

# LOCATION FILMING IN CAPE TOWN: A Film Permit Guide

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## OVERVIEW OF APPROVALS NEEDED

### 1.1 Why Approval is required to film in Cape Town

Council has a statutory responsibility to protect the environment and to represent its community. Filming on public land or infrastructure such as roads and nature reserves raises the issue of Council's responsibility to manage filming activities in a manner that can balance public needs and the demands of the industry. This occurs through the issuing of approvals or permits for filming activities, as required by the City of Cape Town By-Law Relating to Filming, No. 30441, Provincial Gazette 6279, 24 June 2005.

### 1.2 When is a Permit Required?

Principally concerned with location filming as opposed to filming within a studio, Council permit processes are designed to manage all location filming, either on Council-owned land or which may impact on Council land, even where the actual activity of filming takes place on land other than Council land.

This includes (but is not limited to) activities that:

- interrupt traffic on municipal roads;
- interrupt pedestrians on sidewalks;
- require wires or cables running across or over sidewalks or municipal roads;
- require the use of generators, tripods or dollies on sidewalks or municipal roads;
- impact on public use of, or access to public parking areas, community facilities, beaches, public open space and nature reserves under City of Cape Town's management; and
- generate noise and air pollution.

## 2. APPROVALS REQUIRED

Filming on private (or State) owned locations is generally a matter between the landowner and the film company, although approvals may be required for amongst other things sets or structures. As a temporary activity, there are no zoning scheme requirements governing film activities. If a property zoned for residential purposes is utilised exclusively or predominantly for filming, the use of the property would be regarded as commercial and an application for an appropriate use designation would need to be made to the Town Planning Department of the City of Cape Town.

### 2.1 Activities Requiring Council Approval

Many film related activities require Council approval in terms of legislation other than the Film By-law. These include, for example, partial or full road closures, the erection of sets and structures, the use of fire, fireworks or pyrotechnics, etc.

### 2.2 Activities Requiring Approvals from other Agencies

Other film related activities legally require the approval of other authorities. These include, for example, filming on a road governed by the provincial authorities, the use of vehicles on dunes and beaches, filming at sea or in harbours, the use of flora and fauna, or the use of aircraft. Many popular locations within Cape Town, such as Table Mountain, Kirstenbosch Botanical Gardens and Robben Island, fall outside the jurisdiction of the City of Cape Town and are subject to the permit procedures of those authorities.

The CTFPO provides a one-stop shop service for obtaining permits for shoots that involve or impact upon Council land. Approvals required by other authorities must be organised by the film company, though the CTFPO will provide guidance in this regard. It is advisable for film companies to liaise with the CTFPO at an early stage as to the range of approvals required and who the relevant authority is.

## WHAT YOU NEED TO KNOW WHEN FILMING IN CAPE TOWN

### 3.1 General

#### 3.1.1 Crew Conduct

It is the responsibility of the film company to ensure that their staff/crew conduct themselves in a safe and professional manner in the course of their duties. The CFC provides a (voluntary) Code of Conduct guide for use by the industry.

#### 3.1.2 Filming Hours

Generally, location filming may only occur between 06:00–22:00, and these times should be adhered to. This includes the time required for the arrival and departure of cast and crew, as well as setting up and dismantling sets and equipment. In residential areas, production vehicles should not arrive earlier than the time stipulated on the permit. Filming on arterial roads and main roads shall not take place during the peak times of 06:00–09:30 and 15:30–18:30. Filming on public holidays and weekends will be considered on request.

Should it prove necessary to extend or alter the specified hours of filming, application may be made to the CTFPO. Any such application is to be submitted well before the intended date of filming to allow for consultation, should it be deemed necessary.

#### 3.1.3 Limitations on Filming Times

There are certain times of the year that filming may be restricted in various parts of the City, such as during peak holiday periods or sporting or other events. In peak tourist season, certain resorts may be closed for filming or have site-specific rules. Certain areas may also periodically be classified as “no-go” due to environmental factors such as seasonal breeding of birds or animals, closure for rehabilitation or due to over-utilisation. The CTFPO will inform you of any potential restrictions.

### 3.2 Environmental Requirements

#### 3.2.1 Environmental Code of Conduct

The following set of environmental guidelines is to be adhered to as minimum requirements during a shoot:

- Prevent damage to the natural environment.
- Prevent damage to national monuments, and cultural and historic sites.
- Protect indigenous fauna and flora.
- Do not feed or interfere with wild animals.
- Prevent air, soil or water pollution during filming.
- Legally dispose of rubble from set building and other waste products.
- Prevent soil erosion.
- Provide environmental education to film crews as required.
- Minimise wastage of resources, and recycle where possible.

#### 3.2.2 Film-Sensitive Locations

One of the key challenges facing the City is to facilitate film activities without compromising Cape Town’s unique natural, cultural and historic heritage. A list of locations that are used frequently for filming and are potentially sensitive from an environmental, cultural and/or historical perspective, is included in Annexure D. This list aims to be as comprehensive as possible, but determinations of sensitivity will only be able to be made finally in the scrutiny phase of a film permit application. Early discussions with the CTFPO regarding these locations are essential.

Applications to film at these locations will be carefully considered, with associated implications for processing times, the type and stringency of permit conditions, monitoring and enforcement.

## FILM-SENSITIVE LOCATIONS

### 3.3 Filming and Roads

Many shoots use roads or portions thereof as their sets. This has implications for traffic and pedestrian movement and safety. Control of traffic on public roads as a result of a shoot can take one of the following three forms, permission for which needs to be given by the relevant authority as part of the permit approval process. The CTFPO may require a Traffic Management Plan to be submitted. This document describes the actions that the film company will take to minimise risks to motorists and disruption to traffic movement, and will need to address issues such as:

- the nature of the road and its role in the local road hierarchy;
- the time of the filming activity;
- the nature and extent of traffic management required;
- the envisaged impact on normal traffic flow and movement;
- whether there are any other activities planned on the road at that time;
- whether alternative routes are available for traffic; and
- the impact on affected residents and businesses.

