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NZ Local Government Filming Protocol

***A Guide to Location Film Activities and
Regulatory Best Practice for Local Government***



Local Government New Zealand
te pūtahi matakokiri



FOREWORD

INTRODUCTION

Why a guide on location filming?	ix
What does the Guide cover?	ix
Who will this Guide benefit?	x
How did this Guide come about?	x
What happens next?	x

PART ONE

CHAPTER ONE: Background to Location Filming

1. The Film Industry in New Zealand	13
1.1 Outline of filming as a business	13
1.2 Types of location filming	13
1.3 The typical filming process	14
1.4 Timeframes	14
1.5 Common filming locations	15

CHAPTER TWO: Location Filming and Council Regulations

2.1 From the film-maker's perspective	17
Tight timeframes	17
Certainty	17
Clear, consistent standards	17
Access to experienced staff	18
An appropriate regulatory framework	18
2.2 From the council's perspective	18
Feedback from discussions	18
2.3 Reasons for the current situation	19
Lack of understanding of film industry needs	19
Limited experience with the effects of filming activities	19
Low levels of tolerance by some communities	19
Film crews being unfamiliar with local procedures	19
2.4 The economic, social and environmental effects of filming	20
Economic effects	20
Social effects	21
Environmental effects	21

CHAPTER THREE: Current Practice Dealing with Location Filming

3.1 Overview of common approvals	23
Council approvals	23
Other (non-council) approvals	24

PART TWO

3.2	Council approvals processes	24
	Using a film co-ordinator	24
	Using an events co-ordinator	24
	Using ad hoc systems	24
	Streamlining the typical approval process	24
3.3	Fees for processing approvals	25
	Policies	25
	General fees	26
	Fees for the use of parks	26
3.4	Filming and roads	26
	Filming on road sides and stop/go traffic management	26
	Temporary closure of a road to traffic	28
	On-street parking management	29
	Transit New Zealand	29
3.5	Access to utilities	29
3.6	Use of council parks and reserves	30
	Use of reserves under the Reserves Act 1977	30
	Reserves not under the Reserves Act	31
	Examples of council processes to manage filming on reserves	31
	Reserve land not controlled by councils	32
3.7	Building consents	32
3.8	Use of lakes, rivers and coastal areas	33
	Ownership	33
	Activities in lakes and rivers and in coastal areas.	33
	Maritime Safety Authority requirements	34
	Navigation	34
3.9	Use of dangerous goods	34
3.10	Use of helicopters and/or aeroplanes	34
3.11	Occupational health and safety	34
3.12	Rural fire controls	35
3.13	District Plans, Regional Plans and resource consents	35
	Concerns about temporary activity rules	37

CHAPTER FOUR: Developing Best Practice for Film-Friendly Processes

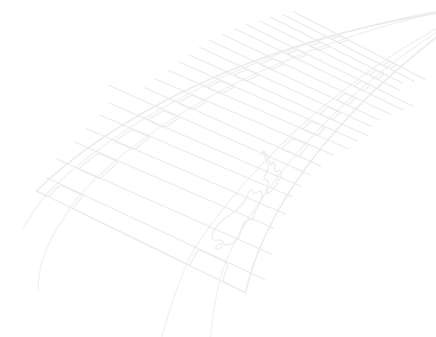
4.1	Developing policy	39
4.2	Consultation protocols	40
4.3	Approval processes	40
4.4	Use of parks and reserves	41
4.5	Temporary road closures and traffic management	42
4.6	RMA resource consents	42

CHAPTER FIVE: Regulatory Best Practice

Best Practice 1: Developing film-friendly policies	47
Best Practice 2: Appointing a film co-ordinator	48
Best Practice 3: Consultation	48
Best Practice 4: Processing applications	49
Best Practice 5: A Step-by-Step Guide to Issuing Approvals	49
Step 1: Pre-application process	49
Step 2: Lodging the application	50
Step 3: Filming and clean-up	51
Best Practice 6: Traffic control	55
Temporary traffic control	55
Temporary road closures	55
Best Practice 7: Use of reserves and open spaces	57
Best Practice 8: Other approvals (except resource consents)	59
Building consents	59
Use of explosives, firearms, helicopters and/or aeroplanes	59
Use of lakes, rivers and coastal areas	59
Best Practice 9: District and Regional Plans	61

APPENDIX

Appendix 1: Film New Zealand	63
Appendix 2: Generic Application Form	64





**From the Local Government New Zealand National
Council Spokesperson on Economic Development
- Mayor Sukhi Turner**

I present to you the Guide to Local Filming Activities and Regulatory Best Practice Guidelines for Local Government – The New Zealand Local Government Filming Protocol.

The filming industry is now big business in New Zealand. Turnover in the industry is estimated at \$1.2 billion in 2001 and foreign production financing has grown strongly as overseas companies realise the benefits of filming in New Zealand. The local industry is also growing and is spreading into provincial areas with consequential economic spin-offs.

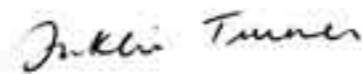
In order to provide a receptive environment for both the international and domestic industry, the screen production industry is dependent upon sound local authority regulatory practices that meet the need of the industry. The industry has specific needs in terms of flexibility, responsiveness, certainty and cost.

