



GARDEN ROUTE DISTRICT FILMING POLICY FRAMEWORK

Date **25 May 2021**
Approved:

Council Resolution **H.1/05/2021**
(DC No):

PURPOSE

To facilitate, regulate and standardize filming within the Garden Route District, to provide for the issuing of a film permit; to provide for filming in environmental sensitive areas; to provide for the use of municipal services during filming; to provide for the duties of film permit holder; to provide for filming in public areas; authorized official to provide for prohibitions, conditions, offences and penalties and to provide for matters incidental thereto.

PREAMBLE

WHEREAS section 156(5) of the Constitution of the Republic of South Africa, 1996 in general authorizes a Garden Route District (GRD) to execute any power concerning a matter reasonably necessary for, or incidental to, the effective performance of its functions;

WHEREAS section 156(2) of the Constitution of the Republic of South Africa authorizes a municipality to make policies for the effective administration of matters which it has the right to administer;

WHEREAS the Council recognizes the important role that filming plays in the economy of the Garden Route, Western Cape and South Africa, and that it is committed to make every effort to facilitate the processing of applications for permission to carry out filming in its area of jurisdiction;

WHEREAS this needs to be done in an orderly manner;

Be it therefore, enacted by the Garden Route District Municipality (GRDM).

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1. DEFINITIONS

- (1) In this framework, words used in the masculine gender include the feminine, the singular the plural and vice versa;

“Authorised official” means an employee of the GRDM and municipalities within the district; or any other person who is appointed thereto to perform any act, function or duty related to the provisions of this policy, or exercise any power in terms of this By-law and includes any other authorised official delegated to enforce the provisions of this policy;

“The Council” means the Municipal Council of the GRDM.

“Employee” means an employee of GR local municipalities.

“Environmental sensitive areas” means land and water areas containing natural features or ecological functions, and structures, building and landscapes of such significance as to warrant their protection in the best long-term interest of the people and environment of GRD, and includes:

- (a) Open space areas, identified as having significant biodiversity value;
- (b) Wetlands;
- (c) Rivers and Riparian Areas;
- (d) Floodplains;
- (e) Estuaries;
- (f) Coastal Dune System, Rocky Shores and Intertidal Zones;
- (g) Sites of historical and cultural significance and value to the GRD.

“Filming” means the recording of images, moving or still, whether on film or by video tape, electronically or by any other means, but excludes the video recording of a wedding ceremony or other private celebration or event for purposes of making a video record thereof for its participants, or the recording of current affairs or news for immediate release;

“Film permit” means a permit issued in terms of Section 6 of this policy;

“Film production assignment” corresponding meaning as filming;

“Film-related activities” means all activities attendant to filming, including but not limited to:

- (a) interruption of traffic on public roads, public parking or pedestrians on sidewalks for the purpose of carrying out a film production assignment;

- (b) the running of wires or cables across or over sidewalks or public roads for the purpose of carrying out a film production assignment;
- (c) activities that are conducted on beaches, beach or launch sites, coastal areas, public launch sites, vehicle launch sites or stadiums for the purpose of carrying out a film production assignment;
- (d) the use of generators, tripods or camera dollies on sidewalks, public roads or public parking for the purpose of carrying out a film production assignment;
- (e) activities that have an impact on public parking and public open spaces and environmentally protected areas for the purpose of carrying out a film production assignment;
- (f) filming activities that will generate noise and air pollution;
- (g) use of animals on set for the purpose of carrying out a film production assignment;
- (h) filming activities that will impact on a municipal property; and
- (i) any other activity that may be determined by the GRD as being undertaken for the purpose of carrying out a film production assignment;

“GARDEN ROUTE DISTRICT” (GRD) means any municipality with the GRD established in terms of Section 12 of the Municipal Structures Act, 117 of 1998 and includes duly authorized agent, service provider or any employee thereof acting in connection with this policy by virtue of a power vested in the GRD and delegated or sub-delegated to such agent service provider or employee;

“GARDEN ROUTE FILM COMMISSION” (GRFC) means the only registered film commission within the Garden Route District.

“Municipal Manager” means the Municipal Manager of the GRD.

“Municipal property” means property owned by, leased by or under the control of the GRD;

“Prescribed tariff” means the tariffs determined and imposed by Council to levy and recover fees, charges or tariffs;

“Permit holder” means a person who has been issued with a film permit in terms of this policy;

“Person” means a natural person or a juristic person.