The City requires time to assess a traffic management plan for busier roads and for more complex film shoots.

#### 3.3.1 Intermittent Closure of a Road to Traffic due to Filming

Most roads are either controlled by the City or the Provincial Administration. Temporary closures of roads under the City's jurisdiction are permitted subject to the provisions of the Road Closure Policy, and may occur only under the supervision of a traffic officer or municipal police officer, or other authorised person.

#### 3.3.2 Temporary Control of Traffic through Stop/Go Traffic Management

Intermittent traffic stopping is permitted for maximum intervals of 3 minutes, unless otherwise stated, and is to be supervised by a traffic officer or municipal police officer. The area is to be cordoned off in a manner that does not impede the free flow of traffic and/or pedestrians.

#### 3.3.3 Parking Management

All parking regulations shall be adhered to. Production vehicles must not block driveways or other access/egress ramps, fire hydrants or fire routes.

Parking bays may be hired from the City of Cape Town at the applicable tariff. This will be co-ordinated by the CTFPO and indicated on the permit. Parking in bays on location is limited to specified essential vehicles only, and the film company must arrange parking for all other vehicles in appropriate areas as determined in conjunction with the CTFPO. The use of a shuttle system to transport crew to the location is encouraged.

### 3.4 Road Signage

Any road traffic sign may only be removed on the day of the film shoot and a traffic officer must be present. As a temporary measure, the sign may be cut off at the base and welded back on immediately after the shoot is completed. All signs must be replaced in their original position and sidewalks must be reinstated to their original condition.

### 3.5 Film Companies' Directional Signs

All signage is to comply with the Outdoor and Advertising Signage By-law.

Signs with the name of the film company and pointing in the direction of the location may be placed on street poles, but not on traffic light, regulatory, command or prohibition poles. No directional signage shall be erected on main or provincial roads. All such signs must be removed within one day of conclusion of the shoot, failing which Council will remove the signs at the film company's expense.

### **3.6 Shoots Affecting Municipal Infrastructure**

#### **3.6.1 Stormwater System**

The stormwater system may not be blocked off without prior permission and may not be damaged in any way. It may not be used during periods of rain. Responsibility for the safe usage of the stormwater system lies with the film company. Assistance rendered by specialist stormwater contractors will be for the film company's account, and all arrangements are to be made directly with the contractor.

#### **3.6.2 Electricity**

The Electricity Department issues a permit or wayleave to a film company when any stakes for tents are to be driven into the ground, excavation is to take place, or filming is to be done near 132kV overhead lines. A special permit is issued for any activity which is to take place in the vicinity of low voltage overhead lines. At least 48 hours notice is usually required, particularly if overhead cables need to be de-energised or isolated prior to the shoot. Costs for any work that the Department may need to carry out will need to be paid beforehand.

#### **3.6.3 Water Infrastructure**

The Catchment Management and Bulkwater Departments are to be contacted regarding their requirements for filming activity on or near dams or other water infrastructure.

#### **3.6.4 Close Circuit TV in Vicinity of a Shoot**

Sets or structures, vehicles, signage or persons may not impede or obstruct the City of Cape Town's surveillance cameras. Shoots involving equipment such as bright lights and excessive smoke that may affect the capability of surveillance cameras, may require further restrictions. The Strategic Surveillance Unit reserves the right to stop any filming when its Control Centre deems any equipment or person to be an obstruction or hindrance to the surveillance cameras. The film crew would be obliged to dismantle or remove the obstruction immediately.

### **3.7 Construction of Sets and Structures**

Permission for the construction of sets and other structures required for a film shoot, and the authority responsible for issuing such authorisation determined by the type of set or structure involved, as listed below. The primary concern is to ensure that sets and structures do not affect public safety.

#### **3.7.1 Habitable Structures**

Shoots involving the construction of habitable structures fall under the auspices of the National Building Regulations and require building plans for such structures to be submitted to the City of Cape Town Building Survey Department for approval. Adequate time needs to be set aside for this process.

#### **3.7.2 'Dummy Facades'**

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

#### **3.7.3 Temporary Tents**

Temporary tents are usually required for catering purposes and are regulated by the Community Safety By-Law. The necessity for approval of any such structures will be determined in each case by the City of Cape Town Building Survey Department depending on the use and time involved.

### **3.8 Special Effects, Stunts and Related Activities**

#### **3.8.1 Special Effects and Stunts**

The CTFPO must be advised in advance in writing, with a letter of permission from the appropriate department of the South African Police Services, when the use of explosives, flammable liquids or materials, or incendiary devices is planned in order to be able to co-ordinate the necessary approvals from the appropriate departments

(Traffic, Fire, Roads and Disaster Management, Health). City Police, Fire, Traffic or Disaster Management Officer(s) may be required to be present on set.

Information regarding all intended discharges is to be included in the application for distribution of alerts to the Emergency Call Centre by Disaster Management. All costs associated with these requirements are for the film company's account.

### **3.8.2 Smoke Machines**

Prior approval must be obtained for the use of fire and/or smoke. Only non-toxic, non-pollutant smoke machines are permissible and all applicable safety precautions are to be complied with. Safety officers are to be on the set at all times.

### **3.8.3 Aircraft (Helicopters and Fixed Wing)**

Aircraft will be permitted by special arrangement only. The film company is to ensure that the relevant permission for the use of an aircraft in an urban area is provided by the Civil Aviation Authority of South Africa and the Disaster Management Department of the City of Cape Town. Emergency Services and the City Police Department are to be informed in advance of the intention to use an aircraft in the City. All Civil Aviation regulations and conditions imposed by the South African Civil Aviation Authority are to be complied with. Special Indemnity Forms may be requested, and should be filed with Disaster Management by the operator of the aircraft.

