

Attachment A: Key submission themes and recommended amendments to the draft Auckland Film Protocol based on consultation feedback

Staff are working through the detailed submissions received to determine and recommend changes to the draft Auckland Film Protocol. Table 1 show key submission themes where change to the Auckland Film Protocol was suggested. For each key submission point a proposed staff response and recommended amendments to the Auckland Film Protocol are shown. Table 2 shows minor changes suggested to the Auckland Film Protocol by submitters where staff recommend that these changes be made for clarity. Table 3 shows a summary of themes where submissions indicated a broad level of support for the inclusion of these topics in the Auckland Film Protocol.

All recommended amendments to the Auckland Film protocol are shown in track changes in Attachment B.

Table 1: Key submission themes

Theme	Summary of key submission points	Proposed staff response	Recommended amendments
Use of drones	Drones can be harmful to native birds, disrupting nesting and feeding. The potential negative effects, particularly on endangered native species needs to be prevented. Need to consider restricting or prohibiting filming in some locations at some times of the year.	<p>The use of drones is regulated by the Civil Aviation Authority. Auckland Council as a landowner has put in place a Code of Conduct to regulate the use of drones in public open space.</p> <p>The draft Auckland Film Protocol included a new section on the use of drones for commercial filming and requires film makers to apply for a permit to film and to comply with the Auckland Council Code of Conduct and bylaws. As the use of drones for both commercial and recreational purposes has increased concerns about drone may be the result of both recreational and commercial use and the Protocol only manages use for the purpose of commercial filming.</p> <p>The Auckland Council Code of Conduct does restrict the use of drones around birds, to some extent; however, this was not restated in the draft Protocol. It is recommended that a summary of key provisions from the Code of Conduct is included in Section 4.3.11 of the draft Protocol.</p> <p>It is also recommended that Section 3.4.11 be amended to note that filming in some locations may be restricted or subject to additional conditions to avoid harm to native birds and to include additional guidance on drone use where native birds are present at a film location and reference to the protection of native species under the Wildlife Act 1953.</p>	Amend Sections 2.3, 4.3.11 and Key New Zealand Legislation section
	Drones can spook livestock and horses; in some areas where horse riding is a common	The Auckland Council Code of does restrict drone use in proximity to livestock; however, this was not restated in the draft Protocol.	Amend section 4.3.11

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	activity this can result in safety risks for the horse and rider. The impact of drones on livestock and horse riders needs to be managed.	It is recommended that a summary of key provisions from the Code of Conduct is included in Section 4.3.11 of the draft Protocol.	
	Drones can cause concerns for other users and neighbours of public open space. Need to ensure that drone use does not impinge on the privacy of other users and neighbours and that it does not overly impact on other users' enjoyment of public places.	The Auckland Council Code of does restrict drone use in proximity to other users of parks and over adjoining private properties; however, this was not restated in the draft Protocol. It is recommended that a summary of key provisions from the Code of Conduct is included in Section 4.3.11 of the draft Protocol.	Amend section 4.3.11
	Screen sector submitters generally supported the need to permit and regulate the use of drones for commercial filming in public open space. Some submitters noted that other commercial uses of drones should also be regulated as it can result in negative public perceptions of drone use.	When a drone is being used for commercial filming purposes over public open space Auckland Council requires drone users to apply for a permit to film. This requirement is stated in the draft Auckland Film Protocol. Regulating the use of drones for other commercial purposes is out of the scope of the Auckland Film Protocol.	No change
Impact on the natural environment	Overall most submitters agreed that it was important to ensure that the impact of filming on Auckland's natural environment is managed and most public submitters felt that the Protocol does enough to manage the impact that filming on the environment. However, some submitters felt that the Protocol should contain stronger messaging around the importance of respecting and protecting the natural environment.	The Auckland Film Protocol includes a number of sections which refer to managing the impact of filming on natural environments. To address submitter concerns it is recommended that section 3.9 be amended to include: <ul style="list-style-type: none"> • stronger messaging about the importance of respecting and protecting Auckland's natural environment • clarify that film permits may be subject to conditions to manage effects of a film proposal and filming in some locations may be restricted or prohibited where the effects of a film proposal cannot be appropriately managed 	Amend Section 3.9
	There is a need to consider the environment impact of filming when assessing permit applications; including the potential impact of special effects on the natural environment.	Assessing the potential impact of filming on a particular natural environment or location requires the consideration of a range of factors, including but not limited to consideration of the nature of the film proposal and scope and scale of filming activity. While one film proposal may be able to appropriately manage the potential impacts on a particular location, another may not be able	Add a new section to Table One and amend section 4.10

