Film Production on Council-controlled Land

Head of Power

Local Government Act 2009

Related Legislation
Moreton Bay Regional Council Local Law No. 4 (Local Government Controlled Areas & Roads) 2011
Civil Aviation Safety Regulations

Objective
To ensure film production in the Moreton Bay Region is safe and appropriate, in accordance with the Law, does not cause damage to public property and has minimal disruption for residents, local business and Council.

Definitions

Applicant means a legal entity, including a person or company, which applies to undertake a Film Production on Council-controlled Land.

Council-controlled Land means parks, reserves, roads, streets or any other land owned or otherwise under Council’s control.

Exempt Film Production means photography or filming for:
- private use;
- news, current affairs or live-to-air reporting; and
- weddings.

Film Production means photography or filming for uses other than those classified as Exempt Film Production and may include:
- Feature and short films;
- New media/multimedia;
- Documentaries;
- Television programs and commercials;
- Corporate/music video;
- Student films;
- Still photography; and
- Remotely piloted aircraft (RPA) filming and photography.

Law includes Council policies and local laws.

Low Impact Film Production means a Film Production that generally:
- lasts less than five continuous days; and
- does not require:
  - the assembly of temporary buildings or structures;
  - road closure;
  - traffic control measures to be implemented during the hours of 5am-6pm on a weekday; or
  - operation between the hours of 6pm-7am Monday to Saturday, or at any time on a Sunday or public holiday, where that Film Production generates noise; and
- is otherwise appropriate for classification as a low impact film production, in Council’s reasonable opinion.

High Impact Film Production means a Film Production that is not a Low Impact Film Production.
Application

This Policy applies to all Film Production on Council-controlled land (except Exempt Film Productions).

Policy Statement

Film Production on Council-controlled Land in the Moreton Bay Region requires authorisation from Council.

Film Productions must be undertaken in compliance with all applicable Laws, as well as any other requirements imposed by Council. Such requirements may include, but not limited to, the following:

- Film production must not cause damage to the environment or public property;
- In the event damage occurs, the Approval Holder is liable for repairs (and the cost of those repairs);
- Film production must have minimal impact on residents, businesses and Council;
- The Applicant must produce a Certificate of Currency demonstrating that it holds public liability insurance cover for a minimum of $20,000,000 (AUD) which is valid for the duration of the Film Production;
- The Applicant must release and indemnify Council against any liability, cost, claim, demand, damage, loss or injury caused by or arising from the Film Production (except to the extent that Council’s negligence contributes to same);
- Where the use of remotely piloted aircraft (RPA) is required for filming purposes, the approval holder must undertake activities in accordance with Civil Aviation Safety Regulations Part 101.

Council does not guarantee assessment of film applications submitted outside the required timeframes or without all necessary supporting documentation provided.

Council reserves the right to refuse any application where it considers the content, intent or impact of the proposed production to be unacceptable to Council or the Moreton Bay Region.

Council also reserves its right and discretion to not impose, or to waive certain requirements for particular Film Productions.

Application timeframes and requirements

Online permit application forms must be submitted for:

- Low Impact Film Productions - a minimum of 10 days before commencement of filming; or
- High Impact Film Productions - a minimum of 21 days before commencement filming.

Applications must be submitted with the required supporting documentation as outlined on the online application form.

Fees

As per the Fees & Charges Schedule.

Council reserves the right to waive fees for particular Film Productions, including those by:

- not-for-profit and community organisations;
- persons who will positively promote Moreton Bay Regional Council or the Moreton Bay Region; or
- students undertaking an approved course offered by an educational institution.

Fee exemptions will not be considered for applications submitted outside the required timeframes.
Security bond
A security bond may be required for High Impact Film Productions to ensure Council property is left clean and tidy, and any damage is rectified. The bond will be determined by Council based on a risk assessment of the proposed Film Production.

Where damage occurs, and it is not fixed at the direction of Council, Council will assess the cost of the damage and deduct it from the bond. Application for the return of the security bond is to be made in writing on completion of the Film Production.

Related Documents
This Policy complements and is to be implemented in conjunction with other Council policies and directives, including but not limited to the online application form:

Review Triggers
This Policy will be reviewed for applicability, continuing effect and consistency with related documents and the Law when any of the following occurs:

(1) The related documents are amended.
(2) The related documents are replaced by new documents.
(3) Amendments affecting the scope and effect of a Policy of this nature are made to the Law.

Otherwise, this Policy is to be reviewed at least once every two years for relevance and effectiveness.

Responsibility
This Policy is to be:

(1) implemented by the Director Executive and Property Services; and
(2) reviewed and amended in accordance with the “Review Triggers” by the Director Executive and Property Services.

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