2. APPLICATION OF THIS POLICY

(1) This Policy:

- (a) applies to all filming which occurs within the jurisdiction of the GRD;
- (b) does not derogate from the provision of any other legislation; and
- (c) binds an organ of state.

3. CONTROL OF FILMING

(1) No person may carry out any filming on municipal property or in a public place

- (a) without a valid film permit issued by the relevant GRD municipality;
- (b) otherwise than in accordance with any applicable legislation, terms and conditions as may be determined by the GRD municipalities;

(2) The provisions of subsection (1) also apply to film-related activity on municipal property or in a public place where the actual recording of the film takes place on land other than municipal property or a public place;

(3) The GRD municipalities may exercise its rights to access or intervene in a film production assignment of film-related activities if the municipalities deem there to be or is of the opinion that there is an emergency.

4. DIALOGUE ON INTENTION TO FILM

(1) Film permit applicants are encouraged to open dialogue with the GRFC and/or the GRD at a pre-application stage.

(2) This would promote a clear understanding of each party's expectations while giving the municipalities an opportunity to outline the timeframes, approvals, required consultation requirements, etc.

(3) Consultation Requirements for shoots classified by the GRD as Tier 5,4 or 3.

- (a) consultation between the Film Company and affected residents and/or businesses is to occur prior to the permit being issued. There are no requirements for concurrence, but a letter of consultation, in terms

of which residents and/or businesses may object or raise concerns must be distributed to all impacted and affected parties.

5. APPLICATION FOR FILMING

- (1) Any person who intends to conduct filming within the GRD must submit an application to the authorized official of the relevant municipality;
 - (a) The application process can be done through the GRFC application process. www.gardenroutefilmcommission.com.
 - (b) The applicant must register as a user on the website.
 - (c) The applicant must complete the permit application in full and attach relevant documentation.
 - (d) The applicant must submit via the electronic submit button.
- (2) The GRFC will assist with the identification and co-ordination of all approvals as required by legislation.
- (3) The office will classify the shoot as Tier 1-5 based on the assessed level of impact. The tiers are outlined in the permit application. The GRFC will determine the processing timeframes, consultation and monitoring requirements.

Tier	Impact	Number People	Number of Vehicles
Tier 1	Micro Impact	1 - 16 people	1 – 5
Tier 2	Low Impact	16 – 30 people	6 – 15
Tier 3	Medium Impact	31 – 60 people	16 – 30
Tier 4	High Impact	60 – 100 people	30 – 49
Tier 5	Major Impact	More than 100 people	50 or more

- (4) The application for filming must include, but is not limited to, the submission of the following documents:
 - (a) Completed film permit application form with the following information:

- (i) full particulars of the name, address and occupation of the applicant or, if the application is made on behalf of a company, its registration number, directors, etc.
- (ii) full particulars of the person who will be in charge of the filming, if such person is not the applicant;
- (iii) full details of such locations where the filming is intended to be carried out, the proposed starting and finishing times and the number of persons, vehicles, implements or other apparatus that will be used; general details of the purpose of any one or more of the actions to be carried out;
- (iv) full details of the socio economic impact;
- (b) proof of public liability insurance;
- (c) proof of payment of the prescribed fee / tariff if applicable;
- (d) proof of necessary notices as per section 5 hereunder;
- (e) signed indemnity form;
- (f) any other document or information that may be requested by the municipality.

(5) An application must be made within ten (10) working days prior to commencement of filming or film-related activities.

6. NOTICE OF INTENDED FILMING

- (1) The applicant must ensure that notice of intended filming is given in the local newspaper and any other media or communication means if deemed necessary by the authorized official;
- (2) The notice must include–
 - (a) full particulars of the name, address, occupation and contact details of the permit holder;
 - (b) full particulars of the person who will be in charge of the filming, if such a person is not an applicant;

- (c) full details of such locations where the filming is intended to be carried out, the proposed starting and finishing times and the number of persons, vehicles, implements or other apparatus that will be used; and
- (d) general details of:
 - (i) the filming activities to be carried out;
 - (ii) roads or other municipal services that might be temporarily closed during the filming;