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		<p>to appropriately manage the potential impacts on that same location.</p> <p>To recognise that the impact of a film proposal is assessed but varies dependent on a range of factors, it is recommended that:</p> <ul style="list-style-type: none"> • a new section be added to Table One noting that assessment of environmental impacts takes into account a range of factors; • section 4.10 is amended to note that where special effects are planned the impact on the natural environment and wildlife will be considered and the use of special effects may be subject to conditions and / or restrictions. 	
	<p>It is important to manage the potential impact of vehicles on beaches and in coastal areas. Filming should avoid the use of vehicles if possible or use only the minimum number necessary.</p>	<p>Auckland Council regulates vehicles on beaches in the Auckland Council Public Safety and Nuisance Bylaw and Council must also give effect to Policy 20(1) of the New Zealand Coastal Policy Statement. This is reflected in section 4.3.6 of the Auckland Film Protocol.</p> <p>To reinforce existing provisions on the use of vehicles on beaches it is recommended that section 4.3.6 is amended to state that vehicle use should where ever possible be avoided of kept to the minimum necessary.</p>	<p>Amend Section 4.3.6</p>
Kauri dieback	<p>Most submitters agreed that it was very important to protect kauri and supported the inclusion of requirements in the draft Protocol. However, it was suggested that the Protocol needs to ensure that these requirements apply to all public open space.</p>	<p>To support Auckland Council efforts to protect kauri across the Auckland region it is recommended that section 4.3.4 be amended to ensure that conditions may be placed on film permits in any public open space where kauri are present.</p>	<p>Amend Section 4.3.4</p>
Impact on native species	<p>Most submitters supported the addition of section 3.12 and noted that it is very important to protect native species.</p> <p>However it was noted that the section largely focuses on biosecurity and suggested that the Protocol should contain more emphasis on protecting native flora and fauna, in particular native birds from the potential impact of filming</p>	<p>The impact of filming on native flora and fauna is considered in a number of sections of the Auckland Film Protocol. To address submitter concerns it is recommended that section 3.12 be amended to note that the impact of filming on native flora and fauna will be assessed and filming may be subject to conditions and / or restrictions to protect native flora and fauna.</p> <p>Noise and lighting can have a negative impact on native birds. It is recommended that section 3.1.5 be amended to note that in some</p>	<p>Amend Sections 3.1.5 and 3.12</p>

