



Proposed Plan Change 106 (PC106) – Temporary filming activities on Sites and Places of Significance to Mana Whenua

PC106 to the Auckland Unitary Plan
(Operative in part)

SECTION 32
EVALUATION REPORT

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Executive Summary

The objective of the plan change is:

- to protect and enhance the cultural values of scheduled Sites and Places of Significance to Mana Whenua while enabling temporary filming activities using an alternative non-statutory method of film permit.

Sites and places of significance to Mana Whenua scheduled in the Auckland Unitary Plan (Operative in Part) have tangible and intangible cultural values associated with historic events, occupation, and cultural activities to be protected and enhanced. All temporary activities on scheduled sites and places of significance to Mana Whenua require resource consent as a restricted discretionary activity. This requirement ensures that potentially significant adverse effects on the values and associations of Mana Whenua with these sites are avoided and where adverse effects of use and development cannot practicably be avoided are remedied or mitigated.

Filming is a billion-dollar industry and provides economic benefits worth more than \$1.7 billion in GDP for Tāmaki Makaurau and supports more than 2400 companies and over 8400 jobs. The screen industry is largely able to operate without the need for resource consent within Tāmaki Makaurau as a temporary activity.

In council-controlled public places, the requirement for resource consent on sites and places of significance to Mana Whenua duplicates the film permit process required under the Te Ture ā-Rohe Tauhokohoko Whakahaerenga me te Tango Kiriata Tūmatanui 2022 Public Trading, Events and Filming Bylaw 2022. Tātaki Auckland Unlimited and the screen industry have identified that requiring resource consents for temporary filming activities on scheduled sites and places of significance to Mana Whenua is a significant barrier to filming due to the additional compliance costs and uncertain timeframes impacting the desirability of Tāmaki Makaurau for some filming activities.

The proposed plan change supports a more enabling regulatory framework to support filming on scheduled sites and places of significance to Mana Whenua in council-controlled public places to support economic growth, including potential economic benefits for iwi, hapū, and Māori involved in filming activities.

The Planning, Environment and Parks Committee endorsed the development of a plan change for filming on public land scheduled as sites and places of significance to Mana Whenua on 08 December 2022 [PEPCC/2022/9]:

That the Planning, Environment and Parks Committee:

- a) **ohia / endorse the approach to undertake a plan change to make filming activities a permitted activity on public land that is scheduled as Sites and Places of Significance to Mana Whenua based on in-principal support by mana whenua.**
- b) **tautapa / delegate to the Chair and Deputy Chair of the Planning, Environment and Parks Committee and a Member of the Independent Māori Statutory Board the authority to approve the plan change for notification.**
- c) **tono / request staff to develop the plan change with mana whenua and continue to work with them during the submission and hearing process.**

The following options are evaluated in accordance with Section 32 of the Resource Management Act 1991 to address the issue of filming on scheduled sites and places of significance to Mana Whenua:

1. *Status quo:* Retain the current requirement for resource consent as a restricted discretionary activity for any temporary filming activities.
2. *Identifying filming on public places as a permitted activity:* Amend Chapter D21 Sites and Places of Significance to Mana Whenua to identify filming on public places a permitted activity.
3. *Identify filming on public places as a permitted activity subject to meeting permitted development standards:* Amend Chapter D21 Sites and Places of Significance to Mana Whenua to identify filming on public places as permitted activity subject to meeting permitted development standards
4. *Amend definition of temporary activities to exclude short-term filming activities:* Amend the definition of Temporary Activities to exclude short-term filming activities managed under the Auckland Film Protocol or the Bylaw
5. *Retain requirement for resource consent and transfer of powers under section 33 RMA:* Retain the requirement for resource consent as a restricted discretionary activity and transfer the power to determine applications for filming to Mana Whenua

Option 3 is the recommended option.

The plan change proposes to amend Chapter D21, Sites and Places of Significance to Mana Whenua, by inserting new plan provisions to identify temporary filming in council-controlled public places as a permitted activity in accordance with permitted standards. The plan change will remove the need for resource consent on scheduled sites and places of significance to Mana Whenua in council-controlled public places. Instead the council will rely on the film permit process as an alternative non-statutory method to ensure the cultural values and associations of Mana Whenua with their sites and places of significance are protected and enhanced.

This plan change does not propose to schedule any new sites and places of significance to Mana Whenua, amend any of the existing provisions of Chapter D21 Sites and Places of Significance to Mana Whenua, or amend any other filming-related provisions throughout the Auckland Unitary Plan (Operative in Part).

Section 1: Introduction

1. This report is prepared as part of the evaluation required by Section 32 of the Resource Management Act 1991 (**the RMA**) for proposed Plan Change 106 (**PC106**) to the Auckland Unitary Plan (Operative in Part) (**AUP**).
2. PC106 has been developed in collaboration with the 19 mandated iwi entities recognised by the Council. PC106 proposes to identify temporary filming activities on Sites and Places of Significance to Mana Whenua (**SPSMW**) in council-controlled public places as a permitted activity.
3. The purpose of the plan change is to protect and enhance the cultural values of SPSMW while enabling temporary filming activities.

Section 32 Evaluation

4. Section 32 of the RMA requires that before adopting any objective, policy, rule or other method, the Council shall carry out an evaluation to examine:
 - The extent to which each objective is the most appropriate way to achieve the purpose of the Act, and
 - Whether, having regard to their efficiency and effectiveness, the policies, rules or other methods are the most appropriate for achieving the objective.
5. The evaluation must also take into account:
 - The benefits and costs of policies, rules, or other methods; and
 - The risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods.

The evaluation approach

6. This section outlines how temporary filming on SPSMW has been evaluated. The rest of this report will follow the evaluation approach described in the table below. In accordance with section 32(6) of the RMA and for the purposes of this report:
 - i. the 'proposal' means providing for temporary filming activities on SPSMW on public land as a permitted activity;
 - ii. the 'objectives' means the objective of the plan change, which is to facilitate temporary filming activities on SPSMW; and
 - iii. the 'provisions' means the text changes to the AUP.

Sections of this report	Evaluation Approach
Section 2: Issues	This part of the report will explain the resource management issues and why there is a need to resolve them.
Section 3: Objectives	This part of the report will outline the objectives of PC106.

Section 4: Development of the options	This part of the report outlines the methodology and development of options for PC106, including the information used and consultation undertaken in preparing PC106. This section includes a summary of all advice received from iwi authorities on PC106 (as required by section 32(4A)).
Section 5: Evaluation of options	In accordance with section 32(1)(b) and (2) of the RMA, this section examines whether the options appropriately achieve the objectives of the AUP and the sustainable management purpose of the RMA. The options are assessed by their efficiency and effectiveness, costs, benefits and risks to resolve the RMA issue.
Section 6: Reasons for the proposed plan change and evaluation of the provisions	In accordance with subsections 32(1)(a) and (1)(b)(iii) of the RMA, this part of the report examines the extent to which the objectives of the proposal (PC106) are the most appropriate way to achieve the purpose of the RMA. This section outlines the reasons for PC106 and the scope of PC106.
Section 7: National and local planning context	This part of the report evaluates the relevance of PC106 against the national and local planning context.
Section 8: Statutory evaluation	This part of the report evaluates the relevance of PC106 to Part 2 (sections 5-8) and other relevant parts / sections of the RMA.
Section 9: Conclusion	This part of the report concludes that PC106 is the most efficient, effective and appropriate means of addressing the resource management issues identified.

- This Section 32 evaluation report will continue to be refined in response to any consultation feedback provided to the Council, the Section 42A Hearing Report, and in response to any new information received.

Section 2: Issues

Protecting Sites and Places of Significance to Mana Whenua

- The AUP became operative on 15 November 2016, including a Schedule 12 identifying SPSMW along with an overlay (map) and plan provisions in Chapter D21 to manage the subdivision, use and development of SPSMW. Temporary activities, including filming, are identified as a restricted discretionary activity.
- Currently there are 106 SPSMW scheduled in the AUP. However, the Council is working with iwi/hapū through the Māori Cultural Heritage Programme to schedule more sites. The first tranche of new SPSMW was included through Plan Change 22, which is now operative. Plan Change 102 was publicly notified on 23 May 2024 introducing a further 9 SPSMW. The number of scheduled SPSMW will continue to increase through future plan changes.
- SPSMW are sites and places protected from certain activities for their significant values 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 iwi /hapū. Some sites have multiple interests, and others may only be significant to one iwi or hapū.

11. Examples of the types of places, activities and events that occurred in these locations historically include pā, urupā, historic battles, canoe mooring areas, freshwater springs, and (importantly) some are considered wāhi tapu or sacred. While they may bear limited visual resemblance to their past through urbanisation (or other anthropological activities), many of these sites are still of extremely high cultural value to mana whenua.
12. Protection of SPSMW under the AUP identifies, protects, and enhances Mana Whenua culture and heritage and protects the ancestral relationship that Mana Whenua hold with this heritage and landscape.

