

**POLICY NAME:** FILMING ON PUBLIC LAND POLICY

**POLICY REF:** F04

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Resolution No. 270314/20

**POLICY HISTORY:** 230910/30; 230605/042

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## **OBJECTIVE**

The objective of this policy is to facilitate commercial filming on land managed by Ballina Shire Council as required in the Local Government Filming Protocol 2009. Further to promote balance between community interests, environmental, cultural and heritage protection and economic development.

## **BACKGROUND**

The creative media sector is an important area of innovation, a means of improving productivity and increasing business investment in New South Wales. The NSW Government is committed to ensure that the environment in New South Wales is one that encourages the screen industry.

In order to strengthen the support for location filming and with an aim to remove unnecessary red tape affecting the New South Wales film industry and television industry, the Government developed the Local Government Filming Protocol 2009 under the Local Government Act 1993.

The filming protocol was developed in consultation with local councils, government agencies and the film industry to ensure that New South Wales remains “film friendly” while maintaining a proper balance between community and economic concerns.

Under this protocol, councils must ensure that requests for film productions are facilitated, unless there are exceptional circumstances or legislation requires the local council to refuse to grant the approval. Local councils must comply with the Local Government Filming Protocol when determining applications or setting fees. Fees and charges related to location filming activity are, at a maximum, to be cost reflective.

This binding protocol spells out the dynamic relationship between the screen industry in NSW and local government. It seeks to generate a shared intelligence between filmmakers and councils of the issues associated with the needs of each party to support the screen industry and needs of local communities.

It is important that film production companies understand Council has the care, control and management of these areas. This means Council's duty is to ensure that the amenity of these areas is maintained. It is also necessary to ensure public safety and free movement while film shoots are taking place.

Bearing this in mind, this policy has been designed to assist film production companies achieve their film vision whilst at the same time ensuring minimum impact on the day to day activities of the Ballina Shire community.

## **SCOPE OF POLICY**

This policy applies to:

- Council employees
- Not for profit community groups
- Commercial organisations
- Film Industry
- Consultants/contractors

## DEFINITIONS

<b>Public Land</b>	Land under the ownership or care and control of Council
<b>Private Land</b>	Any land that is not public land

## RELATED DOCUMENTATION

Related documents, policies and legislation:

- *Local Government Act 1993*
- *Crown Lands Act 1989*
- *Roads Act 1993*
- Ballina Coastal Reserve Plan of Management
- Local Government Filming Protocol 2009
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- Council's adopted schedule of fees and charges

## POLICY

This policy provides guidelines for filming within the Ballina Shire including:

- Feature films
- Telemovies and mini series
- Television series
- Documentaries
- Corporate and music videos
- Television commercials
- Digital content for mobile and other portable devices
- Digital effects and animation and post production.

This policy does not apply to still photography, unless the photography involves additional activity such as blocking streets.

### Presumption of Approval

As required in the Local Government Filming Protocol 2009, councils are expected to grant filming approvals, unless there are exceptional circumstances or legislation requires the council to refuse to grant the approval. Filming is also classified as exempt development under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* and does not require development consent under the *Environmental Planning and Assessment Act 1979*.

### Filming on Public Land

Prior to commencing any filming, an application is required for filming on land under the ownership, care, control or management of Ballina Shire Council. This includes areas such as public reserves, footpaths, roads, beaches and parks. Filmmakers must, prior to applying for a film approval, refer to the Local Government Filming Protocol 2009 for guidance.

Filming applications will be assessed by a Council Officer with approval conditions issued. Depending on the nature and location of the proposed filming, additional environmental assessments and approvals may be required.

It is understood that the lead times for notice of filming activities needs to be flexible as many productions change schedules and locations at short notice. Ballina Shire Council will endeavour to accommodate all reasonable requests. Applicants are encouraged to provide as much notice to Council as possible.

### **Filming on Private Land**

Approval from Ballina Shire Council is not required for filming which takes place entirely on private land. Filmmakers operating on private land are required to comply with the standards contained in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

If filming is primarily on private land but associated activity occurs on public land, then it will be necessary to advise Council and seek approval for these associated activities.

### **Fees and Charges**

Activities associated with filming may require approval and such activities may attract an application fee.

The requirements for each filming situation are different and require different levels of administrative work for Council. A scale of application fees has been developed and is available in Council's adopted Fees and Charges located on the website.

### **REVIEW**

The Filming Policy is to be reviewed every four years.