Landing is only permitted at specified landing zones within the City, which will be determined during the application process by the relevant manager(s). A 100 meter open radius between the landing site and the nearest structure is required as per District Manager.

### **3.8.4 Motorised Watercraft**

The use of motorised watercraft will also be permitted by special arrangement only. They are to maintain a mooring distance of no less than 100 meters off shore. Launching of watercraft may only take place at prescribed launch sites

### **3.9 Medic/Paramedic Requirements**

An appropriate Emergency Care Practitioner, who meets the Health Professions Council of South Africa's standards, is to be on standby for film and photographic shoots. All shoots must have an approved first aid kit on set which must be available at all times for use by a qualified first aider or ECP. Where any stunts or pyrotechnics are being carried out, the appropriate and approved medical rescue equipment must be available on set. Any medical waste generated on the location must be handled, stored and disposed of in accordance with the Environmental Health By-Law of the City of Cape Town.

### **3.10 Catering**

All caterers are to be in possession of a Certificate of Acceptability and relevant business license issued by the Environmental Health Department. Catering facilities must comply with the requirements of the Regulations Governing the General Hygiene Requirements for Food Premises and the Transport of Food and the City's Fire Services By-Law.

### **3.11 Cleaning Locations**

Cleaning up of locations after film shoots is the responsibility of the film company. All waste and litter are to be removed from the location and disposed of in an authorised manner – it may not be deposited into refuse bins. Crews must clean the location at the end of the day with a minimum amount of noise and disruption and ensure that the area is returned to its original condition.

### **3.12 Minimising Disruption to Surrounding Residents and Businesses**

It is the film company's responsibility to ensure minimum disruption to residents and businesses when filming occurs, and due consideration is to be given to their rights at all times. They should be free from any negative environmental conditions resulting from filming, including spill-over lighting, exhaust fumes or noise that may affect their ability to enjoy their property or run their business, unless they have given their consent. Pedestrian

and vehicular access to their premises must also be maintained. In this regard, the following are to be adhered to:

- **Lighting:** Lighting is to be orientated away from neighbouring residents unless they have been consulted and have provided their consent.
- **Noise:** Noise-generating activities are regulated by the Noise Control Regulations, PN 627/1998, in terms of which no-one may cause a “disturbing noise” or carry out activities (including the discharge of explosives, firearm or similar device) which may cause a “noise nuisance”, without the permission of the local authority concerned. Applications for exemption from the Noise Control Regulations can be made in writing to the Director: City Health, on the prescribed application form, at least seven days prior to the proposed shoot. All conditions and requirements stipulated in the noise exemption must be adhered to. Failure to do so could result in the exemption being withdrawn and rendering the production company liable for prosecution.
- **Generators:** Only ‘blimped’ generators are allowed unless otherwise approved. They must be placed so that noise emissions and exhaust fumes do not disturb or cause a nuisance to residents and visitors.

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

## **4. APPLYING FOR A FILM PERMIT**

### **4.1 Getting Started**

#### **4.1.1 Register**

All companies must be registered on the database of the CTFPO before a permit can be processed. (see inserts enclosed in pocket)

#### **4.1.2 Early Dialogue**

Whilst all film permit applications must be made in writing, applicants are encouraged to open dialogue with the CTFPO at a pre-application stage. This would promote a clear understanding of each party’s expectations while giving the CTFPO an opportunity to outline the time-frames, approvals required consultation requirements, etc.

#### **4.1.3 Indemnity**

In order to protect the City from any claims arising from the use of Council property for film purposes, all film companies must complete an indemnity form, a copy of which is included in Annexure E. This indemnity must be in place prior to the approval of any film permit application. An annual indemnity document can be signed, to which a R2.00 revenue stamp needs to be affixed.

### **4.2 Film Permit Application Process**

#### **4.2.1 Lodging a Film Permit Application**

A standard application form (included in the inserts) is to be completed (manually or electronically) and submitted to the CTFPO at least two working days before the planned film shoot. It is important to include as much information as possible with the application and provide all other information as soon as it is available, otherwise this can delay the processing of the permit application.

#### **4.2.2 ‘Pencil Bookings’**

The CTFPO will confirm the availability of the location and ‘pencil book’ the locations requested. Pencil bookings must be confirmed within 48 hours by written application.

During this period, the film company will have right of first refusal, after which the pencil booking will be cancelled.

#### 4.2.3 Processing the Application

The CTFPO will assist with the identification and co-ordination of all approvals as required by legislation. The office will classify the shoot as Tier 1, 2 or 3 on the basis of the assessed level of impact (see section 4.3 for more details in this regard), and determine the tariff, processing time-frames, consultation and monitoring requirements.

#### 4.2.4 Issuing the Permit

After processing the application, the CTFPO may issue a permit, which will include the relevant conditions of approval. The film company should adhere to all permit conditions and pay all specified fees. It is imperative that a copy of the permit be available on location at all times. Tariffs or fees to be paid are calculated in terms of the City's approved tariff schedule, a copy of which is included in the inserts. It is to be noted that this schedule is amended/updated on an annual basis.

#### 4.2.5 Amendments to the Permit

As the permit specifies particular dates for a shoot, it is valid for that time period only. However, as filming is at risk of changes in weather or other factors, permit management processes provide for some degree of flexibility in responding to requests to amend permit approvals as a result of such circumstances. Written application to amend a permit needs to be submitted to the CTFPO, who must be satisfied that it is substantially the same as the original and that additional consultation and/or notification has occurred with any person or authority, if deemed necessary. The permit must be amended accordingly and signed off by the CTFPO.

#### 4.3 A Framework for Processing Film Permits

The assessment of a permit must be based on relevant considerations, not irrelevant or extraneous ones, and should not be arbitrary, irrational or unreasonable.

