



Western Cape
Government

IMPROVED FILM PERMITTING
IN THE WESTERN CAPE

MODEL MUNICIPAL FILM PERMITTING POLICY

PREPARED BY:
WESTERN CAPE DEPARTMENT OF ECONOMIC DEVELOPMENT
AND TOURISM

MUNICIPAL FILM PERMITTING POLICY

POLICY NUMBER:
DATE OF APPROVAL:

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FOREWORD

To be completed by Municipality.

EXECUTIVE SUMMARY

To be completed by Municipality.

1 DEFINITIONS

In this Policy, unless the context otherwise indicates –

"business day" means any day other than a Saturday, Sunday or official public holiday in the Republic of South Africa;

"community" means the local community of the Municipality;

"Council" means the Municipal Council of the Municipality;

"day" means a period of 24 hours;

"daytime hours" means the hours between sunrise and sunset;

"District Municipality" means the xxx District Municipality;

"filming" means the recording or streaming of sound or images, moving or still, whether on film or by video tape, electronically, digitally, virtually or by any other means in a public place or on public or private property, and includes –

- a) the preparation of a location for such filming;
- b) any activity related to such filming and the location for such filming;
- c) student film projects involving such filming; and
- d) the recording of digital media on mobile devices such as smartphones, tablet computers, action cameras and handheld cameras for the creation or sharing of information via virtual communities and social networks for commercial gain,

but excludes –

- i) filming of a private wedding ceremony or other private celebration or event for the purpose of making a recording thereof for private purposes;
- ii) filming of current affairs or news for immediate broadcast or release;
- iii) the recording of digital media on mobile devices such as smartphones, tablet computers, action cameras and handheld cameras for personal use on public or private property where there is no adverse impact on any public amenity or the public; and
- iv) filming at purpose-built film facilities where there is no impact on the public or any public amenity;

"film permit" means a film permit issued in accordance with section 9.6.2.4.1;

"film organiser" means the designated person or representative of the group, party or legal entity who is responsible for and in charge of, plans, manages, supervises, and conducts the filming as contemplated in section 9.6.1;

"Municipal Film Committee" means the committee contemplated in section 9.2.2;

"Municipal Film Coordinator" means the municipal employee contemplated in section 9.2.1;

“**Municipal Manager**” means the person appointed as municipal manager in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act 107 of 1998);

“**Municipality**” means the xxx Municipality, established by Provincial Notice 488 of 2000 issued in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act 107 of 1998);

“**night-time hours**” means the hours between sunset and sunrise; and

“**remotely piloted aircraft system**” means an unmanned aircraft which is piloted from a remote pilot station, and includes –

- a) the associated remote pilot station;
- b) the required C2 Link; and
- c) any other component as specified in a type design,

but excludes a –

- i) model aircraft; and
- ii) toy aircraft.

2 INTRODUCTION

The purpose of this Policy is to provide guidance to prospective film organisers and municipal officials on film permit applications and related matters.

This Policy is aligned to the constitutional mandate and powers of the Municipality within the framework of developmental local government. Through the implementation of this Policy, the Municipality is able to perform its constitutionally determined role to facilitate and regulate economic development initiatives within its jurisdictional area, which includes filming.

3 BACKGROUND AND PROBLEM STATEMENT

The making of films in the Western Cape has grown exponentially, with the Western Cape accounting for approximately 25% of filming activity in the country.¹ However, the various lockdowns and the concomitant limitations on business and recreational activities – necessitated by regulations aimed at curtailing the spread of the Covid-19 virus – had significant impacts on the filming sector. These included business closures, a decrease in operational revenue, job losses, limited local content development, and limited training and skills development.²

In addition to the above, key challenges in the sector include funding, red tape, infrastructure and marketing and distribution.³

Faced with the need to further strengthen the filming sector as a driver for economic development, job creation, investments and social cohesion, the Municipality has realised the importance of establishing the necessary municipal framework to manage film permitting,

¹ According to film practitioners who participated in the National Film and Video Foundation's Economic Impact Assessment of the South African Film Industry Study. National Film and Video Foundation. 2022. Economic Impact Assessment of the South African Film Industry: Summary of Key Findings. Available at: https://www.nfvf.co.za/wp-content/uploads/2022/02/EIA-Research-Bulletin_EP-002.pdf.

² Ibid p. 4-7.

³ Ibid p. 8.

whilst simultaneously assisting film organisers to experience the Municipality as a destination of choice for filming.

4 INTENT

By focusing on further unlocking the human, natural and other assets that are abundantly present in the Municipality's jurisdictional area, the Municipality intends to assist in increasing, in a sustainable manner, growth, job creation, investments and social inclusivity through effective and efficient filming permitting, while at the same time providing policy and legislative certainty, removing red tape and facilitating the ease of doing business.

5 PURPOSE AND AIMS

The purpose of this Policy is to provide guidance to prospective film organisers and municipal officials on film permit applications and related matters.

The Policy is aimed at enhancing the ease of doing business with the Municipality by –

- a) providing for the necessary municipal structures and systems to facilitate film permit applications;
- b) regulating film permit applications, consideration, approval and related processes;
- c) providing policy and legislative certainty with regard to additional permissions, approvals, processes and implementation arrangements that may be required in terms of existing legislation;
- d) establishing the Municipality as a filming-ready and filming-friendly location; and
- e) increasing, in a sustainable manner, growth, job creation, investments and social inclusivity through effective and efficient film permitting.

6 SCOPE AND APPLICATION

This Policy applies to the area of jurisdiction of the Municipality and is applicable to all instances of filming as defined in section 1.

Although care has been taken to be as comprehensive as possible with regard to the specific and transversal legislative framework regulating and impacting on filming and related activities in the Municipality, the Policy does not derogate from any provisions or requirements of national or provincial legislation, nor of any existing municipal policy and by-law effective in the jurisdictional area of the Municipality.

7 PRINCIPLES

This Policy is underpinned by the following principles:

- a) improved service delivery;
- a) ease of doing business;
- b) policy and legislative certainty;
- c) job creation;
- d) sustainable economic growth; and
- e) transformation, equity and inclusivity.

In the application of this Policy, the Municipality will ensure full compliance with the above-mentioned principles.

8 REGULATORY CONTEXT AND STRATEGIC ALIGNMENT

This section provides a broad overview of the constitutional and national legislative provisions that enable municipalities to adopt policies and make by-laws. This is followed by a summary of the national framework dealing specifically with filming, after which the main transversal national legislative instruments directly relevant to the regulation of filming are listed. The Western Cape provincial framework is then outlined, followed by the municipal legislative framework.

8.1 CONSTITUTIONAL AND NATIONAL LEGISLATIVE PROVISIONS ENABLING MUNICIPALITIES TO ADOPT POLICIES AND MAKE BY-LAWS

The Constitution states that one of the key objects of local government is the promotion of social and economic development.⁴ Local government must also ensure the provision of services to communities in a sustainable manner and promote a safe and healthy environment.⁵ In addition, the Constitution obligates every municipality to participate in national and provincial development programmes.⁶ These obligations are relevant for the regulation of filming in the area of jurisdiction of the Municipality.

The Constitution grants the Municipality executive authority in respect of, and the right to administer –

- a) the local government matters listed in Part B of Schedule 4 and Part B of Schedule 5; and
- b) any other matter assigned to it by national or provincial legislation.⁷

Local government matters that have a direct impact on film permitting and regulation in the area of jurisdiction of the Municipality include –

- a) building regulations;
- b) electricity and gas reticulation;
- c) fire-fighting services;
- d) local tourism;
- e) municipal planning;
- f) municipal health services;
- g) municipal public works;
- h) jetties, piers and harbours;
- i) stormwater management systems in built-up areas;
- j) trading regulations;
- k) water and sanitation services limited to potable water supply systems and domestic waste-water and sewage disposal systems;
- l) billboards and the display of advertisements in public places;
- m) cemeteries, funeral parlours and crematoria;

⁴ Section 152(1)(c) of the Constitution.

⁵ Section 152(1) (b) and (d) of the Constitution.

⁶ Section 153(b) of the Constitution.

⁷ Section 156(1) of the Constitution. In terms of section 156(2), a municipality may also make and administer by-laws for the effective administration of the matters which it has the right to administer.



- n) cleansing;
- o) control of public nuisances;
- p) licensing of dogs;
- q) local amenities;
- r) municipal parks and recreation;
- s) municipal roads;
- t) noise pollution;
- u) public places;
- v) refuse removal, refuse dumps and solid waste disposal;
- w) street lighting; and
- x) traffic and parking.⁸

The Municipal Council exercises its executive and legislative authority by, amongst others –

- a) developing and adopting policies;
- b) promoting and undertaking development;
- c) administering and regulating its internal affairs and the local government affairs of the local community;
- d) implementing applicable national and provincial legislation and its own by-laws;
- e) imposing and recovering rates, taxes, levies, duties, service fees and surcharges on fees, including setting and implementing tariff, rates and tax and debt collection policies;
- f) promoting a safe and healthy environment;
- g) monitoring the impact and effectiveness of any services, policies, programmes or plans;
- h) passing by-laws and taking decisions on any of the matters mentioned above; and
- i) doing anything else within its legislative and executive competence.⁹

With regard to the responsibilities of the District Municipality, the Local Government: Municipal Structures Act, 1998 (Act 107 of 1998), provides for the District Municipality to aim at achieving the integrated, sustainable and equitable social and economic development of its area as a whole by, amongst others, building the capacity of all local municipalities within its area of jurisdiction.¹⁰

In regulating film permitting in the area of jurisdiction of the Municipality, the Municipal Council must concomitantly implement –

- a) applicable national legislation as contemplated in sections 8.2 and 8.3;
- b) applicable provincial legislation as contemplated in section 8.4; and
- c) its own by-laws as contemplated in section 8.5.

8.2 NATIONAL FRAMEWORK DEALING WITH FILMING

⁸ Items (a) to (k) are local government matters for which both national Parliament and provincial legislatures may enact legislation or utilise administrative steps aimed at ensuring the effective performance by municipalities of their functions (Schedule 4 (Part B) read with s 155(7) of the Constitution). Items (l) to (x) are local government matters for which provincial legislatures may enact legislation or utilise administrative steps aimed at ensuring the effective performance by municipalities of their functions (Schedule 5 (Part B) read with s 155(7) of the Constitution). Section 155(6)(a)-(b) compels provinces to monitor and provide support to municipalities, as well as to promote their capacity to perform their functions.

⁹ Section 11(3) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

¹⁰ Section 83(3). The Municipal Structures Act also provides for the division of functions and powers between district and local municipalities (s 84). Within this context, the promotion of local tourism within the area of a district municipality is allocated to the district municipality concerned (s 84(1)(m)). Disputes relating to the exercise of a power or the performance of a function between a district and a local municipality may be resolved by the Provincial Minister concerned (s 86). District and local municipalities are, however, obliged to co-operate with each other (s 88).

The national legislative framework dealing with filming and broadcasting in general is comprised of the –

- a) Broadcasting Act, 1999 (Act 4 of 1999);
- b) Copyright Act, 1978 (Act 98 of 1978);
- c) Films and Publications Act, 1996 (Act 65 of 1996);
- d) Independent Communications Authority of South Africa Act, 2000 (Act 13 of 2000); and
- e) National Film and Video Foundation Act, 1997 (Act 73 of 1997).