7. PERMISSION FOR FILMING AND FILMING-RELATED ACTIVITIES

- (1) On receipt of an application for filming, the authorised official must obtain the necessary comments from all directorates of the municipality and must compile a full report with recommendations for consideration by the manager responsible for authorizing the permit;
- (2) The manager will consider the application with comments and will have full authority to approve or disapprove the application and may impose any conditions.
 - (a) Many film related activities may require additional municipal approval in terms of legislation other than the existing municipal By-laws. These include, for example, partial or full road closures, the erection of sets and structures, the use of fire, fireworks or pyrotechnics, etc.
 - (b) Other film related activities legally require the approval of other authorities. These include, for example, filming on a road governed by the provincial authorities, the use of vehicles on dunes and beaches, filming at sea or in harbours, the use of flora and fauna, or the use of aircraft. Locations such as the forest, lagoon, rivers and sea, fall outside the jurisdiction of the municipalities and are subject to the permit procedures of those authorities.
 - (c) The assessment of a permit must be based on relevant considerations, not irrelevant or extraneous ones, and should not be arbitrary, irrational or unreasonable. The municipalities are bound to take into consideration the following matters:
 - (i) Municipal By-laws;

- (ii) Other relevant legislation, regulations or guidelines; and
 - (iii) The scale and nature of the impact of the filming activity upon the community and environmental amenity.
- (3) The GRD municipalities utilize a three-tier approach to determine an appropriate management framework for filming, based largely on the anticipated impact of a proposed filming activity. Permit application time frames are based on the following three categories of applications;
 - (a) Tier 5 & 4 & 3: In most cases, these applications will be complex, may have potentially significant impacts and will take 5 – 10 working days to process, as they are likely to be subject to other legally required approval processes. If in an environmentally sensitive area, the employment of an Environmental Control Officer may also be required. Conditions will be more onerous and will include consideration of local environmental issues.
 - (b) Tier 2: In most cases, these shoots are of moderate impact and should be processed within 5 working days. Post- permit approval community notification and on-set monitoring may be required. Conditions of approval will be more restrictive and location specific.
 - (c) Tier 1: In most cases, applications falling into this category are uncomplicated, with little or no negative impact and should be able to be processed within 5 working days. No community consultation will be expected, and if any notification is required, it will be limited. Minimum monitoring may be imposed, and the standard conditions of approval should apply.
- (4) The approval timeframe of the category Tiers is based on the complexity of the elements of the filming;
 - (a) TIER 5, 4, 3: 5 - 10 Day Approval Timeframe
 - (iv) Full road closure and/or modification of road involved

- (v) Special effects and/or stunts and/or pyrotechnics involved
- (vi) Shoot to occur between 22:00 and 06:00 (extension of hours)
- (vii) Shoot lasts for >48 hours
- (viii) High degree of noise and/or lighting will be generated
- (ix) An environmentally, culturally or historically sensitive location
- (x) Structures and/or sets will be erected
- (xi) Landform modification and/or vegetation removal is required

(b) TIER 2: 5-10 Day Approval Timeframe

- (i) Partial road closure and/or minimum road modification required
- (ii) Shoot lasts for 24–48 hours
- (iii) Moderate noise and/or lighting will be generated

(c) TIER 1: 1-5 Day approval Timeframe

- (i) No road closure involved
- (ii) No special effects, stunts or pyrotechnics involved
- (iii) Complies with specified filming hours of 06:00–22:00
- (iv) Shoot lasts for <24 hours
- (v) Minimum noise and/or lighting involved
- (vi) Not an environmentally, culturally or historically sensitive location
- (vii) No structures or sets required (includes minor/portable props)
- (viii) No landform modification and/or vegetation removal involved

(5) The permit will then be returned to the GRFC to forward on to the production company applying with any relevant conditions.

(6) The permit must be available for presentation on the film set at all times.

- (7) As the permit specifies particular dates for a shoot, it is valid for the specified time period only. However, as filming is at risk of changes in weather or other factors, permit management processes provide for some degree of flexibility in responding to requests to amend permit approvals as a result of such circumstances.