Council is bound to take into consideration the following matters:

- the Filming By-law;
- other relevant legislation, regulations or guidelines; and
- the scale and nature of the impact of the filming activity upon the community and environmental amenity.

In respect of the latter, Council utilises a three-tier approach to determine an appropriate management framework for filming, based largely on the anticipated impact of a proposed filming activity. This model recognises that for the most part, a filming activity may be of limited impact, and an acceptable management framework can be relatively simple. However, there are a number of factors that by implication generally result in greater or significantly adverse effects. These place significant demands on Council's resources and Cape Town's environment, and thus require a more thorough or specific management regime. Film-makers need to recognise these constraints and make applications at the earliest practical time, with all relevant information provided.

The table in Annexure C acts as a guide to establish the categorisation likely to be applied by Council in considering a film permit application.

As a general rule, the following categories will apply for film shoots:

- Tier 1: In most cases, applications falling into this category are uncomplicated, with little or no negative impact and should be able to be processed within 24 hours. No community consultation will be expected, and if any notification is required, it will be limited. Minimum monitoring may be imposed and the standard conditions of approval should apply.
- Tier 2: In most cases, these shoots are of moderate impact and should be processed within 48 hours. Post-permit approval community notification and on-set monitoring may be required. Conditions of approval will be more restrictive and location-specific.
- Tier 3: In most cases, these applications will be complex, may have potentially significant impacts and will take a minimum of 4 working days to process, as they are likely to be subject to other legally required approval processes. Community consultation is a more likely requirement, as is consistent on-set monitoring. If in an environmentally sensitive area, the employment of an Environmental Control Officer will also be required. Conditions will be more onerous and will include consideration of local environmental issues.

#### **4.4 Notification and Consultation**

It is essential that the film company engages in proper and appropriate communication with the community likely to be affected by the proposed shoot as a means of ensuring effective management of the filming activity.

##### **4.4.1 Notification Requirements**

Shoots categorised by the CTFPO as Tier 1 or 2 may require post-permit-approval notification only of affected residents and/or businesses. This is to occur by means of a letter-drop 48 hours prior to the shoot. A copy of the pro forma letter of notification is included in the inserts.

##### **4.4.2 Consultation Requirements**

For shoots classified by the CTFPO as Tier 3, consultation between the film company and affected residents and/or businesses is to occur prior to the permit being issued. There are no requirements for concurrence, but a pro forma letter of consultation is included in the inserts, in terms of which residents and/or businesses may object or raise concerns. The CTFPO will determine both the extent of consultation required and the validity or otherwise of objections or concerns.

#### **4.5 Monitoring on Set**

The City of Cape Town will monitor film shoots and compliance with permit conditions set or any other Council requirements.

For all Tier 2 and 3 shoots, a Film Unit Liaison Officer may be utilised by the CTFPO. Film Unit Liaison Officers are the official on-site representatives of the City of Cape Town and act to ensure that current film procedures are followed and that all permit conditions are adhered to. They enable better communication with affected communities and businesses, and assist the film industry with the complex City/community/business interface. For shoots that may cause damage to the environment or those in environmentally sensitive areas, the CTFPO may require that an Environmental Control Officer be present on the location for the duration of the shoot. If deemed necessary, the appointment of an Environmental Control Officer will be the responsibility of the film company.

##### **4.6 Shoots that Transgress Permit Conditions**

Any transgressions of permit conditions or other Council requirements are to be handled as follows: As per the provisions of the Filming By-Law Sections 7(1), (2) and (3), a compliance notice is to be issued by an authorised official. If the applicant fails to comply with the conditions of the notice, the City Manager is entitled to take such steps as may be necessary to rectify the condition at the cost of the applicant.

The CTFPO will maintain a record of infringements in order to facilitate a review of permit approvals, conditions and monitoring systems.

#### **4.7 Dispute Resolution**

The necessity for engaging in formal (and time-consuming) dispute resolution procedures could be limited by ensuring open and effective communication between affected parties. An important component of this is the provision of all relevant information at an early stage of the process in order to facilitate time and resource-efficient applications. Each party will be aware of the other's expectations and obligations and, where possible, take these into consideration in fulfilling their roles in the process. This should also ensure a greater likelihood for reaching a mutually satisfying resolution in the event of a dispute, without recourse to formal procedures.

## ANNEXURE A

### CONTACT DETAILS

#### City of Cape Town

##### Central and South Peninsula Areas

All beaches, parks and open spaces, roads and pavements, community facilities, swimming pools and public buildings, including Atlantic Seaboard, Llandudno, Hout Bay, Kommetjie, Witsands, Soetwater, False Bay coastline, Wynberg Park, Maynardville Park, Zandvlei, Zeekoevlei and Rondevlei

|         |                                   |
|---------|-----------------------------------|
| PHONE:  | +27 21 483 9060/62/63/64/65/66/67 |
| FAX:    | +27 21 483 9061                   |
| E-MAIL: | film.permit@capetown.gov.za       |

##### Blaauwberg Area

All beaches, parks and open spaces, roads and pavements, community facilities, swimming pools and public buildings, including Sunset Beach, Milnerton Lagoon, Paarden Island, Woodridge Island, Small Bay and Big Bay, Dolphin Beach, Bloubergstrand, Silwerstroom Strand

|         |                                   |
|---------|-----------------------------------|
| PHONE:  | +27 21 483 9060/62/63/64/65/66/67 |
| FAX:    | +27 21 483 9061                   |
| E-MAIL: | film.permit@capetown.gov.za       |

##### Helderberg Area

Includes Macassar, Somerset West, Sir Lowry's Pass Village, Strand and Kogel Bay

|         |                                   |
|---------|-----------------------------------|
| PHONE:  | +27 21 483 9060/62/63/64/65/66/67 |
| FAX:    | +27 21 483 9061                   |
| E-MAIL: | film.permit@capetown.gov.za       |

