



REPORT: IWI & HĀPŪ OF TĀMAKI MAKĀURAU

Filming on Sites and Places of Significance to Mana Whenua Iwi and Hapū Engagement



MARCH 2023

CONTENTS

1.	Hei kupu whakataki Foreword	03
2.	Whakarāpopoto matua Executive summary	04
3.	Background	05
4.	Status update on engagement with Iwi	08
5.	Key themes of the engagement hui	09
6.	Issues raised for discussion (general themes)	10
7.	Summary of feedback (specific)	11
8.	Tātaki Auckland Unlimited workplan to implement plan change and approvals process	13
9.	Outcomes from the hui	14
10.	Next steps	15
	Key contacts	16
	Acknowledgments	16



**Screen
Auckland**

1. Hei kupu whakataki

Foreword

E rere atu nei te reo o mihi, otirā ia te reo maioha ki ngā maunga, ki ngā lwi, ki ngā Hapū me ngā mana whakaheke o rātou mā. Tēnā koutou katoa. Mā te aha i te wawata nui kia kotahi tonu tātou i roto i ngā whāinga nui whakahirahira o te wā, o te ao hou tonu nei. Mei kore e kitea ake ai te ara hei whakatairanga mā tātou tā te Māori noho i roto i ngā tau maha kei mua. Mauriora ki a tātou.

This report offers an overview of work undertaken to date by Tātaki Auckland Unlimited (TAU), Screen Auckland and screen industry professionals to engage with Iwi, Hapū and Mana Whenua. The main aim is to address unwarranted compliance for filming activities that are damaging the viability of the screen industry in the wider Tāmaki Makaurau region.

Any effective resolution of the pressing issues around filming on sites of significance requires commensurate attention to the developing nature and culture of the relationships between Iwi, industry and council organisations. There is general recognition of Māori attitudes to governance, and the normative reliance on tikanga as a guide and brake to our individual and collective behaviours. Current politics, culture and jurisprudence in Aotearoa acquire new forms and meaning when there is an appropriate fusion of Māori and Pākehā perspectives. There is now a persuasive momentum in our society born of these dynamics.

We can't expect that all tribes will agree to be of one mind, but we can expect them to come to an

accord – once the context and details of the issues are clear and the tribal leaderships have been informed, and responded. There is a natural diversity of experience and opinion amongst the Iwi groups we have met so far. However, all Mana Whenua authorities are united by:

- *Thoughtful, experienced leadership and clear pride in their own tribal stories*
- *A desire for forward planning that melds best traditions and best practices to deliver for the tribe*
- *Respect for the Māori and New Zealand film industry and a particular interest in growing Iwi participation*
- *An interest in screen creativity that grows story sovereignty, and benefits and trains rangatahi*
- *Respect for Te Whakaputanga and Te Tiriti o Waitangi, and for good-faith communications.*

It is also apparent that the tribes are at different stages of their own unique journeys of reclamation, assessment, resourcing, governance, and 'full speed ahead'. The constituent Iwi and Hapū contribute to a convincing regional whole with a wide skills base and evident potential.

There is still much work to do – for us and for Iwi. At the very least, we will distill these many findings in order to give shape to common ground, and consequent efficient and economic solutions that could find favour with all parties.

To do so for this particular issue must set a template for the future, where the relationships between Iwi Māori, the screen industry and local government agencies such as ours are proactive, sincere and secure.

Hui te mārāma, hui te ora. Tēnā koutou katoa.

Tainui Stephens

PRODUCER

On behalf of Tātaki Auckland Unlimited and Screen Auckland, I wish to acknowledge and thank Mana Whenua and our screen industry partners who participated in the engagement hui and shared perspectives, experience, knowledge, and expertise in the discussions framed around the kaupapa of 'Filming on Sites and Places of Significance to Mana Whenua'.

