



## **Film Friendly Guide**

### **Film Friendly Legislation**

In June 2008 the NSW Government passed a package of legislation to reduce red tape for the NSW film and television industry and give filmmakers easier access to prime locations. The key measures contained in the package include;

- Applying a revised *Local Government Filming Protocol* to all councils (developed in consultation with councils and the film industry).
- Creating a presumption that filming activities will be allowed on community land, Crown reserves and National Parks, provided heritage and environmental values are preserved;
- Requiring local councils to approve filming-related applications unless exceptional circumstances exist;
- Requiring councils to give written reasons for refusing a film application;
- Ensuring fees associated with filming are limited to a transparent cost-recovery basis;
- Exempting short-term filming activities on public or private land from requiring development approval;
- Streamlining the approvals process for temporary structures used in filming such as catering tents or sets;
- Exempting large vehicles from the one-hour time limit when parked in connection with permitted filming activity; and
- Issuing new RTA guidelines to give local councils a clear and consistent framework for managing film-related road closures and parking.

### **What is the Local Government Filming Protocol?**

The *Local Government Filming Protocol* provides the framework for councils in processing filming applications and recovering costs in relation to this process. It outlines the responsibilities and obligations of both filmmakers and councils in terms of location filming. It creates consistency regarding charges for parking, definitions of venue hire and interpreting the principle of 'cost-recovery'. At the same time, the Protocol enables a degree of flexibility that recognises differences in structure and local conditions between Local Government Areas.

The Film Friendly Protocol is binding on all councils unless a satisfactory alternative policy is adopted with the approval of the Director-General of the Department of Local Government.



## **What issues does the Local Government Filming Protocol address and how does it address these?**

The LG Filming Protocol addresses the following issues:

### **1. What is the standard process for managing filming applications?**

Section 5 of the Protocol sets out 'The Process, Step by Step' for managing filming applications. The end of this section contains a one page flowchart that councils, and particularly new staff members or those inexperienced in managing filming applications, can use to assist them in working through this process. A standard application form has been developed and included in the appendix to streamline processes across councils. This is intended to be provided to councils as an online form for ease of applying and processing and will likely be delivered during the training and implementation period.

### **2. What is cost-recovery?**

Prior to the Protocol each council area set its own fees and charges in relation to filming. Section 6 of the Protocol, through a combination of a fee structure (mainly in relation to administrative costs of processing applications) and a fee setting mechanism (whereby each council has to input costs relating to the provision of services), provides a consistent and transparent framework for councils.

### **3. What is the definition of a venue for the purposes of determining when cost-recovery applies as opposed to venue-hire fees?**

Some locations under council management have associated venue hire fee structures already in place (eg. town halls, community centres, swimming pools). In section 6 of the Protocol, these venues are considered to be 'constructed' or 'formal' venues and those fees will apply to all users of the venue, including the screen industry. The cost-recovery model will not apply in this instance.

### **4. When can council charge for parking and what should be the standard practice for managing parking plans?**

Councils can charge for parking of vehicles related to filming when they are foregoing revenue, eg in metered zones. Councils can also charge for processing applications that involve complex parking plans in restricted zones, and when services are required to reserve areas. In a concurrent process to the Protocol development, the RTA has developed guidelines, 'Filming Projects: Guidelines for Parking and Road Closures', to simplify the process for applying for and managing film-related parking and road closures.

### **5. What is a reasonable turnaround time for processing applications?**

After extensive consultation on this issue it was decided that a minimum



turnaround time could not be prescribed to councils. Instead, the Protocol states that when applications are submitted with very short lead times, councils must make every reasonable attempt to process the permit. However, it acknowledges that filmmakers run the risk of not receiving the permission if council processes require more lead time.

### **6. How do councils manage community concerns about filming?**

The Protocol states that the management of complaints is not a cost-recovery issue if the production is acting legally and behaving in accordance with the approval. The Code of Conduct, which is included as an appendix, was developed and driven by the industry as a way of establishing professional standards of conduct. The councils can use this code to determine whether the production is behaving professionally, and respond to the community on this basis. It is expected that the Code of Conduct will be embraced by the industry and be distributed to crew members as a standard of professional conduct. The Protocol and legislation also enable councils to impose conditions on approval where community concerns are deemed to be valid and the impact on the community is significant.

### **7. How are new staff expected to understand the unique nature of the filming process and best manage filming enquiries/applications?**

Section 5, 'The Process, Step by Step' and the 'Flowchart for Managing Filming Applications' provide clear guidelines for councils on how to process applications. Additionally, the FTO is developing a training program for Film Contact Officers in councils that informs them about the filmmaking processes, assists them in understanding and implementing the Protocol and highlights the challenges that they may encounter when managing location filming on public land. The training program will incorporate written materials in an information pack, online services and face-to-face group sessions and workshops, so that new staff and council staff covering the Film Contact Officer role will have guidance and information on an 'as need' basis.

### **8. How should councils manage 'frequent filming' sites?**

The Protocol states that councils cannot charge a premium for filming in locations that are often used by film crews, or that are iconic and receive a large number of visitors. Councils are instead encouraged to develop management plans for filming in these areas eg. the development of standard parking plans and unit base suggestions or alternative locations for capturing suitable images.

### **9. When will the Protocol be reviewed?**

DLG Circular No. 09-11 on 23 March states that the Department of Local Government will formally review the Protocol after two years of operation. The FTO intends to undertake an informal review and feedback process after the first



12 months. The legislation also includes a provision for the D-G to reissue the Protocol 'from time to time' if amendments are deemed to be necessary.