As a reflection of the partnership between central government and local government, Industry New Zealand has commissioned *Local Government New Zealand* to prepare this Filming Protocol.

In preparing this Protocol, an assessment of the needs of the film industry has been undertaken, a review of current best practice from among local authorities has been completed and a series of roadshows were held in Auckland, Napier, Taranaki, Wellington, Christchurch and Dunedin. Staff involved in the local authority regulatory practices – including resource consent planners, roading engineers, building consents staff, economic development staff, and policy staff, attended these meetings, and provided a peer review group that considerably enhanced the value of the Protocols.

The Protocol has been prepared by Hill Young Cooper and their principal consultant involved on this project, David Mead. The development of the guidelines was overseen by a small project team who I would also wish to thank – Rob Arlidge, Industry New Zealand, Brian Saipe, Enterprise Waitakere, Kate Doherty, Film New Zealand, Anne Verboeket, EDANZ, and Tim Davin, Local Government New Zealand.

The Protocol is designed in a way that we hope will gain ready acceptance by local authorities and it is our aim that as many local authorities as possible will adopt these guidelines as regulatory best practice. In this way, we will all continue to significantly contribute to the social and the economic wellbeing of our communities.



MAYOR SUKHI TURNER
Dunedin City Council



Why a guide on location filming?

The screen production industry in New Zealand is now big business. Turnover has been rising steadily, from \$570 million in 1994 to \$1,159 million in 2001. Over the last few years foreign production financing has grown strongly as overseas companies realise the benefits of filming in New Zealand.

This burgeoning of film-making and its spread across the country increases its potential effect on communities, and makes it timely for councils to review their procedures to manage filming activities. Filming is no longer an occasional 'event'. It is an industry in its own right, and council policies and plans need to reflect this. As a result, Industry New Zealand has contracted Local Government New Zealand to prepare a best practice guide for film-friendly regulatory practices to help ensure this impact is positive.

What does the Guide cover?

The *NZ Local Government Filming Protocol: A Guide to Location Filming Activities and Regulatory Best Practice for Local Government* describes best practice for the issuing of District, City and Regional council approvals needed to undertake location filming, such as TV commercials, documentaries, feature films and TV series. Location filming is filming that is carried out 'on location', not within a studio. The Guide sets a standard by which councils can be judged to be 'film friendly'.

The Guide is intended to help councils carry out their statutory duties to protect the environment and represent the interests of their communities, while encouraging the economic benefits of location filming. For areas that have already experienced considerable filming, the Guide provides the opportunity to review and fine-tune procedures. For areas yet to experience significant filming activity it will help councils put in place effective procedures ahead of demand.

This Guide does not address approvals from central government agencies, such as the Department of Conservation, or from Transit New Zealand when state highways are involved. These agencies should be contacted directly when filming involves the need for their approval. Neither does it cover actions to promote the attractions of a city or district to the wider screen production industry.¹ Many councils are preparing economic development strategies to promote filming in their area, and councils are encouraged to adopt film-friendly approval practices as part of their marketing strategies.

The Guide is divided into two sections:

- a background report on the film industry as it affects local government, which provides information on location filming, current practice with regard to filming approvals, and ideas on how to improve practice
- a best practice guide, which sets out the recommended processes and policies that councils should follow to be film friendly.

¹ The screen production industry covers a variety of activities associated with filming, including pre- and post-production activities as well as location and studio-based filming.

Who will this Guide benefit?

While this Guide is primarily directed at councils, it will also be helpful for the film industry. For the business to be sustainable in the long run, it must protect the environment and work alongside communities. If film productions upset communities and adversely affect the environment, then two of the fundamental elements that make New Zealand such an internationally desirable film location will be undermined.

How did this Guide come about?

This report builds on the work undertaken as part of the Filming Activity Approvals Streamlining Project.² That project scoped the regulatory issues associated with filming and recommended that a best practice guide be developed. The 'Streamlining' report further recommended that various actions be undertaken to publicise the best practice guide and encourage its adoption.

Developing the Guide has involved:

- interviewing location managers and other people involved in the screen production industry, to gain an understanding of location-filming needs as they relate to council approvals
- interviewing council film co-ordinators and business enterprise and economic development staff involved in the promotion of filming and (in some cases) the approvals process
- reviewing relevant reports and background material, including current council policies and recent approvals and resource consents
- interviewing a number of council staff involved in issuing approvals
- contacting relevant central government agencies involved in processing filming approvals
- preparing a draft report setting out location filming needs, current practice and areas where there is the potential to improve practice
- facilitating six workshops around the country where council staff, film industry representatives and economic development agency representatives discussed ideas to improve approval processes
- preparing a draft guide and background report
- circulating this draft to councils and people involved in location filming, receiving their comments, and preparing a final guide.

The project has been overseen by a steering group comprising representatives of Local Government New Zealand (Tim Davin), Industry New Zealand (Rob Arlidge), Film New Zealand (Kate Doherty), EDANZ (Ann Verboeket) and Enterprise Waitakere (Brian Saipe). Appendix 1 provides details on Film New Zealand.

