



Filming on Sites and Places of Significance to Mana Whenua

Issues, Options and Next Steps

Prepared for Screen Auckland

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1 Introduction

1.1 Filming in Auckland

Screen Auckland has sought resource management advice in relation to the requirement to obtain resource consent for filming on Sites and Places of Significance to Mana Whenua ('Sites of Significance'). Sites of Significance are locations in the Auckland region that are protected for their significance to Mana Whenua under the Auckland Unitary Plan (AUP). The film industry is largely able to operate without the need for resource consent within the Auckland region. However, where a location is identified as a Site of Significance resource consent is required to undertake filming activities as a temporary activity and this presents time and cost pressures to the industry and the attraction of the Auckland region for filming as a whole. This is compounded by a number of the Sites of Significance located on sites commonly used by the film industry, particularly those located in Central Auckland.

Screen Auckland has been proactive in undertaking research¹, engagement and surveys² with industry, Mana Whenua (early stage initiated) and Auckland Council to understand the implications and possible options to navigate the Sites of Significance resource consent requirements. This existing information provides the backbone of this report which aims to pull together all relevant material and clearly outline the resource management issue. This information has been used to form several options that could address the issues, for engagement with the film industry, Mana Whenua and Auckland Council. This report will be utilised as a central discussion document to facilitate dialogue amongst the various parties with the intention of meeting an agreed resource management solution.

It is acknowledged that Major Events can also trigger resource consents as temporary activities on Sites of Significance. While this report is focused on the screen industry the options considered could also address Major Events.

1.2 Who is Screen Auckland?

Screen Auckland is a part of Tātaki Auckland Unlimited, which is a Council Controlled Organisation of Auckland Council. Screen Auckland works to facilitate and assist film industry needs within the Auckland Region (location feasibility, seasonal data), it also acts as an advocate of the region as a film location to the local and international market. Screen Auckland has delegated authority to issue permits on behalf of Auckland Council to film on public open spaces throughout the Auckland region under the Public Trading, Events and Filming Bylaw 2022.

¹ Working with the Sites and Places of Significance to Mana Whenua Overlay of the AUP:OP: For Screen Auckland – Options Analysis Paper. 4Sight Consulting. March 2022

² Sites and Places of Significance: An Industry Survey. Screen Auckland. 14 February 2022

2 Relevant information

The purpose of this section is to set out the background or relevant information that has been gathered to inform the consideration of issues and options for filming on Sites of Significance. The relevant information is set out below to provide an understanding of the issues, which are then summarised in the conclusion.

2.1 Sites and Places of Significance to Mana Whenua

The AUP contains an overlay (mapping) of scheduled Sites of Significance that are places protected from certain activities for their significance to Mana Whenua. The values of these sites and places to Mana Whenua are both tangible and intangible arising from historical events, cultural activities and occupation on the sites. These values vary substantially from site to site and between Mana Whenua, as some sites are significant to multiple Mana Whenua and others may only be significant to one Mana Whenua group. Examples of the types of activities and events that occurred in these locations historically include pā, urupā, historic battles, canoe mooring areas, fresh water spring and importantly some are considered wahi tapu or sacred. Many of these sites, while bearing no visual resemblance to their past through urbanisation (or other anthropological activities) are still of extremely high cultural value to Mana Whenua.

Sites of Significance are important because when combined they reflect the Māori cultural landscape from which comes identity and cultural wellbeing contributing to the lives of Mana Whenua.³ Protection of Sites of Significance under the AUP achieves identification, protection and enhancement of Mana Whenua culture and heritage, and protects the ancestral relationship that Mana Whenua hold with this heritage and landscape.

The initial list of scheduled Sites of Significance in the AUP was rolled over from the legacy district plans and only a limited number of sites were identified. A process of identifying additional sites to be included as Sites of Significance within the AUP began with collaboration between Auckland Council and Mana Whenua in 2014 through the establishment of the Māori Cultural Heritage programme. Several additional sites were included within the AUP in response to submissions from Mana Whenua.

Auckland Council is continuing to work with Mana Whenua under the Māori Cultural Heritage programme to schedule more sites to acknowledge and protect the Māori cultural landscape. Recently Plan Change 22 added several more sites to the AUP, increasing the present list to 106 sites. Additional sites will be added to the AUP as Council and Mana Whenua work through the Māori Cultural Heritage programme with another plan change anticipated later this year.

2.2 Film Industry in the Auckland Region

The film industry brings both direct and indirect employment and economic benefits to the Auckland region and has been a steadily growing industry for many years. The local screen industry employs

³ Graham Murdoch, expert evidence, Topic 009 Hearing, Auckland Unitary Plan

more than 7,800 people with over 2,000 film related business based in Auckland, contributing \$1.2 billion to the region's GDP.⁴ Production and post-production grew by 19% per annum in the years ending March 2019 and 2020, and another 9% in the year ending March 2021 despite the impacts of Covid-19.⁵ Indirect employment and economic benefits include the need for catering, security, rental equipment, construction etc. to support film activities.

Auckland offers a wider range of attractive attributes to the film industry, including skills/labour, production facilities and most importantly a diverse range of appealing film locations, both urban and non-urban. The local screen industry can accommodate a wide range activities, these include, documentaries, commercials, photoshoots, animation, post production and visual effects, feature films and television series.