APPROVAL FOR:	LEGISLATION DEPARTMENT:
Filming on a local public road	Road Traffic Act No 93 of 1996 - Temporary traffic management plan - GRD
Roadside filming or holding of traffic on a main road or freeway	Road Traffic Act No 93 of 1996 - Temporary road/lane closure and/or traffic management plan - GRD
Filming from a moving vehicle on a road, or filming actors in a moving vehicle on a towed low loader	Road Traffic Act No 93 of 1996 - Safety plan - GRD
Use of aircraft (helicopters, drones and fixed wing)	South African Civil Aviation Authority and GRD Film Commission
Special Effects Fires Fireworks, pyrotechnics Services Stunts or other	Explosives Act 26 of 1956 Air Pollution Control Officer Chief Inspector or Fire Safety Officer from GRD. Disaster Management Unit of GRD. potentially dangerous acts
Filming at sea	Marine Living Resources Act 2000 SANParks/Cape Nature Seashore Act 21 of 1935
Filming on beaches and/or dune areas/ National Parks/ Lagoons	Off Road Vehicle Regulations (as amended) SANParks, Cape Nature

APPROVAL FOR:	LEGISLATION DEPARTMENT:
Tents, temporary seating stands, stage, structures	National Building Regulations Building Control Officer GDR Building Standards Act 103 of 1977 Chief Fire Officer: GRD Protection Services - By-law relating to Community Fire Directorate Safety
Filming on dams or other water infrastructure	Municipal Bulk Water/Infrastructure Departments
Trim, cut or remove a protected plant species	National Forests Act 84 of 1998 Cape Nature
Fauna	Shoots involving domestic animals Performing Animals Protection National Society for Prevention of Cruelty to Act Animals AACL Shoots involving wild animals Cape Nature Conservation Cape Nature + AACL Ordinance

8. FILMING ON PUBLIC ROAD

- (1) Any person who intends to use any National or Provincial road(s) situated within the GRD for filming purposes, must file such request with the Provincial and relevant Municipal Traffic Department for consideration and approval;
- (a) The relevant authority will be included as a signatory on the permit application.
- (b) The application must include a detailed description (Traffic Management Plan) of the intended activity and the control measures in place including:
- (i) the nature of the road and its role in the local road hierarchy;
 - (ii) the time of the filming activity;

- (iii) the nature and extent of traffic management required;
 - (iv) the envisaged impact on normal traffic flow and movement;
 - (v) whether there are any other activities planned on the road at that time;
 - (vi) whether alternative routes are available for traffic; and
 - (vii) the impact on affected residents and businesses.
 - (viii) Indicate if intermittent road closure or full lock-off.
 - (ix) Intermittent traffic stopping is permitted for maximum intervals of 3 minutes, unless otherwise stated, and is to be supervised by a traffic officer or municipal police officer. The area is to be cordoned off in a manner that does not impede the free flow of traffic and/or pedestrians.
 - (x) Removal of any traffic sign must be approved by the relevant authority and in the presence of a traffic officer.
- (2) Filming on Municipal public road(s) must be approved, and the applicant must adhere to conditions as deemed necessary by the relevant traffic departments.
 - (3) Filming on public roads will require off duty traffic officer/s to be present and will be charged as an hourly fee with a minimum of 6 hours.
 - (4) Film Company Unit Boards with the name of the film company and pointing in the direction of the location and/or Unit Base may be placed on street poles, but not on traffic light, regulatory, command or prohibition poles. All such signs must be removed within one day of conclusion of the shoot, failing which the relevant municipality will remove the signs at the film company's expense.

9. FILMING IN ENVIRONMENTAL SENSITIVE AREAS

- (1) If filming in an environmental sensitive area the production company will be required to have an Environment Control Officer (ECO) present. The ECO will

ensure adherence to the terms of the National Environmental Management Act, 2007 (Act No. 7 of 2007),

- (2) The ECO will be charged based on an hourly fee with a minimum of 6 hours.
- (3) The ECO will oversee to ensure the production company adheres to the following:
 - (a) Prevent damage to the natural environment.
 - (b) Protect indigenous fauna and flora.
 - (c) Not feed or interfere with wild animals.
 - (d) Prevent air, soil or water pollution during filming.
 - (e) Legally dispose of rubble from set building and other waste products.
 - (f) Prevent soil erosion.
 - (g) Provide environmental education to film crews as required.
 - (h) Minimise wastage of resources and recycle where possible.
- (4) the appointment of an Environmental Control Officer will be the responsibility of the film company