What happens next?

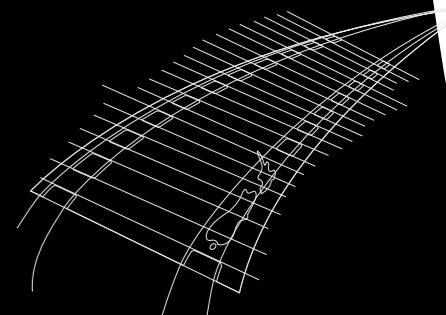
A further stage of the project will develop a marketing plan for the Guide that will:

- make councils aware of the Guide
- enable councils to commit to the Guide.

PART ONE

A Background Report on Location Filming and Local Government Approvals

² *Filming Activity Approvals Streamlining Project. Report for Industry New Zealand, from EDANZ, November 2001*







The Film Industry in New Zealand

1. This chapter looks at how the location film industry operates in New Zealand, the different types of location filming, and the particular regulatory needs of location filming activities.

1.1 *Outline of filming as a business*

The screen production industry in New Zealand is now big business. Turnover has risen steadily from the mid-1990s – from \$570 million in 1994 to \$1,159 million in 2001. Over the last few years foreign production financing has grown strongly as overseas companies realise the benefits of filming in New Zealand. Foreign investment took a significant step up with the Lord of the Rings production. While future years may not see such large one-off investments as that associated with Lord of the Rings, the prospects are for steady growth of the whole industry, both local- and overseas-financed.

A significant number of jobs are generated by the screen production industry. In 2001 up to 30,000 jobs were created by filming-related activities. While most of these were short-term, there is a wide range of permanent jobs associated with the industry.

Film companies are being attracted to New Zealand because of:

- the scenery – its diversity and accessibility
- competitive production costs
- reverse-season location
- the industry infrastructure – including skilled people
- trends – New Zealand is a 'hot' location.

The majority of expenditure is concentrated in Wellington and Auckland, with other significant centres being Christchurch, Queenstown and Dunedin. While production services are mostly located in these main centres, location filming occurs across the country.

1.2 *Types of location filming*

Location filming typically involves four different scales of activity:

- TV commercials, both local and overseas – many northern hemisphere-based production companies use New Zealand as a reverse-season location to prepare ads for their forthcoming season (eg, to film a summer ad in New Zealand during their northern winter)
- TV documentaries, magazine and video programmes
- feature films, dramas and TV series – a wide-range of films and TV series made by local and overseas companies are produced locally
- long-running TV series – these are mostly shot within studios, but can involve numerous outdoor locations, such as *Shortland Street*. Less common are series based entirely around outdoor locations, such as *Xena: Warrior Princess*, which was shot in a rural location in Waitakere City over a number of years.

The characteristics of these different types of location filming are summarised in Figure 1.

FIGURE 1: CHARACTERISTICS OF DIFFERENT TYPES OF LOCATION FILMING

TYPE OF PROJECT	LENGTH OF SHOOT	PRE-PRODUCTION TIMELINES	SETS / STRUCTURES	NUMBER OF LOCATIONS
TV commercials	1-10 days	Can be only 1-2 days; often a week at most	May involve some form of 'dressing' of buildings, or a temporary set. Often involves urban streets or rural roads	From one to many
Documentaries	Usually short: 1-2 days, up to 5 days per episode	Can be only 1-2 days; often a week at the most	Usually do not involve sets	Many locations
Feature film or short-run drama	2-3 months	Up to a month, but typically 2-4 weeks	Can involve temporary structures/sets	Varies depending on how much is shot within a studio
TV drama series	6 months and over	Longer timeframe to set up	Can involve elaborate sets/structures	Up to several main locations for the set, but many other locations may be involved

The number of people and vehicles involved varies greatly between productions. Large feature films and TV commercials can employ a crew of 30 to 50 people, plus cast and other workers, and can involve up to 50 vans, cars and trucks. On the other hand, documentaries may operate with just a few people and one van.

1.3 The typical filming process

A typical process of setting up a film involves the following steps.

- **STEP 1.** The location manager is approached about a potential film.
- **STEP 2.** The location manager scouts possible locations and informs the client, and the location's owner (eg, the council).
- **STEP 3.** The decision is made to proceed with the film.
- **STEP 4.** Final locations are agreed between the film's director, producer, location manager and others shortly before filming starts.
- **STEP 5.** Land owner approval is obtained, along with other approvals from councils.
- **STEP 6.** Pre-production starts, which may include building sets and preparing the site.
- **STEP 7.** The shoot is carried out.
- **STEP 8.** The sets are broken down and dismantled, and the site is cleaned up.

1.4 Timeframes

Timeframes are always compressed in the film business. Filming is a complex, creative enterprise, where many decisions have to be made on the spot as a project develops. The time between when locations are selected and filming starts is often short, and there is always pressure to reduce this to a minimum. Reasons for these short timelines include:

- screen productions involve comparatively large sums of money to set up and run, and there is always a need to keep pre-production and shooting costs down, especially where there is a large number of contractors involved
- overseas film crews and/or directors are often involved in the final decision on which locations should be used, which means that the final decisions are only made when these people arrive in the country, shortly before filming starts
- 11th-hour changes to locations due to changes to the film/commercial script
- the effect of weather changes
- the need to respond quickly to competitors (eg, preparing an advertisement that responds to the marketing strategy of a competing business).