Remaining competitive in the global film market is critical and this is highlighted in the Auckland Film Protocol highlights this need in that *"Auckland Council is committed to supporting further growth in the local screen industry by increasing competitiveness, providing certainty to filmmakers and ensuring a 'film-friendly' culture exists across the organisation and throughout the region."*

Film activities vary substantially from production to production. It could be as small as a camera person and reporter for a news segment that takes 10 minutes, or it could involve a very large cast, and support crew, a multitude of vehicles (vans, trucks, buses), onsite catering and portoloos, construction of a set and large amounts of film equipment that is located on site for days/weeks at a time. However, the vast majority tend to be smaller productions. Data from Screen Auckland's Film App helps to contextualise this information, with low and medium impacts, collected as part of bylaw applications (see Appendix 1 for descriptions) making up 76% of all bylaw applications.

Table 1: Breakdown of Bylaw Permit Applications

	Jan'22	Feb '22	Mar '22	Apr '22	May '22	Total	Percentage
LOW Impact	13	27	28	37	38	143	39%
MED Impact	6	27	28	38	37	136	37%
HIGH Impact	8	11	13	2	23	57	16%
MAJOR Impact	1	8	3	6	10	28	8%
Total	28	73	72	83	108	364	

*Some permits straddled multiple impact levels, these have been split out.

⁴ Infometrics, March 2021.

⁵ Infometrics, March 2021.

2.3 Filming under the Auckland Unitary Plan

Filming comes under the definition of temporary activity in the AUP. The AUP defines temporary activity as follows:

An activity that:

- *is outside the normal expected use of a site (or area within the coastal marine area); and*
- *has a start and end date and time.*

Includes:

- *filming activities at temporary locations and activities accessory to that filming activity;*
- *overflow parking;*
- *structures accessory to temporary activities.*

Temporary activities including filming are primarily managed as Auckland-wide provisions⁶ – meaning the same rules apply across the region. The Auckland-wide provisions for temporary activities aim to recognise the social and cultural importance of temporary activities while also managing their effects.

Filming is identified as a specific temporary activity, whereby filming activities up to and including 30 consecutive days as permitted within the coastal marine area and on land⁷. Any filming activities occurring for more than 30 consecutive days is a restricted discretionary activity requiring resource consent.

Resource consent can also be triggered for other reasons including: noise, earthworks, lighting, hours of operation, loading bay requirements, traffic generation, proximity to residential zones and coast/waterbodies, heritage/cultural issues and removal of protected vegetation⁸. However, in general the majority of filming activities can work within the confines of a permitted activity status under the AUP.

To undertake filming activities as a temporary activity on a Site of Significance requires a resource consent as a restricted discretionary activity⁹. When assessing an application for resource consent the council is restricted to considering the following matters of discretion:¹⁰

- (1) *the effects of the proposal on the values and associations of Mana Whenua with the site or place, including effects on the context of the local history and whakapapa.*
- (2) *the nature, location, design and extent of the proposal.*
- (3) *the purpose and necessity for the works and any alternatives considered.*
- (4) *the provisions of any relevant iwi planning document.*

It is important to note that temporary activities include a wide range of activities, some of which may have more or less impact on the associated values of Sites of Significance. However, of

⁶ AUP, Chapter E40 Temporary activities.

⁷ AUP, Rule E40.4.1(A15).

⁸ Auckland Film Protocol, page 41

⁹ Rule D21.4.1(A3).

¹⁰ AUP, D21.8.1 Matters of Discretion.

particular relevance to filming activities is the following assessment criteria which requires assessment of the extent to which the proposal:

(c) considers the appropriate location of temporary activities to avoid, remedy or mitigate adverse effects on values and associations of Mana Whenua with the site or place.

Waiheke and Great Barrier Island are managed under the Hauraki Gulf Islands District Plan, which has different provisions for filming activity. There are four Sites of Significance listed in Appendix 1f of the Hauraki Gulf Islands District Plan. Temporary activities including film shoots are permitted¹¹ provided not more than 5 days, or on Great Barrier 14 days., and they do not involve ground disturbance or toilets.¹²

Prior to the AUP, the legacy district plans contained limited planning controls for filming activities or temporary activities on scheduled Sites of Significance. Where provisions existed, they generally focused on potential adverse effects from land disturbance and consultation. For example:

- Auckland City – Central Area Plan provided for any event, construction or change of use not involving ground disturbance on scheduled Sites of Significance as a permitted activity.
- Manukau City District Plan required any works which may have an adverse effect on the site was a controlled activity (listed sites) otherwise it was a discretionary activity. A key requirement of the process related to consultation with mana whenua.

During the AUP hearings process the activity status of temporary activities was a topic that was discussed in evidence by Phillip Mitchell on behalf of the Independent Māori Statutory Board. Evidence provided by Mr Mitchell stated that:

“there are numerous Temporary Activities that could have significant adverse effects on the values and associations of Mana Whenua with SSMW¹³”.

Mr Mitchell followed on to state that:

“what is needed is for the owner / occupier of land within a SSMW to put together a set of protocols / conditions in consultation with Mana Whenua, for how temporary activities should be undertaken in those areas (identifying areas where cooked food will not be taken, toilets will not be placed, acceptable signage etc.). The question is to what extent rules in the PAUP need to require a resource consent to ensure that process happens. I consider that the simplest way is to have restricted discretionary activity status for all Temporary Activities on SSMW, with discretion restricted to effects on the values and associations of Mana Whenua with the SSMW.”

There was a clear intention from the Independent Māori Statutory Board that temporary activities should be a restricted discretionary activity within an SoS and future stakeholder engagement should be mindful of this.

¹¹ Hauraki Gulf Islands District Plan, Rule 4.5.3.

¹² Hauraki Gulf Islands District Plan, Rule 7.13.4.1.