Filming in Tāmaki Makaurau

13. Screen Auckland is a part of Tātaki Auckland Unlimited (a Council Controlled Organisation), which works to facilitate and assist Screen Industry needs within Tāmaki Makaurau (location feasibility, seasonal data). Screen Auckland is the Regional Film Office for Auckland and is recognised as part of the Regional Film Offices of New Zealand acting as an advocate for the region as a film location to the local and international market. Screen Auckland has delegated authority to issue permits on behalf of the Council to film within council-controlled public places throughout Tāmaki Makaurau under the Te Ture ā-Rohe Tauhokohoko Whakahaerenga me te Tango Kiriata Tūmatanui 2022 Public Trading, Events and Filming Bylaw 2022 (**the Bylaw**).
14. The Screen Industry was worth more than \$1.7 billion in GDP for Tāmaki Makaurau in 2023 and supported more than 2400 companies and over 8400 jobs.¹ It has long been identified as a priority industry for Tātaki Auckland Unlimited support. Indirect employment and economic benefits include the need for catering, security, rental equipment, construction etc, to support film activities. In 2022, Screen Auckland issued 1120 film permits.
15. Remaining competitive in the global film market is critical, and this is highlighted in the Ngā Tikanga Hopu Whakaahua i te Rohe o Tāmaki Makaurau - Auckland Film Protocol (**the Auckland Film Protocol**) 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.”*²

¹ [Data provided by Screen Auckland and sourced from Infometrics and MBIE.](#)

² Ngā Tikanga Hopu Whakaahua i te Rohe o Tāmaki Makaurau - Auckland Film Protocol 2019, Mayoral Foreward.

Issue 1: Identifying temporary filming activities as a restricted discretionary activity

16. Prior to the AUP, district plans contained limited planning controls for filming activities or temporary activities on significant sites and places. Where provisions existed, they generally focused on potential adverse effects from land disturbance and required consultation. For example:
 - a. 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.
 - b. Manukau City District Plan identified any works which may have an adverse effect on the site as a controlled activity (listed sites) requiring consultation with Mana Whenua, becoming a discretionary activity without consultation.
17. Under the Hauraki Gulf Islands District Plan, temporary activities including film shoots are permitted provided they are not more than 5 days, or on Great Barrier Island 14 days, and they do not involve ground disturbance or toilets.
18. During the hearings process on the Proposed Auckland Unitary Plan 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 SSMW.”*³
19. 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.”*⁴
20. Identifying all temporary activities on SPSMW as restricted discretionary activities in the AUP ensured that potential adverse effects would be appropriately managed. Therefore, requiring resource consent for all filming activities on SPSMW without guidance on when or how filming may be appropriate or not. Identifying all temporary filming activities as restricted discretionary activity is a fairly blunt tool, which is necessary without a more nuanced approach to ensure consultation with mana whenua to identify appropriate protocols/conditions.

³ Evidence of Mr Philip Mitchell on behalf of the Independent Māori Statutory Board to the Proposed Auckland Unitary Plan, Topic 037, May 2015, paragraph 5.25.

⁴ Ibid, paragraph 5.26.

Issue 2: Duplication of processes in public places

21. There is currently duplication of processes and increased compliance costs for filming on SPSMW that are also council-controlled public places because both a film permit under the Bylaw and resource consent is required.
22. The current film permit process allows for 3-5 days, and charges vary depending on filming impacts, ranging from \$0 to \$1600 as shown in Table 1.⁵ The timeframe and costs are kept low to facilitate filming activities and support the wider economic benefits that filming brings to the region.

Table 1 Fees for filming in public space

Low Impact	Medium Impact	High Impact	Major Impact
\$0 - \$50	\$200 - \$400	\$400 - \$800	\$800 - \$1600

(Fees are shown in NZ\$ and Inclusive of 15% GST)

23. A survey of stakeholders in the Tāmaki Makaurau Screen Industry undertaken by Screen Auckland in 2020 identified that most respondents were unlikely to utilise SPSMW for filming if it required resource consent.
24. Table 2 below identifies the number of film permit enquiries for the most popular SPSMW and where filming has generally not gone ahead because the SPSMW cannot be avoided and resource consent would be required. There are other public places where applicants are guided away from the location of the SPSMW, which are not included in the table. The number of enquiries fluctuates for various reasons, including increased knowledge that filming on SPSMW is difficult and sometimes there is less filming occurring in a year. The median number of enquiries across these popular sites is 43 per year.

Table 2 Film permit enquires for SPSMW where resource consent is required

Sites	Enquiries			
	2020	2021	2022	2023
Victoria Park	14	15	6	7
Cox's Bay Reserve	4	3	4	3
Albert Park	14	19	4	4
Western Park	2	5	2	2
Ambury Farm	14	3	3	9
Whatipu	1	7	8	6
Arataki Visitor Centre	4	6	1	0

⁵ Ngā Tikanga Hopu Whakaahua i te Rohe o Tāmaki Makaurau - Auckland Film Protocol 2019, page 15.

25. The Screen Industry is largely able to operate without the need for resource consent within the Tāmaki Makaurau as a temporary activity. Resource consent processes can be costly and time prohibitive, 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 are not always met. Lodgement fees begin at \$4,500 with additional staff/expert costs potentially required. Production companies also have to engage their own planner and other specialists to prepare suitable applications for lodgement (estimated at up to \$40,000).
26. Two resource consents were granted in 2022 for film productions on SPSMW. Sweet Tooth Season 2 required resource consent for filming on Hamlins Hill (Mutukaroa) because it is an SPSMW. The Convert required resource consent on Whatipu Beach for various reasons, including being more than 30 days, ground disturbance, and being an SPSMW.
27. In May 2022, the Screen Industry Sites of Significance Working Group presented an update on the impact of resource consent requirements of the Screen Industry to the Planning Committee. The minutes of that meeting resolved [PLA/2022/39] that the Planning Committee:
 - a) **thank Kristian Eek from the Screen Industry's Sites of Significance Working Group for the presentation regarding filming on the Sites and Places of Significance to Mana Whenua identified in the Auckland Unitary Plan.**
 - b) **acknowledge the importance of these sites to Mana Whenua.**
 - c) **acknowledge the concerns raised by the screen industry.**
 - d) **note that Screen Auckland (part of Auckland Unlimited) and staff within the council's Plans and Places department are aware of the issues and are looking to engage with all Mana Whenua entities and the Screen Industry as soon as practicable to identify potential solutions to the concerns raised by the Screen Industry.**
 - e) **request that staff report back to the Planning Committee on this matter once discussions with all Mana Whenua entities have taken place.**
28. Prior to the AUP and specifically the provisions for SPSMW, no more than 1 or 2 filming activities per year in Tāmaki Makaurau triggered resource consent. The resource consent requirements create uncertainty due to the processing timeframes and potentially significant additional compliance costs. The uncertainty and additional compliance costs associated with needing to get a resource consent impacts on the desirability of Tāmaki Makaurau for some filming activities, affecting its competitiveness in the global film market.

Council resolution

29. Approval to develop a plan change for filming on public land scheduled as SPSMW was sought from the Planning, Environment and Parks Committee on 08 December 2022 and the following resolution was made [PEPCC/2022/9]:

That the Planning, Environment and Parks Committee:

- a) ohia / endorse the approach to undertake a plan change to make filming activities a permitted activity on public land that is scheduled as Sites and Places of Significance to Mana Whenua based on in-principal support by mana whenua.
- b) tautapa / delegate to the Chair and Deputy Chair of the Planning, Environment and Parks Committee and a Member of the Independent Māori Statutory Board the authority to approve the plan change for notification.
- c) tono / request staff to develop the plan change with mana whenua and continue to work with them during the submission and hearing process.

Section 3: Objectives

30. This Section 32 report evaluates the most appropriate method for achieving the objectives of the proposal, considering the requirements of the RMA and the need to give effect to relevant national policy statements and the regional policy statement.
31. The objective of the proposal is to address the issues discussed in Section 2 above to:
 - protect and enhance the cultural values of scheduled Sites and Places of Significance to Mana Whenua while enabling temporary filming activities using an alternative non-statutory method of film permit.

Section 4: Development of options

Description of options

32. Initial investigations undertaken to consider how to make filming on SPSMW more efficient considered a range of options identifying risks and benefits, including avoiding SPSMW, global resource consent(s), multi-site resource consent, a plan change, memorandum of understanding, and transfer of powers under section 33 of the RMA.⁶
33. Hill Young Cooper Ltd (**HYC Report**) prepared an issues and options report to further develop options for filming on SPSMW in 2022 provided at **Attachment A.1**.⁷ The following four options were analysed against criteria to understand the potential risks and benefits of each option, inform consultation with iwi/hapū, and assist in developing the preferred approach:
 - a. Global resource consent for all SPSMW held by Screen Auckland;
 - b. Multi-site resource consent across a selection of key SPSMW held by Screen Auckland;
 - c. Plan change for SPSMW in public places; and
 - d. Multi-site plan change across a selection of key SPSMW.
34. Based on the analysis of the HYC Report, it was determined that a plan change to permit temporary filming in council-controlled public places would be appropriate

⁶ 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.

⁷ Filming on Sites and Places of Significance to Mana Whenua: Issues, Options and Next Steps , July 2022.

because a film permit under the Bylaw was also required, enabling the management of potential adverse effects. A plan change also ensures that all SPSMW are managed, including any new SPSMW scheduled in the future. A key issue for resource consent options is the liability risk for the Council as a consent holder when responsibility for undertaking filming activities sits with the film production companies.