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		<p>locations it may be necessary to consider the impact of noise and lighting on wildlife such as native birds and conditions may be put in place to manage these impacts.</p> <p>Sections 2.3 (FAQ on drones), 4.3.11 and section 4.10 have also been amended to give greater consideration to the impact of filming on wildlife such as native birds.</p>	
Impact on access to public open space	<p>Overall most submitters felt that the Auckland Film Protocol does enough to manage the impact that filming on public open space.</p> <p>Some submitters noted that while some areas of an open space might be in use for filming there was generally still plenty of space for other users.</p> <p>However, some submitters felt that filming had resulted in significant inconvenience due to restricted access to public spaces such as footpaths, local roads, parks, reserves and beaches.</p>	<p>Under the terms and conditions of a film permit film makers are provided with limited permission to occupy public open space. This means that the public are still able to access public open space, although access to some areas may be restricted for a period of time to avoid interruptions to filming and ensure public health and safety. This condition is not explicitly restated in the Auckland Film Protocol.</p> <p>The draft Protocol requires film makers to ensure (Section 3.1.3), unless expressly permitted, continued public pedestrian access. In addition, film permit terms and conditions require that film makers ensure access for residents, businesses and emergency vehicles are available at all times, that the public is not unduly inconvenienced and that public and private access ways are clear at all times.</p> <p>All part or full road closures, for the purpose of filming, are undertaken in accordance with the requirements of the Local Government Act 1974 and are publicly notified.</p> <p>For avoidance of doubt, it is recommended that sections 2.1 and 3.1 are amended to state that a film permit gives production companies limited permission to occupy and use public open space.</p>	Amend sections 2.1 and 3.1
Notification	Notification of local residents. Some submitters noted that they or other residents have been inconvenienced due to filming in their local area. Noting that filming may for example, restrict access to parking, footpaths,	<p>Section 3.1.8 sets out minimum requirements for the notification of residents and businesses in the area impacted by filming, including in relation to road closures.</p> <p>Road closures (including closures of footpaths) for the filming are undertaken in accordance with the requirements of the Local Government Act 1974 and must be notified in printed news media.</p>	Amend section 3.1.8

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	<p>and some parts of a local park or to local roads.</p> <p>In contrast some submitters noted that they experienced filming in their local area and felt that they were well informed.</p>	<p>In addition to this Auckland Transport publishes information about road closures on its website. It is recommended that section 3.1.8 is amended to reference requirements for public notification by print media and that further information about road closures is available on Auckland Transports website.</p>	
	<p>Wider notification of filming should occur to enable:</p> <ul style="list-style-type: none"> • Avoidance of areas where filming is taking place. Some submitters noted that residents travel some distance to access public open space for recreational purposes and can be inconvenienced if filming is occurring. • Interested residents of Auckland to watch filming on location. Some submitters noted that they would like to know where filming is occurring so that they have to opportunity to see filming on location. 	<p>Notification requirements in the Protocol focus on informing residents and business in the area impacted by filming. Wider notification of filming could reduce the risk of inconvenience to residents who may intend to use public open space but effective notification would be complicated by a range of operational factors including:</p> <ul style="list-style-type: none"> • the date and / or timing of location filming is subject to change at short notice, as a result of weather and other considerations, and if notifications were not up-to-date it may not effectively inform potential users; • it would be difficult to put in place a single notification platform or media that would reach all potential users of public open space. <p>Putting in place mechanisms for wider notification does not require an amendment to the Auckland Film Protocol and it is recommended that Screen Auckland consider potential operational approaches to achieving wider notification.</p>	<p>No change</p> <p>Screen Auckland to consider operational approaches to achieving wider notification.</p>
Compliance and enforcement	<p>Many submitters noted that while for the most part film makers act responsibly some do not and there needs to be:</p> <ul style="list-style-type: none"> • a stronger emphasis on compliance in the Protocol; • a stronger focus on enforcement when production companies do not comply with their film permit, rules, regulations or policy of Auckland Council. There should be consequences and / or disincentives for those who do not comply. 	<p>The Auckland Film Protocol states in a number of places that film makers are required to comply with Auckland Council policies, plans, bylaws and the terms and conditions of their film permit and that non-compliance may result in enforcement.</p> <p>Enforcement is limited to the powers available to Auckland Council under legislation such as the Local Government Act and the Resource Management Act to enforce breaches of bylaws and policies and plans like the Auckland Unitary Plan.</p> <p>To address submitters concerns it is recommended that sections 3.2. and 3.3 be amended to increase emphasis on compliance.</p>	<p>Amend Sections 3.2 and 3.3</p>