From Iwi and Hapū representatives we have heard the desire to join with the screen industry and Council to partner meaningfully in developing effective pathways for continued care and respect of wāhi tapu, as recognised in the Auckland Unitary Plan (AUP). We have also seen the need to advance formal agreements to ensure equity of opportunity to safeguard and build a prosperous industry, where Māori voices, stories and careers continue to flourish and innovate.

Nick Hill

CHIEF EXECUTIVE, TĀTAKI AUCKLAND UNLIMITED

2. Whakarāpopoto matua

Executive summary

This report summarises the results of the Iwi and Hapū engagement process for Filming on Sites and Places of Significance to Mana Whenua (SPSMW), and proposes next steps.

The purpose of the engagement was for the screen industry, supported by Screen Auckland, to brief Iwi and Hapū on the context for initiating a proposal to remove the requirement under the Auckland Unitary Plan to apply for a resource consent to film. It was also an opportunity to hear what is important to Iwi and Hapū in terms of the existing and future relationship with the screen industry.

The initial engagement involved email and phone contact to introduce the kaupapa and identify Iwi or Hapū participants. This was followed by face to face and online hui of approximately two hours for each respective Mana Whenua Hapū or Iwi authority.

Participants were identified via Council's Māori Engagement database and the Tāmaki Makaurau Mana Whenua Forum.

Iwi opted for a mix of online engagements and face to face hui in their takiwā or at the Aotea Centre due to COVID-19 conditions and their respective time constraints and availability.

In advance of the invitation to hui, the following documents were circulated to ensure a baseline of information and context for the hui taking place:

- An options paper by independent planners (Hill Young Cooper)
- A memo from the Tātaki Auckland Unlimited Māori Outcomes Director
- PowerPoint slides summarising the issues to be discussed from the perspective of the screen industry.



3. Background

This section sets out the background and relevant information gathered to consider the issues and options to help guide engagement with Mana Whenua for filming on Sites and Places of Significance.

Sites and Places of Significance to Mana Whenua

With best intentions of protecting Sites and Places of Significance to Mana Whenua, the Auckland Unitary Plan requirement around temporary activities (which includes filming) has instituted an expensive and time-consuming resource consent process for screen productions requiring permission to film on Sites and Places of Significance to Mana Whenua on public land.

This has made screen production in Auckland prohibitive for many local and international productions, damaging Tāmaki Makaurau Auckland’s reputation as ‘film friendly’ and affecting our region’s economic recovery post-COVID lockdowns.

It has also created problems for Iwi telling their stories on their own whenua.

Tātaki Auckland Unlimited / Screen Auckland are seeking to build enduring relationships with Mana Whenua groups of Tāmaki Makaurau Auckland to address this issue and any future issues.

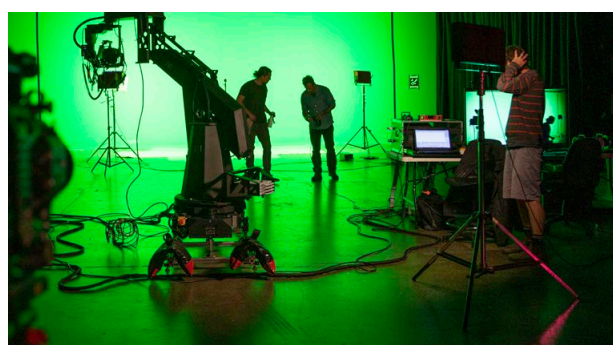
Our goal is to facilitate a change to the existing Auckland Unitary Plan by co-designing with Mana Whenua a film permitting process satisfactory to all parties, governed by the Public Events, Trading and Filming Bylaw 2022.

Screen Auckland

Screen Auckland is 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 advocates for the region as a desirable 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.

As part of Tātaki Auckland Unlimited, Screen Auckland also works to advance and enable Māori Outcomes through delivery of Te Mahere Aronga, the organisation’s Māori Outcomes Plan.