The filming of TV commercials, feature films and drama series is an international business. While New Zealand offers many unique qualities in terms of the range of locations that can be found in a relatively small area, the New Zealand screen production industry has to compete with many other countries, including Australia, Canada and South Africa. Business decisions on where to film are influenced by the degree to which government and councils are 'film friendly'. And a large component of being film friendly involves efficiency and timeliness.

1.5 Common filming locations

Filming tends to be based around a number of 'hubs' where there is a critical mass of people and organisations with the skills and equipment to undertake filming and post-production. This includes directors, producers, technicians and crew, as well as advertising agencies and other companies who generate demands for filming. Important hubs are:

- Auckland
- Wellington
- Christchurch
- Queenstown
- Dunedin.

Each of these centres provides a different range of locations. For example, in Auckland popular locations are Devonport, the Waitakere Ranges, west coast, inner city, and surrounding rural townships (Helensville, Warkworth, and Pukekohe). In Wellington the prime attractions include city street scenes and regional parks.

While for logistical reasons filming tends to concentrate around hubs, filming can occur in any location across the country. With the growth of the industry and the search for new locations, more filming will occur in provincial areas. For example, in the South Island Twizel is now an important service centre associated with filming in the Aoraki/Mt Cook area. It is likely that there will be more activity in the future around towns like Nelson, Oamaru, and Alexandra in the South Island, and places like New Plymouth and Hawke's Bay in the North Island.

When selecting a location to film, the following criteria are important:

- the 'look' that is required for the particular film, especially if the production is attempting to replicate an overseas location
- efficient access to the location
- access to accommodation and services.



Location Filming and Council Regulations

2. This chapter examines the various requirements and pressures of location filming, and whether they can be accommodated within current council approval processes.

2.1 *From the film-maker's perspective*

Tight timeframes

The short timeframes associated with filming mean that the industry needs councils to turn around approvals quickly. Typical timeframes for filming activities – between deciding on a location and undertaking the actual shoot – can be as short as one to three days for commercials. For films and TV series, timelines can be longer (six to eight weeks pre-production and three months' shooting), but often multiple locations are involved, increasing the complexity of the approvals process. Such productions may also involve semi-permanent sets, and therefore may need to undergo more rigorous approval processes than those associated with TV commercials and documentaries.

Certainty

Closely related to timeliness is the issue of certainty. Filming activities need to be certain about the process involved in obtaining an approval, and the conditions that are likely to be attached to each approval. This certainty is important when deciding whether it is worthwhile pursuing a particular location.

A critical issue is whether formal public notification of a filming proposal is required – as part of a resource consent process, a temporary road closure or use of a reserve. Public notification involves the legal process of calling for objections and can involve lengthy delays. The time and uncertainty involved in these processes is the issue.

A viable alternative to formal public notification can be consultation with interested parties (both formal and informal), which can usually be accommodated within the tight timeframes associated with filming. Consultation can also be a much more effective method of finding out about and taking into account individuals' concerns than the formal process of notification.

A further factor affecting certainty is the extent to which a range of council departments have to be involved in vetting applications. Where there are no clear guidelines as to how a council should process applications, and what conditions may be attached, there is potential for delay and confusion.

Clear, consistent standards

There is a very strong desire expressed by film production companies for consistency across territorial local authority rules and processes. TV series and feature films may have 20 to 30 different locations, so varying standards across different councils can create additional paper work and problems with production timelines. An example of inconsistent practice is that associated with temporary road closures. Each council has its own interpretation of the statutory provisions for road closures, and these various interpretations cause confusion.

Access to experienced staff

In some cases councils are developing procedures to deal with film industry requirements in a timely way, but these procedures are often dependent on particular council staff who understand the needs of the film industry and the process that needs to be followed. When this knowledge is lost, or is not available, or the people involved in location filming do not know who to approach, this can cause problems and delays.

An appropriate regulatory framework

In some cases there is no policy framework in place to help assess and issue approvals. This can cause confusion when a filming approval application is lodged. In many cases the regulatory frameworks for resource consents, use of reserves and road closures do not reflect the varied timelines and environmental effects associated with filming, especially for TV series and feature films. The current regulatory environment is mostly set up to deal with filming as a short-term 'event' that spans a number of days, yet some filming activities can occur over a two- or three-month period.

2.2 From the council's perspective

Appropriate council approval processes help to foster the film industry in the long run. Councils have an important role as a 'go between' for the community, the environment and the film industry, and a lack of understanding of council processes by some people in the film industry does not help to build positive relationships between councils, the community and filming activities. While timeframes are very tight in the film industry, this is no excuse for unreasonable behaviour from its representatives. Councils report instances of filming companies failing to request approval to film, or turning up at the council offices moments before filming is about to start, or at 5 pm on Friday afternoon, requesting permission to film on Saturday or Sunday. Although these instances are rare, they nevertheless do not help in encouraging councils to set up more responsive processes.

