



# Location Filming in Swakopmund

## A Film Permit Guide

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### OVERVIEW OF APPROVALS NEEDED

#### 1.1 Why Approval is required to film in Swakopmund.

Council has a statutory responsibility to protect the environment and to represent its community. Filming on public land or infrastructure such as roads and parks 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 Namibia's Film Commission and Swakopmund Municipal Council.

#### 1.2 When is a Permit Required?

Principally concerned with location filming as opposed to filming within a studio, Council's 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
- 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 utilized exclusively or predominantly for filming, the use of the property would be regarded as commercial.

## 2.1 Activities Requiring Council Approval

Many film related activities require Council's approval. 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, the use of flora and fauna, or the use of aircraft. Many popular locations within Swakopmund, such as Dorob Park, fall outside the jurisdiction of the Swakopmund Municipal Council and are subject to the permit procedures of those authorities.

## WHAT YOU NEED TO KNOW WHEN FILMING IN SWAKOPMUND

### 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.

#### 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 offices of Swakopmund Municipality. Any such application is to be submitted well before the intended date of filming to allow for consultation, should it be deemed necessary.

### 3.2 Environmental Requirements

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.
- Minimize wastage of resources, and recycle where possible.

## 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 Swakopmund Municipality may require a Traffic Management Plan to be submitted. This document describes the actions that the film company will take to minimize 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 Municipality of Swakopmund 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 Municipal Traffic Section or the Nampol Provincial Traffic Administration. Temporary closures of roads under the Municipality's jurisdiction are permitted subject to the provisions of the Road Closure Policy, and may occur only under the supervision of a traffic officer.

### 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 Swakopmund Municipality at the applicable tariff. 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. 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 be repaired 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 Council's advertising guidelines.

Signs with the name of the film company and pointing in the direction of the location may be placed on pavements, but not on street poles or traffic light, regulatory, command or prohibition poles.

### 3.6 Shoots Affecting Municipal Infrastructure

#### 3.6.1 Stormwater System

The storm water 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 storm water system lies with the film company. Assistance rendered by specialist storm water contractors will be for the film company's account, and all arrangements are to be made directly with the contractor.

#### 3.6.2 Electricity

The film company to obtain permission from Erongo RED 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.

#### 3.6.3 Water Infrastructure

Council's Engineering department is to be contacted regarding their requirements for filming activity near any water infrastructure.

### 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 authorization 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 Building Regulations and require building plans for such structures to be submitted to the Swakopmund Municipal Council's Engineering Department for approval. Adequate time needs to be set aside for this process.

3.7.2 'Dummy Facades' and other lightweight structures are regarded as 'scaffolding'.

#### 3.7.3 Temporary Tents

Temporary tents are usually required for catering purposes and are regulated by the Council's Corporate Services Department. The necessity for approval of any such structures will be determined in each case depending on the use and time involved.

### 3.8 Special Effects, Stunts and Related Activities

#### 3.8.1 Special Effects and Stunts

The Swakopmund Municipality must be advised in advance in writing, with a letter of permission from the appropriate department of the Namibian Police and Council's Fire Brigade, 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). Namibian 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 Namibia and Swakopmund's Fire Brigade. Council is to be informed in advance of the intention to use an aircraft within the boundaries of Swakopmund. All Civil Aviation regulations and conditions imposed by Namibia's 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 Swakopmund, 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.

### 3.8.4 Motorized Watercraft

The use of motorized 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.

### 3.8.5 Drones

Drones will be permitted by special permission only. The film company is to ensure that Operators must ensure that they follow the following laws when flying in Swakopmund,

- Obtain permission to fly your drone from the aviation authority.
- Do not fly the drone higher than 150 feet
- Do not fly the drone over people or crowds of people
- Respect other people's privacy when flying the drone
- Do not fly the drone near military installations, power plants, or any other area that could cause concern for Swakopmund Municipal Council.
- Do not fly the drone within 5 miles of an airport or in areas where aircraft are operating
- Drones are to be fly during daylight hours and only fly in good weather conditions

### 3.10 Catering

All caterers are to be in possession of a Health – Conditional Certificate and relevant business license issued by the Health Department. Catering facilities must comply with the necessary requirements.

### 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 authorized 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 Minimizing 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 to be regulated no-one may cause a "disturbing noise" or carry out activities (including the discharge of explosives, firearms or similar device) which may cause a "noise nuisance", without the permission of the local authority concerned.
- **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.

