



**DATE ADOPTED: 24 OCTOBER 2023**

**VERSION: 1.0**

## **POLICY OBJECTIVES**

The Maitland City Council Filming Policy has been formulated to encourage filmmaking and facilitate the utilisation of Maitland as a film friendly location. This policy aligns with the NSW Department of Local Government Filming Protocol, which delineates the rights and responsibilities of both filmmakers and councils across the state. A copy of this protocol can be found on the Screen NSW website by searching for 'film friendly'.

The objectives of this policy are to:

- Promote the cultural and geographical attributes of Maitland through film and various communication mediums.
- Provide applicants with clear guidelines on the necessary procedures to be followed for filming in Maitland.
- Specify the conditions under which filming will be authorised on Council owned land.
- Ensure the safety of the public and free movement of residents while filming is taking place.

## **POLICY SCOPE**

This policy applies to Councillors, the General Manager and staff as well as to all individuals, groups, organisations, and production companies intending to conduct filming activities Council owned property.

## **POLICY STATEMENT**

Maitland City Council actively promotes and aims to support filming and photography endeavours within the Local Government Area.

Council supports and follows the guidelines in the NSW Department of Local Government Filming Protocol.

The policy acknowledges that filmmaking activities may result in costs for the Council, which should be reimbursed. Whilst in general, filming in public spaces incurs minimal cost to Council depending on the activity's level of impact and disruption, locations like Maitland Regional Art Gallery (MRAG), Maitland Gaol and Maitland Regional Sports Complex, which have a commercial focus will have a cost associated with usage.

## 1. Activities requiring a filming permit from Council

Council requires an application to be made for all filming and photography to be undertaken in public places. This includes facilities and properties owned, operated, or managed by Maitland City Council including parks, streets, footpaths, buildings, and any other locations under Council's care or control.

### OTHER APPROVALS

It is the responsibility of the applicant to obtain all necessary approvals from other statutory bodies including but not limited to, Police, Transport for NSW, NSW Department of Planning and Environment, Crown Lands (where Council is not the Crown Land Manager) and other Council approvals. i.e. Road Occupation, etc.

### FILMING WITH DRONES

The use of drones for filming purposes is permitted however, the following documents must be received prior to any drone activity being undertaken:

- Current Licence of Drone Operator
- Certificate of Drone Operator's Public Liability Insurance to the sum of \$20m
- CASA NOTAM approval specifying approval for the site and time of the drone filming if required.

## 2. Obtaining Council approval

The Local Government Act Sect 119D sets out the procedures designed to facilitate the approval of activities required to be undertaken under a filming proposal. These procedures are:

- a filming application is lodged with Council using the approved form a minimum of 14 day prior to filming, if a road closure is needed 16 weeks' notice is required.
- fees as set out by Council's adopted fees and charges must accompany each application.
- the application must include all relevant information as described by this policy and other relevant legislation.
- Council will acknowledge receipt of the application within two days.

## 3. Insurance

Before applying, it is mandatory to provide a Certificate of Currency from a reputable Insurance Company. The Certificate should demonstrate Public Liability coverage for a minimum of \$20 million, inclusive of a clause that acknowledges and protects the rights and interests of Maitland City Council. For projects with significantly higher risk, additional insurance coverage may be necessary. In such cases, Council, their insurers, and the applicant will engage in transparent and constructive negotiations to determine the appropriate level of coverage.

## 4. Fees and charges

For publicly accessible land owned or managed by Council, charges will be on a cost recovery basis. However, for built structures, facilities and infrastructure of a unique nature, charges will be applicable.

The fees and charges applicable can be found in Maitland City Council's Annual Schedule of Fees and Charges.

In situations where Council is required to advertise road closures or traffic disruptions, the cost of advertisements will be the responsibility of the applicant.



## 5. Filming on private property

Filming on private land will be a matter for the landowner and Council will only need be involved if such filming:

- a) impacts traffic, parking, or other use of adjacent roads
- b) impacts adjacent public land managed by Council
- c) impacts Council owned infrastructure.

## 6. Approval required from other agencies by the applicant

Where filming will require the approval of other authorities such as NSW Police, Transport for NSW, or Waterways Authority, the applicant must obtain approvals from all relevant authorities prior to the commencement of filming.

## 7. Filming and interviewing – Council buildings and employees

Before recording or conducting interviews with Council staff, approval must be obtained through the Marketing and Communications section of Council.

Applicants for a filming permit are required to adhere to the rules and regulations set forth by the council.

## Policy definitions

Filming	means the process of capturing visual content, whether on traditional film, digitally or alternative methods, with the intention of showcasing it to an audience through platforms such as cinema, television, the internet, or other distribution channels, including commercial purposes.
Filming activity	means filming and any other activity reasonably connected with the carrying out of filming, whether or not for a commercial purpose.
Filming approval	means an approval given under this policy.



## POLICY ADMINISTRATION

BUSINESS GROUP:	Vibrant City
RESPONSIBLE OFFICER:	Engagement Officer
COUNCIL REFERENCE:	Ordinary Council Meeting 24 OCTBER 2023 – Item 11.1
POLICY REVIEW DATE:	24 OCTOBER 2023
FILE NUMBER:	139/68
RELEVANT LEGISLATION	Summary Offences Act NSW 1998 The Filming Approval Act NSW 2004
RELATED POLICIES / PROCEDURES / PROTOCOLS	Filming in Maitland Local Government Area

## POLICY HISTORY

VERSION	DATE APPROVED	DESCRIPTION OF CHANGES
1.0	24 October 2023	New policy adopted