There are a number of national Acts which provide for financial and other forms of assistance to the film industry.¹¹ In addition, the Industrial Development Corporation¹² provides support (mostly loan finance) to the domestic film industry through its Media and Motion Pictures Strategic Business Unit. The Department of Trade, Industry and Competition promotes local content generation, attracts international productions, and provides support to the post-production industry by means of various incentives.¹³

The Municipal Council must exercise its executive and legislative authority by, amongst others, implementing the above filming-specific national legislative instruments when regulating filming in the Municipality.

8.3 TRANSVERSAL NATIONAL LEGISLATIVE INSTRUMENTS

In addition to the national policy and legislative framework dealing with municipal functions in general and filming in particular, there are a number of transversal national legislative instruments dealing with a wide range of matters that have an impact on the regulation of filming. These include, but are not limited to, the following:

- a) Labour and employees:
 - i) Basic Conditions of Employment Act, 1997 (Act 75 of 1997)
 - ii) Broad-Based Black Economic Empowerment, 2003 (Act 53 of 2003)
 - iii) Code of Good Practice for the Employment of Children in the Performance of Advertising, Artistic and Cultural Activities, 2015
 - iv) Employment Equity Act, 1998 (Act 55 of 1998)
 - v) Labour Relations Act, 1995 (Act 66 of 1995)
 - vi) Preferential Procurement Policy Framework Act, 2000 (Act 5 of 2000)
 - vii) Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act 4 of 2000)
 - viii) Sectoral Determination 10: Children in the Performance of Advertising, Artistic and Cultural Activities, South Africa, 2004
- b) Governance:
 - i) Intergovernmental Relations Framework Act, 2005 (Act 13 of 2005)
 - ii) Promotion of Access to Information Act, 2000 (Act 2 of 2000)

¹¹ Department of Communications and Digital Technologies 2020 Draft White Paper on Audio and Audiovisual Content Services Policy Framework, p. 132-133. The Draft White Paper refers to the following five pillars: Pillar 1: Effective marketing; Pillar 2: Facilitate ease of access; Pillar 3: The visitor experience; Pillar 4: Destination management, and Pillar 5: Broad based benefits. In addition, the Draft White Paper refers to the legislation dealing with financial and other forms of assistance, including the:

- Income Tax Act, 1962 (Act 58 of 1962), which provides for a tax allowance focused on the stimulation of film production (s 120);
- Lotteries Act, 1997 (Act 57 of 1997), which, through the National Lottery's Distribution Trust Fund's Distributing Agency for Arts, Culture, Environment and National Heritage, provides funding on a regular basis for successful applications within the broader cultural field, including films and various types of events; and
- Media Development and Diversity Agency Act, 2002 (Act 14 of 2002), which stipulates that the Agency must promote media development and diversity through the provision of support (financial, training, etc.) to, amongst others, community and small commercial media projects.

¹² Established in terms of the Industrial Development Corporation Act, 1940 (Act 22 of 1940).

¹³ Department of Communications and Digital Technologies 2020 Draft White Paper on Audio and Audiovisual Content Services Policy Framework, p. 132-133.



- iii) Promotion of Administrative Justice Act, 2000 (Act 3 of 2000)
- iv) Protection of Personal Information Act, 2013 (Act 4 of 2013)
- v) Public Finance Management Act, 1999 (Act 1 of 1999)
- c) Local government:
 - i) Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003)
 - ii) Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)
 - iii) Local Government: Municipal Systems Act, 2000 (Act 32 of 2000)
- d) Animals and marine animals:
 - i) Animal Health Act, 2002 (Act 7 of 2002)
 - ii) Animal Identification Act, 2002 (Act 6 of 2002)
 - iii) Animal Protection Act, 1962 (Act 71 of 1962)
 - iv) Management of Boat Based Whale Watching and Protection of Turtles Regulations, 2008
 - v) Marine Living Resources Act, 1998 (Act 18 of 1998)
 - vi) Performing Animals Protection Act, 1935 (Act 24 of 1935)
 - vii) Societies for the Prevention of Cruelty to Animals Act, 1993 (Act 169 of 1993)
 - viii) Veterinary and Para-Veterinary Professions Act, 1982 (Act 19 of 1982)
- e) Health and safety:
 - i) Disaster Management Act, 2002 (Act 57 of 2002)
 - ii) Fire Brigade Services Act, 1987 (Act 99 of 1987)
 - iii) National Health Act, 2003 (Act 61 of 2003)
 - iv) Occupational Health and Safety Act, 1993 (Act 85 of 1993)
 - v) Tobacco Products Control Act, 1993 (Act 83 of 1993)
- f) Environmental protection:
 - i) Atmospheric Pollution Prevention Act, 1965 (Act 45 of 1965)
 - ii) Environment Conservation Act, 1989 (Act 73 of 1989)
 - iii) Environmental Impact Assessment Regulations, 2014
 - iv) Guidelines on the Implementation of Regulations pertaining to the Control of Vehicles in the Coastal Zone, 2004
 - v) Hazardous Substances Act, 1973 (Act 15 of 1973)
 - vi) National Environment Management Act, 1998 (Act 107 of 1998)
 - vii) National Environment Management: Air Quality Act, 2004 (Act 39 of 2004)
 - viii) National Environment Management: Biodiversity Act, 2004 (Act 10 of 2004)
 - ix) National Environment Management: Integrated Coastal Management Act, 2008 (Act 24 of 2008)
 - x) National Environment Management: Protected Areas Act, 2003 (Act 57 of 2003)
 - xi) National Environment Management: Waste Act, 2008 (Act 59 of 2008)
 - xii) National Environmental Management: Integrated Coastal Management Act, 2008 (Act 24 of 2008)
 - xiii) National Forests Act, 1998 (Act 84 of 1998)
 - ix) National Forests Act, 1998 (Act 84 of 1998)
 - x) National Water Act, 1998 (Act 36 of 1998)
- g) Heritage management:
 - i) National Heritage Resources Act, 1999 (Act 25 of 1999)
 - ii) World Heritage Convention Act, 1999 (Act 49 of 1999)
- h) Land use:
 - i) Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)



- i) Structures:
 - i) National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977)
 - ii) Occupational Health and Safety Act, 1993 (Act 85 of 1993)
- j) Firearms and explosives:
 - i) Explosives Act, 2003 (Act 15 of 2003)
 - ii) Firearms Control Act, 2000 (Act 60 of 2000)
 - iii) Prohibition or Restriction of Certain Conventional Weapons Act, 2008 (Act 18 of 2008)
- k) Traffic management:
 - i) National Road Traffic Act, 1996 (Act 93 of 1996)
- l) Aviation:
 - i) Civil Aviation Act, 2009 (Act 13 of 2009)
 - ii) Civil Aviation Regulations, 2011

The Municipal Council must exercise its executive and legislative authority by, amongst others, implementing the above transversal national legislative instruments when regulating filming in the Municipality.

8.4 WESTERN CAPE PROVINCIAL FRAMEWORK

The Constitution of the Western Cape, 1997 (Act 1 of 1998), does not deal explicitly with film permitting, but provision is made for the adoption and implementation of policies to actively promote and maintain the welfare of the people of the Western Cape, including policies aimed at achieving, amongst others, the following:

- a) the promotion of respect for the rights of cultural, religious and linguistic communities in the Western Cape;
- b) the creation of job opportunities;
- c) the promotion of a market-oriented economy;
- d) an environment in which all children are protected against exploitation, neglect, abuse and abandonment;
- e) the development of rural communities;
- f) the protection of the environment in the Western Cape, including its unique fauna and flora, for the benefit of present and future generations;
- g) the protection and conservation of the natural historical, cultural historical, archaeological and architectural heritage of the Western Cape for the benefit of the present and future generations; and
- h) the promotional development and enhancement of the youth.¹⁴

At the provincial institutional level, the Western Cape Department of Economic Development and Tourism (DEDAT) aims to stimulate economic growth in, amongst others, the film industry. The Department is also the key driver in the provincial Reduction of Red Tape and the Ease of Doing Business initiatives.

Wesgro¹⁵ is the official Western Cape tourism, trade and investment promotion agency. Wesgro's mission is, amongst others, to position and market the Western Cape as "a

¹⁴ Section 81.

¹⁵ Established in terms of the Western Cape Tourism, Trade and Investment Promotion Agency Act, 1996 (Act 3 of 1996), and being a Schedule 3C Western Cape provincial public entity in terms of the Public Finance Management Act, 1999 (Act 1 of 1999).

competitive and sustainable tourism and film destination globally”.¹⁶ The Film and Media Promotion Unit represents the City of Cape Town and Western Cape region as a film location, and provides location facilitation, investment advice, policy and regulatory advice as well as visa and permit advice to potential filmmakers. Ongoing interventions to drive recovery in the film sector include the following:

- a) marketing the region via new and updated publications and standard operating procedures;
- b) helping to lobby for ease of doing business across the national, regional and local departments affecting film and media businesses; and
- c) taking part in research and publicise aligned investment opportunities.

There are a number of transversal provincial legislative instruments dealing with a range of matters that have an impact on the regulation of filming. These include, but are not limited to, the following:

- a) Nature Conservation Ordinance, 1974 (Ordinance 19 of 1974);
- b) Western Cape Land Use Planning Act, 2014 (Act 3 of 2014); and
- c) Western Cape Noise Control Regulations, 2013.

The Municipal Council must exercise its executive and legislative authority by, amongst others, implementing the above provincial legislative instruments when regulating filming in the Municipality.

8.5 MUNICIPAL LEGISLATIVE FRAMEWORK

The following municipal by-laws have a direct or indirect impact on filming:

- a) xxx;
- b) xxx;
- c) xxx; and
- d) xxx.

The Municipal Council must exercise its executive and legislative authority by, amongst others, implementing the above by-laws when regulating filming in the Municipality.

9 POLICY

9.1 MUNICIPAL FUNCTIONS RELATING TO FILMING

This Policy establishes the Municipality as the authority controlling body for the approval of filming within its area of jurisdiction.

The main functions of the Municipality relating to filming in its jurisdictional area are to –

- a) establish the necessary structures and systems to fulfil its mandate;
- b) attract investment into the film industry through marketing and communications initiatives and interventions;
- c) consider applications and issue permits for filming;
- d) facilitate filming by coordinating the responsibilities of all role players;
- e) ensure access to municipal services during filming;
- f) support the film industry through targeted financial and non-financial means;

¹⁶ Wesgro Annual Performance Plan 2021/22, p. 11.



- g) ensure health, safety, environmental and regulatory compliance before, during and after filming; and
- h) bid for filming opportunities.

9.2 MUNICIPAL STRUCTURES AND SYSTEMS

The Municipality must establish and put in place the necessary structures and systems to facilitate the film permitting objectives of this Policy.

9.2.1 Municipal Film Coordinator

The Municipality must appoint or designate a municipal employee with the necessary skills and experience as the Municipal Film Coordinator. The Municipal Film Coordinator is delegated by the Municipal Manager with the overall responsibility for filming in the jurisdiction of the Municipality in line with this Policy.

