



### **About Hepburn Shire Council**

Hepburn Shire is a prominent regional centre located in the Australian state of Victoria, approximately 110 km north east of the state capital, Melbourne. Hepburn Shire has a population of approximately 15,000 and is home to a number of key local industries. Hepburn Shire offers diverse and accessible locations, infrastructure and services and a coordinated film-friendly and proactive approach to facilitating productions in the region.

The appeal of Hepburn Shire is its varied landscapes and heritage locations, and their ability to double for a number of iconic settings from around the world. Native American woodlands, wide dirt roads that cut through harsh Australian bush, rolling lush green hills and quaint village streetscapes make Hepburn Shire the ideal setting for any film, television or photographic project.

The Shires main town Centres include; Daylesford/Hepburn Springs, Creswick, Clunes and Trentham. Hepburn Shire's geography is varied and the region is renowned for its natural beauty and mineral springs reserves. Our region contains over 80 per cent of Australia's mineral springs centered mainly in Daylesford and Hepburn Springs. The Shire's other townships also have their own share of history and natural features. Trentham is home to Australia's highest single drop water fall, Creswick has carved out a name for itself as the home of forestry, and Clunes was the first registered gold strike town in Victoria.

### **Vision**

To maintain our position as the premier film destination in regional Victoria, through increasing Hepburn Shire's profile as a desirable production destination, by advocating and facilitating filming activity in the region, and to generate greater economic benefits for Hepburn Shire Council while maintaining community amenities.

### **Background**

The Hepburn Shire Council recognised the need for a coordinated approach across local government to address the increased demand from the local, interstate and international production industry, and was the first regional Council in Victoria to adopt a film policy and appoint a film liaison officer.

A number of the townships within the Hepburn Shire have since been the location for many films, television series and commercials; including Salem's Lot being filmed in Creswick, Ned Kelly, in Clunes, Love's Brother, in Hepburn Springs, Ponderosa and The Man from Snowy River at Newbury and Trentham, and The Saddle Club, shot on location in and around Daylesford.

## **Scope of Policy**

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

This 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 Hepburn Shire. The document provides guidelines for filming and stills photography in Hepburn Shire including:

- Motion picture photography for television;
- Feature films;
- Advertising;
- Student film projects;
- Documentaries;
- Music videos;
- Commercial stills photography

## **Strategies**

Hepburn 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 Hepburn Shire for film and photographic purposes;
- Provide guidelines for 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 Hepburn Shire Council 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, Hepburn 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 Hepburn Shire for the film and television industry;
- Recognition of Hepburn Shire Council as a film-friendly and premier filming location in Victoria;
- An increase in film and television productions using Hepburn Shire as a location;
- Enhanced reputation and profile for Hepburn Shire Council as offering a coordinated, high quality service;

- Contribution to building Hepburn Shire Council’s capacity as a centre for arts and cultural activities;
- Greater visitor awareness of Hepburn Shire’s geographical, environmental and heritage assets;
- Minimised risk of litigation and insurance claims for Hepburn 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.

## **GUIDELINES**

### **APPLICATION TO FILM**

#### **Film Permits & Local Laws**

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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 Film Liaison Officer when lodging your application. Once the application has been processed by council, approval for filming and/or otherwise will then be issued.

Hepburn 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. Filming without a permit will result in a penalty, as specified by the General Local Law No. 6, part 10.4.

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 & 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 Film Liaison Officer must be obtained. Please refer to the “Guidelines for Filming and Stills Photography in Hepburn Shire Council” for details on altering curfew hours.

The “Guidelines for Filming and Stills Photography,” “Film Permit Application” form, sample “Film Permit”, “Risk Management Plan” and “Location Agreement” for Hepburn Shire Council follow as attachments.

### **Delegation of Authority**

The delegation of authority for issuing permits and charging fees rests with the Film Liaison Officer who reports to the Manager Economic Development and Tourism. The Film Liaison Officer 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 Film Liaison Officer 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 Economic Development and Tourism shall be final and conclusive.

The Manager Economic Development and Tourism, or his/her delegate will administer the fees, which will be set by council as part of the annual budget process. The Manager Economic Development and Tourism, is delegated with the authority to approve sponsorship where the ‘Sponsorships - Criteria for Fee Waiver’ are met.

### **Council Notification & Consultation**

Hepburn 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 three (3) 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 five (5) 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’).

## **Permit Processing**

Most film permit applications will be turned over within 48 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. (See 'Communication with Stakeholders').