10. USE OF MUNICIPAL PROPERTY AND SERVICES

- (1) The GRDM's may prescribe a fee, charge or tariff to allow filming or filming-related activities in the Municipal district and for the use of Municipal premises, facilities and services subject to the municipal By-laws regulating the use thereof;
- (2) The municipalities must consider any application for filming and may:
 - (a) approve the application subject to conditions;
 - (b) request additional information to be furnished within a specific timeframe;

- (c) reject the application and provide reasons therefore;
- (3) The following applies to key municipal property and services;
- (a) Storm Water System
- (i) The storm water system may not be blocked off without prior permission and may not be damaged in any way.
 - (ii) It may not be used during periods of rain.
 - (iii) Responsibility for the safe usage of the storm water system lies with the film company.
 - (iv) Assistance rendered by specialist storm water contractors will be for the film company's account, and all arrangements are to be made directly with the contractor.
- (b) Electricity
- (i) 132 & 66 kV overhead lines: These power lines belong to Eskom and their input must be obtained by contacting the Eskom George office.
 - (ii) For the following the municipal Electro-Technical Department must be contacted for approval;
 - i. Stakes / tent pegs: Outside of designated areas (e.g. camping sites), no stakes, tent pegs, etc. longer than 150 mm.
 - ii. No excavation is to take place prior to the specific approval.
 - iii. No excavation or activity near any Mini-substation and Ring Main Unit:
 - iv. Overhead 22 and 11 kV power lines: These belong to the municipalities and permission must be sought prior to any activity near the lines.

- v. Low voltage lines, including aerial bundled conductor:
- vi. Activity near Electricity Kiosks.

(v) Further the following applies:

- vii. No digging or hammering of spikes and such like is to take place near any of the abovementioned sites.
- viii. Any damage done will be recovered from the film company.
- ix. It will be necessary for a responsible person to be appointed to take responsibility for activity when granted. The qualification of this person is subject to the approval of the municipal Electro-Technical Department.
- x. Generally, no power will be switched off. If this is required, 5 working days' notice is required.
- xi. In all event 48 hours' notice should be given and there is no guarantee this can be accommodated which will depend on the Electro-Technical Department's workload.
- xii. Eskom have specific requirements as to any work near their power lines and their input should be sought well before the date required.

11. CONSTRUCTION OF SETS AND STRUCTURES

- (1) Permission for the construction of sets and other structures may be required for a film shoot, and the authority.

(2) responsible for issuing such authorisation determined by the type of set or structure involved, as listed below.

(3) The primary concern is to ensure that sets and structures do not affect public safety.

(4) Habitable Structures

(c) as per R.I.G.I.S – Labour Act compliance & Safety

(d) Shoots involving the construction of habitable structures fall under the auspices of the National Building Regulations

(e) and require building – or site plans for such structures to be submitted to the Building Control Department for approval. (10) Working days need to be set aside for this process.

(f) An application fee will be applicable. Upon written request by the film company the municipality will consider waiving the application fee for erection of a temporary habitable or other temporary structure(s) that will be used for on-location filming, depending on the size and nature of the structure.

(g) 'Dummy Facades'

i. 'Dummy facades' and other lightweight structures are regarded as 'scaffolding' and fall under the jurisdiction of the Department of Labour, whose approval is required.

(h) Temporary Tents

i. Temporary tents are usually required for catering purposes and are regulated by the Community Safety By-Law.

ii. The necessity for approval of any such structures will be determined in each case by the Authority responsible for the site where the temporary tent will be erected. The size and form of the structure will determine whether an application for erection

of a temporary structure in terms of the Building Regulations (as applicable in 3.7.1) needs to be done.

12. SPECIAL EFFECTS, STUNTS AND RELATED ACTIVITIES

- (1) The municipality must be advised in advance in writing, with a letter of permission from the South African Police Services, when the use of explosives, flammable liquids or materials, or incendiary devices is planned in order to be able to co-ordinate the necessary approvals from the appropriate departments (Traffic, Fire, Roads and Disaster Management, Health). Police, Fire, Traffic or Disaster Management Officer(s) may be required to be present on set.
- (2) Information regarding all intended discharges is to be included in the application for distribution of alerts to the Emergency Call Centre by Disaster Management.
- (3) All costs associated with these requirements are for the film company's account.
- (4) A description of the action and planning thereof with safety measurements need to be presented, including details of certified pyro-technician.
- (5) Smoke Machines
 - (a) Prior approval must be obtained for the use of fire and/or smoke.
 - (b) Only non-toxic, non-pollutant smoke machines are permissible and all applicable safety precautions are to be complied with.
 - (c) Safety officers are to be on the set at all times.