Feedback from discussions

As part of the preparation of this Guide, workshops were held around the country with local and regional council staff involved in filming approvals processes, as well as economic development staff and location-filming industry representatives. Key points made from the local government perspective included:

- the need for people involved in location filming to understand that they have obligations with regard to obtaining approvals and ensuring that reasonable time is provided for this to occur
- the overriding importance of consulting early with councils and the community about proposals for location filming
- concern about overseas film companies that do not use local location managers, and that are often not aware of the need to obtain approval from a council to film in public areas
- concern that giving special treatment to location filming may cause inconsistencies in council processes, so that other business and community activities also demand quicker response times
- the benefits of using experienced location managers who know what approvals are required, and the timelines and the processes involved (eg, hiring professional firms to undertake specific tasks, such as the preparation of traffic management plans and to undertake on-site traffic supervision)
- the need for the screen production industry to put in place their own standards, training programmes and practices for location filming to help ensure good environmental stewardship and positive community relationships (many location managers do already put a great deal of effort into these aspects)
- standardised practices and common interpretation of statutory duties would help a lot in providing a responsive service, especially in areas where filming is not frequent enough to justify a full-time film co-ordinator
- film-friendly practices need to work alongside economic development policies if local areas are to fully benefit from the film industry.

2.3 Reasons for the current situation

It is clear from the above discussion that there are areas of potential misunderstanding and even conflict between film-makers and councils relating to location filming. Understanding why this situation has come about is a first step to resolving these issues.

Lack of understanding of film industry needs

Filming is a relatively young industry. While the 1970s were the beginning of New Zealand cinema's renaissance and the consolidation of the television industry, significant growth has only been seen since the mid-1990s. The speed of growth of the industry and its increasing spread across the country mean that many councils and communities are not familiar with film industry needs, especially the short timelines associated with filming. The development of an appropriate regulatory framework is therefore lagging behind the growth of the industry, and the preparation of this Guide is a recognition of this problem.

Limited experience with the effects of filming activities

Communities unfamiliar with filming can be suspicious of what may happen when filming occurs in their area – they often take a conservative 'wait-and-see' approach. There is no comprehensive review of the effects of the film industry on communities – either positive or negative – which can help to allay these fears. However, experience is showing that most filming activity occurs without substantial impacts on the environment or communities. In fact there are a range of positive economic and social effects associated with filming. Hopefully this Guide will help to overcome this lack of understanding of the film industry.

Low levels of tolerance by some communities

In some places that have seen a lot of filming the community can perceive the short-term disruption associated with filming to be unreasonable, such as in Devonport in North Shore City, where concerns are mostly over traffic issues. In other areas that have seen a lot of filming, such as the west coast communities in Waitakere City, the community is generally supportive of continued filming activity.

The most common negative effect associated with filming is disruption to traffic flows. Other issues (but much less common) appear to be:

- noise from generators
- after-hours activity (eg, when filming and packing up extends into the night)
- restricted access to reserves and along beaches when filming is under way.

The development of this Guide and the associated improvement to council (and film company) practices will help to ensure that bad experiences that might colour a community's view of filming are avoided.

Film crews being unfamiliar with local procedures

People new to the industry or new to New Zealand might not be aware of the need to obtain resource consents for some filming activities, council approvals for traffic management, or approval to use a public park. Such lack of understanding can easily create a bad relationship between production companies and councils. A number of suggestions have come forward during the preparation of this Guide as to how to deal with this issue, including:

- encouraging overseas production companies to use local expertise
- making understanding of approval issues part of industry training courses
- having councils prepare their own local Film Friendly Guide, which they can make available to location-filming activities in their area.

Long-term success depends on councils and the industry working together to lift the overall standard of practice.

2.4 The economic, social and environmental effects of filming

There is no comprehensive overview of the economic, social and environmental benefits and costs of location filming that can be used as a basis for a guide to regulatory practices. The following section provides a brief analysis of the effects of filming, based on the discussions held during the preparation of this report.

Filming is a transitory activity. Most location filming involves short bursts of activity associated with a TV commercial or feature film. This characteristic means that any negative effects (eg, on the environment) are usually short-lived, but then so too are the positive economic effects. However, filming is big business, often involving large crews, so while their stay in town might be short their large numbers can see a significant boost to a local economy.

Economic effects

Beneficial economic effects can be both national and local in terms of job creation and increased economic activity. While pre- and post-production services are mostly located in the main filming hubs, many smaller communities have reported significant economic benefits from filming. A recent example is Ashburton district, where 55 percent of local businesses in the Ashburton–Mt Hutt–Methven area reported in a survey that they had increased their turnover due to the presence of filming activities in the area.³ Another interesting example is Twizel, where the local community have organised themselves so that they can benefit from the film industry. This has included the local business community improving their responsiveness to requests for goods and services, and offering services such as catering and accommodation.

Specific effects include the following:

• **ECONOMIC EFFECTS**

National and local job creation

In 2001 filming in New Zealand was a billion-dollar business, involving over 30,000 jobs. Most of these jobs were temporary, with many workers employed on a contract basis. The prospects are for steady growth. As skill and experience levels rise and the country becomes a more regular destination for international productions, it is expected that work loads will become more stable, allowing for greater employment security.