¹³ Sites of Significance to Mana Whenua

2.4 Film Permit Requirements under Public Trading, Events and Filming Bylaw 2022

In addition to the AUP, filming in public places in the Auckland region is regulated by the Auckland Council Public Trading, Events and Filming Bylaw 2022. Film permits are generally required to film on public places and the need for a permit is determined by the size, impact and location of the film. Screen Auckland manages this process and issues permits under this bylaw. Screen Auckland has developed a specific app (FilmApp) to streamline and centralise the application process. An outline of categorised film activity levels that Screen Auckland utilises to guide the permit process under the bylaw is provide in Appendix 1.

An application for a filming permit under the bylaw requires the following information to be submitted to Screen Auckland:

- Location(s);
- Start/end dates and times (and contingency dates);
- Crew numbers;
- Shoot descriptions at each location (with site plan);
- Equipment to be used (e.g. camera, lights, generators);
- Consultation/notification of businesses/residents (e.g. face to face, letter drop);
- Vehicles and facilities (e.g. number of van/trucks/cars/buses, portaloos, catering, parking permit requirements);
- Waste management (number of bins/locations, waste sustainability);
- Requirements of a unit base (i.e. centralised film location); and
- Requirements for traffic management plans, parking permits.

The permit process requires a range of approvals including from land owners, leaseholders as well as relevant stakeholders including, Auckland Council, local boards, council controlled organisations and Iwi. Provided the necessary approvals are obtained then Screen Auckland will issue a permit. On receipt of permit, the production company is granted use of the public space on an agreed level of access.

Where filming is to occur in locations of historic and archaeological heritage the permit process also requires production companies (facilitated through Screen Auckland) to engage with relevant Iwi stakeholders. In addition, filming activities may be required to submit traffic management plans as well as acquire parking permits from Auckland Transport, traffic management plan approvals are facilitated through Screen Auckland, while parking permits are sought direct from the Special Events team at Auckland Transport. These requirements may occur as either part of the permit process or outside the permit process (depending on whether a permit is needed or not)

The turnaround time for the majority of permits under the Trading and Events in Public Places Bylaw is 3 to 5 working days,¹⁴ with costs ranging between \$0 to \$1,600 (depending on film impact level). It is noted that there are also many other costs associated with permitting filming activities including for parking permits, road closures, traffic management plans, as well as hireage of Council facilities along with bonds (to cover environmental and property damage).

¹⁴ Auckland Film Protocol

Filming on private property does not require a permit under the bylaw. However, Screen Auckland often advises that it is notified in these instances to ensure that no other traffic, parking, or resource consent requirements may need to be considered.

2.5 Filming on Tūpuna Maunga

There are 14 co-governed volcanic cones (tūpuna maunga) under the administration of the Tūpuna Maunga Authority o Tāmaki Makaurau Authority 'the Authority'. The Authority is independent of Auckland Council and to film or take commercial photographs on the tūpuna maunga requires a separate permit be obtained. Presently, two of the tūpuna maunga contain Sites of Significance, Matukutūruru (Wiri Mountain) and Te Pane o Mataoho / Te Ara Pueru (Māngere Mountain), this may change/increase as 'tranches' of additional sites are released through future plan changes.

Screen Auckland facilitates and issues the permits (on behalf of the Authority) for filming on these sites. This process, like permits under the bylaw, utilises the FilmApp software where productions submit the same type of information required under the bylaw, except for the following additional information requirements:

- A clear description of scene/shots proposed to be filmed on the maunga, applicants may be asked to provide the script of the proposed scene/shot & storyboards;
- Waste management/clean-up plans;
- Potential benefits of the activity to the iwi/hapū, the Authority and/or the maunga
- Confirmation that no vehicles are planned for the tihi (peak of the maunga is the default re access);
- Either confirmation of no physical impacts to the site, or methods and techniques to reduce impacts;
- Plans around facility usage/porta-loo hire;
- Confirmation of what, if any iwi groups are already involved in the production plans

Timeframes for the Authority to review the request and for Screen Auckland to approve the permit is a minimum of 20 working days with their own structures for fees. Screen Auckland has a collaborative working relationship with the Authority and established procedures are in place. A Screen Auckland film facilitator acts as a conduit between the applicant and the Authority to facilitate the permitting process.

2.6 Film Industry Feedback and Prominent Film Locations

Feedback from Screen Auckland has indicated that prior to the AUP and specifically the Sites of Significance, no more than 1 or 2 filming activities per year in the Auckland region triggered resource consent¹⁵. In these instances, the filming production was on a very large scale, perhaps extending beyond the 30 day permitted filming timeframe, required set building activities and potentially generated other effects such as noise, lighting and traffic issues.

¹⁵ This is anecdotal information from Screen Auckland, no actual data is available on this, a future economic report would likely be able to research this further.

Screen Auckland is not generally involved with consenting requirements for filming activities. Typically production companies will engage their own planner to navigate the resource consent process. It should be noted that there is no data on the number of resource consents obtained for the Auckland filming industry. However, anecdotal information from Screen Auckland is that prior to the introduction of Sites of Significance the film industry could largely operate within the Auckland region without the need for resource consent.

Screen Auckland has undertaken research and sought industry feedback in relation to the Sites of Significance. In a survey¹⁶ to stakeholders in the Auckland film industry, based on 45 industry responses the key findings (summarised) include:

- Of all the Sites of Significance, the sites identified of being most important to the film industry were all (but one) located in the Auckland CBD or Central Auckland. Pakiri Regional Park and 1066 Pakiri Road was the one location outside of Central Auckland. See below graph, those coloured in teal are those locations that were not included in the survey 'short list'.



Q. Thinking about the locations that are classified as 'Sites and Places of Significance to Mana Whenua', which are the most important to you/ your business as filming locations? Base: All respondents, n=31. **Shortlist* locations

- The top Sites of Significance film locations were identified for the following 'special' features: proximity (to each other), parking (ample supplied), combination of natural and urban backdrops, mimic overseas location and/or different periods, uniquely Auckland.
- 70% of respondents indicated that it was unlikely they would utilise a Sites of Significance for filming if it required a resource consent. This was because of the incurred time, cost and risks associated with gaining a resource consent.

