



# Film Policy and General Conditions for Filming in Mitchell Shire

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## **Purpose**

Mitchell Shire Council supports filming and recognises the economic and social benefits that it brings to our citizens. This policy covers all areas of the Mitchell Shire Council, to oversee, coordinate and encourage collaboration in regard to filming activity occurring on land under its care and management. This policy should be read in conjunction with the *Guidelines for Filming and Stills Photography*.

## **Mitchell Shire Council Background**

Mitchell Shire is a prominent regional centre located in the Australian state of Victoria. It covers an area of 2,864km<sup>2</sup> with the population of approximately 40,000 spread across six key towns. The Mitchell Shire is strategically located as the first municipality north of the Melbourne metropolitan area, and stretches to its northern border approximately 120km from the state capital. The Mitchell Shire is well served by nationally significant transport corridors from Melbourne to Sydney and Brisbane, and train services.

Mitchell Shire Council offers diverse and accessible locations, infrastructure and services and a film-friendly and proactive approach to facilitating productions in the region.

The appeal of Mitchell Shire is its varied landscapes and heritage locations, and their ability to double for a number of iconic settings from around the world. Nine towns and villages offer a diversity of film options, such as Beveridge, only 43km from the CBD, with its rolling hills and known as the birthplace of legendary bushranger, Ned Kelly is still home to a number of historic buildings, to Seymour nestled in a picturesque valley at the base of the Tallarook Ranges on the banks of the Goulburn River. In between are dramatic drives that echo Mediterranean splendour, native American woodlands, wide dirt roads that cut through harsh Australian bush, rolling lush green hills and quaint village streetscapes – all make Mitchell Shire the ideal setting for any film, television or photographic project.

## **Scope**

This policy covers all areas of the municipality of Mitchell Shire Council, Victoria, Australia, to coordinate filming activity occurring on land under its care and management.

The Policy is in line with *Victorian Film Friendly Guidelines*, October 2014. The Guidelines were produced to assist local Councils and public agencies in implementing film friendly initiatives and to encourage dialogue and collaboration between all stakeholders involved in film and television production. More information can be found at [www.filmvictoria.com.au](http://www.filmvictoria.com.au)

This Mitchell Shire Council 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 Mitchell Shire. This document provides guidelines for filming and stills photography in Mitchell Shire including:

- Motion picture photography for television;
- Feature films;
- Advertising;
- Student film projects;
- Documentaries;
- Music videos;
- Commercial stills photography (including wedding photography).

*A NOTE, WEDDING PHOTOGRAPHY (PHOTOGRAPHY OF PRIVATE EVENTS ON PUBLIC LAND) IS NOT INCLUDED IN THE FILM FRIENDLY GUIDELINES, IT ONLY APPLIES TO PHOTOGRAPHY/FILM FOR COMMERCIAL PURPOSES.*

## **Vision**

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

## **Strategies**

Mitchell 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 Mitchell 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;

- Act as a mediator in the resolution of issues arising from filming activity, if necessary;
- Actively work with key government agencies, including Film Victoria, to effectively advocate and promote Mitchell 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, Mitchell Shire Council and the community including:

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

## **Application To Film**

### **Delegation of Authority**

The delegation of authority for issuing permits and charging fees rests within the Economic Development Department and the Manager, Active Communities, who reports to the Director Sustainable Development. The Economic Development Team 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 Economic Development Team, under direction from the Manager, Active Communities is charged with processing applications, issuing permits, coordinating the availability of locations, monitoring filming activity in the region and providing fast and efficient service internally and externally.

In the event of a dispute or difference arising from the interpretation of this policy, any decision made by the Manager, Active Communities shall be final and conclusive.

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

The Economic Development Team 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 Economic Development Team provides the film industry with advice on the guidelines and procedures, and evaluates and processes film permit applications. This service encourages location managers and film producers to provide ongoing information about filming activities.

The Economic Development Team 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**

Economic Development Team

113 High Street

Broadford VIC 3658

Telephone +61 3 5734 6200

Facsimile +61 3 5734 6222

Email:

Website: [www.mitchellshire.vic.gov.au/filminginmitchell](http://www.mitchellshire.vic.gov.au/filminginmitchell)

### **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. In addition, if filming in or around Council-owned buildings, a "Location Agreement" may be required. Please check with the Economic Development Team when lodging your application. Once the application has been processed by Council, approval for filming and/or otherwise will then be issued.

Mitchell 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.

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 Manger, Active Communities must be obtained.

## **Filming without a permit will result in a penalty.**

### **Filming via drones**

Filming via small drones is subject to additional approval requirements. They include:

- evidence of certificates required to operate drones (Remote Pilot Certificate or UAV Controllers Certificate);
- provision of detailed flight route and risk management plans;
- adhering to:
  - flight restrictions including maximum/minimum flight altitudes
  - operating area limitations
  - operating times
- evidence of stakeholder notification if required by the Council.