35. Feedback from iwi/hapū through engagement since September 2022 has informed the development of the options evaluated in this report, particularly the desire to consider the opportunity to use the transfer of powers provisions of Section 33 of the RMA.
36. The following options are evaluated in this report:
 - i. *Status quo*: Retain the current requirement for resource consent as a restricted discretionary activity for any temporary filming activities.
 - ii. *Identifying filming in public places as a permitted activity*: Amend Chapter D21 Sites and Places of Significance to Mana Whenua to make filming in public places a permitted activity.
 - iii. *Identify filming in public places as a permitted activity subject to meeting permitted development standards*: Amend Chapter D21 Sites and Places of Significance to Mana Whenua to identify temporary filming in public places as a permitted activity subject to meeting permitted development standards.
 - iv. *Amend definition of temporary activities to exclude short-term filming activities*: Amend the definition of Temporary Activities to exclude short-term filming activities managed under the Auckland Film Protocol or the Bylaw.
 - v. *Retain requirement for resource consent and transfer of powers under section 33 RMA*: Retain the requirement for resource consent as a restricted discretionary activity and transfer the power to determine applications for filming to Mana Whenua.
37. In addition to the resource management options, Screen Auckland is working with iwi/hapū to develop a SPSMW film permit process (Figure 1) that better reflects how iwi/hapū wish to participate in decision-making for filming on SPSMW. Screen Auckland has also improved the general film permit process to ensure iwi/hapū are notified of all filming activities. Therefore, the improved film permit process will enable better management of those significant sites and places that are not scheduled in the AUP.

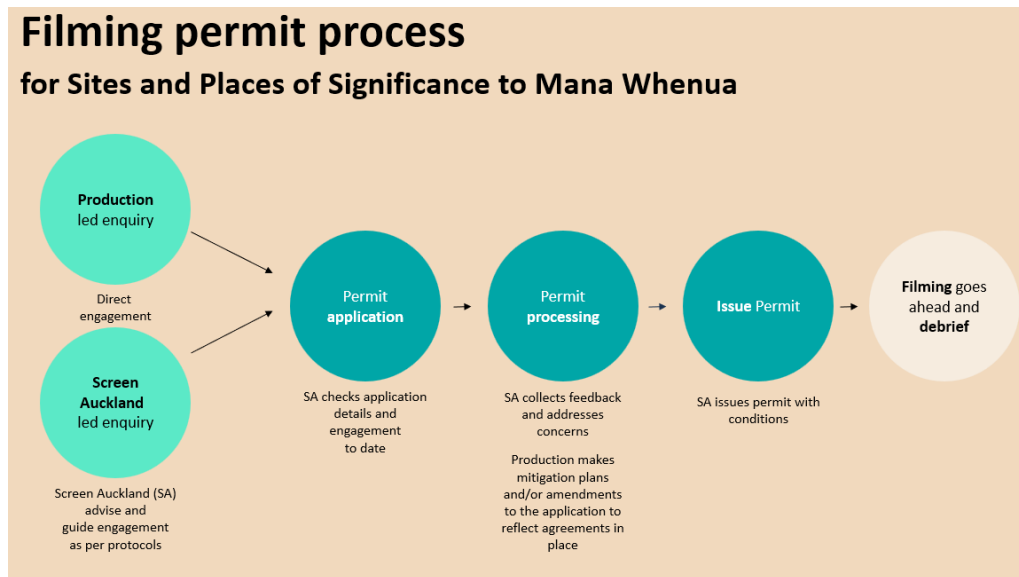


Figure 1 Proposed SPSMW Film Permit Process

38. The film permit process supports the resource management options by ensuring iwi/hapū participation in decision-making to protect and enhance the values and associations of mana whenua with SPSMW.

Methodology

39. The plan change has been developed following approval from the Planning, Environment and Parks Committee, and has been undertaken in collaboration with iwi/hapū and the Screen Industry.
40. As discussed in paragraph 33 above, the first stage of the plan change process involved an issues and options report to understand the scale of the issue and the appropriate resource management options.⁸ This information was then shared with iwi/hapū and the Screen Industry for feedback and support to move to the next phase. The outcome of this phase was support in principle for a plan change enabling temporary filming on SPSMW that are public places and reliance on the film permit process.
41. The second stage involved developing five high-level plan change options which were circulated to iwi/hapū for feedback in March 2023. This document included a description and identified opportunities and challenges with each option.
42. Stage three involved drafting the recommended plan change option to amend Chapter D21 Sites and Places of Significance to Mana Whenua. The draft provisions were developed iteratively in response to feedback from iwi/hapū throughout the engagement process.

⁸ Filming on Sites and Places of Significance to Mana Whenua: Issues, Options and Next Steps (Hill Young Cooper Ltd, July 2022)

Information Used

43. The following table outlines the reports, documents, and evidence that informed the development of the plan change.

Name of document, report, plan	How did it inform the development of the plan change
Ngā Tikanga Hopu Whakaahua I te Rohe o Tāmaki Makaurau Auckland Film Protocol (Screen Auckland, 2019)	The Auckland Film Protocol sets out the requirements for filming in Tāmaki Makaurau and guides approvals of film permits in public places.
Filming on Sites and Places of Significance to Mana Whenua: Issues, Options and Next Steps (Hill Young Cooper Ltd, July 2022)	The HYC report informed the options for addressing the resource management issue around filming on SPSMW and was a key document for engagement with Mana Whenua.
Te Ture ā-Rohe Tauhokohoko Whakahaerenga me te Tango Kiriata Tūmatanui 2022 Public Trading, Events and Filming Bylaw 2022	The Bylaw establishes the need for a film permit process in public places and provides the framework for what can be considered through that process.

Consultation

44. Schedule 1 of the RMA contains the process for preparing, changing and reviewing policy statements and plans. Clause 1A requires that a proposed policy statement or plan is prepared in accordance with any applicable Mana Whakahono a Rohe.
45. When preparing this plan change, the Council had not entered into any Mana Whakahono a Rohe with iwi. Several requests have been made, but none have been finalised at the time this report was completed.
46. Clause 2 requires a proposed regional coastal plan to be prepared in consultation with the Minister of Conservation, iwi authorities, and any customary marine title group. Clause 3 requires that the Ministry for the Environment, other Ministers of the Crown who may be affected, local authorities who may be affected, tangata whenua of the area who may be affected (through iwi authorities), as well as any customary marine title group are consulted during the preparation of a plan.
47. Clause 4A requires a copy of the relevant draft plan be provided to the iwi authorities consulted, and that the local authority must have particular regard to any advice received.
48. Consultation on the development of the plan change focused on iwi/hapū along with the Screen Industry as it will most directly affect these two groups. Local Boards have been informed of the plan change because it relates to filming in public places, including parks and reserves. The Minister of Conservation and Minister for the Environment have also been informed of the plan change.
49. Other parties consulted on the plan change options and draft plan change include Auckland Transport, Regional Parks, Resource Consents, Māori Cultural Heritage

Team, Houkura – Independent Māori Statutory Board, Heritage New Zealand Pouhere Taonga, Tūpuna Maunga Authority, and the Tāmaki Makaurau Mana Whenua Forum.

50. The Screen Industry has been consulted as a key stakeholder. No public consultation has been undertaken on the draft plan change because there is no requirement to consult with the general public and the plan change does not affect zoning or private land.

Consultation with Mana Whenua / iwi authorities

51. In addition to Clauses 3 and 4A outlined above, Section 32(4A) requires a summary of all advice concerning the proposal received from iwi authorities and all responses (including any relevant provisions) that give effect to the advice.
52. All Iwi me Ngā Hapū of Tāmaki Makaurau recognised by the Council (19 iwi authorities) have been contacted to engage on the draft plan change. The consultation was led by the Māori Outcomes team at Tātaki Auckland Unlimited.
53. A briefing note was provided to the Tāmaki Makaurau Mana Whenua Forum in July 2022, providing background and context to the issue of requiring resource consent for filming on SPSMW. A presentation to the forum's Pou Taiao subcommittee in October 2022 provided information on the options considered, the approach to do a plan change for SPSMW in public places, and outlining engagement with mana whenua.
54. In September and October 2022, a series of engagements were undertaken with iwi/hapū of Tāmaki Makaurau to start building enduring working relationships with Tātaki Auckland Unlimited / Screen Auckland, to discuss the proposal for a plan change for SPSMW and to co-design a film permitting process under the Bylaw. Contact was made by email and telephone, and several hui were held seeking feedback on the proposal. Overall, feedback from those engaged was support in principle for a plan change. Some specific feedback included:
 - a. Some were unaware that resource consents were required for filming on SPSMW.
 - b. Concerns about compliance with enforcement of requirements.
 - c. Acknowledgement of the multiple processes including the Screen Auckland permit process, resource consents, and the Tūpuna Maunga Authority permit process and a need to understand the differences.
 - d. Further consideration is required around film content and use of Mana Whenua stories, images, whakapapa, and historical events without written consent.
55. **Attachment A.2** is an engagement report prepared by Tātaki Auckland Unlimited summarising the feedback and engagement with iwi/hapū in this first phase of consultation.
56. Engagement continued throughout 2023 and early 2024 to co-design the plan change and film permit process.
57. A pānui in April 2023 went to Iwi me Ngā Hapū of Tāmaki Makaurau via email, providing an update on the plan change and associated work and included the following documents:

- a. Tātaki Auckland Unlimited Iwi and Hapū Engagement Report;
 - b. Draft Auckland Unitary Plan Change options document;
 - c. Draft Kaupapa Document - Filming in Tāmaki Makaurau; and
 - d. Film Permitting Process Flowchart.
58. A pānui in August 2023 went to all mandated Iwi me Ngā Hapū of Tāmaki Makaurau via email, inviting representatives to participate in a collaborative working group along with representatives of the Screen Industry to develop the plan change and film permit process together. A waananga on 19 September 2023 identified key issues and ways the film permit process could address the concerns of iwi/hapū. On 22 February 2024, the draft plan change and film permit process were presented to the collaborative working group for feedback and agreement to circulate to all mandated iwi and hapū and the Screen Industry for feedback.
59. **Attachment A.3** is an engagement report prepared by Tātaki Auckland Unlimited summarises the feedback and engagement with iwi/hapū in this second phase of consultation. The draft SPSMW film permit process is included in this report.
60. Throughout late 2023 and the first half of 2024 an iwi engagement consultant supported the project team with iwi liaison to ensure that those iwi/hapū that had indicated interest in participating in the working group were given opportunities for kanohi ki te kanohi engagement and to understand the proposals.
61. A pānui in April 2024 went out to Iwi me Ngā Hapū of Tāmaki Makaurau, providing an update on progress made to develop the draft plan change and film permit process. The pānui sought feedback on the draft plan change and offered opportunities for kanohi ki te kanohi engagement to discuss the process and facilitate feedback on the draft plan change.
62. Overall, the majority of feedback received related to the way that iwi/hapū are engaged through the film permit process emphasising the need for improvements to that process to support the plan change.
63. Iwi/hapū representatives raised concerns that they are not being consulted or engaged by the Screen Industry when filming occurs on their significant sites and within their rohe. A key issue of concern is that the AUP only schedules 106 significant sites and places for protection, and scheduling additional sites is extremely slow. Therefore, many significant sites and places are not currently protected. There was a view that the current process for filming on significant sites and places is not working, and there needs to be a better relationship between the parties involved and cultural competency from Screen Auckland. Iwi and hapū have their own pūrākau (stories) and must determine what is appropriate and acceptable on their significant sites and places.
64. Feedback included iwi/hapū support for the Screen Industry and the significant benefits for all if the process is improved and greater protection of the mana and mauri of sites and te taiao (the environment) is achieved. Benefits supported included greater participation in decision-making through engagement on film permits, supporting the development of iwi film protocols to ensure the appropriate tikanga is taken, jobs and educational opportunities for rangatahi.

65. Concerns were consistently raised about the need to support and resource iwi/hapū participation in the film permitting process, compliance with the rules and conditions of permits, and how the Screen Industry can give back to the whenua and iwi/hapū.
66. There was support for film permit applicants to engage directly with iwi/hapū and to resource iwi/hapū, as is the case with resource consents. Where iwi/hapū have concerns about compliance, this can be raised directly with the production company in the first instance and often resolved. However, if the matter is not resolved and the production company is in breach of the conditions of a film permit and the AUP, the Council could serve an abatement notice under Section 322 of the RMA to cease the activity or require something to be done to ensure compliance.
67. Some feedback sought amendments to ensure the 'appropriate' iwi or hapū is consulted, and that any temporary activity be in accordance with any requirements provided by the iwi/hapū with the strongest relationship to the filming location. The AUP does not identify the relative strength of iwi/hapū relationships with areas, and it is not proposed to address this in the plan change. It is acknowledged that evidential findings on relative strengths of relationships may be required to discharge the RMA's obligations to Māori regarding a specific resource management outcome (such as in relation to a resource consent).
68. A copy of the draft plan change and Section 32 evaluation report was provided to the 19 mandated iwi authorities, and regard has been given to feedback in accordance with Clause 4A of Schedule 1. Engagement with Mana Whenua is ongoing, with The final wording of the plan change and a response to feedback was provided to close the engagement loop. A summary of feedback and any resulting changes to the plan change are detailed in **Attachment A.4**.

Screen Industry

69. Throughout the development of the plan change, consultation with representatives of the Screen Industry has occurred, including through the development of the enhanced film permit process. An Industry Working Group was established early in the process to work with Screen Auckland on a plan change to enable filming on SPSMW.
70. In March 2023, the draft plan change options were provided to the Industry Working Group for feedback. Screen Industry representatives were invited and attended the collaborative working group waananga in September 2023 and February 2024.
71. The Screen Industry acknowledges the importance of SPSMW to iwi/hapū in Tāmaki Makaurau. It seeks a film permit process that enables filming while respecting the whenua and te taiao, ensuring there are no impacts on the tangible and intangible values of these sites and places.
72. In support of the need to build better relationships with iwi/hapū, the Screen Industry is developing a document that outlines their commitment to contribute to upholding and enhancing the mana and aspirations of iwi/hapū of Tāmaki Makaurau. Commitments include:
 - Engagement when considering locations and following the SPSMW film permit process;

- Making adequate provisions in production budgets and schedules for adequate consultation and resourcing iwi/hapū to undertake tikanga;
 - Investment in rangatahi through training, development and employment in the sector;
 - Showing respect for te taiao and leaving no trace; and
 - Adopting iwi/hapū and sector developed tikanga protocols.
73. The pānui sent to iwi/hapū in April 2024 was also shared with the Screen Industry along with an invitation to an online hui to provide opportunity for questions and feedback. The industry online hui was held on 5 June 2024 providing an overview of the kaupapa around filming on SPSMW, including steps that Screen Auckland has taken to improve its own cultural competency and iwi/hapū consultation requirements for film permits, the draft plan change, and the industry's commitments to iwi/hapū. Around 40 Screen Industry representatives attended the hui.

Internal consultation with relevant subject matter experts

74. The Council's Māori Cultural Heritage Team has been regularly updated throughout the development of the plan change because of their relationship with iwi/hapū through the Māori Cultural Heritage Programme, which identifies hundreds of sites nominated by iwi/hapū for scheduling as SPSMW.
75. Houkura has also been updated throughout the development of the draft plan change, particularly on engagement with iwi/hapū.
76. Following the engagement update to iwi/hapū in April 2024, memos were sent to the Māori Cultural Heritage Team, Houkura, and the Tūpuna Maunga Authority providing an update on consultation with iwi/hapū and progress on the draft plan change and film permit process.

Local Board consultation

77. A memo was sent to all local boards in November 2022 advising of the development of the proposed plan change and providing a copy of the HYC Report. The memo outlined the engagement with the iwi/hapū of Tāmaki Makaurau and the recommendation for a plan change for SPSMW on council-controlled public places because these are the locations where the majority of filming occurs, and it requires a permit process under the Bylaw. It was also noted that the existing landowner approval required for filming in local parks and beaches would continue to be required through the film permit process.
78. Following the development of the draft plan change in collaboration iwi/hapū, a memo was sent to all local boards in September, outlining the approval from Planning, Environment and Parks Committee in December 2022 and the subsequent delegated approval to publicly notify the plan change.
79. No issues have been raised by the local boards. Further opportunity for feedback by the boards will be provided after public notification.

Section 5: Evaluation of options

80. In accordance with Sections 32(1)(b) and 32(2) of the RMA, the options have been assessed on their appropriateness, efficiency, effectiveness, costs, benefits and risks. The assessment is provided in **Attachment A.5** and summarised below.
81. Reasonably practicable options have been evaluated for achieving the objectives, and the provisions are the most appropriate because any potential adverse effects on the environment can be adequately avoided, remedied, or mitigated through the film permit process.
82. Option 1 is the do nothing approach, which will continue to result in duplication of process and does not address the issue. Options 2, 3 and 4 all achieve efficiencies by removing the need for resource consent. However, only Option 3 gives effect to the RPS to protect and enhance both the tangible and intangible values of SPSMW. Options 2 and 4 also have risks in terms of compliance because there would be limited recourse under the Bylaw, which addresses nuisance effects.
83. Option 5 is similar to the do nothing approach as it continues to require resource consent. However, Option 5 would enable iwi/hapū to be responsible for decision-making. Key issues with Option 5 are the lack of capacity within iwi/hapū to assess and approve resource consents, and the duplication of process associated with needing both a resource consent and a film permit would not be addressed. An improved film permit process will enhance the participation of iwi/hapū in decision-making without the need for additional capacity.
84. The recommended option is Option 3, to progress a plan change to identify temporary filming in public places as a permitted activity subject to meeting permitted development standards.
85. Option 3 is the most efficient and effective way to enable temporary filming activities while protecting the tangible and intangible values of SPSMW. Filming is a billion-dollar industry in Tāmaki Makaurau and provides economic benefits for the region in terms of employment and tourism. The proposed provisions included in the plan change support a more enabling regulatory framework to support filming on SPSMW to support economic growth, including potential economic benefits for iwi/hapū and Māori (Section 32(2)(a)(i) and (ii)).
86. Risks of acting or not acting if there is uncertain or insufficient information about the subject matter (Section 32(2)(c)). The permitted standards ensure that the objectives for SPSMW are achieved, and the relevant information will be provided and assessed through the film permit process. There is sufficient information on the number of SPSMW where filming activities are likely to occur, the number of potential film permits per year, and revisions to the film permit process itself to understand the impacts of the operative provisions and the benefits of relying on the film permit process administered under the Bylaw.