¹⁶ Sites and Place of Significance: An Industry Survey. Screen Auckland. 14 February 20

- Concern around reputational damage to the Auckland film industry as a viable film location and likely fewer productions coming to the region.
- Screen Auckland seeking a global resource consent was seen as a useful way to support the sector.
- Notification to the industry as soon as a new tranche of Sites of Significance locations are notified by Auckland Council, so feedback can be provided.

Screen Auckland also provided data around some of the most commonly utilised Sites of Significance based on permits issued (under the bylaw) and enquiries received. This is shown in the Table 1 below. Each site was also assessed in terms of the physical extent of the Sites of Significance overlay on the site. Often while an entire public space was identified, only a small portion of the site is often actually identified as a Sites of Significance. With that information, an assessment was made as to where filming could still occur by avoiding the area scheduled as a Site of Significance, working with productions to avoid the Site of Significance, or if all activities would require a resource consent.

Table 2 Number of Permit Enquiries for Sites of Significance

Site of Significance	# of Permits / Enquiries 2020	# of Permits / Enquiries 2021
Auckland Domain	40	41
Victoria Park	14	15
Albert Park	14	19
Ambury Farm	14	3
Queen Street	12	6
Western Springs	7	13
Point Erin Park	7	3
Coyle Park, Point Chev	4	5
Kawaka Bay Coast Road	4	0
Cox's Bay Reserve, Westmere	4	3
Arataki Visitor Centre	4	6
Musick Point Road	3	4
Onehunga Mall / Princess St intersection	3	0
Western Park	2	5
Federal Street	2	3
Jaggers Bush	1	0
Whatipu	1	7
Cornwallis	1	1
Emily Place Reserve	0	1

Colour Key for Table 2:

	Can permit these spaces with little impact on Site of Significance areas
	Requires specific location work with productions to avoid Site of Significance areas
	All activity this Site of Significance require a resource consent application

Table 1 outlines a very important feature of many of the Sites of Significance, in that while there may be many 'key' film locations that have a Site of Significance overlay, quite often these can be worked around and filming can quite comfortably occur outside the various SoS on particular public space. This is an important information gap going forward and will require more work to ascertain which Sites of Significance do create a resource management challenge for the film industry. Regardless of that, utilising survey feedback from industry as well as permit / enquiry data from Screen Auckland allows for the helpful conceptualisation of some of the key sites for the film industry.

2.7 Sights of Significance and Public/Private Land

An important feature when considering the film industry's challenges within Sites of Significance is that of the 106 sites, the vast majority are located on public land (parks, regional parks, roads). Although, some of these sites do overlap with adjacent private property to varying degrees (particularly a number of Sites of Significance located in the CBD). The top 10 most important filming locations identified in the industry survey are located in public spaces. Being in a public place ensures that all filming must be considered under the Public Trading, Events and Filming Bylaw 2022, (potentially) requiring permit prior to any filming activities. This may allow for some reassurance and a mechanism for continued Sites of Significance oversight of Mana Whenua on public land when considering a potential resource management solutions (discussed further in the following section 3).

Conversely, there are approximately 22 Sites of Significance located on private land. While not confirmed by the film industry, it is assumed that these sites are unlikely to be utilised by film production companies given the land ownership, likely access issues as well as their general more common suburban or rural location - whereby there would be plenty of other film locations that could mimic the desired context if need (i.e. other suitable locations could be found. Generally, these sites also did not appear prominently in the film survey for locations of importance. With this information in mind, and considering potential resource management solutions, Sites of Significance on private land do not appear to be a focus for the film industry.

2.8 Feedback from Mana Whenua

Some initial engagement by the Screen Industry and Screen Auckland has been undertaken with mana whenua to canvas the issue of resource consent triggers on Sites of Significance. While further engagement will be required through the development of options the following feedback has been received to date:

- Didn't realise that resource consent was triggered for filming on Sites of Significance.
- Appears to be an unintended consequence of the MCHP project.
- Wouldn't require a resource consent for 99% of film activities.
- A common courtesy of notification and openness to work with iwi to respond to advise.
- Engagement with Independent Māori Statutory Board required.

2.9 Conclusions

Sites of Significance hold important values for Mana Whenua and it is appropriate for there to be a process to ensure that filming activities do not impact on the tangible and intangible values that contribute to the relationship of Mana Whenua with these sites.

Filming is a \$billion industry and brings wider social and economic benefits to the Auckland-region. Auckland Council, through the Auckland Film Protocol, is committed to supporting growth in the film industry by providing certainty and being film-friendly.

There is a concern in the film industry that there is an element of duplication of process where the need for a permit under the bylaw is required as well as a resource consent on a Site of Significance. The film industry sees that the uncertainty and additional compliance costs may impact on the desirability of Auckland for some activities. It is understood that these sites are most likely to be avoided rather than seeking resource consent.

Resource consent processes can be costly and timely particularly for the vast majority of film productions which occur on short time frames and very small budgets. Although resource consent timeframes have a statutory process of 20 working days the timeframes can be extended or simply be exceeded. Lodgement fees begin at \$4,500 with additional staff/expert costs potentially required. Production companies would also have to engage their own planner and other specialist where required in order to prepare suitable applications for lodgement (estimated at up to \$40,000).