##### Tygerberg Area

Includes Goodwood, Parow, Durbanville

|         |                               |
|---------|-------------------------------|
| PHONE:  | +27 21 590 1552               |
| FAX:    | +27 21 590 1420               |
| E-MAIL: | Someya.Barlow@capetown.gov.za |

##### Water Catchment and Bulkwater Areas

Includes Atlantis Dunes, Steenbras Dam, Wemmershoek Dam

|         |  |
|---------|--|
| PHONE:  | +27 21 487 2485                        |
| FAX:    | +27 21 487 2592                        |
| E-MAIL: | Chantalle.Van_Wyngaard@capetown.gov.za |

**OTHER:**

**Intersite**

Metrorail properties

PHONE: +27 21 419 5453

FAX: +27 21 419 5499

**Department of Labour**

Erection of scaffolding or other sets/structures

PHONE: +27 21 460 5911

FAX: +27 21 462 0981

**Cape Nature**

Use of fauna and/or flora (excluding trees)

PHONE: +27 21 957 5900

FAX: +27 21 945 3457

**National SPCA**

Animal handling

PHONE: +27 21 705 3757

FAX: +27 21 705 2127

**SANDF: Simon's Town Naval Area**

Shoots within the naval harbour area

PHONE: +27 21 787 3089

FAX: +27 21 787 4063

**WC Provincial Roads**

Cape Town: N1, N2, M3, M5, R300

PHONE: +27 21 483 2076/483 4204

FAX: +27 21 483 2357

**Peninsula Permits**

Table Mountain National Park, Boulders Beach and Kirstenbosch Gardens

PHONE: +27 21 715 0011

FAX: +27 21 712 9928

**Cape Town International Airport**

PHONE: +27 21 937 1376

FAX: +27 21 936 2937

**Iziko Museums**

Museums and art galleries

PHONE: +27 21 481 3832

FAX: +27 21 424 7639

**ANNEXURE B**

**SUMMARY OF APPROVALS REQUIRED**

**Filming on a local public road**

|                                |   |
|--------------------------------|---|
| Road Traffic Act No 93 of 1996 | Temporary traffic management plan - City of Cape Town |
|--------------------------------|---|

**Roadside filming or holding of traffic on a main road or freeway**

|                                |  |
|--------------------------------|--|
| Road Traffic Act No 93 of 1996 | Temporary road/lane closure and/or traffic management plan - City of Cape Town |
|--------------------------------|--|

**Filming from a moving vehicle on a road, or filming actors in a moving vehicle on a towed low loader**

|                                |                                 |
|--------------------------------|---------------------------------|
| Road Traffic Act No 93 of 1996 | Safety plan - City of Cape Town |
|--------------------------------|---------------------------------|

**Use of aircraft (helicopters and fixed wing)**

South African Civil Aviation Authority and City of Cape Town Film and Events Office

**Special Effects**

|   |  |  |
|---|--|--|
| Fires                                       | Cape Town Air Pollution Control By-law 5979          | Air Pollution Control Officer  |
| Fireworks, pyrotechnics                     | Explosives Act 26 of 1956                            | Chief Inspector of Explosives or Fire Safety Officers (Inspector of Explosives) from City of Cape Town Protection Services |
| Stunts and other potentially dangerous acts | Disaster Management Directorate of City of Cape Town |  |

**Filming at sea**

Marine Living Resources Act 2000 Marine Coastal Management  
Seashore Act 21 of 1935

**Filming in City of Cape Town nature reserves, botanical gardens, lawned areas and parks**

City Parks and Nature Conservation

**Filming in Table Mountain National Park, Cape Peninsula Marine Reserve and Kirstenbosch**

Table Mountain National Park (TMNP)

**Filming on beaches and/or dune areas**

Off Road Vehicle Regulations (as amended) City of Cape Town Environmental Management or TMNP

**Tents, temporary seating stands, stage, structures**

|   |   |
|---|---|
| National Building Regulations<br>Building Standards Act 103 of 1977<br>- By-law relating to Community Fire Safety | Building Control Officer from City of Cape Town, Town Planning Directorate<br>Chief Fire Officer: City of Cape Town Protection Services Directorate |
|---|---|

**Filming on dams or other water infrastructure**

City of Cape Town Catchment Management and Bulkwater Departments

**Trim, cut or remove a protected plant species**

National Forests Act 84 of 1998 Cape Nature

**Fauna**

|                                   |                                    |   |
|-----------------------------------|------------------------------------|---|
| Shoots involving domestic animals | Performing Animals Protection Act  | National Society for Prevention of Cruelty to Animals |
| Shoots involving wild animals     | Cape Nature Conservation Ordinance | Cape Nature   |

## ANNEXURE C.

### CATEGORISATION OF FILM ACTIVITIES

- TIER 1** Service Delivery Objective - 24 Hours
- √ Micro shoot (1–3 vehicles and/or <8 people)
  - √ Small-scale shoot (4–6 vehicles and/or 9– 5 people)
  - √ No road closure involved
  - √ No special effects, stunts or pyrotechnics involved
  - √ Complies with specified filming hours of 06:00–22:00
  - √ Shoot lasts for <24 hours
  - √ Minimum noise and/or lighting involved
  - √ Not an environmentally, culturally or historically sensitive location
  - √ No structures or sets required (includes minor/portable props)
  - √ No landform modification and/or vegetation removal involved
- TIER 2** Service Delivery Objective - 48 Hours
- √ Medium size shoot (7–15 vehicles and/or 16–30 people)
  - √ Partial road closure and/or minimum road modification required
  - √ Shoot lasts for 24–48 hours
  - √ Moderate noise and/or lighting will be generated
- TIER 3** Service Delivery Objective - 4 Working Days
- √ Large shoot (16–30 vehicles and 31–60 people)
  - √ Very large shoot (>31 vehicles and/or >60 people)
  - √ Full road closure and/or modification of road involved
  - √ Special effects and/or stunts and/or pyrotechnics involved
  - √ Shoot to occur between 22:00 and 06:00 (extension of hours)
  - √ Shoot lasts for >48 hours
  - √ High degree of noise and/or lighting will be generated
  - √ An environmentally, culturally or historically sensitive location
  - √ Structures and/or sets will be erected
  - √ Landform modification and/or vegetation removal is required