Support for local businesses

The benefits include those associated with:

- accommodation, food and catering supplies
- other goods and services, including set construction
- jobs created by the need for extras
- work associated with security, transport and other related services.

Support for maintaining places of scenic and heritage value

Filming is a source of revenue that can help to maintain local places of scenic and heritage value. Fees for the use of public parks and open spaces go towards maintenance and development costs of these parks and reserves. Filming on private land generates income for landowners, which may mean that they do not need to pursue more intensive use of their land to make a living from it. In towns and cities, heritage buildings and precincts can benefit from the increased profile associated with their use as locations for filming.

Tourism

The scenery associated with many of the commercials, feature films and dramas made in New Zealand helps to attract visitors to the country.

Adverse affects on business

There is the potential that some businesses may be disadvantaged by loss of trade during a film shoot (eg, if filming disrupts access to the business). However, this effect is recognised by the film industry and is taken into account when selecting locations and through arrangements with directly affected businesses.

• **SOCIAL EFFECTS**

Increased job and training opportunities

The film industry provides a wide range of job opportunities, from highly skilled positions to more service-oriented occupations.

Increased feelings of local pride

At a local level the use of valued local places in a TV commercial or feature film can increase local community identity and pride. Nationally, the incorporation of New Zealand scenery and 'icons' into commercials and feature films increases our sense of identity as a nation.

Increased community activity

In areas that might otherwise be considered as somewhat off the beaten track, filming can be a novelty to the community, bringing colour and activity.

Feelings of over-exposure

The other side of the coin of the novelty value of filming is when a location is used often, in which case a community may begin to feel a 'picked on' or exposed to more than their fair share of filming. This may be where filming constantly occurs in popular public areas like reserves, beaches and on busy roads. However, overall there does not appear to be a widespread adverse response to location filming, even in areas that have experienced a considerable amount of filming.

• **ENVIRONMENTAL EFFECTS**

Positive environmental effects

These effects are associated with the economic benefits of filming to the natural and built environment. Filming is a 'green business' in that it generates a return from the natural resources of the country, while not harming them in any long-term way.

Adverse environmental effects

These effects are related to the potential short-term impacts associated with activities such as set construction, filming on roads and landscape modification. (These effects are reviewed in more detail in a later section of this report). Discussions held with various people and agencies during the preparation of this report suggest that most adverse effects are limited, and relate mainly to:

- disruption to traffic flows
- use of a reserve and concern about restricted access
- clean-up of sites after filming has finished.

Also mentioned are the effects associated with generators and lights, especially where these are used after business hours. These are all issues that can be dealt with through appropriate approval processes.

³ See *Summary Analysis of Film and TV Production Impact Study of the Ashburton District*, Enterprise Ashburton, 2000.



CHAPTER THREE

Current Practice Dealing with Location Filming

- 3** Having looked at issues associated with location film-making from the perspectives of both the film-makers and the councils, and in a very general way at how these issues have arisen, this section looks at current practice relating to council approvals processes and regulations.

3.1 *Overview of common approvals*

Council approvals

Councils have a statutory responsibility to protect the environment and to represent their community. Filming on public land – whether it be on a road or a reserve – raises issues relating to the need to protect the public interest, while facilitating the economic benefits of filming. People and communities expect the council to manage commercial activities so that the public can use roads and reserves when they want to. As a result, some form of management of filming is needed to balance public and private demands.

Approvals required or regulatory standards that must be complied with involve both central and local government. Local government (city and district councils and regional councils) approvals relate to:

- councils' statutory obligations under various Acts to manage the adverse effects of activities on the environment and on the community
- councils as significant landowners.

The two most common approvals required are for:

- controlling traffic on council-managed roads (stop/go or temporary road closure); in some cases councils may also require the prior approval of on-street parking where this is associated with filming on private land
- use of council parks, reserves and other public spaces, such as beaches.

Depending on the relevant District Plan, filming may also require a resource consent under the Resource Management Act 1991 to:

- undertake filming activities
- erect a set
- clear vegetation or modify landforms
- undertake an activity on the surface of lakes and rivers and in coastal areas.

Outdoor set construction may require building consent under the Building Act.

The need to comply with these regulatory requirements does not remove the need for filming activities to obtain the consent of landowners. It may also be necessary to consult with adjacent land users and other bodies and agencies. For example, iwi may need to be consulted in some situations.

Other (non-council) approvals

Non-council approvals and/or regulatory requirements include the use by filming activities of:

- national parks and reserves (Department of Conservation)
- Crown land (relevant government agencies)
- state highways (Transit New Zealand)
- dangerous goods and fireworks (Occupational Health and Safety, Department of Labour)
- firearms (New Zealand Police)
- boats (Maritime Safety Authority)
- activities in navigable waters (harbourmaster)
- safe use of vehicles and road safety, including overweight and over-dimension vehicles (local councils, Police and the Land Transport Safety Authority).