Proposal for a Plan change

In September – October 2022, a series of engagements were held with Iwi me ngā Hapū o Tāmaki Makaurau to start building enduring working relationships with Tātaki Auckland Unlimited / Screen Auckland and to discuss a proposal for a change to the Auckland Unitary Plan.

The intention of the proposed plan change is to enable the continuation of filming on Sites and Places of Significance to Mana Whenua under the Public Trading, Events and Filming Bylaw 2022, instead of the current process under the Auckland Unitary Plan for temporary activities under Chapter D21; with better engagement, oversight and involvement from the Mana Whenua groups of Tāmaki Makaurau.

Note that, even with the proposed change to the Auckland Unitary Plan, a resource consent process would still be required for filming activities occurring on Sites and Places of Significance to Mana Whenua where the activities would:

- Occur on private land
- Potentially create ground disturbance
- Require structures to be built.

In addition, there are other possible triggers relating to filming activities around resource consent requirements. These are outlined in the Ngā Tikanga Hopu Whakaahua

i te Rohe o Tāmaki Makaurau (Auckland Film Protocol 2019) under section 4.8.3 and Tupuna Maunga Authority.

Tātaki Auckland Unlimited and Screen Auckland are seeking to:

- Develop and enhance enduring and meaningful working partnerships with Ngā Iwi me Ngā Hapū o Tāmaki Makaurau to resolve any issues that may arise with regards to permissions when filming activities take place on Sites and Places of Significance to Mana Whenua on public land, as identified in [Schedule 12](#) of the Auckland Unitary Plan.
- Co-design a tikanga-based operational process for issuing film permits for Sites and Places of Significance in a way that is satisfactory to all parties
- Enhance communication, deepen understanding and strengthen relationships between Screen Auckland, the screen industry and Mana Whenua
- Consult with and gain support from Mana Whenua groups for a proposal to make a change to the Auckland Unitary Plan. This change would remove the resource consent requirement from film permit applications for filming on Sites and Places and Significance to Mana Whenua (on public land and excluding resource consent requirements already covered by the Auckland Film Protocol 2019), and instead make this process a permitted activity under the Public Trading, Events and Filming Bylaw 2022.



Approach and options

After consulting with planners from Hill Young Cooper Ltd, a plan change to permit filming activities on public land was recommended to Tātaki Auckland Unlimited / Screen Auckland as the most workable solution.

Tātaki Auckland Unlimited / Screen Auckland approached all 20 Mana Whenua authorities with information relating to this kaupapa and a request for hui and feedback. We have had a blend of in-person and online hui with 11 of the 20 Mana Whenua authorities, and received feedback from two others who preferred to provide their thoughts directly (without a hui). This engagement process is ongoing.

While initial feedback shows there is support for a plan change, most Iwi have indicated that they would need to discuss the issue with their wider rūnanga / trust boards. A few Iwi have had reservations about removing the regulatory protections that a resource consent affords, however, almost all Iwi have indicated that they would like to see the details of a replacement process before progressing towards future agreements. Two Mana Whenua have declined hui.

Te Rūnanga o Ngāti Whātua Trust Board would prefer to investigate and enable a transition of power under section 33(2)(b) of the Resource Management Act (RMA), which includes private land and asserts wider application of rangatiratanga to an Iwi authority for approving resource consents for filming on Sites and Places of Significance.

Hill Young Cooper advised that a transfer of powers is an option to be considered further when developing the details of the plan change, to fully understand how this could be achieved either in the short term

or longer term. There could be other ways to achieve the objective of rangatiratanga on Sites and Places of Significance other than still requiring a resource consent to be obtained.

