payment as the case may be of such works.

### **Equipment**

Moorabool Shire Council accepts no responsibility for damage to, or loss of any equipment utilised for film and television production. Reasonable care must be taken at all times when setting up and dismantling equipment, to minimise impact and to ensure the safety and protection of the community.

### **Insurance and Indemnities**

All film permit applications are required to provide evidence of appropriate public liability insurance cover. Applicants must present their Certificate of Currency to the Film Liaison Officer as part of their film permit application, prior to a permit being issued.

The Certificate of Currency must clearly state that:

- (i) The policy covers liability for the death or injury to any person or damage to any property arising out of the activity authorised by the permit;
- (ii) The amount of cover held for filming must not be less than \$10 million (and \$5 million for stills photography).

Information that must be supplied to Council with a copy of the Certificate of Currency:

- Insurer's name, address, phone, fax and email details;
- Policy number;
- Policy expiry date;
- The names of all the insured parties;
- Details of what is covered under the insurance policy;
- Details of all the exclusions under the policy (including policy excess);
- Public liability value;
- Details of the insurer's local representatives (offshore projects only); and
- Claim forms and claims procedure (offshore projects only).

Applicants employing the services of stunt performers are required to provide evidence of appropriate specialised risk insurance or Workcover, which must accompany a copy of the required safety plans and reports (refer to section on 'Risk Management').

Applicants are also required to indemnify Council in relation to any claims or other matters that may arise as a result of any filming activity. All filming activity must comply with common law. Further information on risks, liabilities, indemnity and insurance, can be obtained from the Film Liaison Officer.

### **Risk Management**

Some aspects of filming activity (e.g. road closures, stunts) may present potential risks that should be identified in advance, with appropriate management measures put in place prior to the commencement of filming. A key component of planning a film shoot involves performing a risk assessment of the proposed filming activity - to identify, analyse and assess foreseeable risks, to establish priorities for risk control and to apply cost effective risk control measures.

Moorabool Shire Council may require the applicant to complete a "Risk Management Plan" in accordance with the relevant Australian Standard to demonstrate that a risk assessment has been conducted.

Risk management plans must identify any potential hazards and actions and how it is intended that the production company will mitigate those risks associated with the filming activity. Advice can be sought from the Film Liaison Officer.

Moorabool Shire Council may also require the applicant to submit a safety report in regard to the proposed filming activities, prepared in accordance with the relevant film and television codes and the key Victorian Occupational Health and Safety Acts. If required, a copy of the safety report must accompany the risk management plan and be made available to the Council with the film permit application.

### **Traffic and Pedestrian Management Plans**

Filming activity can present safety issues for members of the public where the activity interferes with the normal flow of traffic or pedestrian access. Accordingly, the safety of participants and spectators must be taken into consideration when filming takes place.

If the proposed filming activity will impact on any road or footpath, applicants must develop traffic and/or pedestrian management plans outlining the objectives and strategies for managing proposed road closures and/or pedestrian traffic.

Traffic and pedestrian management plans must be accompanied by a risk management plan (in accordance with the relevant Australian Standard ) and must include a detailed diagram of the proposed location that clearly shows:

- Location of any safety lights;
- Location of diversion and closure signs;
- Location of road closures and barricades;
- Location of safety personnel and police (if required); and
- Location of Variable Message Signs (VMS).

### **Communication with Stakeholders**

Moorabool Shire Council aims to keep the local community and public authorities informed of events and activities that may have an impact on them, so that they are supportive of production companies and their presence in Moorabool Shire. Projects that are expected to have an impact on Moorabool Shire's residents, business operators, visitors and infrastructure, require the implementation of appropriate communication and logistics strategies to inform and minimise any inconvenience to Moorabool Shire's stakeholders.

For major filming activity, the Moorabool Shire Council will help facilitate communication and consultation between the production company and local stakeholders. In most circumstances, the location managers and/or producers will be required to communicate directly with relevant residents, business operators and public authorities.

In order to maintain a balanced level of community amenity, applicants are required to notify in writing persons and businesses that may be affected by their presence. The timeframe for this notification will be managed in consultation with the Film Liaison Officer.

Notification must include:

- Name of a contact person on site (to handle enquiries and complaints);
- Dates and times for start and finish of set-up and filming; and
- Details of the use of firearms, stunts or explosives if any are used.

Applicants should be advised that other agencies, public authorities and property owners may need to be consulted prior to filming in Moorabool Shire.

Filming on land under the control of Parks Victoria, water authorities, VicRoads and the Department of Sustainability and Environment, will necessitate the applicant to contact those agencies and obtain approvals as necessary.