The key assessment matter for the assessment of resource consents for filming activities on Sites of Significance relates to the consideration of *“the appropriate location of temporary activities to avoid, remedy or mitigate adverse effects on values and associations of Mana Whenua with the site or place.”* This matter is consistent with the process required for filming permits under the bylaw whereby the following information is required:

- Location(s);
- Start/end dates and times (and contingency dates);
- Crew numbers;
- Shoot descriptions at each location (with site plan);
- Equipment to be used (e.g. camera, lights, generators);
- Consultation/notification of businesses/residents (e.g. face to face, letter drop);
- Vehicles and facilities (e.g. number of van/trucks/cars/buses, portaloos, catering, parking permit requirements);
- Waste management (number of bins/locations, waste sustainability);
- Requirements of a unit base (i.e. centralised film location); and
- Requirements for traffic management plans, parking permits.

The bylaw does not explicitly require engagement with Mana Whenua on the appropriate location of filming when proposed on a scheduled Site of Significance. However, the bylaw refers to the Auckland Film Protocol which requires engagement with Mana Whenua under the terms and conditions for permits. The Auckland Film Protocol establishes a commitment to *“ensure the screen production industry will follow cultural practices in areas of cultural significance, and protect and*

use sensitive information as communicated,” and also specifically identifies potential impacts on Sites of Significance.¹⁷

Screen Auckland has identified approximately 15 Sites of Significance which are key locations for filming. Of all the Sites of Significance, the sites identified as being most important to the film industry were all (but one) located in the Auckland CBD or Central Auckland. Pakiri Regional Park and 1066 Pakiri Road was the one location outside of Central Auckland.

Looking at the number of enquiries to Screen Auckland, generally most of the Sites of Significance are public spaces. Within the public space itself, several of the Sites of Significance are identified as being discrete areas that could be avoided. However, most of the sites identified would require specific location work to avoid the scheduled extent of the Site of Significance, or the extent of the scheduled site applies to the entire area and cannot be avoided.

¹⁷ Auckland Film Protocol.

3 Resource Management Solutions

3.1 Analysis of Options

A report prepared by 4Sight Consulting¹⁸ outlined 11 options for consideration as potential resolutions for Screen Auckland in terms of navigating the requirements for filming on Sites of Significance. The 4Sight report clearly outlines the option and the associated risk/benefits of each. These are not repeated in this report, instead each option is outlined in the Table 2 below with a brief assessment made as to why it is or isn't progressed as a resource management solution in this report.

Screen Auckland had also sought advice from Plans and Places within Auckland Council regarding plausible options for the film industry to consider. Table 2 also incorporates the recommendations from Plans and Places.

Table 2 utilises simple colour coding to identify those options to progress (orange: not suitable, yellow: to be utilised in combination with another option, green: a viable option worth further consideration).

Table 3: Assessment of Options

4Sight Options	Assessment as a Resource Management Solution
Film projects in Auckland avoid using Sites of Significance	This is a do nothing response in terms of resource management options. It does not resolve the resource consent issue for those Sites of Significance that are important locations for the film industry.
Film projects in Auckland obtain individual resource consents when seeking to film on Sites of Significance	The implications for cost and time for the majority of film productions make this option predominantly unviable. Only very large productions may be able to absorb these time and cost considerations.
Screen Auckland to apply to Auckland Council for a (or multiple) 'Global' Resource Consent(s)	A viable option that can be progressed because it addresses the resource management issue. This option is further assessed in the following sections.
Apply to Auckland Council for a Multi-Site Resource Consent *also recommended by Plans and Places	A viable option that can be progressed because it addresses the resource management issue. This option is further assessed in the following sections.
Apply for a Private Plan Change to the AUP:OP	A viable option that can be progressed because it addresses the resource management issue. This option is assessed from a multi-site Sites of Significance plan change and a

¹⁸ Working with the Sites and Places of Significance to Mana Whenua Overlay of the AUP:OP, Options Analysis Paper, prepared by 4Sight Consulting, March 2022.

*also recommended by Plans and Places	plan change limited to filming activities on public land, both of these are further assessed in the following sections.
Prepare and lodge a submission to “Tranche 2” of Auckland Council’s Sites of Significance Proposed Plan Change that will be notified in the near future.	This option does not resolve the requirement for resource consent for the existing Sites of Significance. Outcomes from submissions on future tranches of the Sites of Significance cannot be guaranteed, but it is considered good resource management practice and should be undertaken by Screen Auckland.
Commission a report based on economics of the industry and associated reputational risks	Not a resource management solution outright but can be utilised to support any resource consent or plan change.
Enter into a Memorandum of Understanding (MOU) with Auckland Council	Not a resource management solution outright as it does not legally resolve the requirement for a resource consent. However, a MOU could be utilised as an important component of a resource management solution and is discussed further in the following sections.
Be involved in and submit on the AUP:OP Review 2026	Not an immediate resolution to the issue but is a very important consideration and highly recommended option for Screen Auckland the film industry to undertake when the AUP is up for review in 2026.
Be involved in and submit on additional and future public participatory processes associated with the RMA Reform	A recommended resource management mechanism that Screen Auckland and the film industry should be involved in for the future, however, does not result in an immediate resolution to the current issue.
Consider the use of section 33 RMA (Transfer of Powers)	This option could be explored further, however, the potential desired outcomes (for the film industry or Mana Whenua) are unknown. This a very underutilised method within the RMA and even if it is sought it may not necessarily resolve the film industries conflicts with filming in Sites of Significance. This is a long term option and is discussed further in the following section 3.2.

Only three of the options identified by the 4Sight report are considered appropriate to progress because they address the resource management issue (a resource consent or plan change) are progressed within this report as suitable resource management solutions. The other options are either considered not fit for purpose to meet the film industries requirements to film and/or the option is not a legal method in itself to meet a resource consent requirement.