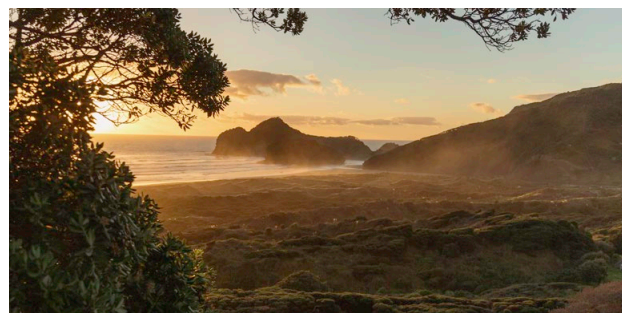
The benefits of a transfer of power option:

- Enables Mana Whenua to determine activities on Sites and Places of Significance, but only in relation to filming
- Aligns with the Mana Whenua goal for co-governance and strengthening of Te Tiriti o Waitangi partnerships in resource management decision-making.

The constraints of this option:

- Where there are other reasons for resource consent, this adds another layer of approval, which is less efficient and does not address the issue
- It does not remove the need for resource consent, it just changes the authority that approves it – which does not address the issue
- Capacity and resources are required to support the Iwi authority to be able to meet the grounds under Section 33 from day one. This requires higher resourcing than involving Mana Whenua in the permit process
- There would be uncertainty around which Iwi authority would hold the mandate and ability to get agreement of all Mana Whenua – multiple and competing interests on some of the sites of significance.

In the spirit of a good faith agreement, Tātaki Auckland Unlimited / Screen Auckland would support Iwi aspirations towards this outcome as a matter of reciprocation of support.



4. Status update on engagement with Iwi

Mana Whenua Authority	Hui Date	Status Update
Ngāti Paoa Iwi Trust	N/A	Iwi provided feedback directly, no formal hui held
Ngāti Whātua Ōrākei Trust	N/A	Iwi provided feedback directly, no formal hui held
Te Rūnanga o Ngāti Whātua Māori Trust Board	29/09/22	Hui held, Iwi have provided feedback
Ngāti Maru Runanga	23/09/22	Hui held, Iwi have provided feedback
Te Ara Rangatū o te Iwi o Ngāti Te Ata – Waiohua	18/10/22	Hui held, Iwi have provided feedback
Makaurau Marae Māori Trust	1/09/22	Hui held with Iwi
Ngaati Whanaunga	20/09/22	Hui held with Iwi
Ngāti Paoa Trust Board	22/09/22	Hui held with Iwi
Ngāti Tamaoho Charitable Trust	27/09/22	Hui held with Iwi
Ngāti Rēhua Ngāti Wai ki Aotea Trust	30/09/22	Hui held with Iwi
Te Uri o Hau Settlement Trust	6/10/22	Hui held with Iwi
Pou Tāngata Ngāi Tai Ki Tāmaki Development Trust	20/10/22	Hui held with Iwi
Ngātiwai Trust Board	17/10/22	Hui held with Iwi
Waikato Raupatu Lands Trust	TBC	Iwi indicating desire to hui, date to be confirmed
Ngāti Tamaterā Iwi Settlement Trust	TBC	Iwi indicating desire to hui, date to be confirmed
Te Kawerau ā Maki Tribal Authority	TBC	Contact made with Iwi, work in progress
Te Ākitai Waiohua Iwi Authority	TBC	Contact made with Iwi, work in progress
Ngāti Manuhiri Settlement Trust	TBC	Contact made with Iwi, work in progress
Ngā Maunga Whakahii o Kaipara Trust	N/A	Contact made, opted not to hui
Te Patukirikiri Incorporated	N/A	Contact made, opted not to hui