The Municipal Film Coordinator has the following powers, functions and duties:

- a) facilitate, coordinate and support filming in the Municipality;
- b) act as the central point of contact in the Municipality for film organisers;
- c) act as liaison and intermediary between film organisers and municipal directorates;
- d) facilitate communication and coordination between film organisers, municipal directorates and other stakeholders;
- e) act as chairperson and coordinate the activities of the Municipal Film Committee;
- f) coordinate the submission, review, consideration, and approval or rejection of filming permit applications;
- g) consider film permit applications as contemplated in section 9.6.2.3;
- h) determine conditions relating to permits as contemplated in section 9.6.2.4.1;
- i) approve, reject and refuse film permit applications as contemplated in section 9.6.2.4;
- j) issue filming permits;
- k) assist film organisers with regard to additional permissions, approvals and processes that may be required;
- l) coordinate the Municipality's operational requirements with regard to filming;
- m) coordinate and facilitate the execution of filming in line with permits;
- n) ensure compliance with permit conditions, municipal by-laws and relevant provincial and national legislation before, during and after filming;
- o) coordinate responses to non-compliance by film organisers;
- p) coordinate reporting, monitoring and evaluation of filming;
- q) pursue standardisation of film permitting, planning and monitoring procedures within the Municipality, the District Municipality, the Province and the broader film industry;
- r) coordinate, develop and manage this Policy and the Film Permitting By-law; and
- s) perform such other functions as may be provided for in this Policy.

The Municipal Film Coordinator may request the Municipal Manager to provide him or her with dedicated project-specific support in the event of complex filming. When considering such requests, the Municipal Manager must take into account the potential economic and reputational benefits of the project for the Municipality. If approved, a multi-disciplinary team comprising relevant staff members may be assigned to the project to assist the Municipal Film Coordinator in the execution of his or her powers, functions and duties.

The Municipality may provide for the permanent appointment or assignment of administrative and operational staff members to support the Municipal Film Coordinator in the execution of his or her powers, functions and duties.

9.2.2 Municipal Film Committee

The Municipality must establish a Municipal Film Committee.

The Municipal Film Committee is chaired by the Municipal Film Coordinator and must include a representative of the following municipal directorates:

- a) community services;
- b) community safety;
- c) planning, building control and economic development;
- d) infrastructure services; and
- e) such other municipal directorates as may be determined by the Municipality.

Representatives of the following entities may be invited to attend meetings of the Municipal Film Committee in an advisory capacity as and when needed:

- a) district disaster management;
- b) district health services;
- c) district environmental services;
- d) district fire services;
- e) district economic development and tourism;
- f) South African Police Service;
- g) Western Cape Traffic Police; and
- h) such other entities or stakeholders as may be determined by the Municipal Film Coordinator.

The Municipal Film Committee has the following powers, functions and duties:

- a) consider film permit applications as contemplated in section 9.6.2.3;
- b) determine legislative requirements for filming;
- c) determine operational requirements for filming;
- d) determine conditions relating to permits as contemplated in section 9.6.2.4.1;
- e) approve, reject or refuse film permit applications as contemplated in section 9.6.2.4;
- f) support the Municipal Film Coordinator in the coordination, operational aspects, management and monitoring of filming;
- g) assist film organisers with regard to additional permissions, approvals and processes that may be required;
- h) ensure compliance with permit conditions, municipal by-laws and relevant provincial and national legislation before, during and after filming;
- i) report, monitor and evaluate filming;
- j) respond and take appropriate action, in consultation with the Municipal Film Coordinator, when a film organiser fails to comply with permit conditions, by-laws or other legislation;
- k) report, monitor and evaluate filming in line with this Policy; and
- l) perform such other functions as may be provided for in this Policy.

The Municipal Film Committee must meet as and when necessary to discuss –

- a) forthcoming filming as per the Film Calendar; and
- b) other matters of importance.

The Municipal Film Coordinator must provide administrative support to such meetings and ensure that proper minutes are kept.

9.2.3 Details of Municipal Film Coordinator

The contact details of the Municipal Film Coordinator must be made available to film organisers and on the Municipality's website. These include the physical office address, email address and telephone number, as well as an emergency after hours telephone number.

9.2.4 Film Application Register

A Film Application Register must be established and maintained by the Municipal Film Coordinator in which all film applications received, and all permits issued, must be recorded. The Register can be administered electronically or manually, but the aim is to transition to a fully electronic record-keeping system.

9.2.5 Film Calendar

A Film Calendar must be established and maintained by the Municipal Film Coordinator in which all approved film permit applications must be recorded. The Film Calendar must be published on the Municipality's website and on a notice board at the municipal offices.

The Film Calendar will assist –

- a) potential applicants to determine the availability of dates, locations and venues for filming; and
- b) the Municipality with operational planning, resource allocation and coordination of filming

and must be consulted during the consideration of film permit applications, event permit applications and the planning of municipal events.

9.2.6 Film Location Portfolio

A Film Location Portfolio must be developed and maintained by the Municipal Film Coordinator in which all filming locations in the jurisdiction of the Municipality must be recorded. The Portfolio must be published on the Municipality's website and a physical copy must be available for perusal at the Municipal Film Coordinator's office.

The Portfolio will –

- a) provide film organisers with images, physical locations, access details, facilities, contact details and other relevant information of filming locations in the jurisdiction of the Municipality; and
- b) assist in the marketing of the Municipality as a film location of choice.

The Municipality must engage with relevant stakeholders to expand and improve the portfolio of filming locations in the jurisdiction of the Municipality. Public and private stakeholders, including venues, nature reserves and tourism organisations, are encouraged to submit locations and related information for inclusion in the Film Location Portfolio.

The Municipality may cooperate with stakeholders in the film industry to develop voluntary norms and standards to assist in developing accessible and marketable filming-ready and filming-friendly locations and venues in the jurisdiction of the Municipality.

9.2.7 Directory of Local Suppliers, Goods and Services

A Directory of Local Suppliers, Goods and Services must be developed and maintained by the Municipal Film Coordinator in consultation with the local business chamber to assist film organisers in obtaining goods and services. Film organisers are encouraged to procure from local businesses and utilise local service providers in order to support the local economy. The Directory of Local Suppliers, Goods and Services must be published on the Municipality's website and on a notice board at the municipal offices.

9.2.8 Film Restrictions Schedule

A Film Restrictions Schedule must be developed and maintained by the Municipal Film Coordinator. The Schedule must indicate restrictions on access, filming in specified areas or at certain times of the year. The Film Restrictions Schedule must be published on the Municipality's website and on a notice board at the municipal offices.

9.2.9 Non-compliance Register

A Non-compliance Register must be established and published by the Municipal Film Coordinator. The Non-compliance Register will contain the details of film organisers and other parties involved in filming in respect of which compliance notices have been issued. The Non-compliance Register must be consulted when film permit applications are considered.

The Register can be administered electronically or manually, but the aim is to transition to a fully electronic record-keeping system.

9.2.10 Code of Conduct

A Code of Conduct for Film Organisers must be developed by the Municipal Film Coordinator in consultation with the Municipal Film Committee and other stakeholders. The purpose of the Code of Conduct is to guide film organisers' conduct in relation to the public, the environment and the Municipality.

9.3 MARKETING OF MUNICIPALITY

The municipal corporate affairs directorate, in consultation with the Municipal Film Coordinator and the local tourism association, is responsible for the marketing of the Municipality as a filming-ready and filming-friendly destination. In this regard, the directorate must, amongst others –

- a) utilise efficient and effective marketing and communication initiatives and interventions, including social media, to promote the Municipality's film sector; and
- b) schedule regular engagements with local and provincial film industry stakeholders to encourage collaboration and coordination of marketing initiatives.

9.4 REQUIREMENT FOR FILM PERMIT

A film permit is required to film in the jurisdiction of the Municipality.

Subject to the specific exclusions contemplated in the definition of filming in section 1, a valid filming permit is required to film –

- a) in a public space;
- b) on public property; and
- c) on private property.

No person may film as set out above without a valid film permit issued by the Municipality.

Notwithstanding the specific exclusions contemplated in the definition of filming in section 1, the Municipality may require any person to apply for a film permit where the potential impact or risk attached to such filming is, in the opinion of the Municipal Film Coordinator, of such a nature to necessitate it. A film organiser is accordingly encouraged to contact the Municipal Film Coordinator to ascertain whether a permit will be required for a proposed filming.

9.5 CLASSIFICATION AND GUIDELINE PROCESSING TIMES

The following categories and upper limit internal processing times for film permit applications are applicable to enable the Municipality to properly process applications and to facilitate operational planning:

CATEGORY	DETERMINING FACTORS	UPPER LIMIT INTERNAL PROCESSING TIME
Private micro shoot	A shoot on private land that meets all four of the following determining factors: <ol style="list-style-type: none"> a) comprises 1-15 persons; and b) comprises 0-5 vehicles; and c) has a duration of less than one day; and d) does not involve any one or more of the impact factors specified under any other category. 	2 business days
Public micro shoot	A shoot on public land that meets all four of the following determining factors: <ol style="list-style-type: none"> a) comprises 1-15 persons; and b) comprises 0-5 vehicles; and c) has a duration of less than one day; and d) does not involve any one or more of the impact factors specified under any other category. 	3 business days
Small shoot	A shoot on public or private land that comprises 16-30 persons and 0-10 vehicles OR A shoot on public or private land that comprises 1-30 persons and 6-10 vehicles OR A shoot on public or private land that has a duration of 1-2 days OR ANY shoot on public or private land that –	5 business days



CATEGORY	DETERMINING FACTORS	UPPER LIMIT INTERNAL PROCESSING TIME
	a) comprises 1-15 persons and 0-5 vehicles; and b) has a duration of less than one day, AND THAT ALSO involves any one or more of the following impact factors: i) the generation of limited excessive noise during daytime or night-time hours that do not require a noise exemption (e.g. small generators); or ii) the utilisation of remotely piloted aircraft systems (RPAS).	
Medium shoot	A shoot on public or private land that comprises 31-100 persons and 0-30 vehicles OR A shoot on public or private land that comprises 1-100 persons and 11-30 vehicles OR A shoot on public or private land that has a duration of 3-5 days OR ANY shoot on public or private land that – a) comprises 1-30 persons and 0-10 vehicles; or b) has a duration of 2 days or less, AND THAT ALSO involves any one or more of the following impact factors – i) the generation of excessive noise during daytime hours that requires a noise exemption (e.g. large generators); or ii) the use of limited lighting during night-time hours; or iii) the provision of limited or regular municipal services by the Municipality; or iv) the erection of minimal or minor temporary structures; or v) the utilisation of municipal properties, venues or facilities; or vi) the utilisation of municipal parks, municipal reserves and municipal coastal areas; or vii) the utilisation of municipal dams and other municipal water infrastructure; or viii) partial municipal road closures or minimum municipal road modifications; or ix) limited traffic assistance by Municipality; or x) the utilisation of fireworks, special effects or smoke machines or performance of stunts and other potentially dangerous acts; or xi) the utilisation of fixed wing aircraft and helicopters; or xii) the utilisation of motorised watercraft; or xiii) the involvement of children; or xiv) the involvement of animals; or xv) the utilisation of outdoor advertising and other municipal advertising channels.	7 business days
Large shoot	A shoot on public or private land that comprises 101-200 persons and 0-70 vehicles OR	10 business days