3.2 Section 33 Transfer of Powers, Functions and Duties

Under Section 33 of the Resource Management Act 1991 (RMA), local authorities can transfer any function, power or duty to a public authority including an iwi authority. This option aligns with the goal of Mana Whenua for co-governance and strengthening of Treaty of Waitangi partnerships in resource management decision making. The process of transferral requires a special consultative procedure under the Local Government Act, allowing public inspection, submissions and the ability to be heard in a public realm in relation to any proposal.

Where the only trigger for resource consent relates to Sites of Significance, and therefore the only matters to be considered are potential adverse effects on cultural values, then the option of transferring the function of decision-making to Mana Whenua should be considered. This option would work best (at least initially) on public land. In this regard the only parties with interest in the activity would be the Council as landowner, Mana Whenua and the film industry. Provided the filming activity was of a scale that it does not trigger resource consent for any other purpose, then there is little reason for the regulatory arm of the Council to be involved in the process. The assessment of effects would be limited to cultural values, which only Mana Whenua can determine.

Key matters to consider in terms of Section 33 include challenges for iwi authorities to resource the functions, potential issues relating to lack of clarity as to what defines an “iwi authority”, and how to determine which iwi authority represents a particular area¹⁹. Sites of Significance often have multiple Mana Whenua interests, therefore identifying a singular iwi authority to transfer functions could be challenging, this issue may be compounded by the need to resource the (multiple) iwi authority to undertake the function. These challenges are not insurmountable but go beyond the scope and intent of this report, which is looking to resolve the need for resource consent now. Therefore this option is considered a long-term option that could be developed further over time.

The uptake of Section 33 by local authorities has (until very recently) been limited and where it has occurred this tends to be between local authorities (i.e. regional council to district council, or vice versa)²⁰. In 2005 amendments were made to the RMA adding provision allowing for joint management agreements (under sections 36B-36E), this was largely in recognition that Section 33 transfers had not yet occurred with iwi authorities²¹. These amendments intended to allow for more cooperative arrangements between a local authority and iwi authority. In 2020 Waikato Regional Council was the first (and only, to date) local authority to utilise Section 33 in its transfer of water quality monitoring functions to an iwi authority (Tūwharetoa Māori Trust Board).

Given the challenges, a pared back option could be that the Section 33 transfer of powers sits parallel to that of one of the resource management solutions suggested in this report. It would most likely be compatible with the multi-site plan change option, where the transfer of functions could relate to the review and approval of Sites of Significance Management Plans (as a requirement for permitted activities). This option may be beneficial in that resourcing would only be required for

¹⁹ Outram, A.S. (2017) *Post-colonialism, indigenous power and resource management: Does s33 of the Resource Management Act 1991 have its intended effect for iwi authorities?* Digital dissertation for the Degree of Master of Planning Lincoln University

²⁰ Ministry for the Environment. 2015. *Section 33 Transfer of Functions, Powers or Duties – a stocktake of council practice*. Wellington: Ministry for the Environment.

²¹ *ibid*

those iwi authorities with interests in the key sites that are subject to the plan change. The review and approval of management plans is less of an administrative burden on those iwi authority compared to processing resource consents and could be facilitated by Screen Auckland and the existing permit process.

3.3 Additional Plan Change options considered but not advanced

An option to have a plan change that removes the requirement for resource consent on all Sites of Significance for film activities is not advanced in this report. This option is not supported by the review of relevant information and is unlikely to be supported by Council or Mana Whenua (although this has not been discussed) given it would effectively remove Mana Whenua's ability to have input on the film activities of all Sites of Significance. Removal in relation to public spaces is considered more likely to be supported because it can be supported by the Public Trading, Events and Filming Bylaw.

Another consideration was for a plan change that removes all references to film activities from the definition of a temporary activity, effectively making all filming activities permitted by reason of omission from the plan. The following Wellington City Council District Plan definition for temporary activity is an example:

“means an activity that is of a non-repetitive, transient nature [(including sporting, recreational, entertainment, cultural or similar events and outdoor gatherings) that does not exceed three days duration, and that does not involve the construction of permanent structures. The construction and removal of temporary structures associated with a temporary activity may occur up to two weeks before and two weeks after the three day period referred to above.]”

While the definition allows all film activities to occur in the Wellington City boundaries on a permitted basis, it should be noted that the AUP definition is also very permissive of filming (provided filming is no longer than 30 days) allowing the industry to largely operate without the need for resource consent. It has only been with the inclusion of a resource consent trigger within the AUP on Sites of Significance which overlap with favoured film industry sites, where the friction has occurred. Changing the entire definition may not be an appropriate 'work-around' for the issue. It may also not be supported by Mana Whenua if there is interest in retaining oversight of filming activities on Sites of Significance. During the AUP hearing process, no concerns were raised by the film industry in relation to the inclusion of filming activities as a specific category in the temporary activities chapter and its definition. However, it is understood that the industry nor Screen Auckland was aware of this change or the implications at that time.

3.4 Preferred options

A plan change or resource consent is considered the most viable option for further consideration as discussed above. The following sections outline four options to enable further discussion and engagement with key stakeholders, specifically Mana Whenua to determine which option could be supported.

3.4.1 Global Resource Consent

Resource consent would be lodged and held by Screen Auckland for film activities to occur across **all** Sites of Significance identified in the AUP. Consultation would need to occur with all 19 Mana Whenua to address all sites.

A resource consent could be prepared and held similar to that of the Network Discharge Consent (NDC) held by Healthy Waters for the discharge of stormwater. This consent enables future 'applicants' (developers) to occur through the submission of a suitable management plan to demonstrate development is in accordance with the conditions of the consent. The consent holder (Healthy Waters) then approves the applicant's activity removing the need to apply for additional consents unless a proposal does not meet the conditions of the approved consent.