## ANNEXURE D : FILM SENSITIVE LOCATIONS

### 1. INTRODUCTION

One of the challenges facing the City's managers is to facilitate film activities without compromising Cape Town's unique natural, cultural and historic heritage. With regard to filming at those locations regarded as sensitive and within the control of the City, permit applications will require more careful consideration, with associated implications for processing times, types and stringency of conditions and the enforcement thereof. In order to facilitate the early identification of potential environmental sensitivities of any application for a film permit, appropriate categorisation of impact, as well as communication with the relevant Directorates, a list of locations likely to be sensitive to the impacts of filming (sometimes labelled 'hot-spot' locations) have been drawn up for ease of reference.

### 2. MANAGEMENT RESPONSIBILITIES

Responsibility for the management and monitoring of these sites within the City of Cape Town generally lies with the Environmental Management units of the Town Planning Directorate and City Parks Department.

### 3. EXCLUSIONS

Generally excluded from the list are those areas or sites managed by the City's key partners in conservation. They include, but are not limited to sites managed by:

- Table Mountain National Park (e.g. the Peninsula mountain chain, Noordhoek wetlands, Noordhoek beach, TMNP Marine Protected Area);
- Marine and Coastal Management (e.g. coastal and sea environment, outside of the TMNP Marine Protected Area. Note: They also manage the permit process required in terms of ORV regulations, i.e. those regulations governing the use of vehicles on beaches or dune areas);
- Botanical Society of South Africa (e.g. Kirstenbosch); and
- Heritage sites such as Robben Island and the Castle.

Applications for permits for any of these sites should be appropriately directed.

### 4. APPLICATION OF THE FILM-SENSITIVE LOCATIONS LIST

#### 4.1 Basis for Listing

Section 4.5 below outlines a list of locations that are potentially sensitive from an environmental, cultural or historical perspective and which may require conditional filming and monitoring. It is important to note that such a list cannot be comprehensive without being unworkable. It has therefore focused on a representative listing of many of the more (currently) popular film locations. Reference to, and familiarity with, the criteria used to categorise the locations is an important requirement of CTFPO officials, as there will be locations that are not listed but would be considered sensitive. If in doubt, always refer to the relevant environmental management officials to assist in determining the level of impact.

#### 4.2 Review of Listing

It should be noted that the popularity of film locations shifts considerably over time to suit trends within the industry. The Film-Sensitive Locations list therefore will be reviewed and updated at least on an annual basis. This will occur simultaneously with the review of the CTFPO Operations Manual as a whole.

#### 4.3 Categorisation of Listing

Certain areas within the City's jurisdiction are to be considered generally not suitable for film activities. They are termed 'no-go' locations. Other locations must be regarded as sensitive from an environmental management perspective, and these are termed Film-Sensitive locations.

These locations have been divided according to categories defining the nature of sensitivity and include the following:

#### **4.3.1 Business District Streets and Squares**

These areas are primarily socio-economically sensitive as they are busy commercial areas with high loads of vehicular and pedestrian traffic. Businesses require that access by customers and for deliveries is not impeded, but this is frequently cited as a problem.

#### **4.3.2 Cultural or Historic Sites and Areas**

There are a number of areas in Cape Town where communities adhere to established religious or cultural norms that may be sensitive to the intrusion of certain types of activity, including tourism and filming. There are also many sites and areas which contain historically important buildings or structures, most of which are protected in by-law.

#### **4.3.3 Bio-Physical Sensitivities**

Cape Town's attractiveness to the film industry partly stems from its outstanding natural beauty. In 2004, the Cape Floral Region, including the Table Mountain National Park and other sites in the Western and Eastern Cape, was declared a World Heritage Site, in recognition of the outstanding ecological and biological processes associated with the Fynbos vegetation. In these areas, film activities may conflict with other users as well as bio-physical sensitivities.

They include:

- mountain areas, rivers/vleis/estuaries, nature reserves, dams (i.e.: mountain areas and protected natural environments);
- coastal areas (beaches, sand dunes); and
- public open spaces, parks or gardens/green belts.

### **4.4 Procedural Requirements**

#### **4.4.1 No-Go Locations**

An application for a film permit in a 'no-go' area will be refused unless discussions with the facility/amenity manager AND Environmental Management Directorate indicate otherwise.

#### **4.4.2 Film-Sensitive Locations**

An application for a film permit in a film-sensitive location will always be categorised as moderate to high impact. The determination may depend on other impact factors such as time, duration and scale of the film activity. Discussions with the facility/amenity manager AND Environmental Management will aid such determinations and are considered an essential consultation protocol.

As a general rule, approval of applications for film permits at all coastal locations and those locations with ecological sensitivities should include a requirement for full-time environmental management by an independent Environmental Control Officer (ECO), appointed by and at the cost of the production company from a list of accredited ECOs. Environmental management plans may also be required of such film permit applications where the scale and extent of impact is significant.

### **4.5 Guide To Locations Considered Sensitive in respect of Film Activities**

#### **4.5.1 No-Go Locations**

It should be noted that filming is specifically discouraged in wilderness or remote areas, areas high in endemism/red data species, and in most vegetated dune areas. Other areas may be periodically classified 'no-go' areas – this could include, for example, seasonal breeding of birds/animals, natural environments closed for rehabilitation, or areas suffering from over-utilisation. Such determinations will be the responsibility of the facility/amenity manager and Environmental Management Directorate.