Section 6: Reasons for the plan change and evaluation of the provisions

87. In accordance with subsections 32(1)(a) and (1)(b)(iii) of the RMA, this part of the report examines the extent to which the objectives of the proposal (PC106) are the most appropriate way to achieve the purpose of the RMA.
88. The plan change will address the issues discussed in Section 2 above and will remove the existing duplication of process for SPSMW in public places where both a resource consent and film permit are required. PC106 removes the need for resource consent unless specific permitted standards are not met and relies on the film permit process as an alternative non-statutory method to ensure the cultural values and associations of SPSMW are protected and enhanced.
89. PC106 amends Chapter D21 Sites and Places of Significance to Mana Whenua by inserting new plan provisions to identify temporary filming on public places as a permitted activity in accordance with permitted standards.
90. The scope of PC106 is limited to public places because these are the places where most filming activities will occur, and they will require a film permit under the Bylaw. PC106 does not amend the objectives and policies of Chapter D21 or any of the existing plan provisions. Therefore the objectives and policies and existing plan provisions are out of the scope of the plan change.
91. Cultural values and associations with SPSMW will be protected and enhanced through the film permit process by requiring engagement with iwi/hapū enabling participation in decision-making including how filming activities can respect the cultural values of the site and any appropriate tikanga that is required enabling people and communities to provide for their social, economic, and cultural well-being to achieve sustainable management. In accordance with Section 32(1)(a) the objective of the plan change is the most appropriate way to achieve the purpose of the RMA.

Evaluation of the provisions

92. PC106 proposes to insert a new permitted activity and permitted standards. These have been developed in collaboration with iwi/hapū to ensure that the tangible and intangible values of SPSMW are protected and enhanced and that significant adverse effects are avoided, including on the values and associations of iwi/hapū with the SPSMW, achieving Objective D21.2(1) and Policies D21.3(3), (8) and (11).
93. The permitted standards are provided below:

D21.6.4 Temporary activities for filming in public places for up to 30 days

(1) Any temporary activity for filming in a public place must:

(a) be no more than 30 days;

(b) not involve any land disturbance;

(c) be in accordance with a site plan and special conditions approved under an Auckland Council Film Permit to;

- i. confirm that Mana Whenua have been consulted of the filming activity;
- ii. be consistent with any relevant iwi film protocol, iwi planning document, or cultural impact assessment prepared for the filming activity;
- iii. maintain access for customary activities throughout filming; and
- iv. apply tikanga as informed by Mana Whenua.

1. SPSMW are scheduled for a range of reasons, but all have the potential to be significantly affected by any land disturbance. Land disturbance is defined in the AUP to mean “*the disturbance of the surface of land by earthworks, ancillary farming, or ancillary forestry earthworks,*”⁹ requiring that any permitted temporary filming activity must not disturb the land. In addition to the requirement that there shall be no land disturbance, any permitted activities on SPSMW are required to adhere to the accidental discovery rules of the district plan. A cross-reference is set out in Standard D21.6.1 to the accidental discovery rules in E11 Land Disturbance – Regional – Standard E11.6.1 Accidental discovery rule, and E12 Land Disturbance – Standard E12.6.1 Accidental discovery rule.
94. Direct engagement with iwi/hapū will be required for all film permits on SPSMW to address the permitted standards. Through the film permit process, applicants must demonstrate compliance with the permitted standards. Where relevant, a site plan and/or special conditions can identify access for customary activities (i.e. mahinga kai), areas where toilets or food preparation must be avoided, or no-go areas for wāhi tapu. Engagement with iwi/hapū enables film permit applicants to be informed and to apply the appropriate tikanga needed for the specific site.
95. The permitted standards provide a linkage to the film permit process and for filming to be undertaken in accordance with any relevant iwi film protocol, iwi planning document or cultural impact assessment prepared for the specific filming activity. It is envisaged that some iwi/hapū may develop their own iwi film protocols to inform filming activities in their rohe. Although none currently exist, the permitted standards ensure that they will be considered if they do exist, but also that requirements for filming may be included in relevant iwi planning documents or can be addressed through a cultural impact assessment.
96. The provisions and the alternative non-statutory method of the film permit process are the most appropriate way to achieve the objectives because they are consistent with the requirements for SPSMW established by Objective D21.2(1) and Policies D21.3.(3), (8) and (11) set out below.

Objective (1) The tangible and intangible values of scheduled sites and places of significance to Mana Whenua are protected and enhanced.

⁹ Auckland Unitary Plan, Chapter J Definitions.

Policy (3) Require subdivision, use and development, where adverse effects on sites and places of significance cannot practicably be avoided, to remedy or mitigate those adverse effects by:

- (a) enhancing the values of the scheduled site or place of significance and the relationship of Mana Whenua with their tāonga, commensurate with the scale and nature of the proposal;
- (b) incorporating mātauranga, tikanga and Mana Whenua values, including spiritual values;
- (c) recognising and providing for the outcomes articulated by Mana Whenua through an assessment of environmental effects with Mana Whenua and within iwi planning documents;
- (d) demonstrating consideration of practicable alternative methods, locations or designs that would avoid or reduce the impact on the values of scheduled sites and places of significance to Mana Whenua; and
- (e) demonstrating consideration of practical mechanisms to maintain or enhance the ability to access and use the scheduled site or feature for karakia, monitoring, customary purposes and ahikā roa by Mana Whenua.

Policy (8) Recognise that the intangible values of sites or places of significance can be protected and enhanced even where the site or place has been significantly modified or destroyed; and

Policy (11) Require an assessment of environmental effects where proposed works may have adverse effects on the values associated with sites or places of significance to Mana Whenua.

97. Where a temporary filming activity does not demonstrate compliance with the permitted activity standards through the film permit process, resource consent will be required as a restricted discretionary activity, as is the case currently. No amendments are proposed to D21.8 Assessment criteria – restricted discretionary activities.

Section 7: National and Regional Planning Context

New Zealand Coastal Policy Statement

98. The New Zealand Coastal Policy Statement (**NZCPS**) is relevant to the plan change because some SPSMW are located in the coastal marine area or the coastal environment.
99. Temporary filming activities would not change or impact the natural character of the coastal environment or natural features and landscape values, and would enable communities to provide for their social, economic and cultural wellbeing consistent with Objectives 2 and 6, and Policies 6 and 13 of the NZCPS.
100. Permitted standards in conjunction with the film permit process would ensure that tangata whenua with interests in the SPSMW affected by temporary filming activities are engaged to participate in decision-making to protect the values of sites taking into account the principles of the Treaty of Waitangi consistent with Objective 3 and Policy 2 of the NZPCPS.

101. There would be no subdivision or development enabled by the plan change, only the use of SPSMW for temporary filming, and this activity can occur in a manner that gives effect to the NZCPS.

Local Government Act 1974

102. The Local Government Act (**LGA**) is relevant to the plan change because to support the permitted activity status relies on the film permit process administered under the Bylaw, which is prepared under the LGA.

103. Section 4 of the Bylaw sets out its purpose *“to help minimise public safety risks, nuisance and misuse of council-controlled public places by:*

(a) allowing limited trading, events and filming to be undertaken without requiring a prior approval from council, subject to conditions;

(b) requiring prior approval from council for all other trading, events and filming;

(c) enabling council to prohibit trading in specified places; and

(d) enabling council to prescribe conditions and requirements in relation to all trading, events and filming.”

104. Film permits are issued pursuant to the Council’s plans, policies and bylaws and pending approval of relevant owners, managers and / or leaseholders of the proposed location such as the Council, local boards, council-controlled organisations and iwi.

105. The Bylaw enables the Council to prescribe conditions and requirements that address the permitted standards in the AUP. Therefore, it is appropriate for the permitted standards for temporary filming on SPSMW that are council-controlled public places to be complied with through the film permit process.

Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014

106. Section 2 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act states the purpose of the Act is to give effect to certain provisions of the collective deed, which provides shared redress to the iwi and hapū constituting Ngā Mana Whenua of Tāmaki Makaurau by:

a) restoring ownership of certain maunga and motu of Tāmaki Makaurau to the iwi and hapū, the maunga and motu being treasured sources of mana to the iwi and hapū; and

b) providing mechanisms by which the iwi and hapū may exercise mana whenua and kaitiakitanga over the maunga and motu; and

c) providing a right of first refusal regime in respect of certain land of Tāmaki Makaurau to enable those iwi and hapū to build an economic base for their members.

107. Ngā Mana Whenua of Tāmaki Makaurau means the collective group of the following 13 iwi and hapū:

i. Ngāi Tai ki Tāmaki; and

- ii. Ngāti Maru; and
- iii. Ngāti Pāoa; and
- iv. Ngāti Tamaoho; and
- v. Ngāti Tamaterā; and
- vi. Ngāti Te Ata; and
- vii. Ngāti Whanaunga; and
- viii. Ngāti Whātua o Kaipara; and
- ix. Ngāti Whātua Ōrākei; and
- x. Te Ākitai Waiohūa; and
- xi. Te Kawerau ā Maki; and
- xii. Te Patukirikiri; and
- xiii. hapū of Ngāti Whātua (other than Ngāti Whātua o Kaipara and Ngāti Whātua Ōrākei) whose members are beneficiaries of Te Rūnanga o Ngāti Whātua, including Te Taoū not descended from Tuperiri.

108. The following 14 Tūpuna Maunga are vested to Ngā Mana Whenua of Tāmaki Makaurau under this Act: Matukutūruru / Wiri Mountain, Maungakiekie / One Tree Hill, Maungarei / Mount Wellington, Maungawhau / Mount Eden, Mount Albert, Mount Roskill, Mount St John, Ōhinerau / Mount Hobson, Ōhūiarangi / Pigeon Mountain, Ōtāhuhu / Mount Richmond, Takarunga / Mount Victoria, Te Tātua-a-Riukiuta, Rarotonga / Mount Smart, and Te Pane o Mataoho / Māngere Mountain.
109. Four SPSMW are identified within areas governed by the Tūpuna Maunga Authority. These are Matukutūruru / Wiri Mountain, Otahuhu – Mt Hobson/Sturges Park, Maungauika / North Head, and Te Pane o Mataoho / Māngere Mountain. However, it is anticipated that additional tūpuna maunga could be scheduled through future plan changes.
110. Filming on any Tūpuna Maunga requires a film permit that is administered by Screen Auckland, as described in section 2.5 of the HYC Report (Attachment A.1). The Maunga Authority requires at least 20-25 working days to consider a request for any filming activity. The type and size of shoot, number of crew/cast onsite and where filming is to take place on the maunga will determine the impact category (low, medium or major) and the level of consultation the production will be required to conduct with iwi.
111. The plan change will not affect specific requirements for filming on Tūpuna Maunga. Therefore, the plan change is consistent with the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014.