CATEGORY	DETERMINING FACTORS	UPPER LIMIT INTERNAL PROCESSING TIME
	<p>A shoot on public or private land that comprises 1-200 persons and 31-70 vehicles</p> <p>OR</p> <p>A shoot on public or private land that has a duration of 6 to 14 days.</p> <p>OR</p> <p>ANY shoot on public or private land that –</p> <ul style="list-style-type: none"> a) comprises 1-100 persons and 0-30 vehicles; or b) has a duration of 5 days or less, <p>AND THAT ALSO involves any one or more of the following impact factors –</p> <ul style="list-style-type: none"> i) the generation of excessive noise during night-time hours that requires a noise exemption (e.g. large generators); or ii) the use of extensive lighting during night-time hours; or iii) a limited impact on municipal electricity supply infrastructure and systems; or iv) the provision of extensive municipal services by the Municipality; or v) the erection of extensive or major temporary structures; or vi) full road closures or road modifications; or vii) comprehensive traffic assistance by Municipality; or viii) any impact on, or utilisation of, protected areas, environmentally sensitive areas, coastal areas and national and provincial parks and reserves; or ix) any impact on, or utilisation of, culturally or historically sensitive areas; or x) the utilisation of explosives, flammable liquids or materials, incendiary devices and fire; or xi) the utilisation of firearms or ammunition; or xii) any impact on, or utilisation of, national or provincial public roads and traffic. 	
Major shoot	<p>A shoot on public or private land that comprises more than 200 people and 0-70 vehicles</p> <p>OR</p> <p>A shoot on public or private land that comprises one or more persons and more than 70 vehicles</p> <p>OR</p> <p>A shoot on public or private land that has a duration of more than 14 days</p> <p>OR</p> <p>ANY shoot on public or private land that –</p> <ul style="list-style-type: none"> a) comprises 1-200 persons and 0-70 vehicles; or b) has a duration of 14 days or less, <p>AND THAT ALSO involves any one or more of the following impact factors –</p> <ul style="list-style-type: none"> i) a major impact on municipal electricity supply infrastructure and systems; or 	15 business days

CATEGORY	DETERMINING FACTORS	UPPER LIMIT INTERNAL PROCESSING TIME
	<ul style="list-style-type: none"> ii) any impact on Eskom electricity supply infrastructure and systems; or iii) the provision of extraordinary or special municipal services by the Municipality that necessitate assistance from the District Municipality or neighbouring municipalities; or iv) land use planning implications; or v) the erection of buildings or permanent structures. 	
Special shoot	A shoot that requires special application directives on account of unique or additional factors that need to be considered over and above the size, duration and impact factors referred to above.	As may be determined by the Municipal Film Coordinator

The Municipal Film Coordinator and Municipal Film Committee will endeavour to review, consider and process permit applications as speedily as possible having regard to the upper limit internal processing times above.

Film organisers must, however, be mindful that additional municipal or third party permissions, approvals and/or processes may be required before the approved filming may commence. These are set out in more detail in section 9.7. The Municipal Film Coordinator acts as the central point of contact, liaison, intermediary and repository for all additional municipal permissions, approvals and processes that may be required, and will coordinate with the members of the Municipal Film Committee and the relevant municipal directorates to ensure that any applications in this regard are processed timeously. However, in the event of any additional third party permissions, approvals and processes being required for a specific filming, the Municipal Film Coordinator can only perform an advisory role. The identification of, and application for, all additional third party permissions, approvals and processes that may be required remain the sole responsibility of the film organiser, who must also take into account the applicable processing times as determined by the third parties concerned.

Film organisers are accordingly encouraged to contact the Municipal Film Coordinator or submit their film applications well in advance of the upper limit internal processing times above to ascertain whether any additional permissions, approvals or processes may be required for the proposed filming.

9.6 PERMIT APPLICATION

9.6.1 Designation of film organiser

A key individual must be designated as the film organiser by the entity, organisation, body or group applying for the film permit. As the designated film organiser, such individual is responsible for and in charge of, plans, manages, supervises and conducts, and is accountable for, the filming. A film organiser must be 18 years of age or older, and must possess the necessary capacity, resourcing and experience to organise the proposed filming.

9.6.2 Application process

The permit application process consists of the following stages:



- a) completion and submission of application;
- b) review of application;
- c) consideration of application; and
- d) decision on application.

9.6.2.1 Completion and submission of application

The first step in the application process is the completion and submission of the Film Permit Application Form together with the prescribed documents. The Municipal Film Coordinator must provide the film organiser with the relevant prescribed forms, formats and/or other requirements for the application.¹⁷

The film organiser must –

- a) complete the Film Permit Application Form;
- b) attach the prescribed documents; and
- c) submit the complete application to the Municipal Film Coordinator.

The Film Application Form must include the following information:

- a) full name, address, contact number and email address of the individual designated as the film organiser; and
- b) full name, address, contact number and email address of the individual shooting the film (if different from film organiser) or, in the case of an entity, organisation, body or group, the registered name, registration number and full names, addresses, contact numbers and email addresses of its members, directors or trustees.

The following prescribed documents must be attached to the completed Film Permit Application Form:

- a) Film plan: The film plan is a detailed description of the proposed film consisting of at least the following:
 - i) textual summary of the proposed film;
 - ii) proposed dates and hours of operation of the filming;
 - iii) proposed locations and/or venues to be utilised;
 - iv) full name, address, contact number and email address of the owner of the proposed location/venue;
 - v) maximum number of proposed attendees, including staff, to be included in or allowed at the filming;
 - vi) total number of vehicles, implements or other apparatus that will be utilised during, or are anticipated at, the filming;
 - vii) proposed safety and security measures to be implemented; and
 - viii) any other relevant information.
- b) Completed checklist: The checklist provides further information on the proposed filming and must indicate –
 - i) whether the film organiser –
 - aa) or any party involved in the proposed filming has in the past been issued with a compliance notice in terms of the Film Permitting By-law; and
 - bb) intends to apply for municipal financial or non-financial support; and

¹⁷ The prescribed forms, formats and/or other requirements may be amended by the Municipal Film Coordinator from time to time. The latest prescribed forms, formats and/or other requirements must be made available for collection from the Municipal Film Coordinator and on the Municipality's website.



- ii) the relevance of any of the following for the proposed filming:
 - aa) land use planning implications;
 - bb) erection of temporary structures;
 - cc) erection of buildings or permanent structures;
 - dd) provision of municipal services;
 - ee) impact on municipal electricity supply infrastructure and systems;
 - ff) utilisation of municipal properties, venues or facilities;
 - gg) utilisation of municipal parks, municipal reserves and municipal coastal areas;
 - hh) utilisation of municipal dams and other municipal water infrastructure;
 - ii) impact on, or utilisation of, municipal public roads and traffic;
 - jj) generation of excessive noise (incl. generators);
 - kk) utilisation of lighting during night-time hours;
 - ll) utilisation of fireworks, special effects or smoke machines or performance of
 - mm) stunts and other potentially dangerous acts;
 - nn) utilisation of explosives, flammable liquids or materials, incendiary devices and fire;
 - oo) utilisation of firearms or ammunition;
 - pp) utilisation of fixed wing aircraft and helicopters;
 - qq) utilisation of remotely piloted aircraft systems (RPAS);
 - rr) utilisation of motorised watercraft;
 - ss) involvement of children;
 - tt) involvement of animals;
 - uu) utilisation of outdoor advertising and other municipal advertising channels;
 - vv) impact on, or utilisation of, national or provincial public roads and traffic;
 - xx) impact on, or utilisation of, protected areas, environmentally sensitive areas, coastal areas and national and provincial parks and reserves; or
 - yy) impact on Eskom electricity supply infrastructure and systems.
- c) Signed resolution: A resolution by the individual (if different from film organiser), members, directors or trustees authorising the individual designated as the film organiser to act on behalf of such individual, entity, organisation, body or group concerned.
- d) Signed Code of Conduct: The film organiser must agree to, sign and submit the Code of Conduct as contemplated in section 9.2.10.
- e) Signed indemnity form: The film organiser must complete, sign and submit an indemnity form in order to indemnify the Municipality against all actions, lawsuits, proceedings, claims, demands, costs and expenses arising out of any approval given or permission granted to such film organiser.
- f) Proof of payment of the prescribed fees: The film organiser must attach proof of payment of the prescribed application fees as contemplated in section 9.10.1.
- g) Such additional documents as the Municipality may prescribe.

The complete application must be submitted to the Municipal Film Coordinator online, by email or physically.



9.6.2.2 Review of application

Taking into account the information contained in the application, the Municipal Film Coordinator must –

- a) verify the particulars of the film organiser and other parties against the Non-compliance Register;
- b) confirm the category of the proposed filming in accordance with the classification framework in section 9.5;
- c) verify the proposed dates against the Film Calendar;
- d) verify the proposed location/venue against the Film Restrictions Schedule and, in the case of a municipal property, venue or facility, confirm the availability thereof with the municipal directorate concerned;
- e) verify that the resolution, Code of Conduct and indemnity form have been signed;
- f) verify that the prescribed fees have been paid; and
- g) review the film plan and completed checklist.

If the Municipal Film Coordinator determines that –

- a) the proposed date or location/venue is not available;
- b) the film organiser has not complied with the permit application requirements; or
- c) additional information is required,

a Feedback on Application Letter must be issued requesting the film organiser to, within 5 business days –

- i) provide an alternative date or location/venue to the Municipal Film Coordinator;
- ii) comply with all permit application requirements; or
- iii) provide the required additional information to the Municipal Film Coordinator,

as the case may be.

If the film organiser fails to comply with the request by the date specified in the Feedback on Application Letter, the Municipal Film Coordinator may reject the application as contemplated in section 9.6.2.4.2.

If the Municipal Film Coordinator is satisfied that –

- a) the film organiser has complied with the permit application requirements; and
- b) no additional information is required;

he/she must –

- i) in the case of a micro or small shoot, consider and decide on the application; or
- ii) in the case of a medium, large, major or special shoot, refer the application to the Municipal Film Committee for consideration and decision together with his/her recommendation that the application be approved or refused.

9.6.2.3 Consideration of application

The Municipal Film Coordinator, in the case of a micro or small shoot, or the Municipal Film Committee, in the case of a medium, large, major or special shoot, must consider and assess each film permit application on its own merit in an objective, rational and reasonable manner.

The following factors must be considered:

- a) the Municipality's strategic objectives, by-laws, policies, guidelines and procedures;
- b) the District Municipality's by-laws, policies, guidelines and procedures;



- c) national and provincial policies, legislation, regulations and guidelines;
- d) the recommendation of the Municipal Film Coordinator, if applicable;
- e) the classification of the proposed filming;
- f) the scale and nature of the impact on public safety, the environment and the surrounding community;
- g) health, safety and security, traffic, noise, lighting and other nuisance considerations;
- h) the availability of sufficient municipal and emergency services;
- i) the potential contribution to economic development;
- j) the history of the film organiser and filming party (if any);
- k) any public comments received and public sentiment in general;
- l) any additional municipal permissions, approvals and processes that may be required as contemplated in section 9.7.1;
- m) any additional third party permissions, approvals and processes that may be required as contemplated in section 9.7.2;
- n) whether any concerns that the Municipal Film Coordinator or Municipal Film Committee may have, can be satisfactorily addressed; and
- o) any other relevant factors as it deems necessary.

