

# State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development

[1981-021]



## 15 When filming is exempt development

- (1) For filming at a particular location to be exempt development:
  - (a) the filming must not create significant interference with the neighbourhood, and
  - (b) a filming management plan for the filming must be prepared and lodged in accordance with subclause (2), and
  - (c) the person carrying out the filming must obtain a policy of insurance that adequately covers the public liability of the person in respect of the filming for an amount of not less than \$10,000,000, and
  - (d) (Repealed)
  - (e) if the filming is carried out on private land, the filming must not be carried out for more than 30 days within a 12-month period at the particular location, and
  - (f) the person carrying out the filming must, at least 5 days before the commencement of filming at the particular location, give notice in writing of the filming to residents within a 50-metre radius of the location in accordance with subclause (3).
- (2) A filming management plan must be lodged with the consent authority for the location at least 5 days before the commencement of filming at the location, and must contain the following information and be accompanied by the following documents:
  - (a) the name, address and telephone number of the person carrying out the filming (such as a production company) and of the producer for the filming,
  - (b) a brief description of the filming to be carried out (for example, a television commercial, a television series, a feature film or a documentary),
  - (c) the proposed location of the filming,
  - (d) the proposed commencement and completion dates for the filming at the location,
  - (e) the proposed daily length of filming at the location,

- (f) the number of persons to be involved in the filming,
- (g) details of any temporary structures (for example, tents or marquees) to be erected or used at the location for the purposes of the filming,
- (h) the type of filming equipment to be used in the filming (such as a hand-held or mounted camera),
- (i) proposed arrangements for parking all vehicles associated with the filming during the filming,
- (j) whether there will be any disruption to the location of the filming or the surrounding area and the amenity of the neighbourhood (for example, by the discharge of firearms or explosives, the production of offensive noise, vibrations, disruption to traffic flow or the release of smells, fumes, vapour, steam, soot, ash, dust, waste water, grit or oil),
- (k) whether the filming will involve the use of outdoor lighting or any other special effects equipment,
- (l) a copy of the public liability insurance policy that covers the filming at the location,
- (m) a copy of any approval given by a public authority to carry out an activity associated with the proposed filming at the location, such as the following:
  - (i) an approval by the Roads and Traffic Authority for the closure of a road,
  - (ii) an approval by the council for the location concerned for the erection or use of a temporary structure, closure of a road or a public footpath, or a restriction in pedestrian access,
  - (iii) an approval by the Environment Protection Authority for an open fire,
  - (iv) an approval by the NSW Police Force for the discharge of firearms,
  - (v) an approval by the Department of Lands for the use of Crown land,
- (n) details of any temporary alteration or addition to any building or work at the location for the purposes of the filming.

**Note.** Subclause (2) does not limit the information or documents that may be submitted with a filming management plan.

- (3) The notice to residents is to be by way of a letter-box drop and is to contain the following information:
  - (a) the name and telephone number of the person carrying out the filming (such as a production company) and of a contact representative of that person,
  - (b) a brief description of the filming to be carried out at the location, and any proposed disruptions to the location or the surrounding area or the amenity of the neighbourhood (as referred to in subclause (2) (j)),
- (c) the proposed commencement and completion dates for the filming at the location,
- (d) the proposed daily length of filming at the location.
- (4) Clause 14 (3) (a) and (4) (d) (v) do not apply to filming that complies with this clause.

- (5) Filming that complies with this clause may be carried out on land described in clause 14 (4) (a), (b) or (c) if the filming will not involve or result in any of the following:
- (a) any changes or additions that are not merely superficial and temporary to any part of an item of environmental heritage, a heritage conservation area or an environmentally sensitive area,
  - (b) the mounting or fixing of any object or article on any part of such an item or area (including any building or structure),
  - (c) the movement, parking or standing of any vehicle or equipment on or over any part of such an item or area that is not specifically designed for the movement, parking or standing of a vehicle or equipment on or over it,
  - (d) any changes to the vegetation on, or level of, such an item or area or any changes to any other natural or physical feature of the item or area.
- (6) Nothing in this clause or clause 14 causes an activity referred to in paragraph (a)–(d) of the definition of *filming* in clause 2 (1) to be development.

**Note.** The following documents assist in understanding the statutory controls relating to filming:

- (a) Division 4 of Part 1 of Chapter 7 of the *Local Government Act 1993*,
- (b) the *Local Government Filming Protocol* published by the NSW Department of Local Government,
- (c) the *Guide to NSW EPA Requirements for the Film and Television Industry* published by the NSW Environment Protection Authority.