Waitākere Ranges Heritage Area Act 2008

112. The purpose of the Waitakere Ranges Heritage Area Act 2008 (**WRHAA**) is to recognise the national, regional, and local significance of the Waitakere Ranges Heritage Area; and promote the protection and enhancement of its heritage features for present and future generations. The proposal must give effect to the purpose and objectives of the WRHAA in accordance with Section 11.

113. WRHAA objectives to establish and maintain the heritage area are set out in Section 8 and include:

(f) to ensure that any subdivision or development in the area, of itself or in respect of its cumulative effect, -

- (i) is of an appropriate character, scale, and intensity; and*
- (ii) does not adversely affect the heritage features; ...*

114. Heritage features, individually or collectively, contribute to the heritage area's national significance and include "*the historical, traditional, and cultural relationships of people, communities, and tangata whenua with the area and their exercise of kaitiakitanga and stewardship.*"¹⁰

115. The WRHAA is relevant because several SPSMW are located within the Waitakere Ranges Heritage Area including:

- a. Whatipu – Te Toka Tapu a Kupe
- b. Arataki Visitor Centre – Paruroa and Nihotupu
- c. Cornwallis Beach – Karangahape Pā

116. The plan change will not remove the protection afforded to the SPSMW as heritage features in the heritage area because they will remain scheduled sites in the AUP. The permitted standards and the film permit process give effect to the purpose and objectives of the WRHAA by ensuring the participation of iwi/hapū in decision-making and the management of potential adverse effects on SPSMW. Additional permissions required for SPSMW in the Waitakere Ranges Regional Park are currently administered by Screen Auckland through the film permit process, and this will not change.

Hauraki Gulf Marine Park Act 2000

117. The Hauraki Gulf Marine Park Act is relevant because several SPSMW are located within the coastal marine area of the Hauraki Gulf islands. The purpose of the Act is set out in Section 3:

The purpose of this Act is to—

(a) integrate the management of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments:

(b) establish the Hauraki Gulf Marine Park:

(c) establish objectives for the management of the Hauraki Gulf, its islands, and catchments:

(d) recognise the historic, traditional, cultural, and spiritual relationship of the tangata whenua with the Hauraki Gulf and its islands:

¹⁰ Section 7(j) Waitakere Ranges Heritage Area Act 2008.

(e) establish the Hauraki Gulf Forum.

118. Sections 7 and 8 recognise the national significance of the Hauraki Gulf, its islands, and catchments and seeks to protect and where appropriate enhance the life-supporting capacity of the environment, and natural, historic and physical resources with which tangata whenua have an historic, traditional, cultural and spiritual relationship.
119. The plan change enables temporary filming activities which does not enable any physical changes to land or water within the Hauraki Gulf catchments. The plan change is consistent with Sections 7 and 8 of the Act because the protection of SPSMW is maintained under the AUP, and temporary filming activities will be managed through the film permit process to protect cultural values.

Heritage New Zealand Pouhere Taonga Act 2014

120. Currently, 15 historic places on the New Zealand Heritage List/Rārangi Kōrero protected under the Heritage New Zealand Pouhere Taonga Act are also identified by the Council's GIS as SPSMW in public places. Several historic places are located within one SPSMW; as such, only 9 SPSMW are currently identified to include heritage places.

Table 3 Heritage List/Rārangi Kōrero and SPSMW

Heritage Place	Heritage List number	SPSMW	Schedule 12 number
1. Carnegie Free Library (Former)	4796	Onehunga	48
2. Ōtuataua Stonefields	6055	Otuataua/Puke Taapapa (Pukeiti)	29
3. Albert Park Lodge	577	Part of extent of Te Reuroa pā	21
4. Queen Victoria Statue	633	Part of extent of Te Reuroa pā	21
5. Sir George Grey Statue	119	Part of extent of Te Reuroa pā	21
6. Albert Park Bandstand	538	Part of extent of Te Reuroa pā	21
7. South African War Artillery Memorial	556	Part of extent of Te Reuroa pā	21
8. Churton Memorial	563	Waahi whakahirahira	59
9. Te Naupata	9334	Te Naupata	25
10. Te Naupata / Musick Point	9335	Te Naupata	25
11. Campbell Free Kindergarten (Former)	7537	A) Wai Kōkota B) Te Tō	11
12. Matukuturua Stonefields	6054	Matukuturua Stonefields	34

Heritage Place	Heritage List number	SPSMW	Schedule 12 number
13. O Peretu	7231	Ō Peretu	64
14. Fort Takapuna / O Peretu	86	Ō Peretu	64
15. Ngāti Paoa Urupā	7220	Urupā	63

121. Section 65(3) of the Act identifies the purpose of the New Zealand Heritage List/Rārangi Kōrero are:
- To inform members of the public about historic places, historic areas, wāhi tūpuna, wāhi tapu, and wāhi tapu areas:*
 - To notify the owners of historic places, historic areas, wāhi tūpuna, wāhi tapu, and wāhi tapu areas, as needed, for the purposes of this Act:*
 - To be a source of information about historic places, historic areas, wāhi tūpuna, wāhi tapu, and wāhi tapu areas for the purposes of the RMA.*
122. Section 75 provides for the Council to advise Heritage New Zealand Pouhere Taonga of any applications for resource consent regarding wāhi tapu entered on the New Zealand Heritage List/Rārangi Kōrero. As the plan change would remove the requirement for resource consent for temporary filming activities, Heritage New Zealand Pouhere Taonga would no longer be advised.

Auckland Plan 2050

123. Auckland Plan Outcome: Opportunity and prosperity includes the Focus area 2, seeking to ensure regulatory planning and other mechanisms support business, innovation and productivity growth. The proposed plan change supports opportunity and prosperity by making Tāmaki Makaurau more film-friendly by reducing regulation and permitting costs.
124. The proposed plan change supports Auckland Plan Outcome: Māori identity and well-being, specifically Direction 4 to showcase Tāmaki Makaurau's Māori identity and vibrant Māori culture. Enabling temporary filming on SPSMW provided there is no physical damage, and tikanga are followed will support Mana Whenua participation in decision-making on SPSMW and provide more opportunities for the Screen Industry to reflect our iwi/hapū cultural landscapes and values. Supporting filming in Tāmaki Makaurau and ensuring that iwi/hapū are engaged when filming occurs on SPSMW will increase opportunities for rangatahi participation in the Screen Industry and decision-making consistent with Focus areas 3 and 5.
125. The plan change is consistent with the Auckland Plan 2050.

Regional Policy Statement

126. Table 4 below identifies the relevant AUP Regional Policy Statement objectives and policies relating to SPSMW and assesses the relevance of Option 3 - Identify

temporary filming in public places as a permitted activity subject to meeting permitted development standards.

Table 4 AUP RPS Objectives and Policies

RPS Chapter	Relevant policy	Relevance
B2.7 Open space and recreation facilities	Policy B2.7.2(1) Enable the development and use of a wide range of open spaces and recreation facilities to provide a variety of activities, experiences and functions.	The plan change only applies to SPSMW that are in public places including open spaces. As a permitted activity, temporary filming will be managed through the Bylaw providing for a variety of activities while ensuring the function of open space is maintained.
	Policy B2.7.2(7) Avoid, remedy or mitigate significant adverse effects of land use or development on open spaces and recreation facilities.	The plan change enables temporary filming activities for up to 30 consecutive days. A film permit would still be required to ensure any significant adverse effects are avoided, and other actual or potential adverse effects are mitigated.
	Policy B2.7.2(8) Avoid, remedy or mitigate significant adverse effects from the use of open spaces and recreational facilities on nearby residents and communities.	Potential adverse effects from the use of open space on nearby residents and communities would be managed through the film permit process in accordance with the Bylaw.
B6.2 Recognition of Treaty of Waitangi/Te Tiriti o Waitangi partnerships and participation	<p>Objective B6.2.1(1) The principles of the Treaty of Waitangi/Te Tiriti o Waitangi are recognised and provided for in the sustainable management of natural and physical resources including ancestral lands, water, air, coastal sites, wāhi tapu and other taonga.</p> <p>Objective B6.2.1(2) The principles of the Treaty of Waitangi/Te Tiriti o Waitangi are recognised through Mana Whenua participation in resource management processes</p> <p>Policy B6.2.2(1) Provide opportunities for Mana Whenua to actively participate in the sustainable management of natural and physical resources including ancestral lands, water, sites, wāhi tapu and other taonga in a way that does all of the following: (a) recognises the role of Mana Whenua as kaitiaki and provides for the practical expression of kaitiakitanga; (b) builds and maintains partnerships and relationships with iwi authorities; (c) provides for timely, effective and meaningful engagement with Mana Whenua at appropriate</p>	The plan change has been developed in collaboration with Mana Whenua to ensure ongoing protection of the SPSMW and provide for participation in decision-making through the film permit process recognising the role of kaitiaki, builds and maintains partnerships and relationships with iwi authorities, provides timely and meaningful engagement with Mana Whenua, recognises the role of kaumātua and pūkenga, and recognises and provides for mātauranga and tikanga.