The Municipal Film Coordinator may request the film organiser to –

- a) clarify or amend submitted information; and
- b) submit such additional information as may be necessary to consider the application.

In the case of a medium, large, major or special shoot, all members of the Municipal Film Committee must be provided with an opportunity to provide inputs prior to the decision to approve or refuse an application to ensure that the requirements of each representative's municipal directorate are taken into account.

9.6.2.4 Decision on application

The Municipal Film Coordinator, in the case of a micro or small shoot, or the Municipal Film Committee, in the case of a medium, large, major or special shoot, must, after considering the application, decide to approve or refuse the application.

9.6.2.4.1 Approval of application, conditions and permitting

If the Municipal Film Coordinator or Municipal Film Committee, as the case may be, decides to approve the film permit application, it –

- a) may attach such conditions as it deems necessary to minimise potential adverse implications for public safety, the environment and the surrounding community; and
- b) must make the commencement of such filming conditional to the film organiser obtaining or finalising all the required additional municipal and third party permissions, approvals and processes that may be required for such filming.¹⁸

Following the determination of any conditions, the Municipal Film Coordinator must –

- a) issue the permit;
- b) attach such conditions to the permit as have been determined, if any; and

¹⁸ Section 9.7 deals with additional municipal and third party permissions, approvals and processes that may be required depending on the nature of the specific filming.



- c) forward an electronic version of the permit and attached conditions, if applicable, to the film organiser.

The film organiser must be able to present the permit, either electronically or by means of a printout, for inspection at all times.

The approved application, the permit and the conditions attached to such permit constitute a binding contract between the Municipality and the film organiser, and must be complied with at all times.

The approval of an application is subject to the film organiser complying with any conditions attached to the permit. The filming may only commence if all the required additional municipal and third party permissions, approvals and processes have been obtained or finalised.

9.6.2.4.2 Rejection or refusal of application

A film permit application may be rejected or refused based on objective, rational and reasonable reasons. Such reasons may include the following:

- a) application not submitted timeously;
- b) application or additional information not received, not compliant or do not satisfactorily address concerns;
- c) film organiser or another party involved in the proposed filming recorded in the Non-Compliance Register;
- d) proposed dates conflict with other planned or approved filming in the Municipal Film Calendar;
- e) proposed location/venue restricted in terms of the Film Restrictions Schedule or not available on the proposed dates;
- f) scale and nature of the impact on public safety, the environment and the surrounding community deemed to be excessively detrimental;
- g) compelling health, safety and security, traffic, noise or other nuisance concerns;
- h) unavailability of sufficient municipal services and emergency services to support the proposed filming;
- i) purpose or objectives of the proposed filming considered to be for an illegal purpose or harmful to the moral welfare of the community;
- j) overwhelming public objection to, or negative sentiment towards, the proposed filming; and
- k) any other objective, rational and reasonable reason which, in the opinion of the Municipal Film Coordinator or Municipal Film Committee, warrants the rejection or refusal of an application.

If an application is rejected or refused, the Municipal Film Coordinator must inform the film organiser in writing and provide reasons for the decision.

The film organiser has the right to appeal such a decision as contemplated in section 9.16.

9.7 ADDITIONAL PERMISSIONS, APPROVALS AND PROCESSES

Depending on the nature of the filming and as indicated in the conditions attached to a film permit, certain additional permissions, approvals and/or processes may be required before a filming may commence.

These additional permissions, approvals and/or processes are required primarily in terms of transversal national and provincial legislative instruments and municipal by-laws and policies that deal with a wide range of matters that have an impact on filming. These can be divided into the following two categories:

- a) additional municipal permissions, approvals and processes (required by municipal directorates); and
- b) additional third-party permissions, approvals and processes (required by parties other than the Municipality).

9.7.1 Additional municipal permissions, approvals and processes that may be required

This section deals with additional permissions, approvals and processes that may be required by the municipal directorates concerned.

The Municipal Film Coordinator acts as the central point of contact, liaison, intermediary and repository for all additional municipal permissions, approvals and processes that may be required. In this regard, the Municipal Film Coordinator is responsible for –

- a) providing the film organiser with the necessary application forms, application timeframes and fee schedules;
- b) receiving the completed application forms and prescribed fees from the film organiser;
- c) submitting the completed application forms and prescribed fees to the relevant municipal directorates;
- d) liaising between the relevant municipal directorates and the film organiser;
- e) obtaining confirmation of any permissions and approvals that have been granted and processes that have been finalised, or refusals, as the case may be; and
- f) providing such confirmations or refusals, as the case may be, to the film organiser.

The filming may only commence after the required additional municipal permissions, approvals and processes, as indicated in the conditions attached to a film permit, have been obtained or finalised.

9.7.1.1 Insurance

The film organiser may be required to take out appropriate –

- a) indemnity cover of at least R10 million against third party liability claims; and
- b) specialised risk insurance providing blanket liability or specific cover for stunts, special effects, pyrotechnics or any other activity which may put health and safety at risk.

The cover must be valid for the entire filming period.

The filming may only commence after the film organiser has submitted a letter of confirmation to the Municipal Film Coordinator.

9.7.1.2 Contingency plan

The film organiser may be required to submit a contingency plan setting out actions to be taken in response to incidents at the filming which might prejudice public safety or disrupt normal operations, including, but not limited to the following:

- a) involvement of safety and security services;
- b) involvement of municipal services;
- c) involvement of emergency services and/or emergency care practitioners;
- d) contact details of such services; and
- e) contact details of a person whom the public may contact to report any matter relating to the filming.

9.7.1.3 Public notice

The film organiser may, after being granted a film permit, be required to notify affected residents and businesses, or the public in general, of the approved filming. Such notification may take the form of a letter drop to affected residents and businesses or a notice published in the local newspaper at least 72 hours prior to the commencement of the filming. The letter or notice must include the name and contact details of the film organiser, the location/venue, dates and times, the number of persons, vehicles, implements or other apparatus that will be utilised, details on any roads that may be affected and municipal services that may be impacted, and the contact details of the Municipal Film Coordinator and emergency services. A copy of the letter or notice must be submitted to the Municipal Film Coordinator.

9.7.1.4 Land use planning

Filming with no or limited impact on, or implications for, land use planning will be allowed by the Municipality without the necessity for additional land use planning approvals.

However, in limited instances the film organiser may be required to submit an application to the Municipal Film Coordinator to obtain land use planning approval from the municipal planning directorate where the filming will take place on land which is not appropriately zoned. The Municipal Film Coordinator will inform the film organiser if such approval is required, and will assist the film organiser in obtaining same.

The Municipality will endeavour to align its Spatial Planning By-law with this Policy to further facilitate filming in the jurisdictional area of the Municipality.¹⁹

Depending on the nature of land use approval required, the provisions of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014), and the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), may apply.

Filming may only commence after approval has been granted by all the authorities concerned, and must comply with all requirements.

9.7.1.5 Temporary structures

The film organiser may be required to submit an application to the Municipal Film Coordinator to obtain permission from the municipal building control directorate and municipal community

¹⁹ Also see section 9.19.

safety directorate for the erection or construction of temporary habitable structures, stages, seating stands, sets, tents, scaffolding and other similar structures.

Depending on the nature of the structure concerned, the provisions of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), and the Occupational Health and Safety Act, 1993 (Act 85 of 1993), may apply.

The erection or construction of a temporary habitable structure, stage, seating stand, set, tent, scaffolding or other similar structure may only commence after permission has been granted by all the authorities concerned, and must comply with all requirements.

9.7.1.6 Buildings or permanent structures

The film organiser may be required to submit an application to the Municipal Film Coordinator to obtain approval from the municipal building control directorate for the construction of buildings or permanent structures.

Depending on the nature of the structure concerned, the provisions of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), may apply.

The construction of a building or permanent structure may only commence after permission has been granted by all the authorities concerned, and must comply with all requirements.

9.7.1.7 Municipal services

The municipality may provide municipal services to the filming. The film organiser must submit an application to the Municipal Film Coordinator indicating which municipal services will be required. The Municipal Film Coordinator must confirm the availability of the relevant municipal services with the relevant municipal directorates, and provisionally book same to ensure that sufficient services are available for the filming. The provision and utilisation of municipal services must be in line with the relevant municipal policies and by-laws and against payment of the prescribed fees.

9.7.1.8 Municipal electricity supply infrastructure and systems

The film organiser must submit an application to the Municipal Film Coordinator to obtain permission from the municipal electro-technical directorate for any activity that may impact on the municipal electricity supply infrastructure and systems, including a municipal overhead power line.

Film organisers must also take note of the specific –

- a) implementation arrangements relating to municipal electricity supply systems contemplated in section 9.8.6; and
- b) requirements relating to Eskom electricity supply infrastructure and systems as contemplated in sections 9.7.2.5 and 9.8.7.

9.7.1.9 Municipal properties, venues or facilities

The municipality may allow the film organiser to utilise municipal properties, venues or facilities for the filming. The film organiser must submit an application to the Municipal Film Coordinator indicating which municipal properties, venues or facilities will be required. The Municipal Film

Coordinator must confirm the availability of the relevant municipal properties, venues or facilities with the relevant municipal directorates, and provisionally book same to ensure that such municipal properties, venues or facilities remain available for the filming. The utilisation of municipal properties, venues or facilities must be in line with the relevant municipal policies and by-laws and against payment of the prescribed fees.

9.7.1.10 Municipal parks, reserves and coastal areas

The film organiser must submit an application to the Municipal Film Coordinator to obtain permission from the municipal sports and recreation directorate to conduct the filming in a municipal park, municipal reserve or municipal coastal areas.

The film organiser may be required to employ the services of an Environmental Control Officer (ECO) to oversee the filming to –

- a) prevent damage to the natural environment;
- b) protect of indigenous fauna and flora;
- c) prevent the feeding of, and interference with, wild animals;
- d) prevent air, soil or water pollution;
- e) prevent soil erosion;
- f) minimise wastage of resources and promote recycling;
- g) ensure that waste is legally and correctly disposed of; and
- h) provide environmental education to film crews as required.

Film organisers must take note of the specific third party permissions, approvals or processes that may be required if such municipal park, reserve or coastal area is classified as a protected area, environmentally sensitive area or coastal area as contemplated in section 9.7.2.2. If such third party permission, approval or process is mandatory, it must be obtained or finalised by the film organiser and confirmation thereof submitted to the Municipal Film Coordinator as part of the application to be considered by the municipal sports and recreation directorate.

9.7.1.11 Municipal dams and other water infrastructure

The film organiser must submit an application to the Municipal Film Coordinator to obtain permission from the municipal bulk water directorate and municipal infrastructure directorate for filming on, or adjacent to, municipal dams and other municipal water infrastructure.

9.7.1.12 Municipal roads and provincial and national roads in the Municipality

The film organiser may be required to submit an application to the Municipal Film Coordinator to obtain approval from the municipal traffic directorate where municipal public roads will be utilised for, or markedly impacted by, the filming.