#### **4.5.2 Sensitive Locations**

The table on the following page presents the list of environmentally sensitive locations for Cape Town. While this list tries to be as comprehensive as possible, it cannot be all-inclusive and will need to be updated with time.

### Business Districts, Streets and Squares

Cape Town CBD (City Partnership), particularly:

- |                       |                                |
|-----------------------|--------------------------------|
| 1. Bree Street        | 10. St Georges Mall            |
| 2. Church Square      | 11. Longmarket Street          |
| 3. Dunkley Square     | 12. Prestwich Street           |
| 4. Greenmarket Square | 13. Thibault Square            |
| 5. Loader Street      | 14. Tulbach Square             |
| 6. Long Street        | 15. Parliament Street          |
| 7. Loop Street        | 16. South African Reserve Bank |
| 8. Riebeek Street     | 17. Company Garden's           |
| 9. Keerom Street      |                                |

### Cultural or Historic Sites or Areas

- |                                |                 |
|--------------------------------|-----------------|
| 1. Bo-Kaap                     | 5. Muizenberg   |
| 2. Observatory Lower Main Road | 6. Kalk Bay     |
| 3. Salt River, Woodstock       | 7. Simon's Town |
| 4. Wynberg Chelsea             |                 |

### Heritage Sites

(buildings with National or Provincial Heritage status)

- |              |                  |
|--------------|------------------|
| 1. Castle    | 3. Magazine site |
| 2. City Hall |                  |

### BIO-PHYSICAL SENSITIVITIES

#### Sites/Slopes adjacent to Scenic Drives

- |  |                       |
|--|-----------------------|
| 1. Slangkop Road between Kommetjie and Scarborough | 3. Ou Kaapse Weg      |
| 2. Boyes Drive                                     | 4. Baden Powell Drive |

### Public Open Spaces, Parks, Gardens/Green Belts

- |                                 |                                       |
|---------------------------------|---------------------------------------|
| 1. Constantia Greenbelt network | 6. De Waal Park                       |
| 2. Tokai Greenbelt network      | 7. Wynberg Park                       |
| 3. Botha's camp                 | 8. Mouille Point/Sea Point promenades |
| 4. Black Hill                   | 9. Ardene (Claremont) Gardens         |
| 5. Company Gardens              |                                       |

### Mountain Areas, Rivers/Vleis/Estuaries, Nature Reserves, Dams

- |                  |                          |
|------------------|--------------------------|
| 1. Rondevlei     | 8. Wemmershoek Dam       |
| 2. Zandvlei      | 9. Theewaterskloof       |
| 3. Zeekoevlei    | 10. Rietvlei wetlands    |
| 4. Wolfgat       | 11. Noordhoek wetlands   |
| 5. Edith Stevens | 12. Sir Lowrys Pass      |
| 6. Blouberg Hill | 13. Silverboomkloof Road |
| 7. Steenbras Dam |                          |

**Coastal Areas (note: Beach includes dune system)**

1. Blouberg Beach
2. Atlantis Dunes
3. Mouille Point
4. Sea Point
5. Clifton 2,3 and 4
6. Camps Bay Beach and tidal pool
7. Hout Bay Beach
8. Llandudno Beach
9. Noordhoek Beach
10. Kommetjie Beach
11. Witsands
12. Soetwater
13. Misty Cliffs
14. Scarborough Beach
15. Millers Point recreational area
16. Simon's Town Beach
17. Windmill Beach
18. Seaforth Beach
19. Glencairn Beach
20. Fish Hoek Beach
21. Muizenberg Beach
22. Strandfontein Beach
23. Mnandi
24. Monwabisi
25. Strand
26. Table View
27. Milnerton beach and lagoon
28. Silverstroom Strand
29. Melkbosstrand

## ANNEXURE E

### FILM PERMIT TARIFFS

#### 1 Permit Administrative, Cancellation and Deposit Fees

1.1 A non-refundable administration fee of 25% of the combined permit fee is incorporated in the location fee.

1.2 A cancellation fee applies if a shoot is booked and cancelled the day after or later than the planned shoot date. The fee calculated at 20% of the 2005/6 daily location fee varies according to the size of the shoot.

1.3 A refundable deposit of a minimum of R1 000.00 may be required, depending on the nature and impact of the shoot.

#### 2 Location Fees

2.1 A location fee applies to the physical space where filming actually occurs and varies according to the size of the shoot.

2.2 Requests for film activities on dedicated space such as a separate base camp, unit parking, catering area, etc. are considered in terms of the applicable tariff for the “area required per m<sup>2</sup> of dedicated space”, i.e. R<sup>?</sup>/m<sup>2</sup>/day or part thereof.

2.3 No road closure or intermittent closure fees will apply as these are included in the location fee.

2.4 Up to 100% reduction on location fees can apply to selective shoots subject to compliance to criteria and subject to the Director’s approval.

#### 3 Parking Fees

3.1 Shoots with 1-3 vehicles will pay for parking as per the normal City parking tariffs (i.e. metered or privately managed parking). However, if dedicated parking is requested, the film parking tariffs will apply. Shoots with 4 or more vehicles will pay for parking as per the schedule for demarcated or undemarcated bays.

3.2 Demarcated parking bays are charged at R<sup>?</sup>/bay/day or part thereof as per the applicable approved tariff schedule.

3.3 Demarcated parking tariffs will apply as follows for shoots on weekends:

- Saturday morning (08:00–13:00): R<sup>?</sup>/bay/day or part thereof
- Saturday afternoons (13:00–17:00) and Sundays (08:00–17:00): no charge

3.4 Unit and/or base camp parking in demarcated parking bays is charged as per the applicable approved tariff schedule at R<sup>?</sup>/bay/day or part thereof.