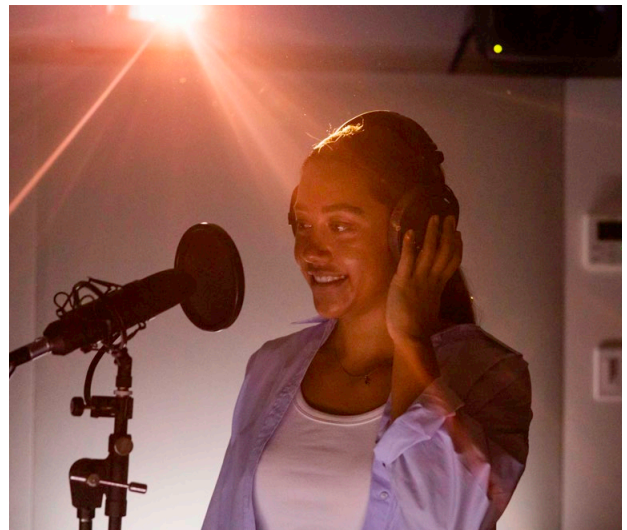
5. Key themes of the engagement hui

- Tiriti-driven partnership and collaboration.
- The opportunity to formalise partnerships and a protocol between Hapū and Iwi of Tāmaki Makaurau and the screen industry, which Screen Auckland should work to resource.
- Care and stewardship of wāhi tapu is linked to the ability to share matauranga Māori, the cultural narratives, experiences of Mana Whenua.
- Exploring a broader relationship.
- Industry must take responsibility for ensuring direct relationships with Hapū and Iwi of Tāmaki Makaurau and refrain from a blanket reference in communications and understanding in referring to:
 - Iwi and Hapū, councils, and industry collaboration
 - Iwi and Hapū participants clearly articulated a desire for more overt demonstrations of partnership.
- Relationship building is the most important thing to start with.
- Tātaki Auckland Unlimited / Screen Auckland's proposal for a plan change is in no way designed to undermine the mana, authority, rangatiratanga or legal status of Mana Whenua groups.
- A plan change would benefit the takiwā of Mana Whenua groups with employment and economic and cultural stimulation, as more film permits were granted.
- The existing situation under the Auckland Unitary Plan is preventing filming and therefore cultural and economic stimulation in regions, and in some cases, preventing Māori from telling their own stories on their own land.
- This industry provides opportunity and has a history of success for Māori at all levels, but the current situation under the Auckland Unitary Plan with the resource consents process is inhibiting that.
- Closer engagement following the implementation of a revised permit process relating to Sites and Places of Significance to Mana Whenua on public land listed in [Schedule 12](#) of the Auckland Unitary Plan is welcome, especially with regards to tikanga, kaitiakitanga, and involvement of rangatahi.
- While the implementation of the Independent Māori Statutory Board's recommendation for a blanket resource consent process for all temporary activities on Sites and Places of Significance to Mana Whenua was well-intentioned, it has had the unintended consequence of preventing filming activities because the time and cost involved in gaining resource consents to film are prohibitive.
- The current situation is causing screen productions to seek location options out of Tāmaki Makaurau.
- A planner has identified four possible options for a revised consent process for Sites and Places of Significance to Mana Whenua, but Option 3 – a change to the Auckland Unitary Plan for filming activities on public places is the most workable for Tātaki Auckland Unlimited / Screen Auckland and industry in the first instance.
- Tātaki Auckland Unlimited / Screen Auckland (in consultation with a screen industry working group) are seeking support from Mana Whenua groups for a change to the Auckland Unitary Plan involving filming activities on public land.



6. Issues raised for discussion (general themes)

- Resource consents and the practicalities and impacts of an Auckland Unitary Plan change.
- Dealing with issues such as permit breaches or location damage, and legal recourse.
- Screen content shot on Mana Whenua land that may impinge on or contravene tikanga.
- Creation of a Cultural Assessment & Operations Framework to determine assessment times, assessment criteria and operating costs for Mana Whenua groups.
- Mana Whenua involvement in the approvals process and on set – kaitiakitanga and rangatahi opportunities.
- Screen Auckland responsibilities in working with Mana Whenua groups.
- Resourcing for Mana Whenua groups to participate in the permit approvals process has been identified as an area of concern and needs further discussion.
- Discussion around financial contributions and resourcing to Mana Whenua for cultural assessments and operations.
- The challenges of multiple Iwi groups having approval authority / interests over the same location.
- Interest in moving from transactional, compliance focused interaction to growing long-term relationships and deepening knowledge.
- Mana Whenua are supportive of the screen industry and would like to see it continue to flourish in Tamaki Makaurau.
- Positive feedback for the way engagement on this kaupapa has been carried out.



