



Cloncurry Shire Council

**POLICY
NO.**

CS 0021

COMMERCIAL FILMING AND PHOTOGRAPHY POLICY

1. Background and Context

This policy is designed to provide guidelines and requirements for issuing permits to carry out commercial filming and photography operations, undertaken either exclusively or non exclusively on Council controlled roads, land, parks or reserves.

This Policy is to be read in conjunction with Cloncurry Shire Council Local Law No. 4 Local Government Controlled Areas, Facilities and Roads 2014, which provide for the regulation of activities that occur in public spaces, ensuring the preservation and protection of the environment, public health and safety and amenity of the Cloncurry Local Government Area.

2. Scope

This policy applies to the application process for filming and photography on Council owned land.

3. Objectives

The purpose of this policy is to provide guidelines for filming on land owned and controlled by Cloncurry Shire Council.

The policy is a mechanism by which operational, environmental and community issues associated with filming can be managed in an equitable manner while optimising the employment and economic outcomes in a transparent and efficient approval process.

3. Definitions

Council Controlled Land Is defined by the following:

- Crown reserves managed by Cloncurry Shire Council as Reserve Trust Manager
- Council-owned community land
- Council-owned operation land
- Council roads

Commercial Filming

Commercial Filming is defined as filming or photography 'for sale, hire, reward, promotion or profit'. Commercial filming includes advertisements, feature films, on commercial networks (e.g. Pay TV and free to air stations) TV or internet drama, documentaries, educational films, Government sponsored filming and tourism promotions.

Non exclusive Use

Non exclusive activities are defined by the following criteria:

- No more than 10 cast and crew
- No significant disruption is caused to stakeholders, retailers or motorists or other events in the vicinity of the activities
- Activities are contained to footways or public open space areas only and no road closures or traffic diversions are required.
- Public safety is maintained at the locations at all times during the conduct of the activities
- Vehicles associated with the conduct of the activities are legally parked at all times and are not driven onto footpaths or parks

Exclusive Use

Exclusive activities are defined by the following criteria:

- 11 or more cast and crew; and / or
- Restriction of general public access in vicinity of filming; and / or
- Closures or diversions of roads or footpaths may be required either whole or in part either for filming, vehicle parking or equipment placement or storage; and / or
- Construction of sets or erection of infrastructure required; and / or
- Equipment / lighting other than hand held equipment; and / or
- Unit base or bases are required; and / or
- Special access is required to any proposed filming location (keys for locked gates, special permits, permission or passes are required) for access to any area to which public access/or private vehicle access is usually not permitted.

4. Roles and Responsibilities

The Chief Executive Officer and the Director - Community Services and Economic Development are responsible for ensuring this policy is understood and adhered to by Council staff, the Mayor and Councillors.

5. Policy

5.1. Application for Filming on Council Owned Land

5.1.1. Application for Approval / Permit Process

A permit to conduct commercial filming / photography will be granted only after approval is given by the CEO or authorised officer. This will take place after a full application has been received and approval is granted.

Council reserves the right to refuse any application where it considers the content, intent or impact of the proposed production to be unacceptable to Council or the Cloncurry community.

Council also reserves its right and discretion to not impose, or to waive certain requirements for particular Film Productions.

For non exclusive use at least seven (7) working days, and for exclusive use at least fourteen (14) working days prior to the commencement of filming, Council must be supplied with a complete application which includes:

- (a) Contact details of applicant.
- (b) Production details including:
 - a. Production type
 - b. Production name
 - c. Synopsis
 - d. Date and time shooting begins
 - e. Date and time shooting ends
 - f. Number of personnel including crew, talent, visitors, clients and security
 - g. Vehicle number and type (if applicable)
 - h. On site production contact details, including mobile phone numbers and role in production
 - i. Estimated budget (if available)
- (c) Location details including:
 - a. Location types
 - b. Location names
 - c. Location activities and equipment used
 - d. Special requirements
 - e. Start date and time
 - f. End date and time
 - g. Extra pages to be attached if more than one location
 - h. A photo or detailed map with locations clearly marked
- (d) Signed agreement accepting compliance to the conditions of the permit.
- (e) A copy of the applicants Public Liability Insurance Policy which must state that the Cloncurry Shire Council is noted for their respective rights and interests and must include a sum insured for at least \$20million indemnifying Council.
- (f) Additional attachments:
 - a. If proposing to close footpaths, parking bays or roads, a detailed site plan/mud map or Traffic Management Plan or Guidance Scheme is to be provided
 - b. A notification letter to residents and/or businesses that may be affected by filming/photography

5.1.2 Conditions of Permit

The following are standard conditions of which all or any may be attached to the issue of a permit:

- (a) Any permits or approvals by any Government Department are to be obtained. Compliance with the conditions of the permit or approval that any Government Department may impose is essential prior to commencement.
- (b) The Council is to be indemnified and kept indemnified in respect of any actions, suits, proceedings, costs, claims and demands brought or made by any person or persons, corporation or corporations, authority or authorities in respect of any accident, injury or damage in consequence of or arising out of the filming operation.

