

FILMING & PHOTOGRAPHY PERMIT

General Conditions

1. The Permit Holder must familiarise themselves and ensure adherence to all Terms and Conditions outlined within the Filming and Photography Permit.
2. A complete Filming and Photography Application, including all relevant documentation, must be submitted to the Shire no later than ten business days before the filming/ photography activity is due to commence.
3. The Filming and Photography Permit will not be issued until all required fees and charges are paid (if applicable).
4. The information provided during the permitting process is considered final and cannot change unless you have notified the Shire as appropriate.
5. The Shire reserves the right to decline any Filming and Photography Applications as necessary and may consider the proposed geographical location, filming/photography date(s) or a number of other factors when making such a determination.
6. A copy of the Filming and Photography Permit must be present on the day of the filming/photography activity and produced upon request.
7. The General Purposes Local Law 2012 must be adhered to at all times, along with the Terms and Conditions outlined within the Filming and Photography Permit and all other applicable laws.
8. A breach of any of the conditions of this Filming and Photography Permit may result with enforcement action being taken against the Permit Holder and/or the organisation responsible for the activity. This action may include the issuing of fines to each interested party and the cancellation of the Filming and Photography Permit.
9. Any enforcement action that is required in relation to this Permit may affect future applications lodged by the Permit Holder with the Mornington Peninsula Shire.
10. It is the responsibility of the Permit Holder to comply with all other legal requirements relevant to the operation of the filming/photography activity and to ensure that employees, agents and other persons associated with the activity also comply.
11. The Permit Holder must ensure that they have the appropriate permissions or permits as required from any additional key stakeholders as relevant to their activity. This may include, but is not limited to, permissions from Parks Victoria, Department of Transport and the Department of Environment, Land, Water and Planning (DELWP).
12. The Permit Holder, the body it represents or any of the Permit Holder's contractors or agents occupy and use the site at their own risk. The Permit Holder indemnifies and releases the Shire, its officers, servants and agents, from all liability arising from the use of the site. The Shire is not liable for any claims for loss or damage sustained or incurred to any person or property.
13. The Filming and Photography Permit is only valid for the dates listed and is not transferable.
14. Refunds will not be given if the activity does not proceed due to acts of nature, bad weather or government restrictions. The possibility of inclement weather needs to be taken into account. The Shire does not provide wet weather alternative arrangements.
15. The Shire has the right to revoke a Filming and Photography Permit if significant adverse weather conditions are forecasted and the activity is deemed unsafe to proceed, including Total Fire Ban (TFB) days.
16. The Permit Holder must obtain approval(s) from the relevant internal and external stakeholders if they wish to operate a remote piloted aircraft (RPA) or drones to capture footage within or above the Shire's Public Open Space. The operator must be registered and accredited with Civil Aviation Safety Authority (CASA) and be fully aware of their regulatory controls and guidelines. For further information contact CASA via <https://www.casa.gov.au/aircraft/landing-page/flying-drones-australia>

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Insurance & Liability

1. The Permit Holder is required to effect and maintain public liability insurance to the value of \$20 million dollars in respect of any one event or occurrence and must list 'Mornington Peninsula Shire Council' as an interested party.
2. The Permit Holder must provide a Certificate of Currency to the Shire before the commencement of the filming/photography.
3. The Permit Holder will indemnify and keep indemnified the Shire, its Councillors and employees against any liability including but not limited to loss relating to personal property damage, personal injury or death arising out of or in connection with:
 - (a) any breach by the Permit Holder or their personnel of these terms and conditions;
 - (b) any negligent, reckless or intentional act or omission of the Permit Holder or their Personnel; and
 - (c) the:
 - i. damage to or loss or destruction of any property of the Shire or any third party; or
 - ii. personal injury, illness or death to any person, arising out of or in connection with the filming/photography.
 - (d) any breach of Law by the Permit Holder or their Personnel; and
 - (e) any Claim, arising out of or in connection with the filming/photography activity, regarding the infringement or alleged infringement of intellectual property rights of any person.
 - (f) It is not necessary for the Shire to incur expense or make payment before enforcing a right of indemnity conferred by these terms and conditions.
4. The Permit Holder is responsible for ensuring all engaged suppliers and contractors involved with the filming/photography also have current, adequate and up to date public liability insurance.

Risk Management

1. Permit Holders have a duty of care under the Victorian Occupational Health and Safety Act 2004 (the OHS Act) to provide a safe operational environment. Under this legislation, Permit Holder's must ensure so far as reasonably practicable that people are not exposed to risks arising from the filming/photography activity, or associated activities, and are responsible for ensuring the good order, conduct and behaviour of all those in attendance.
2. The Permit Holder must comply with all OH&S laws and applicable Australian Standards.
3. Risk and Emergency Management Plans are required to ensure hazards are minimized during the filming/photography activity. These plans must be adhered to at all times.
4. The Permit Holder is responsible for security during their activity. The Permit Holder must allow authorised Shire officers access into any area of the site at any time for the purpose of compliance inspections.
5. It is the responsibility of the Permit Holder to comply with all laws, including local laws, and all other legal requirements relevant to the operation of the filming/photography activity and to ensure that employees, agents and other persons associated with the activity also comply.

Using Shire Owned or Managed Land

1. The Shire may determine that filming/photography at certain geographical locations is not permitted.
2. Filming/photography on New Year's Eve is not permitted on Shire owned or managed land.
3. Shire parks and reserves, bushland, foreshores, infrastructure and other public places must remain accessible to the public at all times.
4. The filming/photography site should not be fenced or cordoned off, unless agreed to by the Shire. A POPE permit may be required at the sole discretion of the Municipal Building Surveyor.
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5. The Permit Holder acknowledges that the Mornington Peninsula Shire reserves the right from time to time to carry out, by or on its behalf, certain construction and installation works on the Shire owned or managed land.