7. Summary of feedback (specific)

General concerns

- It was mentioned that having a side-by-side comparison between the resource consent process and the current process / Tūpuna Maunga Authority permit process would be useful.
- Some Iwi were concerned that the Tātaki Auckland Unlimited / Screen Auckland proposed plan change only related to public land and not private land (Screen Auckland noted that its remit under the Public Trading Events and Filming Bylaw 2022 is for filming activities on public, open space).
- There was concern from one Iwi that if filming is permitted on Sites and Places of Significance to Mana Whenua under the Auckland Unitary Plan, then power transfer under the Resource Management Act Section 33 may no longer be on the table as a future option.
- There was also concern from some Iwi who wondered if rolling back the resource consent process for Sites and Places of Significance to Mana Whenua on public land would leave a legal vacuum for those who don't obey the conditions outlined in the permits.
- It was noted that the Public Trading Events and Filming Bylaw 2022 is an existing framework for Screen Auckland and would be used if a plan change was approved.
- It was noted that screen productions will still be required to obtain a resource consent when filming on Sites and Places of Significance to Mana Whenua on private land (because the Public Trading, Events and Filming Bylaw 2022 by law does not apply to private land), and that any activities outlined in the Auckland Film Protocol 2019 that required a resource consent would still require a resource consent under the plan change (a very small percentage of filming activities to date).
- It was noted that additional controls or terms and conditions, co-designed with Mana Whenua, as part of an MOU or film protocol would be developed for filming on Sites and Places of Significance to Mana Whenua, alongside any plan change.
- It was noted that Screen Auckland has no enforcement powers for filming activity. This sits with Auckland Council's Bylaws and Compliance team and/or Auckland Transport's compliance team. Screen Auckland works closely with industry leadership organisations, including guilds, who have a role in educating their members and developing best practice.
- There were questions about managing disputes under a new process.



7. Summary of feedback (specific)

Screen production content

Considerations that require further discussion include:

- The potential to use images of Mana Whenua groups' ancestors in any screen content without explicit written consent
- Wrongfully identifying the whakapapa of Mana Whenua groups in any screen content without explicit written consent
- Telling stories on the land with potentially biased points of view about ancestral claim
- Stories dealing with historic events on that location would have to be highlighted to Mana Whenua groups during the cultural assessment.

Mana Whenua involvement in the shoot

As part of a suggested closer involvement for Mana Whenua groups in the decision-making process for approving film permits on Sites and Places of Significance to Mana Whenua on public land, the following points were noted:

- Kaitiakitanga assessment
- Kaitiakitanga operations
- Rangatahi – a common theme from all Mana Whenua was they wanted young people involved in and learning from this industry
- One of the challenges identified in nominating kaitiaki assessment, delivery of services and payment was that certain Mana Whenua groups will often have a different perspective on the ownership/guardianship of lands that are of common interest to others. This could impact all aspects of the approvals and delivery processes

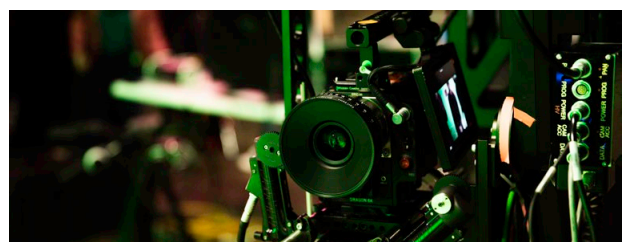
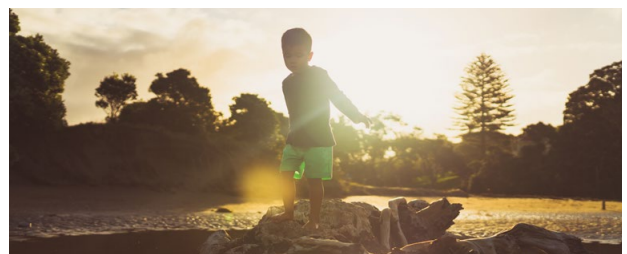
- A suggestion was put forward around the idea of a Mana Whenua representative panel to process applications in a similar way to the Tūpuna Maungau Authority process.