3.2 Council approvals processes

Councils have a variety of systems to respond to location-filming needs. Some councils are developing sophisticated processes targeted at meeting location-filming needs, using a film co-ordinator. In many cases film industry needs are co-ordinated as part of the council's events management process, while some councils have no specific processes and respond on a case-by-case basis. These three systems for managing the approvals process are described below.

Using a film co-ordinator

A film co-ordinator is a specific person or agency that acts as a liaison for filming activities, and usually combines a promotional role with that of managing the approvals processes. Film co-ordinators may be at arms-length from the council (eg, part of an economic development agency), or they may be in-house. In most cases the power to approve filming proposals rests with the council department, not with the film co-ordinator, so after initial discussions the film co-ordinator sends applications to the relevant council department(s) for their approval, and ensures that the application process occurs as smoothly as possible.

Film co-ordinators add considerable value to approval processes by:

- developing a relationship with the film industry, and being a known point of contact between the industry and the council
- acting as early warning systems by alerting film companies to particular problems with their proposals at an early stage
- using their knowledge of the local area to suggest alternative locations, where this is desirable either to avoid community concerns or to speed approval processes
- understanding the needs of councils and filming activities
- linking the council's promotional and approval processes together.

Using an events co-ordinator

In this case, filming on roads and public spaces is managed as part of the duties of a council events co-ordination team, who handle all community events involving public spaces. Events co-ordinators may handle some of the approval issues, or may pass matters on to relevant council departments.

Using ad hoc systems

In these cases no specific process is in place for filming. It may be necessary to approach a number of council departments, but often in smaller councils one officer may be able to deal with most approvals.

Streamlining the typical approval process

The timeliness of council approval processes varies a great deal, reflecting the individual council's policies, processes and delegations. These issues are discussed below in relation to specific council approvals, but in general where there are guidelines or policies in place along with the appropriate decision-making delegations, councils can respond to location-filming needs while also meeting their statutory obligations to protect the environment and the public interest.

As indicated above, there are a number of advantages to having one person or agency as a nominated film co-ordinator. To demonstrate this more clearly, the typical approval process, where a film co-ordinator is in place, involves the following steps.

- **STEP 1.** The location manager/scout makes early contact with the film co-ordinator and tells them when filming is likely to take place, the range of locations likely to be used, and any specific issues associated with the need to control traffic, erect structures or undertake other activities (such as using dangerous goods, performing stunts or using a helicopter), or if there is a need to restrict public access.
- **STEP 2.** The film co-ordinator and the film company then discuss the issues associated with the various locations. The co-ordinator points out any known or likely problems with the proposed locations. Local knowledge and experience is very important here. To help with these discussions, some co-ordinators have a list of 'hot spots' where they know filming may be difficult. Timelines are discussed, the range of council approvals identified, as well as which other agencies need to be approached for their approval
- **STEP 3.** The film co-ordinator then checks to see that the proposed filming dates do not conflict with other events, and that traffic control and other activities are not likely to be a problem. A specific need for community consultation may be identified at this point.
- **STEP 4.** Once the film company has determined the locations it will use, it lodges the necessary applications. In most cases the film co-ordinator circulates these to the relevant council department(s) for their consideration and approval. For a small shoot involving a van and a few people visiting a location for a short period of time, the film co-ordinator may be able to give verbal approval.
- **STEP 5.** An approval is issued, subject to specific conditions. These may relate to specific parts of the filming proposal, require a bond or some other financial security, and require that all other non-council approvals are obtained. Advice to surrounding landowners of the forthcoming shoot, by way of a letter-box drop, is also a common requirement. In some cases this consultation is carried out by the film co-ordinator.

3.3 Fees for processing approvals

Policies

Policies on fees vary considerably. Fees cover processing costs and the use of council reserves, or resource consent applications. In setting fees for the processing of approvals, councils consider:

- whether the council wishes to promote filming, and therefore will set fees to cover only part of their costs (or waive fees altogether)
- estimated staff costs
- consultation costs (eg, time involved in contacting other agencies)
- notification costs, such as the cost of placing a public notice in the local paper
- discounts that take into account applications involving multiple separate shoots
- lower charges for the renewal or alteration of an existing approval
- whether students or not-for-profit organisations are involved, in which case fees may be set aside
- late-filing fees (a penalty fee if applications are made at very short notice).

General fees

Processing fees range from zero to \$1500.00. Following are some examples of fees charged by councils in the main centres around the country.

- Waitakere City requires a fee of \$125.00 plus GST to process a traffic management plan. Added to this is a \$50.00 co-ordination fee charged by the council's film co-ordinator, Enterprise Waitakere. Costs increase if notification of a road closure is required.
- Auckland City fees range up to \$1200.00 depending upon the nature of the shoot.
- Wellington Regional Council charges a base processing fee of \$175.00. This fee increases if staff time adds up to more than the base fee
- Christchurch City Council charges a nominal processing fee of \$25.00.
- Dunedin City Council does not charge a processing fee.

Fees for the use of parks

Most councils charge for the use of reserves and open spaces. Fee schedules can reflect the size of the filming activity, the type of activity, and whether it involves a particular theme that the council wishes to support – such as conservation of the natural environment.