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Health and safety	<p>Most submitters generally agreed that health and safety, for screen sector workers and members of the public, is important and supported the addition of section 4.6.</p> <p>However some screen sector submitters noted that it is challenging to meet the timeframes specified for submitting a site specific health and safety plan.</p>	<p>Health and Safety in New Zealand workplaces is regulated by the Health and Safety at work Act 2015. Section 4.6 was added to draft Auckland Film Protocol to recognise Auckland Councils obligations under the Act when filming is occurring in public open space.</p> <p>It is recommended that section 4.6.1 be amended to enable production companies to arrange an alternative timeframe for the submission of a site specific health and safety plan under some circumstances. It is also recommended that this section be amended to require production companies to provide general crew safety notes which typically specify general health and safety provisions in place for all crew regardless of location.</p>	Amend section 4.6.1
Impact on business	<p>Overall most submitters felt that the Auckland Film Protocol does enough to manage the impact on businesses who are in areas where filming is taking place.</p> <p>However, some screen sector submitters noted:</p> <ul style="list-style-type: none"> • that the permitting process can seem overly bureaucratic and conditions and restrictions placed on filming in some locations can have a negative impact on businesses working with the screen sector • the addition of new requirements and conditions was resulting in increased red tape. 	<p>The Protocol is intended to create a framework that enables decisions to be made on a case-by-case basis. This will mean that sometimes conditions or restrictions are required to balance potential impacts of filming in a particular location.</p>	No change
Equity	<p>The use of public open space needs to consider the cost of providing public open space to ratepayers and ensure that the rates for commercial use of open space are fair and equitable.</p>	<p>Fees for commercial use of public open space including commercial and organised filming are set under the Auckland Council Trading and Events in Public Places 2015 bylaw and are amended through the long term plan and annual plan process.</p>	No change

Table 2: Minor changes to the Protocol in response to submitter feedback.

Themes	Submitter suggestion	Proposed staff response	Recommended amendments
Waitākere Ranges Heritage Areas Act	The draft Protocol made a small number of references to the Waitākere Ranges Heritage Areas Act. It was suggested that the Act needs to be referenced in a number of other parts of the document and that more information about the objectives of the Act should be included.	The Waitākere Ranges Heritage Areas Act recognises the national, regional and local significance of the Waitākere Ranges area. It is recommended that sections 2.1 and 4.2 are amended to refer to the Waitākere Ranges Heritage Areas Act and that the Key Legislation section is amended to include reference to the objectives of the Act.	Amend sections 2.1, 4.2 and Key New Zealand Legislation section
Screen Auckland Reserved Parking document	Section 4.2.1 refers to the Screen Auckland Reserved Parking (SARP) document. It was suggested that this should be defined in the document.	The Auckland Film Protocol refers to the Screen Auckland Reserved Parking Document which outlines operational requirements when reserving parking areas for film activities. It is recommended that a definition be added to the glossary to state this.	Amend glossary
Recces	Recces are undertaken to assess the suitability of locations for filming. It was suggested that the Protocol could be clearer that any filming activity undertaken during a recce must be low impact in nature.	Recces are undertaken by screen production companies before a film permit has been granted to assess the suitability of a location for filming. It is recommended that section 2.3 is amended to include a new frequently asked question which clarifies that any recces undertaken must be low impact and production companies must comply with the requirements of the Auckland Film Protocol during recces.	Amend Section 2.3

Table 3: Summary of key support for topics.

Topic	Submitter views	Recommended response
Impact on cultural heritage	<p>Overall most submitters felt that the Auckland Film Protocol does enough to manage the impact that filming has on cultural heritage.</p> <p>Most submitters noted that it was important to ensure cultural heritage sites are treated with respect.</p>	No change required
Filming on the water	<p>Most submitters supported the addition of section 4.3.7, noting that health and safety considerations on the water are important. Note all those who commented on this matter were individuals or organisations working in the screen sector.</p>	No change required
Waste and sustainability	<p>Most submitters, including those submitters who work in the screen sector, agreed that it was important to minimise and manage waste to landfill and agreed that it was important for the screen sector to play their part.</p> <p>Many of the screen sector submitters noted that they feel practice in this area is improving and agreed that it should continue to be a focus.</p>	No change required
Core Commitments	<p>Most submitters were supportive of the streamlined Core Commitments section, although some submitters noted that it was important to ensure that the process of film permitting is also streamlined.</p>	No change required