In this instance Screen Auckland would be the consent holder and would 'approve' a production company's film proposal (conditional on consultation and approval from relevant mana whenua) to occur under its consent. Careful development of suitable conditions would need to be undertaken through the preparation of this application to ensure that the consent addresses appropriate filming parameters, information requirements (e.g. site plans, film infrastructure, people/vehicle numbers etc.) and engagement requirements to ensure that the Screen Auckland and Mana Whenua have sufficient information to ensure that the cultural values of Sites of Significance are considered and protected by proposed film activities.

3.4.2 Multi-site Resource Consent

A resource consent would be lodged and held by Screen Auckland for film activities to occur across a selection of key Sites of Significance. An application would be prepared that would be specifically tailored and detailed to those sites the film industry wish to utilise for film activities. Consultation would only be required with those Mana Whenua who have interest in the respective Sites of Significance.

Similar to the global resource consent, production companies would submit relevant information to Screen Auckland and the respective Mana Whenua for 'approval' which would then allow the filming to occur on the site under the set agreed parameters.

An example of this form of consent Regional Facilities have resource consent for temporary activities for four of their sites

3.4.3 Plan Change for Sites of Significance on Public Places

A plan change would be prepared and lodged to amend Chapter D21 of the AUP to specify that temporary filming is permitted across all Sites of Significance located on public land. Resource consent will still be required for film activities on Sites of Significance held on private land. This option would need support from all Mana Whenua with interests in Sites of Significance located on public land.

This option relies on the permitting regime of the bylaw to suitably address any issues that may arise from filming on Sites of Significance. A similar process to that described in section 2.5 above for permitting on the tūpuna maunga could be replicated for permitting on Sites of Significance. Screen Auckland would possibly need to amend its Auckland Film Protocol to ensure that all film activities occurring on Sites of Significance require a permit. This option would also benefit from the creation of an MOU between Screen Auckland and Mana Whenua to outline information,

engagement and approval processes required where production companies seek to film in these locations.

3.4.4 Multi-Site Plan Change

A plan change would be prepared and lodged to amend Chapter D21 and specifically rule D12.4.1 of the AUP so that temporary filming is permitted on a selection of key Sites of Significance similar to the multi-site resource consent option. The permitted status would be subject to relevant standards, such as the requirement to engage with Mana Whenua and could potentially rely on the permitting process as being deemed to comply.

Resource consent will still be required for film activities on all other Sites of Significance. This option would need support from all Mana Whenua with interests in only those Sites of Significance selected as part of the plan change.

3.5 Criteria Analysis

In order to understand the potential risks and benefits of each of the options described above, a set of criteria have been developed based on the review of relevant information in this report. The following criteria are draft only at this stage and should be confirmed in consultation with Screen Auckland, Mana Whenua and industry to ensure that they accurately reflect the concerns of both parties:

- Protection of Cultural Values of Sites of Significance
- Engagement with Mana Whenua
- Access to Sites of Significance to the Film Industry (i.e. not requiring resource consent)
- Potential Liability to Screen Auckland
- Efficiencies of Approval Process for Film Industry
- Future Proofing for (additional) Sites of Significance identified in Future Plan Changes

The table below sets out each criteria and provides an assessment against the respective options. The table helps to outline, describe and identify key risks and benefits of each option, drawing on and elaborating some of the key findings of the 4Sight report.

Criteria	Global Resource Consent	Multi-Site Resource Consent	Plan Change (permitting filming on public places)	Multi-Site Plan Change
Protection of Cultural Values of Sites of Significance	The use of a global consent may not allow a site-specific tailored approach to protecting Sites of Significance given the number of sites, differing features and values to consider and the range of interested Iwi. To manage the various effects in one global consent may not achieve desirable outcomes for Mana Whenua.	<p>Conditions of consent would likely reflect the various features and values of each site. This would likely allow for a good outcome for protection of cultural values.</p> <p>The vast majority of Sites of Significance would still require resource consent for film activities.</p>	<p>Bylaw would be utilised as the primary resource management tool to manage the potential effects of filming on Sites of Significance. If appropriate mechanisms and procedures are in place via an MOU and update to the Auckland Screen Protocol, cultural values should be protected.</p> <p>Sites and Significance on private land would still require resource consent.</p>	<p>New standards in the AUP would guide the engagement and management plans process for production companies to adhere to, this is likely to result in the protection of cultural values in these sites.</p> <p>The vast majority of Sites of Significance would still require resource consent for film activities.</p> <p>This option could be used in combination with implementation of the transfer of powers under section 33 of the RMA to enable Mana Whenua to approve proposals. It is anticipated that this would require a stepped approach to first establish the provisions and then secondly transfer the powers to Mana Whenua.</p>
Engagement with Mana Whenua	<p>Initially, all 19 Mana Whenua with interest in Sites of Significance will need to be engaged in the preparation of the resource consent.</p> <p>Ongoing as film activities occur, only Mana Whenua where Sites of</p>	<p>Initially, all Mana Whenua with interest in those selected Sites of Significance will need to be engaged in the preparation of the resource consent.</p> <p>Ongoing as film activities occur, only Mana Whenua where Sites of</p>	<p>Initially, all Mana Whenua with interest in Sites of Significance located on public land will need to be engaged in the preparation of the plan change.</p> <p>Ongoing as film activities occur, only Mana Whenua where Sites of</p>	<p>Initially, all Mana Whenua with interest in those selected Sites of Significance will need to be engaged in the preparation of the plan change.</p> <p>Ongoing as film activities occur, only Mana Whenua where Sites of</p>