## **Fees**

Hepburn Shire Council wishes to ensure greater access to its locations and encourage filming activity by providing a "no fees policy" for film permit processing. However, in lieu of a Fee to Council, it is expected that a donation be made to the local business & tourism committee, relative to the film location. For example, if filming on location in Clunes, a donation would be made to the Clunes Tourist and Development Association; if filming in Creswick a donation would be made to Business and Tourism Creswick. Council's Film Liaison Officer is able to provide a list of contacts for local not-for-profit organisations, to which donations can be made. Hepburn Shire Council recognises the important role that these committees have within their townships and see this as an opportunity for the film company to compensate the community for any disruption.

Unless existing fees apply to exclusive use of a particular area (e.g. parks, gardens), the "no fees policy" to Council will apply to filming activity that occurs on council-owned or managed 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 Hepburn 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, or the environment and to ensure that the production company follows the "Guidelines for Filming and Stills Photography" (see appendix 1) 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.

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 (refer to 'Fees to Other Departments' and 'Traffic & Pedestrian Management Plans').

The fees mentioned above do not cover private arrangements entered into by the applicant with private land or property owners.

### **Sponsorships - Criteria for Fee Waiver**

Fees for filming activity may be waived in certain circumstances. Hepburn Shire Council treats this type of support as a sponsorship. Applicants in receipt of sponsorship are required to acknowledge the council in the end credits of the project. The acknowledgment will read “Filmed in Hepburn Shire” or “Thanks to Hepburn Shire Council.”

Any applicant seeking to have fees waived must attach a written request to the “Film Permit Application” stating the rationale for sponsorship. The Manager Economic Development & Tourism is delegated with the authority to approve sponsorship.

Sponsorship may be available for:

- Projects which demonstrate benefits for the community;
- Projects which concern charitable activities;
- Documentaries whose subject relates to the cultural heritage of Hepburn Shire
- Emerging producers and/or directors;
- Student projects.

Fees will not be waived retrospectively. If fees are waived, charges may still be payable for a bond and/or additional costs such as insurance, security, supervision, the moving or relocation of physical items, and any costs incurred by council as a result of the filming activity.

### **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 Hepburn 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 council within seven (7) days of a request in writing from the Film Liaison Officer. 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**

Hepburn 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.

## **Insurance & 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 Film Liaison Officer 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 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. For further information on risks, liabilities, indemnity and insurance, contact the Film Liaison Officer.

### **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.

Hepburn 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 Film Liaison Officer when making your enquiry.

Hepburn 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 & 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**

Hepburn 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 Hepburn Shire Council.

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

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, or other activity that may result in extra noise that might be construed as disturbing.

Applicants should be advised that other agencies, public authorities and property owners may need to be consulted prior to filming in Hepburn Shire. 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.

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 Film Liaison Officer for other instances that may require notifying Victoria Police.

### **Internal Liaison in Hepburn 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, Compliance, Economic Development & Tourism, Health, Organisation Development, Engineering Services, and Local Laws.

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

### **Working with Hepburn Shire Council**

Hepburn 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 Hepburn 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 Hepburn Shire” or “Thanks to Hepburn Shire 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 Hepburn Shire Council is to be detailed

in an attachment to the “Film Permit Application” and is to be discussed with the Film Liaison Officer 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 Hepburn 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**

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

### **External Events**

Hepburn 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.

### **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 Hepburn Shire.

## **Cancellation Costs**

Where Hepburn 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.

## **Strategic Alliances**

Hepburn Shire Council has formed a strategic partnership with the Ararat Rural City Council, City of Ballarat, Moorabool Shire Council, Northern Grampians Shire Council and Pyrenees Shire Council to establish a provincial film attraction website in collaboration with Film Victoria.

This joint initiative provides the film and television industry with a streamlined tool for accessing information about filming on location in Hepburn Shire Council, Ararat Rural City Council, City of Ballarat, Moorabool Shire Council, Northern Grampians Shire Council and Pyrenees Shire Council. 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.filmballaratandbeyond.com.au](http://www.filmballaratandbeyond.com.au). To view Film Victoria's online locations library visit [www.filmvictoria.com.au](http://www.filmvictoria.com.au).

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

The Film Liaison Officer 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 Film Liaison Officer 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 Film Liaison Officer 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**

Rebecca Pedretti

Film Liaison Officer

Hepburn Shire Council

PO Box 21

Daylesford VIC AUSTRALIA 3460

**Tel** 03 5321 6111

**Mobile** 0488 604 902

**Fax** 03 5321 6199

**Email** [rpedretti@hepburn.vic.gov.au](mailto:rpedretti@hepburn.vic.gov.au)

**Website** [www.hepburnshire.com.au](http://www.hepburnshire.com.au)

[www.filmballaratandbeyond.com.au](http://www.filmballaratandbeyond.com.au)