RPS Chapter	Relevant policy	Relevance
	<p>stages in the resource management process, including development of resource management policies and plans;</p> <p>(d) recognises the role of kaumātua and pūkenga;</p> <p>(e) recognises Mana Whenua as specialists in the tikanga of their hapū or iwi and as being best placed to convey their relationship with their ancestral lands, water, sites, wāhi tapu and other taonga;</p> <p>(f) acknowledges historical circumstances and impacts on resource needs;</p> <p>(g) recognises and provides for mātauranga and tikanga; and</p> <p>(h) recognises the role and rights of whānau and hapū to speak and act on matters that affect them.</p>	
	<p>Policy B6.2.2(2)</p> <p>Recognise and provide for all of the following matters in resource management processes, where a proposal affects land or resources subject to Treaty settlement legislation:</p> <p>(a) the historical association of the claimant group with the area, and any historical, cultural or spiritual values associated with the site or area;</p> <p>(b) any relevant memorandum of understanding between the Council and the claimant group;</p> <p>(c) any joint management and co-governance arrangements established under Treaty settlement legislation; and</p> <p>(d) any other specific requirements of Treaty settlement legislation.</p>	<p>The plan change includes permitted standards that ensure that historical associations and any historical, cultural or spiritual values associated with the site or area can be identified and respected through the film permit process.</p> <p>Tūpuna Maunga Authority co-manages 14 maunga returned to 13 mana whenua iwi and hapū of Tāmaki Makaurau under the Ngā Tāmaki Makaurau Collective Redress Act 2013. Some SPSMW also form part of the tupuna maunga. The plan change does not affect the separate requirements for filming on tupuna maunga which are administered by Screen Auckland through the film permit process.</p>
<p>B6.3 Recognising Mana Whenua values</p>	<p>Objective B6.3.1(1) Mana Whenua values, mātauranga and tikanga are properly reflected and accorded sufficient weight in resource management decision-making.</p> <p>Objective B6.3.1(2) The mauri of, and the relationship of Mana Whenua with, natural and physical resources including freshwater, geothermal resources, land, air and coastal resources are enhanced overall.</p> <p>Objective B6.3.1(3) The relationship of Mana Whenua and their customs and traditions with</p>	<p>The plan change does not alter the protections afforded to SPSMW through scheduling. The permitted standards rely on the film permit to consult mana whenua to understand the values of the site and participate in decision-making. Through the film permit process the concerns of mana whenua will be given sufficient weight in decision-making, ensuring that the mauri of, and the relationships and associations of mana whenua with SPSMW are recognised and enhanced.</p> <p>There are no recorded protected customary rights in accordance with</p>

RPS Chapter	Relevant policy	Relevance
	<p>natural and physical resources that have been scheduled in the Unitary Plan in relation to natural heritage, natural resources or historic heritage values is recognised and provided for.</p> <p>Policy B6.3.2(2) Integrate Mana Whenua values, mātauranga and tikanga:</p> <p>(a) in the management of natural and physical resources within the ancestral rohe of Mana Whenua, including:</p> <p>(i) ancestral lands, water, sites, wāhi tapu and other taonga;</p> <p>(ii) biodiversity; and</p> <p>(iii) historic heritage places and areas.</p> <p>(b) in the management of freshwater and coastal resources, such as the use of rāhui to enhance ecosystem health;</p> <p>(c) in the development of innovative solutions to remedy the long term adverse effects on historical, cultural and spiritual values from discharges to freshwater and coastal water; and</p> <p>(d) in resource management processes and decisions relating to freshwater, geothermal, land, air and coastal resources.</p> <p>Policy B6.3.2(4) Provide opportunities for Mana Whenua to be involved in the integrated management of natural and physical resources in ways that do all of the following:</p> <p>(a) recognise the holistic nature of the Mana Whenua world view;</p> <p>(b) recognise any protected customary right in accordance with the Marine and Coastal Area (Takutai Moana) Act 2011; and</p> <p>(c) restore or enhance the mauri of freshwater and coastal ecosystems.</p> <p>Policy B6.3.2(6) Require resource management decisions to have particular regard to potential impacts on all of the following:</p> <p>(a) the holistic nature of the Mana Whenua world view;</p> <p>(b) the exercise of kaitiakitanga;</p> <p>(c) mauri, particularly in relation to freshwater and coastal resources;</p>	<p>the Marine and Coastal Area (Tukutai Moana) Act 2011.</p>

RPS Chapter	Relevant policy	Relevance
	<p>(d) customary activities, including mahinga kai;</p> <p>(e) sites and areas with significant spiritual or cultural heritage value to Mana Whenua; and</p> <p>(f) any protected customary right in accordance with the Marine and Coastal Area (Tukutai Moana) Act 2011.</p>	
<p>B6.5 Protection of Mana Whenua cultural heritage</p>	<p>Objective B6.5.1(1) The tangible and intangible values of Mana Whenua cultural heritage are identified, protected and enhanced.</p> <p>Objective B6.5.1(2) The relationship of Mana Whenua with their cultural heritage is provided for</p> <p>Objective B6.5.1(3) The association of Mana Whenua cultural, spiritual and historical values with local history and whakapapa is recognised, protected and enhanced.</p> <p>Objective B6.5.1(4) The knowledge base of Mana Whenua cultural heritage in Auckland continues to be developed, primarily through partnerships between Mana Whenua and the Auckland Council, giving priority to areas where there is a higher level of threat to the loss or degradation of Mana Whenua cultural heritage.</p> <p>Policy B6.5.2(1) Protect Mana Whenua cultural and historic heritage sites and areas which are of significance to Mana Whenua.</p>	<p>The plan change maintains permitted standards to ensure that the tangible and intangible values of SPSMW are protected and enhanced through film permit process and participation of mana whenua in decision-making.</p> <p>Through the film permit process there are greater opportunities to consider the effects of filming activities on mana whenua cultural heritage that is not scheduled, recognising that there are many more sites that meet the criteria for scheduling but haven't yet been included in the AUP. Mana whenua will determine the cultural heritage information that can be relied upon through the film permit process. But there are opportunities to protect sensitive information from the public while having it available to Screen Auckland as an alert for consultation and engagement.</p>
	<p>Policy B6.5.2(4) Protect the places and areas listed in Schedule 12 Sites and Places of Significance to Mana Whenua Schedule from adverse effects of subdivision, use and development by avoiding all of the following:</p> <p>(a) the destruction in whole or in part of the site or place and its extent;</p> <p>(b) adverse cumulative effects on the site or place;</p> <p>(c) adverse effects on the location and context of the site or place; and</p>	<p>The plan change does not enable any land disturbance or physical impacts to SPSMW. Filming activities will be temporary and the permitted standards ensure that there will be no significant adverse effects. Potential adverse effects will be avoided, remedied or mitigated through the management of activities on a site-by-site basis in consultation with iwi where there is a potential impact on the mauri or mana of the SPSMW.</p> <p>All permitted activities in Chapter D21 are required to comply with the Accidental Discovery Protocols in</p>

RPS Chapter	Relevant policy	Relevance
	<p>(d) significant adverse effects on the values and associations Mana Whenua have with the site or place; taking into account in such circumstances whether or not any structures, buildings or infrastructure are present and the adverse effects are temporary.</p> <p>Policy B6.5.2(5) Protect places and areas in the Schedule 12 Sites and Places of Significance to Mana Whenua Schedule from the adverse effects of subdivision, use and development by all of the following:</p> <p>(a) avoiding where practicable, or otherwise remedying or mitigating adverse effects on the values and associations of Mana Whenua with the site, place or area;</p> <p>(b) requiring a protocol to be followed in the event of accidental discovery of kōiwi, archaeology or artefacts of Māori origin; and</p> <p>(c) undertaking appropriate actions in accordance with mātauranga and tikanga Māori.</p>	<p>Chapters E11 and E12 of the AUP (Standard D21.6.1). Therefore, through the film permit process there will be opportunity to impose special conditions for accidental discovery protocols should they be required recognising that there shall be no land disturbance.</p> <p>The permitted standards require that tikanga be acknowledged because it will differ depending on the filming activity, the SPSMW and the Iwi or Hapū. Provided Iwi and Hapū are informed of the temporary filming activity through the film permit process, the opportunity will be provided for the expression of appropriate tikanga.</p>

127. The plan change gives effect to the relevant objectives and policies of the AUP regional policy statement. This is done by providing for the use of council-controlled public spaces¹¹ that are SPSMW for temporary filming activities while ensuring opportunities for participation in decision-making and the protection of tangible and intangible values are achieved through the film permit process under the Bylaw.
128. Proposed Plan Change 80 to the RPS incorporates the concepts and terms “well-functioning urban environment”, “urban resilience to the effects of climate change” and “qualifying matters”. Policy B2.7.2(1) is amended to include the words “...and which contributes to a “well functioning urban environment” at the end of the policy. This change does not alter the assessment above but strengthens the contribution of open space and recreation facilities to a well-functioning urban environment.