	Significance are impacted would need to be engaged.	Significance are impacted would need to be engaged.	Significance are impacted would need to be engaged.	Significance are impacted would need to be engaged.
Access to Sites of Significance to the Film Industry (i.e. not requiring resource consent)	Provides access to all Sites of Significance for filming (subject to meeting resource consent conditions).	Only provides access to those identified Sites of Significance approved by the resource consent. However, the sites would be selected on the premise that they are the most utilised and the vast majority of other sites are either: <ul style="list-style-type: none"> - Not utilised by the film industry, or: - Filming can still easily occur in some Site of Significance locations as the mapped extent of overlay is minimal and can be easily avoided. 	Only provides access to Sites of Significance located on public land. Approve reflects that the majority of Sites of Significance are located on public land. Secondly, the majority of the industry feedback indicated that the most important film sites were located on public land.	Only provides access to those Sites of Significance identified within the plan change. However, these sites were selected on the premise that they are the most utilised and the vast majority of sites are either: <ul style="list-style-type: none"> - Not utilised by the film industry, or: - Filming can still easily occur in some Site of Significance locations as the mapped extent of overlay is minimal and can be easily avoided.
Potential Liability to Screen Auckland	Screen Auckland will be the holder of the resource consent. Potential liability issues where production companies do not operate under the parameters of the resource consent.	Screen Auckland will be the holder of the resource consent. Potential liability issues where production companies do not operate under the parameters of the resource consent. However, reduced risk due to smaller number of sites approved.	No liability for Screen Auckland.	No liability for Screen Auckland.

Efficiencies of Approval Process for Film Industry	<p>At the time of (and lead up to) filming, production companies would need to abide by conditions of consent e.g. submission of plans, management plans, iwi approval to the Sites of Significance that is to be utilised.</p> <p>Permit process under the bylaw remains on public land resulting in some duplication.</p>	<p>At the time of (and lead up to) filming, production companies would need to abide by conditions of consent e.g. submission of plans, management plans, iwi approval to the Sites of Significance that is to be utilised.</p> <p>Permit process under the bylaw remains on public land resulting in some duplication.</p>	<p>Production companies would only need apply under the bylaw process. Removes duplication of process for public land.</p>	<p>Production companies would need to ensure the relevant standards under the AUP are met prior to film activities occurring. Permitting process could be identified as being deemed to comply.</p>
Future Proofing for (additional) Sites of Significance identified in Future Plan Changes	<p>This option does not provide any future proofing as the global consent will only include those sites at the time of the consent application.</p> <p>A new resource consent would be needed for additional sites.</p>	<p>This option does not provide any future proofing as a new consent would need to be sought if future plan changes include important film locations.</p> <p>A new resource consent would be needed for additional sites.</p>	<p>This option provides a high degree of future proofing as it would cover all new Sites of Significance on public land in future plan changes.</p> <p>New sites on private land would still need resource consent.</p>	<p>This option does not provide any future proofing as a new plan change would need to be sought if new Sites of Significance important to the film industry are identified.</p>

3.6 Steps Forward

Engagement with Mana Whenua going forward needs to ensure that the importance of the sites is not undermined by the need to obtain a quick fix of the issue by the film industry. The inclusion of these sites in the AUP and safeguarding them against inappropriate use or activities is critical to Mana Whenua. This draft document intends to provide the relevant background, contextualisation of the resource management issue and present some preferred options in order to begin dialogue with Mana Whenua, Screen Auckland and the wider film industry.

Appendix 1

Auckland Film Protocol : Filming Impacts

	Low impact	Medium impact	High impact	Major impact
	Permit may be required	Permit required	Permit required – other consents <i>may</i> be required	Permit required – other consents <i>may</i> be required
Number of people on site	Up to 9 crew/talent. Online, photography, News crew and documentary.	Up to 30 crew and 20 talent.	Up to 50 crew 100 talent.	50+ crew and 100+ talent.
Number of equipment vehicles (trucks⁴, vans, utes, cars)	No trucks. Vans, utes, cars only.	No more than 6 trucks.	No more than 12 trucks.	12+ trucks.
Unit base/ catering & Structural requirements	No unit base/catering area required. No structures.	Small unit base/catering area required. Minimal structures, e.g. ezi-ups.	Unit base/catering area required. Some structures including ezi-ups and mega decks.	Large unit base/ catering area required. Significant structures and construction.
Equipment requirements	Handheld camera and sound equipment. 1 camera on tripod. 1 Battery operated light. No generator.	Minimal equipment, e.g. camera tracks, slider and lights on stands.	Equipment used, e.g. camera tracks, dolly, lights on stands, camera cranes	Extensive equipment.
Traffic management (footpaths and roads)	No filming on roads or traffic management Footpaths and public walkways unblocked.	Minimal traffic management required/minor roads.	Traffic management required, including LV road closures.	Significant traffic management required/multiple roads or main roads.
Impact on the public and communities of interest⁵ and consultation requirements	No disruption is caused to council stakeholders, businesses, residents, motorists or other events in the vicinity. Immediate area consultation may be required.	May be some minor disruption to council stakeholders, businesses, residents, motorists or other events in the vicinity. Local area letter drop.	Likely to be some disruption to council stakeholders, businesses, residents, or motorists. Local area letter drop. Some individual consultation.	Likely to be significant disruption to council stakeholders, businesses, residents or motorists. Significant letter drop area and local consultation.
Environmental	Assessment of the potential positive and negative impacts of filming on the environment and native species of flora and fauna will be determined depending on the location and a range of factors including, but not limited to, time of year, potential for cumulative effects, nature and scale of the proposed filming activity, time on site, the type of equipment and props being used and ability to mitigate and or manage any effects.			