Such application must include a traffic plan consisting of a detailed description of the intended activity and the control measures in place, including:

- a) the nature of the road and its role in the local road hierarchy;
- b) the date, time and duration of the filming;
- c) the nature and extent of traffic management services required;
- d) the envisaged impact on normal traffic flow and movement;
- e) an indication if intermittent traffic stopping, intermittent lane or road closures, or full lane or road closure will be required;



- f) an indication of any other activities planned for the road at that time;
- g) an indication of alternative routes available for traffic;
- h) the impact on affected residents and businesses;
- i) an indication of traffic signs that will have to be temporarily removed; and
- j) parking arrangements.

Where national or provincial public roads in the jurisdictional area of the Municipality will be utilised for, or impacted by, the filming, the film organiser must apply for and obtain permission from the Western Cape Traffic Police as contemplated in section 9.7.2.1.

The film organiser must comply with any conditions that may be imposed by the municipal traffic directorate and, if applicable, the Western Cape Traffic Police.

9.7.1.13 Excessive noise

If there is reason to believe that the filming may cause a disturbing noise or noise nuisance, the film organiser may be required to submit an application to the Municipal Film Coordinator to obtain an excessive noise exemption from the Municipal Film Committee in terms of Regulation 12(1)(b) of the Western Cape Noise Control Regulations, 2013.

An application must include comprehensive reasons for the application. The Municipal Film Coordinator must invite interested and affected parties to submit written representations and provide the film organiser with an opportunity to respond. The Municipal Film Committee must subsequently consider the application, and may request the film organiser to provide a noise impact assessment before making a decision. If the Municipal Film Committee is of the opinion that the application has merit, an exemption may be granted subject to such conditions as the Municipal Film Committee may determine.

The film organiser may also be required to notify affected residents and businesses, or the public in general, as contemplated in section 9.7.1.3.

9.7.1.14 Lighting

If there is reason to believe that lighting utilised during night-time filming may cause a disturbance, the film organiser may be required to notify affected residents and businesses, or the public in general, as contemplated in section 9.7.1.3.

9.7.1.15 Fireworks, special effects, smoke machines, stunts and other potentially dangerous acts

The film organiser may be required to submit an application to the Municipal Film Coordinator to obtain approval from the Municipal Film Committee if the filming will involve fireworks, special effects, smoke machines, stunts and other potentially dangerous acts (excluding explosives, flammable liquids or materials, incendiary devices or fire).

The application must contain information on all intended actions and planning thereof with safety measurements, and the details of the certified pyro-technician or smoke machine operator that will be handling such devices, if applicable.

The Municipal Film Committee must consider the application in consultation with the relevant municipal directorates. If permission is granted, the Municipal Film Coordinator must coordinate the approvals and operational requirements of the relevant municipal directorates and inform the Emergency Call Centre accordingly.

The film organiser may also be required to –

- a) notify affected residents and businesses, or the public in general, as contemplated in section 9.7.1.3;
- b) apply for and obtain an excessive noise exemption as contemplated in section 9.7.1.13; and
- c) in the case of a public display of fireworks, obtain permission from the South African Police Service as contemplated in section 9.7.2.4.

9.7.1.16 Explosives, flammable liquids or materials, incendiary devices and fire caused by explosions

The film organiser must, after obtaining permission from the South African Police Service as contemplated in section 9.7.2.4, submit an application to the Municipal Film Coordinator to obtain permission from the municipal community safety directorate for the utilisation of explosives, flammable liquids or materials, incendiary devices or fire caused by an explosion as part of the filming.

The application must –

- a) include a copy of the South African Police Service permission; and
- b) contain information on all intended discharges, a description of the actions and planning thereof with safety measurements, and the details of the certified pyro-technician that will be handling such devices.

The Municipal Film Committee must consider the application in consultation with the relevant municipal directorates. If the Municipal Film Committee approves the application, the Municipal Film Coordinator must coordinate the approvals and operational requirements of the relevant municipal directorates and inform the Emergency Call Centre accordingly.

The film organiser may also be required to –

- a) notify affected residents and businesses, or the public in general, as contemplated in section 9.7.1.3; and
- b) apply for and obtain an excessive noise exemption as contemplated in section 9.7.1.13.

9.7.1.17 Firearms and ammunition

The film organiser may be required to submit an application to the Municipal Film Coordinator in order to obtain approval from the Municipal Film Committee if the filming will involve the use of firearms and ammunition.

The application must contain information on all intended actions and planning thereof with safety measurements, and a copy of the firearm operator's –

- a) licence to possess a firearm for business purposes; and
- b) accreditation to provide firearms for use in theatrical, film or television productions,

as contemplated in section 20 of the Firearms Control Act, 2000 (Act 60 of 2000) read with regulation 8 of the Firearms Control Regulations, 2004.

The Municipal Film Committee must consider the application in consultation with the relevant municipal directorates. If permission is granted, the Municipal Film Coordinator must coordinate the approvals and operational requirements of the relevant municipal directorates and inform the Emergency Call Centre accordingly.

The film organiser may also be required to –

- a) notify affected residents and businesses, or the public in general, as contemplated in section 9.7.1.3; and
- b) apply for and obtain an excessive noise exemption as contemplated in section 9.7.1.13.

9.7.1.18 Fixed wing aircraft and helicopters

The film organiser must, after obtaining authorisation from the South African Civil Aviation Authority (CAA) as contemplated in section 9.7.2.6, submit an application to the Municipal Film Coordinator in order to obtain permission from the municipal community safety directorate for the use of aircraft in a municipal urban area as part of the filming.

The application must –

- a) include a copy of the CAA authorisation; and
- b) contain information on all proposed landing zones and safety measurements, taking into account that a minimum open radius of 100 metres is required between the landing zone and the nearest structure.

The Municipal Film Committee must consider the application in consultation with the municipal community safety directorate. If permission is granted, the Municipal Film Coordinator must coordinate the operational requirements of the relevant municipal directorates and inform the Emergency Call Centre accordingly.

The film organiser may also be required to –

- a) notify affected residents and businesses, or the public in general, as contemplated in section 9.7.1.3; and
- b) arrange for the operator of the aircraft to sign an indemnity form.

9.7.1.19 Remotely piloted aircraft systems

Where a remotely piloted aircraft system (RPAS) will be utilised as part of the filming, the film organiser must –

- a) inform the Municipal Film Coordinator; and
- b) submit a copy of a valid –
 - i) remotely piloted aircraft letter of approval (RLA); and
 - ii) RPAS operator's certificate (ROC) or air services licence, as contemplated in Parts 71 and 101 of the Civil Aviation Regulations, 2011, issued in terms of the Civil Aviation Act, 2009 (Act 13 of 2009).

9.7.1.20 Motorised watercraft

The film organiser must submit an application to the Municipal Film Coordinator for the use of motorised watercraft at sea or on a lagoons, estuary, dam, lake or other inland water mass during the filming. The application must include a copy of a valid –

- a) permit for motorised watercraft; and
- b) skipper licence issued by the South African Maritime Safety Authority (SAMSA).

The Municipal Film Committee must consider the application and make a decision.

Film organisers must also take note of the specific requirements relating to –

- a) municipal dams and other municipal water infrastructure as contemplated in section 9.7.1.11; and
- b) protected areas, environmentally sensitive areas, coastal areas and national, provincial and municipal parks and reserves, as contemplated in sections 9.7.2.2 and 9.7.1.10.

9.7.1.21 Children

Where a child under 15 years of age will be employed to perform advertising, artistic or cultural activities as part of the filming, the film organiser must –

- a) inform the Municipal Film Coordinator; and
- b) submit proof of the permit of the employer of such child as contemplated in Sectoral Determination 10 issued in terms of the Basic Conditions of Employment Act, 1997 (Act 75 of 1997).

9.7.1.22 Animals

Where a domestic, performing or wild animal will be employed, exhibited or trained, or utilised for safeguarding purposes, as part of the filming, the film organiser must –

- a) inform the Municipal Film Coordinator; and
- b) submit proof of the license of the person in charge of such animal.

The film organiser may be required to arrange for a registered animal welfare inspector to oversee the handling of such animals.

Where an animal forms part of the filming, the provisions of the –

- a) Performing Animals Protection Act, 1935 (Act 24 of 1935);
- b) Societies for the Prevention of Cruelty to Animals Act, 1993 (Act 169 of 1993);
- c) Animals Protection Act, 1962 (Act 71 of 1962); and
- d) Nature Conservation Ordinance, 1974 (Ordinance 19 of 1974),

may apply.

Film organisers must also take note of the specific requirements relating to filming in protected areas, environmentally sensitive areas, coastal areas and national, provincial and municipal parks and reserves, as contemplated in sections 9.7.2.2 and 9.7.1.10.

9.7.1.23 Outdoor advertising and other municipal advertising channels

The film organiser must submit an application to the Municipal Film Coordinator to obtain permission from the relevant municipal directorates to –



- a) place posters and to erect outdoor billboards and flag poles for purposes of advertising as provided for in the Municipality's Outdoor Advertising By-law; and
- b) utilise municipal advertising channels.

The film organiser must ensure that any outdoor advertising activity complies with the provisions of the Municipality's Outdoor Advertising By-law.

The above specifically excludes the placement of signboards indicating the direction of the filming location/venue, which is provided for under the implementation arrangements in section 9.8.3.

9.7.1.24 Heritage sites, protected areas, places in a heritage register and heritage areas under the ownership or control of the Municipality

The film organiser may be required to submit an application to the Municipal Film Coordinator for the utilisation of a heritage site, protected area, place in a heritage register or heritage area under the ownership or control of the Municipality. The Municipality may require that a heritage inspector attend such filming.

Where a heritage site, protected area, place in a heritage register or heritage area under the ownership or control of the South African Heritage Resources Agency or Heritage Western Cape will be utilised for, or impacted by, the filming, the film organiser must apply for and obtain permission from the relevant authority as contemplated in section 9.7.2.3.

The provisions of the National Heritage Resources Act, 1999 (Act 25 of 1999) apply.

9.7.2 Additional third party permissions, approvals and processes that may be required

This section deals with additional permissions, approvals and processes that may be required by third parties (other than the Municipality).

The Municipal Film Coordinator must, based on the information contained in the application, and after consultation with the Municipal Film Committee, advise the film organiser on any additional third party permissions, approvals and processes that may be required for a specific filming. However, the identification of, and application for, all additional third party permissions, approvals and processes that may be required remain the sole responsibility of the film organiser, who must also take into account the applicable processing times as determined by the third parties concerned.

The film organiser is responsible for –

- a) obtaining the necessary application forms;
- b) acquainting himself/herself with the application timeframes;
- c) submitting the completed application forms and prescribed fees to the relevant third parties;
- d) liaising with the relevant third parties;
- e) obtaining confirmation of any permissions and approvals that have been granted and processes that have been finalised, or refusals, as the case may be; and



- f) submitting a copy of such confirmations, or refusals, as the case may be, to the Municipal Film Coordinator.

The Municipal Film Coordinator must assist the film organiser with any inputs that may be required from the Municipality.

The filming may only commence after the required additional third party permissions, approvals and processes, as indicated in the conditions attached to a film permit or otherwise required in terms of national or provincial legislation, have been obtained or finalised.