Applicants must notify the Victoria Police Film and Television Office of any filming activity that may be of concern or interest to Victoria Police. This includes but is not limited to all filming planned for public open space, any filming on roads in general and, in particular, filming that requires the use of firearms, imitation firearms and special effects. The Film Liaison Officer should be consulted for other instances that may require notifying Victoria Police.

### **Internal Liaison in Moorabool Shire Council**

Filming activity can impact on several Council departments and business units. Internal liaison may require communication with: Councillors, Management, Policy and Governance, Development Services, Environmental Health, Recreation and Community Services, Health, Organisation Development, Finance, Asset Management, Engineering Services, Economic Development, Tourism, Compliance, Neighbourhood Amenity, Parks and Open Spaces.

Effective communication is an essential factor in the provision of these services to the film and television industry. Internal liaison between all departments to support filming activity is essential to provide an efficient service, which develops and maintains positive relationships between the film industry, Moorabool Shire Council and its residents, business operators and public authorities.

### **Working with Moorabool Shire Council**

Moorabool Shire Council supports and encourages filming activities in the region. Council will protect its interests and assets and promote the reputation and profile of Moorabool Shire including its geographical, environmental and heritage assets.

Council may have a representative present on location at all times. The production company/producer is responsible for ensuring all crew, cast and other persons engaged by the production company follow reasonable directions given by Council officers or delegates.

Where possible, Council assistance in the production should be acknowledged in the end credits, or as mutually agreed. The acknowledgment will generally read "Filmed in Moorabool Shire, Victoria, Australia" and/or "Thanks to Moorabool Shire Council and the communities of (names of towns/areas in which filming takes place)".

### **Content of Film Scripts**

Any issue(s) in relation to the content of what is being filmed or how it is going to be used, which could be considered sensitive or offensive to Moorabool Shire Council is to be detailed in an attachment to the "Film Permit Application" and is to be discussed with the Film Liaison Officer prior to approval being granted. Sensitive or offensive issues might include nudity, violence, content with political or racial implications etc.

The production company/producer will not portray Moorabool Shire or Moorabool shire Council as endorsing or supporting any product, service or any views, opinions, attitudes or ideas suggested, conveyed, advertised, canvassed, depicted or otherwise expressed, without prior written consent from Council.

### **Promotional Photography**

Moorabool Shire Council may request permission from the production company/producer to photograph the crew during filming. All images will be used solely for promotional purposes to attract filming to Moorabool Shire. Further consultation on this matter will be on a case-by-case basis.

### **External Events**

Moorabool Shire Council will not be held responsible for any interference to the filming activities arising from any external events or third parties not caused or controlled by the Council.

### **Non-Compliance**

If Council finds that the permit holder is in breach of the terms and conditions of the “Film Permit”, this will result in immediate cancellation of the permit, removal of the production crew and cessation of their filming activity in Moorabool Shire.

### **Cancellation Costs**

Where Moorabool Shire Council and/or its employees have incurred costs and the production company/producer withdraws an application or incurs cancellation of the film permit due to non-compliance with the terms of the permit, then these costs will be passed on in full to the production company/producer and will be paid within seven (7) days of the receipt of notification of costs.

### **Strategic Alliances**

Moorabool Shire Council has a strategic partnership with five other Local Governments that has established a regional film attraction website and a film cluster in collaboration with Film Victoria. The website address is [www.filmballarathepburnandbeyond.com.au](http://www.filmballarathepburnandbeyond.com.au)

It provides the film and television industry with a streamlined tool for accessing information about filming on location in Moorabool Hepburn, Ballarat, Ararat, Northern Grampians and Pyrenees Local Government Areas. The website forms part of the broader Film Victoria initiative linking film attraction websites across Victorian local government to its central online locations library.

### **Council Film Liaison Services and Contacts**

The Film Liaison Officer is the Council contact for film crews and photographers, and will be responsible for internal liaison to ensure optimum traffic management and use of public and commercial spaces and facilities.

The Film Liaison Officer provides the film industry with advice on the guidelines and procedures, and evaluates and processes film permit applications. The service encourages location managers and film producers to provide ongoing information about filming activities. The Film Liaison Officer will work in collaboration with Film Victoria and the Victoria Police Film and Television Office and other public authorities when administering these services.

### **Contact Details**

Mr Peter Forbes  
Film Liaison Officer  
PO Box 18 Ballan 3342  
Telephone: +61 (0)3 53667100  
Mobile: +61 (0)400 526 052  
Email: [film@moorabool.vic.gov.au](mailto:film@moorabool.vic.gov.au)

### 3. Precedence

Version 1 Moorabool Shire Council Film Policy May 2006 Policy # 001

Version 2 Moorabool Shire Council Film Policy September 2010 Policy # 002

### 4. Council Plan Reference – Key Performance Area

Community Wellbeing