Detailed guidelines are listed in the 'Guidelines for Filming and Stills Photography'.

Please contact Manager Active Communities if filming via large Unmanned Aerial Vehicle.

### **Permit Processing**

Most film permit applications will be turned over within 72 hours, 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.

In line with Victorian Film Friendly Policy, Mitchell Shire Council will grant film permits unless a clear reason exists to decline. This principle acknowledges that there will be times when the Mitchell Shire Council cannot approve a film permit, or can only approve it with specified restrictions.

These restrictions can relate to consideration of:

- public amenity – including the normal or expected use and enjoyment of public land and public facilities
- safety and security – including of the general public, public land, infrastructure and agency staff
- environment and heritage risks – including the natural and built environment and Indigenous heritage considerations
- agency operational requirements – including existing tenancy agreements, delivery of scheduled events, compliance with commercial agreements (such as sponsorship arrangements) and the maintenance of any land or facilities
- applicable laws ('any other Act') – including other legislation (Victorian and Commonwealth) which place conflicting obligations on a public agency, such as laws addressing occupational health and safety, or restrictions on land use.

Following consideration of these issues, if the Mitchell Shire Council is considering refusing an application, the Manager, Active Communities, will attempt to address concerns through the use of terms and conditions; and/or take reasonable steps to work with the applicant to identify an alternative location.

### **Council Notification and Consultation**

Mitchell 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 five (5) 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 ten (10) 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.

### **Fees**

Mitchell 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 Mitchell 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.

### **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). Please discuss any additional requirements with the Economic Development Team when lodging your application.

### **Non-Compliance**

Immediate cancellation of the permit, removal of the production crew and cessation of filming activity in Mitchell Shire will occur if Council finds that the permit holder is in breach of the terms and conditions of the "Film Permit".

### **Cancellation Costs**

Where Mitchell 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.

### **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 Economic Development Team 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 Mitchell Shire 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 Mitchell Shire 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. For further information on risks, liabilities, indemnity and insurance, contact the Economic Development Team.

### **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.

Mitchell Shire 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. Please check with the Economic Development Team when making your enquiry.

Mitchell 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 Management Plans must be approved by the Responsible Authority for that road way and a Memorandum of Authorisation must be obtained prior to any road impacts occurring. These plans must comply with the Worksite Traffic Management Code of Practice which includes the Australian Standard (Australian/New Zealand Standard AS/NZS 4360) at all times and must be accompanied by a risk management plan (in accordance with the Australian/New Zealand Standard AS/NZS 4360). They 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).

### **Internal Liaison in Mitchell Shire Council**

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

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, Mitchell Shire Council and its residents, business operators and public authorities.

### **Working with Mitchell Shire Council**

Mitchell Shire Council fully supports and encourages filming activities in the region. Understandably, Council must also protect its interests and assets and promote the reputation and profile of Mitchell Shire Council 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 Mitchell Shire, Victoria" or "Thanks to Mitchell Shire Council".

### **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 Mitchell 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 Mitchell Shire Council within seven (7) days of a request in writing from Economic Development Team. 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**

Mitchell 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.

### **Communication with Stakeholders**

Mitchell 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 Mitchell Shire.

Projects that are expected to have an impact on Mitchell Shire Council's residents, business operators, visitors and infrastructure, require the implementation of appropriate communication and logistics strategies to inform and minimise any inconvenience to Mitchell Shire Council's stakeholders. For major filming activity, the Mitchell 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 Economic Development Team.

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.

Applicants should be advised that other agencies, public authorities and property owners may need to be consulted prior to filming in Mitchell Shire. Filming on land under the control of Parks Victoria, water authorities, VicRoads and the Department of Environment, Land, Water and Planning, 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. Consult the Economic Development Team for other instances that may require notifying Victoria Police.

### **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 Mitchell Shire Council is to be detailed in an attachment to the “Film Permit Application” and is to be discussed with the Economic Development Team 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 Mitchell 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**

Mitchell 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 Mitchell Shire. Further consultation on this matter will be on a case-by-case basis.

### **External Events**

Mitchell 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.

### **Strategic Alliances**

Mitchell Shire Council has formed a strategic partnership with the following Councils to establish a provincial film attraction website in collaboration with Film Victoria.

- Alpine Shire
- Benalla Rural Shire
- Indigo Shire
- Mansfield Shire
- Moira Shire
- Murrindindi Shire
- Greater Shepparton
- Strathbogie Shire
- Towong Shire

- Rural City of Wangaratta
- City of Wodonga

This joint initiative provides the film and television industry with a streamlined tool for accessing information about filming on location in North East Victoria. The website forms part of the broader Film Victoria initiative linking film attraction websites across Victorian local government to its central online locations library.

To view the website, visit [www.filmnortheastvictoria.com.au](http://www.filmnortheastvictoria.com.au).

To view Film Victoria's online locations library visit [www.filmmelbournelocations.com](http://www.filmmelbournelocations.com)