



Banyule

CITY COUNCIL

Filming in Banyule Guidelines

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Filming in Banyule Guidelines

Purpose of Guidelines

These guidelines cover all areas of the municipality of Banyule City Council, Victoria, Australia, to coordinate filming activity occurring on land under its care and management. This is the framework and process within which applications for filming and stills photography will be reviewed and processed. The guidelines allow all stakeholders (including local government, public authorities, the community, producers and production companies) to understand precisely their commitments and expectations when filming in Banyule City Council. The document provides guidelines for filming and stills photography within Banyule including:

- Filming for television
- Feature films
- Advertising
- Student film projects
- Documentaries
- Music videos
- Commercial stills photography (including wedding photography)

Objectives

Banyule City Council is committed to promoting Banyule as a desirable production destination, to advocate and facilitate filming in the region.

The objectives include:

- Increase Banyule's profile as a desirable production destination, to advocate and facilitate filming in the area whilst maintaining community amenity
- Introduce a framework within which applications for filming and stills photography will be received and processed. The Filming in Banyule Guidelines allows all stakeholders (including local government, public authorities, the community, producers and production companies) to understand precisely their commitments and expectations when filming in Banyule.

City Plan Reference

Relates to aspects of the Strategic Resource Plan within the Banyule City Plan 2013-2017, including the following key directions:

- Provide excellence in customer service and communications
- Plan and manage Banyule's physical assets
- Apply sound risk management principles and practices

Other relevant documentation:

- 14257 Film Permit Application
- 14258 Location Agreement
- 14259 Fees & Charges for Filming in Banyule
- 14260 Conditions for Filming and Stills Photography in Banyule



Application to Film – Framework and Process

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. Please check with the Communications Co-ordinator when lodging your application.

Once the application has been processed by Council, approval for filming and/or otherwise will then be issued. Banyule City 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, as specified by the LOCAL LAW No 1.

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 Council must be obtained. Please refer to the “Guidelines for Filming and Stills Photography in Banyule City Council” for details on altering curfew hours. The “Guidelines for Filming and Stills Photography in Banyule City Council”, “Film Permit Application” form and “Location Agreement” for Banyule City Council follow as attachments.

Delegation of Authority

The delegation of authority for issuing permits and charging fees rests with Council’s Team Leader – Local Laws. This is the Council’s point of contact for filmmakers and their crew, and liaises with other departments to set up traffic management requirements and ensure public and commercial spaces and Council facilities are utilised appropriately. The Team Leader – Local Laws is charged with processing applications, coordinating the availability of locations, monitoring filming activity in the region and issue the filming permit.

Council Notification & Consultation

Generally, a film permit application that DOES NOT have any impact on the normal flow of traffic must be submitted to Council at least ten (10) 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 fifteen (15) business days prior, to allow time for these extra measures to be considered by Council.

Major filming activity will 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 & Pedestrian Management Plans’).

Fees

A standard fee structure is applied for film permits for filming activity in Banyule City Council, limited to those areas under Council’s jurisdiction. There is an initial charge

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for the first day of filming for any one project. A lower daily rate applies for any subsequent days. The phrase 'any one project' relates to one feature film, one television commercial, one season of a television series or one season of a television serial. The current fee structure is attached.

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 Banyule City Council subject to the terms and 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 terms and conditions outlined in the "Guidelines for Filming and Stills Photography" and the "Location Agreement".

The bond (if applicable) will be negotiated before the commencement of filming 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.

Other Fees

There may be additional permits and/or fees required with certain activities (e.g. erecting a crane on a footpath). Please discuss any additional requirements with the Communications Coordinator when lodging your 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 Banyule City 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 Council, the 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

Banyule City 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 & Indemnities

All film permit applications are required to provide evidence of appropriate public liability insurance cover. Applicants must present their Certificate of Currency as part of their film permit application, prior to a permit being issued. The Certificate of Currency must clearly state that:

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- 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;
- 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);
- 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.

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.

Council may require the applicant to complete a "Risk Management Plan" in accordance with the Australian/New Zealand Standard AS/NZS 4360:2004 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.

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 & 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 Australian/New Zealand Standard AS/NZS 4360:2004) 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);
- Location of Variable Message Signs (VMS).

Communication with Stakeholders

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

For major filming activity, the location managers and/or producers will be required to communicate directly with relevant residents, business operators and public authorities 3 weeks prior.

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.

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;
- Details of the use of firearms, stunts or explosives.
- Name of contact at Council

Applicants should be advised that other agencies, public authorities and property owners may need to be consulted prior to filming in Banyule. 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. ***Should Council receive any objections from the community regarding the filming proposal it is unlikely a permit will be issued.***

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, actors impersonating emergency service personnel and special effects.



Working with Council

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 Banyule, Victoria” or “Thanks to Banyule City Council”.

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 Banyule City Council is to be detailed in an attachment to the “Film Permit Application” and is to be discussed with the Communications Co-ordinator 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 Banyule City 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

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 Banyule City Council. Further consultation on this matter will be on a case-by-case basis.

External Events

Banyule City 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 Banyule.

Cancellation Costs

Where Banyule City 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.

***Council Film Liaison Services & Contacts***

The Team Leader – Local Laws 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 Team Leader – Local Laws 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 Team Leader – Local Laws will work in collaboration with Film Victoria and the Victoria Police Film and Television Office and other public authorities when administering these services.