Screen Auckland responsibilities in working with Mana Whenua groups

Screen Auckland's primary responsibility is to ensure a high standard of communications between industry and Iwi, within the overarching intent to forge an enduring working relationship.

Permit approvals process

- A common question was 'How will the new process be resourced without undue administrative process or expense for Iwi, and administered in a timely cost-effective way for film industry applicants?'
- It was suggested that Mana Whenua groups, screen industry representatives, Tātaki Auckland Unlimited / Screen Auckland all collaborate on the best way to administer and process film permit applications to film on Sites and Places of Significance to Mana Whenua on public land.
- This should be in a timely way, that does not place undue administrative or resourcing pressure on Mana Whenua groups, film productions, or Tātaki Auckland Unlimited / Screen Auckland.
- It was noted that it would be useful to develop a Cultural Assessment and Operating Framework (acceptable to all Mana Whenua groups) that could be used to evaluate permits for filming on Sites and Places of Significance to Mana Whenua listed in [Schedule 12](#) based on location specific sensitivities, matched against filming impact levels.



8. Tātaki Auckland Unlimited workplan to implement plan change and approvals process

- Tātaki Auckland Unlimited will scope options for the larger body of work and budget towards assessing and approving film permits as well as hosting screen productions on Sites and Places of Significance to Mana Whenua on public land.
- This will be based on known and projected work as well as the estimated delivery timeline involved in delivering a plan change, a replacement process, and a workable system for all parties.
- Tātaki Auckland Unlimited will review how it could be internally resourced for the work involved in building and maintaining relationships, and the ongoing work involved in this project. This includes a consultative process with industry and Mana Whenua to reach consensus and implement goals towards assessing and approving permits, as well as hosting screen productions on Sites and Places of Significance to Mana Whenua on public land.



9. Outcomes from the hui

- Mutual agreement between Mana Whenua, Screen Auckland, Tātaki Auckland Unlimited and screen industry representatives that this is a good starting point for relationship building.
- Iwi would like to go back to their trust boards to discuss and consider the proposal before submitting formal feedback.
- Tātaki Auckland Unlimited / Screen Auckland requested formal written feedback from Iwi to indicate whether they support the proposed plan change or an alternative option before 28 October 2022.
- Tātaki Auckland Unlimited / Screen Auckland will start developing options for an alternative tikanga-based permit process which would involve closer involvement of Mana Whenua groups and would replace the current resource consent process.
- Options would explore how costings and resourcing for Mana Whenua groups would work whenever cultural assessment / operations are required for film permits on Sites and Places of Significance to Mana Whenua on public land.
- This proposed process would then be presented to screen industry and Mana Whenua groups for further feedback, to refine and gain consensus.
- A larger body and timeline of work would need to be scoped, and this will require Screen Auckland and Tātaki Auckland Unlimited to be resourced for relationship building, work scoping and work implementation, including engagement with Local Boards.



10. Next steps

- Tātaki Auckland Unlimited / Screen Auckland will start designing a draft, workable permitting process for SPSMW that might replace a resource consent requirement in consultation with Screen Industry and Iwi.
- Tātaki Auckland Unlimited / Screen Auckland will scope a work plan, timeline and budgetary requirements necessary to take this project from consultation to delivery.
- All actions will be progressed with our powers combined, in good faith and with commitment to Tiriti-driven partnership and collaboration.



Key contacts

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