¹¹ AUP Chapter J Definitions, Public place has the same meaning as defined in the Trading and Events Public Places Bylaw 2015: any place that, at any material time, is owned, managed, maintained or controlled by the council or council controlled organisation and is open to or, being used by the public, whether free or on payment of a charge. It includes any road, footpath, public square, grass verge, berm, public gardens, reserves and parks, beaches, wharves, breakwaters, ramps and pontoons, foreshore and dunes, access ways, recreational grounds and sports fields.

Relevant Iwi Planning Documents

129. There are currently ten relevant planning documents recognised by an iwi authority lodged with the council, which are often referred to as Iwi Management Plans:
- Ngāti Paoa Interim Regional Policy Statement (2013)
 - Ngāti Rehua Ngātiwai ki Aotea Trust Hapū Management Plan (2013)
 - Ngāti Te Ata Ngaa Tribal Policy Statement Awaroa ki Manuka (1991)
 - Ngātiwai Iwi Environmental Policy Document (2015)
 - Ngāti Whātua Ōrākei Te Pou o Kāhu Pōkere Iwi Management Plan (2018)
 - Ngaati Whanaaunga Environmental Management Plan 2020
 - Te Ahiwaru Waiohua Environment Plan Te Whakawhanake o to tatou iwi, hapu, whanau (2019)
 - Te Kawerau ā Maki Resource Management Statement (1995)
 - Te Uri o Hau Kaitiakitanga o Te Taiao (2011)
 - Waikato-Tainui Environmental Plan: Tai Tumu Tai Pari Tai Ao Our Plan our Environment our Future (2013)
130. These iwi planning documents generally address the requirements for engagement and participation in resource management decisions, identify specific areas of interest, and the protection of wāhi tapu or significant cultural sites. Maintenance of access to significant sites, including for customary use, is identified as important in several iwi planning documents.
131. No specific references to filming or requirements for filming were identified when reviewing these iwi planning documents, but it is recognised that they could include requirements for filming. Some iwi/hapū have indicated an intention to include specific film protocols in their planning documents.
132. The plan change requires a film permit to be consistent with any relevant iwi planning document and for Mana Whenua to be consulted. The tangible and intangible values of scheduled SPSMW will continue to be protected while enabling temporary filming activities to occur as a permitted activity in council-controlled public places subject to a film permit under the Bylaw.

Section 8: Statutory Evaluation under the RMA

133. The potential options are assessed against the relevant provisions of the RMA.
134. The provisions are the most appropriate to meet the objectives in Chapter D21 to protect and enhance the tangible and intangible values of SPSMW for the following reasons:

- a. There is no challenge to the significance, values or associations with the scheduled SPSMW, which are a matter of national importance in accordance with Section 6(e) and shall be recognised and provided for;
- b. The provisions protect protected customary rights (Section 6(g));
- c. Relying on the film permit process as another method will ensure that the consideration of temporary filming activities has particular regard to kaitiakitanga (Section 7(a));
- d. Development of the provisions has occurred in partnership with Iwi and Hapū having regard to the principles of the Treaty of Waitangi (Section 8); and
- e. Sustainable management of SPSMW will be achieved through their ongoing protection while enabling filming activities that provide for the social, economic and cultural well-being of the community and avoid, remedy and mitigate adverse effects on the environment (Section 5).

135. In accordance with case law the other relevant statutory provisions of the RMA are set out below:

- Section 30 Functions of regional councils under this Act
- Section 31 Functions of territorial authorities under this Act
- Section 72 Purpose of district plans
- Section 66 Matters to be considered by regional council (plans)
- Section 67 Contents of regional plans
- Section 68 Regional rules
- Section 74 Matters to be considered by territorial authority
- Section 75 Contents of district plans
- Section 76 District rules
- Section 80 Combined regional and district documents
- Section 86B When rules in proposed plans have legal effect
- Schedule 1 Consultation with iwi authorities
Clause 3B
- Schedule 1 Further pre-notification requirements concerning iwi authorities
Clause 4A

136. The Council is a unitary authority and the AUP is a combined regional and district document. Preparation of the plan change is undertaken in accordance with Section 80 of the RMA which sets out the approach to which local authorities may prepare, implement, and administer the combined regional and district plans.

137. Operative rules for SPSMW are identified in the AUP under the following duties and restrictions under the RMA: land use and development (Section 9(3)), subdivision (Section 11), and regional coastal plan (Section 12(1)), 12(2), or 12(3)). Therefore, the proposal changes the district plan and regional coastal plan and has been prepared in accordance with the relevant parts of Schedule 1 (Section 80(9)(a)).

138. Overall, it is considered that a plan change would assist the Council in carrying out its functions set out in Sections 30(1)(a) and 31(1)(a) of the RMA to meet the requirements of the prescribed sections of the RMA set out above. The provisions (including the film permit process) are an appropriate method to achieve the objective of protecting and enhancing the tangible and intangible values of SPSMW to achieve integrated management that provides for temporary filming activities.
139. The proposal has been assessed against the relevant national and regional planning context and gives effect to the AUP Regional Policy Statement, New Zealand Coastal Policy Statement, and the Waitakere Ranges Heritage Area Act in accordance with Sections 67(3) and 75(3) of the RMA. The plan change is not inconsistent with the regional coastal plan (Sections 67(4)(b) and 75(4)(b)) or Proposed Plan Change 80 to the RPS (Section 74(2)(a)(i)).
140. The proposal has regard to relevant other matters including the Auckland Plan 2050, the Crown's interest in the Coastal Marine Area, relevant entries on the New Zealand Heritage List/Rārangi Kōrero required by the Heritage New Zealand Pouhere Taonga Act, and Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act (Sections 66(2) and 74(2)).
141. Relevant planning documents recognised by iwi authorities and lodged with the Council have been taken into account in accordance with Section 74(2a) and 66(2A).
142. This evaluation demonstrates that the plan change has been prepared in accordance with the Council's functions, the provisions of Part 2 of the RMA, the obligation to prepare an evaluation report and have particular regard to it, and relevant national policy statements and standards as set out under Sections 66(1) and 74(1).
143. District and regional rules must be able to be carried out via the Council's functions under the RMA and to achieve the objectives and policies of the plan, and in making a rule regard shall be had to the actual and potential effect on the environment of activities (Sections 68 and 76). The plan change amends an operative rule in the AUP, which has previously been confirmed as meeting the statutory requirements.
144. A rule in a district plan does not have legal effect until a decision on submissions relating to the rule is made and publicly notified (Section 86B). A rule in a proposed plan has immediate legal effect if the rule protects historic heritage (Section 86B(3)(d)). While the provisions relate to SPSMW they do seek to change the current protection. Therefore the proposed rule does not have immediate legal effect.
145. There is no Mana Whakahono a Rohe in place in Tāmaki Makaurau. Consultation with Iwi Authorities has been undertaken in accordance with Clause 3B of Schedule 1 and is detailed above (Section 4: Development of options).
146. A copy of the draft plan change and Section 32 evaluation report was provided to iwi authorities, and regard has been given to feedback in accordance with Clause 4A of Schedule 1.

Section 9: Conclusion

147. This plan change seeks to identify temporary filming activities on SPSMW that are public places as a permitted activity and rely on the film permit process under the Bylaw to ensure opportunities for iwi/hapū participation in decision-making, acknowledgement of the appropriate tikanga for the site and protection of the tangible and intangible values.
148. Section 32 of the RMA requires that before adopting any objective, policy, rule or other method, the Council shall carry out an evaluation to examine:
- The extent to which each objective is the most appropriate way to achieve the purpose of the Act, and
 - Whether, having regard to their efficiency and effectiveness, the policies, rules or other methods are the most appropriate for achieving the objective.
149. The evaluation must also take into account:
- The benefits and costs of policies, rules, or methods; and
 - The risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods.
150. An analysis of options to enable temporary filming on SPSMW has been undertaken in accordance with section 32(1)(b) and (2) of the RMA. The options analysed are:
- Option 1 - Status quo to retain the current requirement for resource consent as a restricted discretionary activity for any temporary filming activities.
 - Option 2 - Amend Chapter D21 Sites and Places of Significance to Mana Whenua to identify filming in public places as a permitted activity.
 - Option 3 - Amend Chapter D21 Sites and Places of Significance to Mana Whenua to identify filming on public places as permitted activity subject to meeting permitted development standards.
 - Option 4 - Amend the definition of Temporary Activities to exclude short-term filming activities managed under the Auckland Film Protocol or the Bylaw.
 - Option 5 - Retain the requirement for resource consent as a restricted discretionary activity and transfer the power to determine applications for filming to Mana Whenua under section 33 of the RMA.
151. Option 3 is the recommended option.
152. This option best achieves Part 2 of the RMA, gives effect to the New Zealand Coastal Policy Statement and AUP Regional Policy Statement, and has regard to the Local Government Act, Ngā Mana Whenua o Tāmaki Makaurau Collective Act, Hauraki Gulf Marine Park Act, Heritage New Zealand Pouhere Taonga Act, Auckland Plan 2050, and relevant iwi planning documents.
153. The plan change is the most efficient, effective and appropriate means of addressing the resource management issue identified.

List of Attachments

Attachments	
A1	Hill Young Cooper Ltd (July 2022) Filming on Sites and Places of Significance to Mana Whenua: Issues, Options and Next Steps
A2	Filming on Sites and Places of Significance to Mana Whenua Iwi and Hapū Engagement, March 2023
A3	Filming on Sites and Places of Significance to Mana Whenua Iwi and Hapū Engagement, April 2024
A4	Summary of feedback from Iwi and Hapū
A5	Evaluation of options