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6. The Permit Holder acknowledges that the construction and installation works may interfere, interrupt and affect the Permit Holder's use of the Shire owned or managed land.
7. Access to the site must be maintained for emergency vehicles and/or owners/tenants of properties requiring access. A minimum of 3 metres must be maintained for Emergency Egress and a minimum of 1.5 metres on pathways for general pedestrian access and special needs access.
8. No printed signs, literature, posters, handbills or similar are to be displayed or affixed on or over roads or on poles, trees or fences within the Mornington Peninsula Shire, before or during your filming/photography activity.
9. Lighting of fires is not permitted (except where approval has been issued). A Permit to Burn will be required <https://www.mornpen.vic.gov.au/files/assets/public/new-website-documents/your-property/fire-amp-emergency/your-land/docs/application-for-a-permit-to-burn-control-copy.doc>
10. The Permit Holder must comply with signs or notices erected in the vicinity of the approved site.
11. Tree pruning and or trench digging is not permitted in any reserve/public land at any time.
12. All infrastructure must be placed at least 3 metres away from the base of and meet all specific tree protection restrictions required of the site.
13. Wastewater, sewage or any other liquid waste cannot be disposed of on turf, garden beds, storm water drains or any Shire asset.
14. The entry of vehicles onto the Site is generally prohibited. Limited vehicle access may be approved for drop off and pick up of equipment. Vehicle access permission must be obtained from the Shire.
15. Where vehicle access has been permitted, all vehicles must remain on designated pathways and be driven at a maximum speed of 10km per hour with hazard lights activated, marshalled by safety wardens in high-visibility vests.
16. Vehicles must only be parked in designated car parking areas (unless otherwise authorised by Shire).
17. Any damage to the site(s) will be the responsibility of the Permit Holder. The site should be returned to the Shire in the same condition in which it was handed over prior to Bump In.
18. The Shire may carry out the necessary works to repair any damage incurred during/in relation to the filming/photography at the Permit Holder's cost.
19. Fixed site gates are to remain locked, using the Shire's approved locks, once bump in has been completed.
20. The Permit Holder must comply with all reasonable requests or directions given by any Shire representative or member of Emergency Services.

Traffic Management (if applicable)

1. The Permit Holder must adhere to the conditions outlined in the approved Shire Traffic Management Plan Memorandum of Authorisation.
2. Traffic must be managed and implemented according to the approved Traffic Management Plan.
3. Parking during the Filming or Photography activity is the responsibility of the Permit Holder.
4. If specified as a requirement by the Shire, the Permit Holder must arrange for Security guards, Accredited Traffic Controller(s) or suitably qualified Safety Officer(s) to assist with activity management.
5. Any VMS boards required as part of the Traffic Management Plan should only be used for key traffic messaging only.

Infrastructure and Logistics

1. Only the equipment and other structures shown in the approved and final Site Plan submitted are to be erected at the activity Site.
2. All marquees/structures must be secured with sand or concrete weights. The use of pegs and/or star pickets is prohibited on all grounds.
3. Equipment or infrastructure must not be attached, tethered or pegged to trees or assets.
4. The Permit Holder is responsible for providing security for any structure or equipment erected within the

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site outside of the filming/photography activity hours. The Shire does not take responsibility for any structure or equipment placed in the site.

5. All electrical equipment must comply with relevant Work Safe Codes of Practice.
6. Generators must be placed on protective matting to prevent burning of turfed areas.
7. All cords should be securely covered and protected to avoid trip hazards throughout the Site including back of house areas
8. Toilets must be provided or hired if public park toilets are not available or adequate for the number of patrons expected.
9. It is the Permit Holders sole responsibility to ensure that all waste is removed from the activity site and is correctly disposed of at the conclusion of the filming/photography activity. The site should be left in a clean and tidy condition. If the Permit Holder fails to comply with this condition, the Shire may carry out the necessary works, at the Permit Holder's cost and the Permit Holder indemnifies and agrees to reimburse the Shire for all expenses incurred in carrying out such works.
10. Music/noise emanating from the activity must not exceed noise limits set out in 'State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2'.
<https://www.epa.vic.gov.au/about-epa/laws/legislation-regulations-and-policies/noise-legislation>

Notifications (if applicable)

1. The Permit Holder must provide written notification regarding the activity details to the following key stakeholders, as consultation and input may be required for some filming/photography works.
 - a. The local Chamber of Commerce
 - b. Emergency Services (Police, Ambulance Victoria, CFA)
 - c. Public Transport
 - d. Residents and businesses in the vicinity of the Site

The written notification to all stakeholders should include;

- a. The name, date and location of your filming/photography activity
 - b. The purpose of the filming/photography activity;
 - c. The expected number of participants;
 - d. Activities being conducted as part of the filming/photography activity;
 - e. What the likely disruptions will be, with respect to noise, transport, road closures; and
 - f. A contact number for further information, complaints or queries.
2. The Permit Holder must also notify the Victoria Police Film and Television Office of any filming activity that may be of interest to the Victoria Police. This includes, but is not limited to:
 - a. Filming that requires use of firearms, imitation firearms or special effects
 - b. High speed vehicles on open roadways
 - c. Applications that involve a traffic management plan.
 - d. Use of remote piloted aircraft (RPA) / drone.

For further information visit Victoria Police, call (03) 9247 5599 or (03) 9247 3259 or email film.tv@police.vic.gov.au

Child Safety

1. The permit holder warrants that it will comply with all applicable obligations pursuant to the *Child Wellbeing and Safety Act 2015* (Vic) (which includes the Child Safe Standards).