- (c) Insurance with an insurance company to cover any claims which may arise from injury to persons or damage to property arising from or attributable to the filming operation is to be taken out. The policy is to be kept current during the continuance of the filming operation and shall be endorsed to note that Cloncurry Shire Council is joint insured.
- (d) Public Liability insurance cover required is \$20,000,000. Public liability insurance less than \$20,000,000 would involve an assessment of risk prior to permit approval. A certificate of currency shall be supplied to the CEO or its Authorised Officer.
- (e) Where the Applicant wishes to undertake aerial filming and photography with a Remotely Piloted Aircraft (RPA) that weighs over 2kgs the individual piloting the craft must hold a Remote Pilot License and RPA operators certificate issued by the Civil Aviation Safety Authority Australia under Division 101.F of the Civil Aviation Safety Regulations 1998 (Cth).
- (f) An area approval must be obtained from CASA (and provided to Council) for use of Remotely Piloted Aircraft in the specific location if it is deemed to be populous area or within 3 nautical miles or 5.5km of an aerodrome or helicopter landing site.
- (g) The environment, its flora and fauna, including all marine life, are not to be adversely impacted upon, unless otherwise authorised by the CEO. Any such authorised impacts will also be required to be remediated to the satisfaction of the CEO.
- (h) All areas used are to be left in a clean and tidy condition.
- (i) All negotiations regarding the use of images of persons are the responsibility of the permit holder.
- (j) Filming/Photography on roads is to be carried out so as not to compromise road safety or unduly disrupt traffic. In all instances the approval of the Queensland Police Department is to be obtained.
- (k) Use of vehicles, aircraft, vessels, noise generating activities and/or equipment and non filming equipment in parks and reserves requires Special Council Approval.
- (l) The Council is to be kept fully and immediately informed in writing of any alterations to the filming schedule.
- (m) Should there be non observance with any of the conditions of the approval or damage caused which necessitates remedial or reinstatement works to be performed by the Council the costs of the works undertaken are to be met by the permit holder.
- (n) The provisions of all Council's Local Laws are to be observed at all times.
- (o) The permit or conditions of the permit may be altered, amended or revoked by the Council at any time and for any reason.
- (p) 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 Cloncurry Shire Council is to be detailed in an attachment to the Film Permit Application. Sensitive or offensive issues might include nudity, violence, content with political or racial implications etc.
- (q) The production company/producer will not portray Cloncurry 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.

- (r) Cloncurry 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 Cloncurry Shire Council. Further consultation on this matter will be on a case by case basis.

5.1.3 Matters for Consideration in the Application Process

5.1.3.1 Notification

All residents and businesses within the vicinity are to be notified in writing by the applicant at least five days before filming begins. The notification must include the name of a contact person on site to handle complaints, and details of the filming including whether firearms, aircraft, stunts or explosives are to be used. The start time for set up and hours during which filming takes place will also be specified. The applicant will need to prove to Council's satisfaction that this notification process has been satisfactorily undertaken. Council may require extended notification time if the location shoot is considered extensive.

5.1.3.2 Traffic control

A detailed outline is to be provided of the number and size of the production vehicles, parking, any use of heavy equipment.

If the filming is to be conducted on a Council road specific details of filming times and duration of any hold and release, use of RTA authorised traffic control officers is to be submitted to Council in a traffic control plan.

Where road closure is required, the closure will need to be advertised in the local newspaper a week before the proposed time. Application for extended road closures may be referred to the Traffic Committee and if so, the applicant must provide sufficient time for the application to be considered by the Committee.

5.1.3.3 Security Detail

Security is the responsibility of the applicant to be provided when:

- The manner in which security is to be conducted on the film location, including identification of measures which will be employed to maintain public order, crowd control and public safety
- The management strategy to be employed in the case of obstruction of vehicle or pedestrian traffic

5.1.3.4 Provision of Amenities and Wastewater Management

In many cases filming will occur in locations that do not have ready access to toilets, hand washing facilities, shower facilities, or other facilities. Appropriate facilities are required to support the number of crew and cast for the length of time at the filming location. Where reticulated sewer is not available and/or access to adequate toilet facilities and amenities is not available, the applicant is to provide Council with details of the proposed method of meeting those requirements.

6. Accountability and Reporting

Once the application has been processed, a permit will be supplied to the approved applicant.

References and Related Documents:

Local Government Act 2009

Local Government Regulation 2012

Commercial Filming and Photography Application Forms

Film Incentive Program Policy

Adopted by Council Resolution

POLICY VERSION AND REVISION INFORMATION

Version No.	Resolution	Date Adopted	Review Date
1	31.230221	21 February 2023	February 2027

Policy Authorised by: Philip Keirle



Title: Chief Executive Officer