9.7.2.1 National and provincial public roads

The film organiser must apply for and obtain permission from the Western Cape Traffic Police where national or provincial public roads will be utilised for, or impacted by, the filming.

The film organiser must –

- a) provide confirmation of such permission to the Municipal Film Coordinator; and
- b) comply with any conditions that may be imposed by the Western Cape Traffic Police and, if applicable, the municipal traffic directorate.

9.7.2.2 Protected areas, environmentally sensitive areas, coastal areas and national and provincial parks and reserves

Depending on the area in which the filming will be conducted and the potential impact of the filming, the provisions of the –

- a) National Environmental Management Act, 1998 (Act 107 of 1998);
- b) National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003);
- c) National Environmental Management: Integrated Coastal Management Act, 2008 (Act 24 of 2008);
- d) Environmental Impact Assessment Regulations, 2014;
- e) Guidelines on the Implementation of Regulations pertaining to the Control of Vehicles in the Coastal Zone, 2004;
- f) Marine Living Resources Act, 1998 (Act 18 of 1998);
- g) National Forests Act, 1998 (Act 84 of 1998); and
- h) Nature Conservation Ordinance, 1974 (Ordinance 19 of 1974),

may apply when conducting filming in protected areas, environmentally sensitive areas, coastal areas, and national and provincial parks and reserves.

The film organiser must contact the relevant authorities well in advance to enquire if any additional permissions, approvals or processes are required for filming in such a protected area, environmentally sensitive area or coastal area.

When a filming is to be conducted in a national or provincial park or reserve, the film organiser must also obtain permission from South African National Parks or CapeNature, as the case may be.

If the filming is to be conducted in a municipal park, reserve or coastal area which is classified as a protected area, environmentally sensitive area or coastal area in terms of any of the legislative instruments referred to above, the film organiser must –

- a) provide confirmation of such permission to the Municipal Film Coordinator; and
- b) comply with any conditions that may be imposed by the authorities concerned.

9.7.2.3 Heritage sites, protected areas, places in a heritage register and heritage areas under the ownership or control of the South African Heritage Resources Agency or Heritage Western Cape

Where a national or provincial heritage site, protected area, place in a heritage register or heritage area will be utilised for, or impacted by, the filming, the film organiser must apply for and obtain permission from –

- a) South African Heritage Resources Agency; or
 - b) Heritage Western Cape,
- as the case may be.

The provisions of the National Heritage Resources Act, 1999 (Act 25 of 1999) apply.

The film organiser must provide confirmation of such permission to the Municipal Film Coordinator.

9.7.2.4 Explosives, flammable liquids or materials, incendiary devices and fire caused by explosions

The film organiser must apply for and obtain permission from the South African Police Service for the utilisation of explosives, flammable liquids or materials, incendiary devices or fire caused by an explosion as part of the filming, as contemplated in the Explosives Act, 1956 (Act 26 of 1956).

The film organiser must –

- a) provide confirmation of such permission to the Municipal Film Coordinator; and
- b) comply with any conditions that may be imposed by the South African Police Service.

9.7.2.5 Eskom electricity supply infrastructure and systems

Eskom has specific requirements for any activity near, or which may impact on, its electricity supply infrastructure and systems, including an Eskom overhead power line. The film organiser must contact the local Eskom office well in advance for any enquiries, requests or permissions relating to any activity that may impact on Eskom electricity supply infrastructure or systems.

9.7.2.6 Fixed wing aircraft and helicopters

The film organiser must apply for and obtain authorisation from the South African Civil Aviation Authority (CAA) for the use of aircraft in an urban area as part of the filming as contemplated in Part 91 of the Civil Aviation Regulations, 2011, issued in terms of the Civil Aviation Act, 2009 (Act 13 of 2009).

The film organiser must –

- a) provide confirmation of such authorisation to the Municipal Film Coordinator; and
- b) apply for and obtain permission from the Municipality as contemplated in section 9.7.1.18 and, if granted, comply with any conditions that may be imposed by the CAA and the Municipality.

9.8 IMPLEMENTATION ARRANGEMENTS

The following implementation arrangements are applicable in the preparation for, during, and after the filming.

9.8.1 Marketing

The film organiser may commence marketing as soon as the film permit application has been submitted, taking into account that an application is only deemed to be approved once a film permit has been issued.

9.8.2 Weather

A permit is valid for the specified dates and times only. However, where the filming is entirely or substantially dependent on the weather or other factors, the Municipal Film Coordinator may, on written request by the film organiser and on good cause shown, consider granting limited flexibility in this regard. Such flexibility is, however, subject to the provisions of any other additional municipal and/or third party permissions, approvals and processes that may have already been obtained or finalised.

9.8.3 Signboards

Film company signboards with the name of the film company and pointing in the direction of the filming location/venue may be placed on street poles one business day before the commencement of the filming. No placement is allowed on traffic lights, regulatory, command or prohibition poles. Signboards must be removed within one business day of the conclusion of the filming, failing which the Municipality will remove same at the film organiser's expense.

9.8.4 Municipal public roads and traffic

When filming on a municipal public road, municipal traffic officer/s must be present. Intermittent traffic stopping is permitted for maximum intervals of 3 minutes, unless otherwise agreed upon, and is to be supervised by a traffic officer. The area is to be cordoned off in a manner that does not impede the free flow of traffic and/or pedestrians.

9.8.5 Storm water systems

The film organiser is responsible for the safe usage of the municipal storm water system during the filming. The storm water system may not be blocked off without prior permission, damaged in any way, or used during periods of rain. Any assistance rendered by specialist storm water contractors during the filming will be for the film organiser's account, and all such arrangements must be made directly with the contractors concerned.

9.8.6 Municipal electricity supply infrastructure and systems

The following activities involving the municipal electricity supply infrastructure and systems are strictly prohibited:

- a) any excavation in the vicinity of a mini-substation or ring main unit; and
- b) digging, hammering or implanting of a stake, tent peg or similar rod near a mini-substation, ring main unit or electricity kiosk.

The following activities are prohibited without the prior written permission from the municipal directorate concerned:



- a) digging, hammering or implanting of a stake, tent peg or similar rod longer than 150 mm outside of a designated area (e.g. a camping site);
- b) any excavation;
- c) any activity near, or which may impact, a municipal overhead power line;
- d) any activity near, or which may impact, a municipal low voltage line (including an aerial bundled conductor) or municipal high voltage line; and
- e) any activity near, or which may impact, a municipal electricity kiosk.

In general, no power may be switched off for purposes of filming. If exceptional circumstances exist, a request must be submitted at least five business days prior to the planned activity.

Permission for any activity that may impact on the municipal electricity supply must be requested from the municipal directorate concerned at least 48 hours prior to the planned activity. Each request must be considered and assessed on its own merits taking into account the municipal directorate's workload, and there is no guarantee that a request will be accommodated.

If permission for any request is granted, the film organiser must appoint an appropriately qualified person to undertake the activity, which qualification is subject to the approval of the municipal directorate concerned.

The film organiser will be held liable for any resultant damage to the municipal electricity supply infrastructure and systems.

9.8.7 Eskom electricity supply infrastructure and systems

The local Eskom office should be contacted for any enquiries, requests or permissions relating to any activity that may impact on Eskom electricity supply infrastructure and systems, including an Eskom overhead power line.

9.8.8 Generators, lighting and cabling

The film organiser must ensure that generators, lighting and cabling is positioned or placed in such a manner that noise emissions, light pollution, exhaust fumes or cabling do not disturb, cause a nuisance or become a health or safety hazard to the public. Permission must be obtained to run cables across public walkways and private properties.

9.8.9 Explosives, flammable liquids or materials, incendiary devices, fire, fireworks, special effects, smoke machines, stunts and other potentially dangerous acts

The film organiser must ensure that a certified safety officer is present at all times. The Municipal Film Coordinator or police station commander may determine that municipal law enforcement, disaster management or police officials must also be deployed to the filming.

Only non-toxic and non-pollutant smoke machines may be utilised during the filming.

9.8.10 Firearms and ammunition

A firearm and ammunition for utilisation during filming may only be operated by, or under the direct supervision of, a person who is –

- a) in possession of a valid licence to possess a firearm for business purposes; and

b) accredited to provide firearms for use in theatrical, film or television productions, as contemplated in section 20 of the Firearms Control Act, 2000 (Act 60 of 2000) read with Regulation 8 of the Firearms Control Regulations, 2004.

9.8.11 Fixed wing aircraft and helicopters

A minimum open radius of 100 metres is required between the landing zone and the nearest structure.

All operations must comply with the –

- a) Civil Aviation Act, 2009 (Act 13 of 2009);
- b) Civil Aviation Regulations, 2011; and
- c) conditions imposed by the South African Civil Aviation Authority (CAA) and the Municipality.

9.8.12 Remotely piloted aircraft systems

Remotely piloted aircraft systems (RPAS) may only be operated as contemplated in Part 71 and Part 101 of the Civil Aviation Regulations, 2011.

9.8.13 Motorised watercraft

When conducting filming at sea, a mooring distance of no less than 100 meters offshore must be maintained, unless specific approval otherwise has been granted. Launching may only take place at approved or prearranged launch sites, e.g. those of South African National Parks, CapeNature or the Municipality. Permission to launch, moor and access a watercraft must be prearranged with the relevant entity concerned. The film organiser may be required to arrange for lifeguards to be present as contemplated in section 9.8.15.

9.8.14 First aid kit and medical rescue equipment

The film organiser must ensure that –

- a) an approved first aid kit is available at the location/venue at all times; and
- b) where any stunts will be performed or pyrotechnics utilised, the appropriate and approved medical rescue equipment is available at the location/venue at all times.

9.8.15 Emergency care practitioners and lifeguards

The film organiser may be required to employ the services of one or more appropriately qualified and registered –

- a) emergency care practitioners to be on standby if the Municipal Film Committee is of the opinion that there are increased health and safety risks attached to the filming; and
- b) lifeguards to be on standby if the filming will take place on, over or adjacent to a water source.

9.8.16 Dismantling, clearing and cleaning of film locations or venues

The film organiser is responsible for dismantling all structures, clearing all objects and cleaning all locations and venues utilised during the filming.

Dismantling, clearing and cleaning must be conducted with the minimum amount of noise and disruption to residents, businesses and the public.

All waste and litter must be removed and disposed of in the required manner in line with the municipal waste by-law. The Municipal Film Coordinator must provide the film organiser with guidance on waste disposal, as well as the locations of recycling, general, building and hazardous waste drop-off points.

The film organiser must ensure that the location/venue and its surroundings are returned to the condition it was in prior to the filming.

Once the dismantling, clearing and cleaning has been completed, the film organiser must perform an inspection of the cleanliness and environmental impact of the filming and inform the Municipal Film Coordinator accordingly. If the filming was conducted on municipal or public property, the film organiser must also perform an inspection to determine if any structural or other damage was caused by, during or after the filming and inform the Municipal Film Coordinator accordingly.

The film organiser will be held liable for any resultant costs associated with –

- a) failure to fully and thoroughly dismantle, clear and clean the location/venue and its surroundings; and
- b) any structural or other damage to a municipal or public location/venue and its surroundings.