3.5 Unit and/or base camp parking which is on Council land and/or not in demarcated parking bays, is charged as per the as per the applicable approved tariff schedule for “area required per square meter of dedicated space”, i.e. R<sup>?</sup>/m<sup>2</sup>/day. (Note: the rate is for any vehicle and is not related to the size or type of vehicle.)

3.6 The tariff for vehicles required off public access roads, applies specifically to restricted entry areas and is charged as per the applicable approved tariff schedule at R<sup>?</sup>/vehicle/ day.

#### **4. Film-Related City Service Fees**

4.1 Charges for other City Services for filming, e.g. for Municipal Officials, Traffic Officers, Fire Services, water locations, etc. are levied by relevant Departments based on their approved applicable tariffs. Most of these tariffs are included in the Film Tariff Schedule, however, there may be other film-related tariffs contained in each Service Department's tariff schedule.

#### **5. Training and Charitable Institutions, Student/Development Projects and International Shoots** (Subject to approval by delegated authority and adherence to conditions stipulated, and others as specified)

##### **5.1 Criteria for Reduction of Film Location Permit Fees for Student Projects**

- 5.1.1 On supply of valid student card
- 5.1.2 On supply of outline of project/programme proposal

##### **5.2 Criteria for Reduction of Film Location Permit Fees for Charity Projects**

- 5.2.1 On supply of a letter from the registered charity, including the charity registration number
- 5.2.2 On supply of a letter of request from the film company clearly outlining the goods/services/talent/crew, etc. working for free/discounted rates
- 5.2.3 On agreement to an acknowledgement of the City of Cape Town's support for the project in both the final film text and any marketing products/documentation

##### **5.3 Criteria for Reduction of Film Location Permit Fees for Development (BEE) Projects**

- 5.3.1 On supply of a letter of request from the film company clearly outlining its BEE credentials
- 5.3.2 On supply of details of the goods/services/talent/crew, etc. working for free/discounted rates
- 5.3.3 On agreement to an acknowledgement of the City of Cape Town's support for the project in both the final film text and any marketing products/documentation

##### **5.4 Criteria for Reduction of Film Location Permit Fees for Training or Local Production Projects**

- 5.4.1 On supply of a letter of request from the film company clearly outlining the local credentials of the film company
- 5.4.2 On supply of details of the goods/services/talent/crew, etc. working for free/ discounted rates
- 5.4.3 On supply of details of the number of trainees and the learning being undertaken by the trainees
  - On supply of written confirmation that the project is self-funded (NB: This therefore does NOT apply to any project commissioned by local broadcasters).
  - On agreement to an acknowledgement of the City of Cape Town's support for the project in both the final film text and any marketing products/documentation

##### **5.5 Criteria for Reduction of Film Location Permit Fees for International Productions**

- 5.5.1 On supply of a letter of request from the film company and the detailed credentials of the film company
- 5.5.2 On supply of details of the production and budget
- 5.5.3 On supply of the distribution plan (including expected marketing and promotional value for the City)
- 5.5.4 On supply of details of the goods/services/talent/crew, etc. rates to be accessed and paid in Cape Town
- 5.5.5 On supply of details of the proposed services and film locations/venues to be used in Cape Town
- 5.5.6 On supply of details of number of trainees and the learning being undertaken by the trainees
- 5.5.7 On agreement through a Memorandum of Understanding between the City and producer, of the direct benefits to accrue to the City; the details of the City's services and locations to be used and any other conditions which may be attached to the approval

## 6. Tourism and Investment Marketing Promotion

(Subject to approval by delegated authority and adherence to conditions stipulated, and others as specified)

### 6.1. Criteria for Reduction of Film Location Permit Fees for Tourism and Investment Promotion TV Productions

- 6.1.1 If the programme specifically and directly promotes tourism or trade/ investment in the City of Cape Town or Western Cape, and is aligned with the Joint Marketing Strategy objectives, focus areas and segments
- 6.1.2 If the production features Cape Town or the Western Cape – its scenery, culture, people or products on screen
- 6.1.3 If the details of the commissioning broadcaster, relevant approvals/ motivation and business plan are submitted
- 6.1.4 If the production company profile is submitted
- 6.1.5 If the show details, including time slot for show and show ratings, are submitted
- 6.1.6 If the audience demographics are submitted

### 6.2 Criteria for Reduction of Film Location Permit Fees for Feature Films and TV Drama Series

- 6.2.1 Up to 50% of film location permit fees may be waived on the following conditions:
  - If there is an identifiable use of the word Cape Town, the Cape or Western Cape in the title of the production
  - If the feature utilises identifiable Cape Town, Cape or Western Cape scenery, culture, people or products on screen
  - If the production budget is at least R20 million
  - If pre-sales/distribution is guaranteed to cover at least one of Cape Town's and the Western Cape's key tourism or trade/investment target sectors identified in the Tourism Marketing Framework of the Cape Town Routes Unlimited (CTRU)
  - If the feature employs at least 10 trainees
  - If the feature utilises the services of at least 15% empowerment companies (from a recognised list of suppliers held by the Cape Film Commission)
- 6.2.2 Up to 100% of film location permit fees may be waived on the following conditions:
  - If there is an identifiable use of the word Cape Town, Cape or Western Cape in the title of the production
  - If the feature utilises identifiable Cape Town, the Cape or Western Cape scenery, people or products on screen
  - If the production budget is a minimum of R70 million (for a TV series/pilot)
  - If pre-sales/distribution is guaranteed to cover at least two of Cape Town's and the Western Cape's key tourism or trade/investment target sectors identified in the Tourism Marketing Framework of the CTRU
  - If the feature employs at least 20 trainees
  - If the feature utilises the services of at least 25% empowerment companies (from a recognised list of suppliers held by the CFC)

*The CTFPO gratefully acknowledges the input and support of various City Departments, the Cape Film Commission and various other stakeholders in the production of this guide. We welcome any comments and suggestions. Please send them to the CTFPO.*

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