

POLICY NAME: (REVIEW)
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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1 OBJECTIVE

The objective of this policy is to facilitate commercial filming on public land as required in the [Local Government Filming Protocol 2009](#). Further, to promote balance between community interests, environmental, cultural and heritage protection and economic development.

2 POLICY

This policy provides guidelines for filming within Ballina Shire. Approval for commercial filming on public land is required for:

- a) Feature films
- b) Telemovies and mini series
- c) Television series
- d) Documentaries
- e) Corporate and music videos
- f) Television commercials
- g) Digital content for mobile and other portable devices
- h) Digital effects and animation and post-production.

Approval is not required for still photography, unless the photography involves additional activity such as blocking streets.

2.1 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*.

2.2 Filming on Public Land

- a) Prior to commencing any filming, an approval is required for filming on public land in Ballina Shire. This includes areas such as public reserves, footpaths, roads, beaches and parks. Filmmakers must, prior to applying for filming approval, refer to the *Local Government Filming Protocol 2009* for guidance.
- b) 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.
- c) It is understood that lead times for notice of filming activities need to be flexible as many productions change schedules and locations at short notice. Council will

endeavour to accommodate all reasonable requests. Applicants are encouraged to provide as much notice to Council as possible.

2.3 Filming on Private Land

Approval from 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*.

2.4 Fees and Charges

- a) The requirements for each filming situation are different and require different levels of administrative work by Council. A scale of application fees for filming on public land has been developed and is available in [Council's adopted Fees and Charges](#).
- b) Activities associated with filming may also require approval and such activities may also attract an application fee.

3 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 ensuring that the environment in New South Wales 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 and television industries, 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 New South Wales and local government. It seeks to generate a shared intelligence between filmmakers and councils about the issues associated with the needs of each party to support the screen industry and the 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 maintain public safety and free movement while film shoots are taking place.

This policy has been designed to assist film production companies achieve their film vision, and at the same time ensure minimum impact on the day-to-day activities of the Ballina Shire community.

4 DEFINITIONS

Council:	Ballina Shire Council
Private land:	Any land that is not public land
Public land:	Land under the ownership or care and control of Council

5 SCOPE OF POLICY

This policy applies to:

- a) Council employees
- b) Not-for-profit community groups
- c) Commercial organisations
- d) Film industry
- e) Consultants/contractors.

6 RELATED DOCUMENTATION

Related documents, policies and legislation:

- a) *Local Government Act 1993*
- b) *Crown Lands Act 1989*
- c) *Roads Act 1993*
- d) [Ballina Coastal Reserve Plan of Management](#)
- e) [Local Government Filming Protocol 2009](#)
- f) [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#)
- g) [Council's adopted schedule of fees and charges.](#)

7 REVIEW

The Filming on Public Land policy will be reviewed at least every four years.