13. AIRCRAFT (HELICOPTERS AND FIXED WING) & AIRCRAFT / REMOTELY PILOTED AIRCRAFT "DRONES" (RPAS)

- (1) Aircraft will be permitted by special arrangement only. The film company is to ensure that the relevant permission for the use of an aircraft in an urban area

is provided by the Civil Aviation Authority of South Africa and the Disaster Management unit of the GRDM.

- (2) All Civil Aviation regulations and conditions imposed by the South African Civil Aviation Authority are to be complied with. Special Indemnity Forms may be requested and should be filed with Disaster Management and Preferential Procurement Policy Framework Act 5 of 2000 by the operator of the aircraft.
- (3) Landing is only permitted at specified landing zones, which will be determined during the application process by the relevant manager(s).
A 100-meter open radius between the landing site and the nearest structure is required as per District Manager.
- (4) A description of the action and planning thereof with safety measurements need to be presented.

14. MOTORISED WATERCRAFT

- (1) The use of motorised watercraft is permitted by special arrangement only.
- (2) They are to maintain a mooring distance of no less than 100 meters offshore, unless approved to come ashore for the purposes of filming or equipment/set transport to inaccessible area.
- (3) Launching of watercraft may only take place at prescribed launch sites i.e. SANParks, Cape Nature, municipalities, etc.
- (4) Permission to moor and access a watercraft at any waterfront or harbour needs to be prearranged with the Harbour Master.
- (5) Pilot must have a valid Skippers licence and the boat the relevant authorities permit displayed on the boat.

15. MEDIC/PARAMEDIC REQUIREMENTS

- (1) An appropriate Emergency Care Practitioner, who meets the Health Professions Council of South Africa's standards, is to be on standby for film and photographic shoots.
- (2) All shoots must have an approved first aid kit on set which must be available at all times for use by a qualified first aider or ECP.
- (3) Where any stunts or pyrotechnics are being carried out, the appropriate and approved medical rescue equipment and medic must be available on set.
- (4) Any medical waste generated on the location must be handled, stored and disposed of in accordance with the Environmental Health By-Law of the relevant municipality.
- (5) If any water activity is being filmed, a qualified lifeguard must be present on set.

16. CLEANING LOCATIONS

- (1) Cleaning up of locations after film shoots is the responsibility of the film company. All waste and litter are to be removed from the location and disposed of in an authorised manner.
- (2) Crews must clean the location at the end of the day with a minimum amount of noise and disruption and ensure that the area is returned to its original condition.
- (3) The location of the local municipal waste drop-off point must be made known to the Unit Manager.

17. MINIMISING DISRUPTION TO SURROUNDING RESIDENTS AND BUSINESSES

- (1) It is the film company's responsibility to ensure minimum disruption to residents and businesses when filming occurs, and due consideration is to be given to their rights at all times.
- (2) They should be free from any negative environmental conditions resulting from filming, including spill-over lighting, exhaust fumes or noise that may affect their ability to enjoy their property or run their business, unless they have given their consent.
- (3) Pedestrian and vehicular access to their premises must also be maintained.
- (4) Notification of filming letters must be distributed to the street in which the filming is taking place.
- (5) The following related to the filming and production must be adhered to:
 - (a) Lighting: Lighting is to be orientated away from neighbouring residents unless they have been consulted and have provided their consent.
 - (b) Noise-generating activities are regulated by the Noise Control Regulations PN627/1998, in terms of which no-one may cause a "disturbing noise" or carry out activities (including the discharge of explosives, firearm or similar device) which may cause a "noise nuisance", without the permission of the local authority concerned.
 - (c) Generators: Only 'blimped' generators are allowed unless otherwise approved. They must be placed so that noise emissions and exhaust fumes do not disturb or cause a nuisance to residents and visitors. Permission must be obtained to run generator distribution cables across public walkways and private residents' properties.
 - (d) Note: Applications for exemption from the Noise Control Regulations can be stipulated in the Film Permit Application. All conditions and requirements stipulated in the noise exemption must be adhered to.