9.8.17 Hazardous and medical waste

The film organiser must ensure that any hazardous and medical waste generated at the location/venue is handled, stored and disposed of in accordance with the relevant municipal by-law and other applicable legislation.

9.8.18 Minimising disruptions to residents and businesses

The film organiser must ensure that disruptions to residents, local businesses and the public are minimised in the preparation for and during the filming, as well as during the dismantling, clearing and cleaning operations. Pedestrian and vehicle access to residential and business premises must be maintained.

9.8.19 Compensation for inconvenience and disruptions

There is no obligation on the film organiser to compensate residents and businesses for inconvenience or disruptions. The film organiser may, however, voluntarily offer to provide compensation to affected residents or business.

9.8.20 Procurement of local goods and services

The municipality encourages film organisers to procure from local businesses and utilise local service providers in order to support the local economy. The Municipal Film Coordinator must provide a copy of the Directory of Local Suppliers, Goods and Services to the film organiser.

9.8.21 Community involvement

Provision may be made for voluntary involvement of residents or the local community during the filming. Post-production community benefits may include launches and film screenings.

9.9 ENSURING COMPLIANCE



9.9.1 Right of inspection, entry and monitoring

The Municipal Film Coordinator, a member of the Municipal Film Committee and any other municipal official authorised to do so may inspect, enter and monitor the filming to ensure compliance with the permit conditions, the Code of Conduct and the Municipality's by-laws.

9.9.2 Dispute management

Disputes must be managed informally between the Municipal Film Coordinator and the film organiser, failing which a compliance notice may be issued.

9.9.3 Compliance notice and permit suspension

The Municipal Film Coordinator and any municipal official authorised to do so may serve a compliance notice on the film organiser instructing him/her to comply with the permit conditions, the Code of Conduct and the Municipality's by-laws. The compliance notice must contain reasons, remedial actions to be taken, timeframes for compliance and the potential consequences of continued non-compliance. The film permit may be suspended pending full compliance with such notice.

9.9.4 Revocation of permit and shutting down of filming

In the event of continued non-compliance, the Municipal Film Coordinator may revoke the film permit by notice to the film organiser. As soon as a permit is revoked, the film organiser must cease all activities and shut down such filming, failing which the municipal protection services may take the necessary action. The film organiser may be held liable for any resultant costs associated with revoking the permit and shutting down the filming, and additional applicable punitive measures may be implemented.

A film permit may also be revoked and/or the filming shut down in case of an emergency.

9.9.5 Recording of particulars in Non-compliance Register

When a compliance notice has been issued or a permit has been revoked, the particulars of the film organiser and other contravening parties, as well as the nature and details of the transgression, must be recorded in the Non-compliance Register. The film organiser and other contravening parties must be informed in writing of such inclusion by the Municipal Film Coordinator. The affected individual or other party may –

- a) appeal their inclusion in the Non-compliance Register in accordance with section 9.16; and
- b) after a period of three years and on good cause shown, request the Municipal Film Committee in writing to consider their removal from the Register.

9.10 FEES AND TARIFFS

9.10.1 Application fees

The Municipality may impose film permit application fees provided that the determination of such fees is aligned with the Policy's aim of establishing the Municipality as a filming-friendly location. The purpose of application fees is not to generate profit, but rather to cover the basic administrative costs related to the processing of applications.

Taking the above into account, the Municipality may provide for –

- a) a fixed film permit application fee;



- b) different application fees based on the film categories contemplated in section 9.5;
- c) application amendment fees;
- d) the non-imposition of any application fees; and
- e) the scrapping of application fees in certain circumstances.

Any application fee is payable on application. In the event of an application being rejected, any application fees paid must be refunded to the film organiser.

9.10.2 Municipal services and municipal properties, venues and facilities

The approved municipal fees and tariffs will be levied for the provision of any municipal service and for the utilisation of any municipal properties, venues and facilities.

9.10.3 Deposits

The Municipality may require the film organiser to pay a deposit –

- a) to cover the provision of municipal services;
- b) for the utilisation of municipal properties, venues and facilities;
- c) to cover contingencies; and
- d) to recover any damages that may arise.

A deposit is payable on receipt of the film permit by the film organiser. Any remainder must be refunded to, and any shortfall is payable by, the film organiser after conclusion of the filming.

9.10.4 Fees and tariffs subject to change

Fees and tariffs are subject to change. The latest fee and tariff schedule must be made available for collection from the Municipal Film Coordinator and on the Municipality's website.

9.11 FINANCIAL AND NON-FINANCIAL SUPPORT FOR FILMING

The Municipality may, on application and on a case-by-case basis, decide to provide support to filming. Priority or strategic support areas may be identified, with such support targeting specific types of filming.

Municipal support may be of a financial or non-financial nature, or a combination of both. In the event of municipal financial support, different financial funding models and financial/legal funding facilitation methods may be provided for, including the allocation of municipal conditional grants.

Municipal non-financial support may include –

- a) letters of support;
- b) appearance or representation by municipal officials;
- c) logistics assistance; and
- d) free or reduced rate for, amongst others -
 - i) use of municipal advertising channels;
 - ii) use of municipal properties, venues or facilities;
 - iii) provision of fire and rescue services;
 - iv) provision of safety and security services;
 - v) provision of municipal traffic services;
 - vi) provision of solid waste removal services;



- vii) utilisation of electricity at facilities;
- viii) utilisation of municipal water at facilities; and
- ix) provision of municipal sanitation services.

Third party (public sector) financial support may emanate from other organs of state, i.e. national government departments, provincial government departments, the District Municipality, and national, provincial and municipal public entities. This type of support will generally be in the form of ring-fenced conditional grants. In such cases the financial and other legislation applicable to the grantor (including the Public Finance Management Act, 1999 (Act 1 of 1999)) and the financial and other legislation applicable to the Municipality (including the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003)) must be complied with. In respect of financial support channelled through the Municipality, municipal supervision and reporting must be done in accordance with prescribed National Treasury prescripts.

Third party (public sector) non-financial support may include support in terms of the Expanded Public Works Programme (EPWP) or the use of infrastructure which may emanate from other organs of state. Such support will generally be subject to such conditions that may be imposed by the grantor.

The Municipality may develop guidelines to effectively manage municipal financial and non-financial support to filming.

9.12 BIDDING AND HOSTING BY MUNICIPALITY

The Municipality may bid, or co-bid with other municipalities or the Western Cape Government, to host major national or international filming, provided that such filming must be aligned to the Municipality's strategic objectives.

The Municipality may, from time to time, host filming or filming-related activities to give effect to its local economic and community development mandates, and to promote the Municipality's film-induced tourism potential, strategic assets and facilities.

The hosting of any filming and the procurement of any goods and services in support of such filming by the Municipality are subject to budget availability and budgetary approval, and must be conducted in line with the municipal Supply Chain Management Policy and related processes.

The Municipality may develop guidelines to effectively manage municipal filming bidding and hosting.

9.13 RELATIONSHIP BETWEEN MUNICIPALITY AND OTHER STAKEHOLDERS

Effective cooperation and coordination between the Municipality and other stakeholders involved in the planning, permitting and implementation of filming are essential to ensure the effective and efficient implementation of the Policy.

The Municipal Film Coordinator and the members of the Municipal Film Committee must endeavour to foster a friendly relationship, facilitate cooperation and ensure coordination

between all municipal directorates concerned. Fostering friendly relations and cooperating with an even broader range of stakeholders are, however, equally important. These stakeholders include –

- a) residents;
- b) local businesses;
- c) the local tourism association;
- d) neighbouring local municipalities;
- e) the District Municipality;
- f) provincial tourism and marketing organisations and associations (including Wesgro);
- g) the Western Cape Department of Economic Development and Tourism (DEDAT);
- h) the Western Cape Traffic Police;
- i) the South African Police Service; and
- j) the broader public.

Communication and coordination between the Municipal Film Coordinator, Municipal Film Committee and the above stakeholders must be conducted through existing municipal and intergovernmental structures as far as possible.

9.14 MONITORING, EVALUATION AND REVIEW

The Municipal Film Committee must monitor and evaluate the implementation of the Policy. Monitoring and evaluation must take into consideration several matters, with specific focus on what is working and what is not as far as the implementation of the Policy is concerned. The members of the Municipal Film Committee, in their capacity as representatives of the municipal directorates concerned, must report and advise of any blockages experienced in policy implementation.

The Municipal Film Committee may also –

- a) develop and provide a standard questionnaire to be completed by hand or electronically by film organisers to provide feedback and make recommendations to the Municipality; and
- b) conduct research or cause research to be conducted on filming, including the social, economic and environmental impacts of filming on the Municipality and its area of jurisdiction.

The Policy must be monitored and evaluated in terms of outputs, outcomes and impacts.

The outputs include the following:

- a) number of film permit applications received by the Municipality;
- b) number of film permit applications considered and decided on within the guideline processing times;
- c) number of film permit applications approved and permits issued;
- d) number of film permit applications rejected;
- e) number of film permit applications refused;
- f) number of film shoots conducted in municipal area;
- g) number and nature of compliance notices issued; and
- h) number of film shoots supported by the Municipality.

The outcomes include the following:

- a) effective, efficient and streamlined film application and permitting process;
- b) favourable perception of the Municipality as a filming-ready and filming-friendly municipality; and
- c) increase in local tourism attributable to filming in the municipal area.

The impacts include an increased contribution by the film industry to local economic and socio-economic development in the municipal area.

In the short term, the Policy must be reviewed on an annual basis. The review process must be informed by –

- a) the monitoring, evaluation and research as contemplated above;
- b) lessons learnt in the implementation of the Policy; and
- c) any policy or legislative changes that may impact on film permitting in the Municipality.

Any proposed amendments to the Policy must be submitted to Council for consideration and approval.

9.15 OFFENCES AND PENALTIES

Any person who –

- a) films without a valid film permit;
- b) contravenes a provision of the Film By-law; or
- c) contravenes a provision of any other municipal By-law,

is guilty of an offence and may, on conviction, be liable to the payment of a fine or imprisonment, or both a fine and imprisonment.

Transgressions in terms of any national or provincial legislation must be handled by the relevant authority concerned.

9.16 APPEALS

A film organiser or a party involved in the filming who is aggrieved by a decision taken in terms of this Policy, may appeal such a decision as contemplated in section 62 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

9.17 LIABILITY

The Municipality is not liable for any damages or compensation arising from any filming conducted by a third party in the area of jurisdiction of the Municipality.

9.18 REGULATION OF FILMING

The Film Permitting By-law provides for the regulation of matters pertaining to film permitting within the jurisdiction of the Municipality.

9.19 IMPACT ON EXISTING BY-LAWS, PROCESSES AND PROCEDURES

The Municipality must align its existing by-laws, processes and procedures to ensure the full and effective implementation of this Policy and the realisation of the purpose and aims of this Policy.



This may include amending the Spatial Planning By-law to further facilitate filming in the jurisdictional area of the Municipality, by providing for filming as secondary land use activities in additional land use zones.

9.20 STANDARD FORMS AND LISTS

The Municipality may develop such prescribed or standard forms and other documents as may be needed to contribute to effective, efficient and streamlined film permitting processes.