

[Act 2000 No 6]



New South Wales

Local Government Amendment (Filming) Bill 2000

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Local Government Act 1993* so as:

- (a) to facilitate the making of applications for council approvals, consents and other determinations (whether under the *Local Government Act 1993* or any other Act or law) necessary in order to carry out filming, and
 - (b) to make special provision for the granting of leases, licences and other estates by councils with respect to community land in order to allow filming to be carried out on such land.
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Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be proclaimed.

Clause 3 is a formal provision giving effect to the amendments to the *Local Government Act 1993* set out in Schedule 1.

Schedule 1 Amendments

Schedule 1 [1]–[3] deal with the granting by councils of leases, licences and other estates with respect to community land.

Under the *Local Government Act 1993*, a council must prepare a plan of management for community land owned by the council, and community land is to be categorised (for example as a natural area, a sportsground, a park, an area of cultural significance, or land for general community use). The Act sets out core objectives for each category of land. **Schedule 1 [1]** provides that a council may grant a lease, licence or other estate with respect to community land in order to allow a filming project to be carried out, whether or not the project is in accordance with the plan of management for the community land or is consistent with the core objectives of the categorisation of the land concerned.

Schedule 1 [2] provides for the regulations to prescribe additional notification or advertising requirements if a council proposes to grant a lease, licence or other estate for a filming project with respect to community land that is critical habitat, or that is directly affected by a recovery plan or threat abatement plan, or that is declared to be an area of cultural significance because of the presence on the land of any item that the council considers to be of Aboriginal significance. Regulations may also be made providing for guidelines to be taken into consideration by councils in determining whether to grant a lease, licence or other estate in order to allow filming to be carried out on community land.

If the council is of the opinion that the filming proposed to be carried out under a lease, licence or other estate in community land will have a minor impact on the environment and on public amenity, the council may reduce the period in which written submissions may be made to the council on the proposal to grant the lease, licence or estate from not less than 28 days to not less than 7 days.

Schedule 1 [3] provides that a council may grant a lease, licence or other estate with respect to community land that is categorised as a natural area that authorises the erection or use of a building or structure on the land that is necessary to carry out filming on the land, subject to certain conditions. Those conditions are that any building or structure must be temporary in nature, and must be removed and any damage to the land made good at the expense of the person to whom the lease, licence or other estate was granted as soon as practicable after the termination of the lease, licence or other estate. Further conditions may be prescribed by the regulations.

Schedule 1 [4] inserts a new Division in Part 1 of Chapter 7 of the *Local Government Act 1993* that allows applications for approvals, consents and other determinations by a council necessary to carry out filming to be made in one form, called a *filming proposal*. Each application made in a filming proposal is to be determined in accordance with the Act, statutory instrument or other law under which it is made. However, in determining an application made in a filming proposal, the council is to take the *filming protocol* into consideration, in addition to any other requirements relating to determination of the application.

The *filming protocol* is a protocol approved by the Director-General of the Department of Local Government that includes any of the following:

- (a) information about procedures for obtaining approvals for carrying out filming,
- (b) guidelines or heads of consideration to be taken into account by councils determining applications for approvals made in a filming proposal,
- (c) codes of conduct for the carrying out of filming,
- (d) provisions for determining fees for an application, and fees and charges for services related to an application, made in a filming proposal,
- (e) any other matter related to filming.

Schedule 1 [5] amends section 612 of the *Local Government Act 1993* to provide that if a council complies with the filming protocol in setting a fee for an application made in a filming proposal, the council is not required to give public notice of the fee.

Schedule 1 [6] inserts definitions of *filming*, *filming project*, *filming proposal* and *filming protocol* into the Dictionary.