Failure to do so could result in the exemption being withdrawn and rendering the production company liable for prosecution.

(e) **Notification Requirements** Shoots categorised as Tiers 5, 4 or 3 may require post-permit-approval notification only of affected residents and/or businesses. This is to occur by means of a letter-drop 48 hours prior to the shoot. A copy of the letter drop/notification, an indication of the extent of the notification, as well as a copy of any response/s thereto must be submitted to the municipality.

(f) **Compensation of Neighbours or Businesses.** The film company is under no obligation to provide compensation unless it voluntarily agrees to do so with residents or businesses affected by a shoot. Disruption of parking as a result of a film permit does not require compensation unless otherwise agreed with the applicable persons.

18. RIGHT OF INSPECTION, ENTRY AND MONITORING ON SET

(1) An authorized official of the municipality may, for any purpose connected with the enforcement of relevant municipal By-laws, at all reasonable times and without prior notice enter any public or private place:

(a) where filming, filming-related activities and/or film production assignment is being carried out; or

(b) if he or she has reasonable grounds to suspect that filming, filming-related activities and/or a film production assignment is being carried out, in order to carry out such examination, inquiry or inspection as he or she may deem necessary.

19. COMPLIANCE NOTICE

(1) An authorised official may serve a compliance notice on a permit holder thereby instructing such holder to comply with the provisions of relevant By-Law;

(2) The compliance notice must specify:

(a) the contravention and the expected remedy of the contravention;

- (b) the timeframe in which the permit holder must remedy the contravention and comply with any lawful instruction contained in the compliance notice; the consequences of failure to comply with paragraphs (a) and (b);
- (3) A permit holder commits an offence if such holder fails to adhere to the instructions contained in a compliance notice.

20. FILM-RELATED MUNICIPAL SERVICE FEES

- (1) Municipal Services for filming, e.g. for Municipal Officials, Traffic Officers, Fire Services, water locations, etc. are levied by relevant Departments based on their approved applicable tariffs.
- (2) An application permit application fee and amendment fees will be charged and must be paid before the issuing of the approved permit. Fees are subject to change without notice.

21. OFFENCES AND PENALTIES

- (1) A person who contravenes a provision of relevant by-laws or fails to comply to a condition or notice legally issued in terms of relevant by-laws, is guilty of an offence and on conviction liable to the payment of a fine.
- (2) Penalties and associated fees are included on the permit application and are subject to change without notice.
- (3) Failure to pay fees for offences and penalties will result in the production company being prevented from applying for any further permits within the local municipality until paid in full. The local municipality will maintain a record of infringements in order to facilitate a review of permit approvals, conditions and monitoring systems.
- (4) Any transgressions of permit conditions or other Council requirements are to be handled as follows: As per the provisions of the Events By-Law Sections 7(1), (2) and (3), a compliance notice is to be issued by an authorised official.

- (5) If the applicant fails to comply with the conditions of the notice, the Municipal Manager or designated person is entitled to take such steps as may be necessary to rectify the condition at the cost of the applicant.

22. INSURANCE

- (1) The production company must provide evidence to the satisfaction of the municipality of appropriate:
 - (a) indemnity cover against third party liability claims; and
 - (b) specialized risk insurance inter alia, blanket liability or work cover, where stunts, special effects, pyrotechnics or any other activity which may put the public at risk is involved;
 - (c) Minimum cover public liability and indemnity insurance of R5 million.
 - (d) Proof of production insurance should be provided if requested.

23. INDEMNITY

- (1) In order to protect the Garden Route District Municipalities from any claims arising from the use of Council property for film purposes, all film companies must complete an indemnity form.
- (2) This indemnity must be in place prior to the approval of any film permit application.
- (3) The municipality shall not be liable for damages or compensation arising from filming or film-related activities conducted by the production company or anything lawfully done in good faith by the municipalities or any authorized official thereof in terms of this policy framework.

24. CONFLICT

In the event of an inconsistency between the English, Afrikaans or Xhosa text, the English text shall prevail.

25. SHORT TITLE

This Policy Framework shall be known as the GRD Filming Policy Framework and takes effect on date of publication thereof.