## APPLICATION GUIDELINES

The following guidelines provide a comprehensive outline for Feature Films, commercial and Documentaries so that space and facilities in Swakopmund can be used by external media production organizations as locations for filming without disruption or cost to the Municipality of Swakopmund.

These guidelines take into account:

- Application needs to be done in writing, stating the dates and exact location of filming within the boundaries of Swakopmund.
- Proof of approval by the Namibian Film Commission needs to be attached to the application.
- Minimizing disruption of normal activities in Swakopmund.
- Providing and controlling general access to locations
- Preserving the reputation and public image of Swakopmund.

The guidelines do not apply to news and coverage of Swakopmund events and/or activities.

When news and public affairs coverage includes complex documentary filming, the above guidelines will apply, including fees, and assistance which may be provided.

All other requests to use buildings, ground and facilities for the purposes of filming will be handled by the Events & Film Liaison Official of the Municipality.

The Traffic Section of the Municipality will coordinate access to all areas in town, except for private property.

- Film location requests will not be approved which seriously disrupt the normal activities of the town.
- For interior locations, approval must be received from the administrative officer(s) of the division(s) occupying the space requested.
- No major set construction or alteration of buildings will be permitted. Any set decoration must be clearly specified in writing and all areas occupied in connection with the filming must be returned to their normal condition.
- A program script must be submitted prior to the commencement of filming so that the Events & Film Liaison can ascertain that such filming will not damage the reputation or image of Swakopmund. In the event that a script is not available, a storyboard and detailed outline must be provided.
- Requests for filming must normally be made at least two (2) weeks in advance, and under no circumstances will a request be accepted fewer than ten (10) days in advance.
- Notwithstanding the terms and conditions of these guidelines, the Municipality of Swakopmund, has the right to refuse any request for filming in Swakopmund or on the property of the Municipality.



- Factors in such a decision may include but are not limited to the reputation and financial security of the production agency, and the history of previous dealings with that agency.
- The applicable filming fees needs to be paid in advance before any filming will take place.
- Council have to be indemnified and therefore the application indemnity form provided with your approval needs to be completed, signed and returned before any filming takes place.

## Filming Fees

The following information provides an outline for Feature Films, Commercial and Documentaries, within the boundaries of Swakopmund town.

### Location Fees:

Feature Films : N\$7 000,00 / day to any production agency using Swakopmund locations for the purpose of producing feature films, television commercials, general entertainment programs and non-Swakopmund documentaries.

Commercial Films: : N\$3 500,00 / day

Documentaries: : N\$1 500,00 / day

The location fee may be reduced and/or waived for non-commercial production agencies and public broadcasting institutions producing education and public interest programs, including documentaries.

The cost of any additional services provided by Swakopmund Municipality, including security, parking, trades, etc., will be charged in addition to the location fee. The Swakopmund Municipality, in accordance with general policies and procedures, will decide which of these services are required for any film production.

### Insurance

The producer shall take out and keep in full force and effect through the term of filming, general liability insurance including without limitation contractual liability insurance and tenants legal liability insurance, against claims of personal injury, bodily injury including death, property damage or loss arising out of the operations of the producer.

### Other Requirements

Production agencies filming which need auxiliary sources must obtain such from the relevant agencies for their own account.

All arrangements, including the payment of the location fees, evidence of insurance, must be completed at least two business days prior to the commencement of filming.



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These Guidelines is adopted at the Ordinary Council meeting held on 23 February 2017 under item 11.1.9.

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# MUNICIPALITY OF SWAKOPMUND



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## CERTIFICATE OF INDEMNITY TO FILM IN SWAKOPMUND

I/We \_\_\_\_\_

In my/our capacity/capacities as \_\_\_\_\_

of \_\_\_\_\_

Hereby unconditionally indemnify the **MUNICIPALITY OF SWAKOPMUND**, and its Council, Management & Staff members against all and any claims in respect of damage to property and/or bodily injury to/loss of life of people that may arise from the utilisation of streets, roads and/or any other land within the municipal area of Swakopmund by participants and/or authorised officials

of \_\_\_\_\_

on occasion of \_\_\_\_\_

to be held on (date/s) \_\_\_\_\_

THUS signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

**SIGNATURE**

### As Witnesses

1. \_\_\_\_\_

2. \_\_\_\_\_

**TRAFFIC DEPT. : 24 HOUR STANDBY CELL PHONE NUMBERS  
0811224677 or 0811224679**

*Please inform us in advance with any changes to this application.*

*Copy of original document must be handed to applicant*