Examples of fees for TV commercials and feature films are (maximums):

- | | |
|-------------------------------|----------------|
| • Auckland Regional Council | \$1000 per day |
| • Christchurch City Council | \$300 per day |
| • Wellington Regional Council | \$500 per day |
| • Waitakere City Council | \$300 per day. |

Some councils charge an additional inspection/monitoring fee in some circumstances.

3.4 Filming and roads

Many filming activities use roads and streets as a setting. This usually requires temporary control of traffic for crew safety, for clean sound takes, or for a 'period' shot.

Most roads are controlled by either local councils or Transit New Zealand. In some cases formed roads are owned privately by companies, or by public agencies such as the Ministry of Defence or state-owned enterprises. Use of these 'private' roads for filming does not require approval from councils or Transit, and they can often provide good alternative locations if filming on a public road is likely to involve lengthy approval processes.

Control of traffic on public roads usually involves one or more of the following:

- filming on road sides and stop/go traffic management – temporary control of traffic for public and crew safety or clean sound takes
- temporary closure of a road to traffic
- on-street parking management.

Filming on road sides and stop/go traffic management

When roads are used as a film location and traffic needs to be controlled temporarily, most councils now require a traffic management plan to be submitted with film applications. These management plans describe the actions the film company will take to minimise both risks to motorists and disruption to traffic.

In processing these traffic management plans, the Police may be consulted by the council for traffic safety advice, although in many cases approval is issued on the basis that the production company will inform the Police of the production and comply with any of their requirements. In some cases applications to film on roads are checked by a range of council staff, such as environmental health officers, to ensure that there will be no disruption to adjacent businesses or other land uses from generators, lights or other associated equipment; or by infrastructure staff where the application involves access to services such as water supplies.

Some councils have adopted Transit New Zealand's *Code of Practice for Temporary Traffic Management*. However, many councils have held back from adopting the Transit code because it was designed for busier main roads, and they have felt that the code was too prescriptive for traffic control on quieter, local roads. Some councils make filming on minor local roads subject to the *Working on Roads* guideline, which is an older but simpler guideline than the Transit code.

The Transit New Zealand code is currently being updated to provide a standard for quieter rural and urban roads. This will make the code applicable to all situations, and it is recommended that all councils adopt it so that it becomes the 'industry standard' for temporary traffic management.

For quieter local roads, preparation and approval of traffic management plans can be relatively quick. Some councils (eg, Christchurch) provide information on what a traffic management plan needs to cover. Other councils refer applicants to the material in the Transit New Zealand code. For busier roads, traffic management plans are likely to require specialist input. It is common for filming companies to hire specialist traffic management companies to prepare the traffic management plan and to undertake the supervision of traffic on the site. A trained Site Traffic Management Supervisor will need to be present on-site to manage traffic.

Councils need time to process traffic management plans for busier roads, as often they need to check with other council departments that use of the road will not clash with other activities such as parades, or work on utilities. The range of issues considered when reviewing a traffic management plan includes:

- the nature of the road and its role in the local road hierarchy
- the time of the filming activity
- the nature and extent of traffic management required
- the likely impact on the normal traffic flow
- whether other activities are occurring or planned on the road, such as community events or works on utilities located within the road reserve
- whether alternative routes are available for traffic
- whether an alternative filming location may reduce disruption
- the impact of parking on adjacent activities, including businesses and residents
- the potential adverse effects of lights, generators and other related activity on adjacent land uses
- the proposed traffic management plan and whether it deals with these issues.

In most cases decisions to approve the use of roads and the temporary control of traffic are made by council officers under delegation. In some cases, council officers consult elected members, such as community board members. In the case of one council, the community board makes the decision, but this slows down the approval process.

Generally, councils require film companies to inform residents and businesses of the filming activity by way of a letter-box drop. Some councils provide a pro-forma letter, which film companies fill out, providing relevant details. This ensures that residents and businesses receive all the necessary information. It is also important to identify regular road users and set up a simple system by which they can be informed of the proposed filming activity. These road users could include:

- emergency services
- bus companies
- schools and school bus services
- important local industries, such as dairy companies in rural areas.

The equipment required for traffic control on most roads (cones, signs, trained traffic control staff, etc.) can make the costs of temporary traffic control prohibitive for student and non-commercial filming activities. To deal with this issue, Christchurch City is looking to set up a trust to hold signs and equipment that non-profit groups and students could use. In Dunedin a local service club has set itself up so that it can provide traffic management services for events, including filming, which both helps event organisers and generates income for the club.

Temporary closure of a road to traffic

The temporary prohibition of traffic on council-controlled roads involves more complex procedures than stop/go control. Councils usually limit the use of temporary traffic management to situations where traffic is held up for no more than about two minutes at any one time in urban situations. If there is a need to close a road to traffic for a longer period of time, it may be necessary to apply for a temporary road closure.

Some film productions would like to be able to close a road to traffic during filming on a regular basis, because of the certainty it provides for being able to carry out a film shoot unhindered by passing traffic. However, requests for road closures are often made by people unaware of the statutory procedures that councils have to follow to temporarily close a road, and the potential disruption to traffic that road closure may cause. One of the first issues to consider when contemplating road closure is whether the film shoot could be accomplished by using temporary traffic *control* rather than road *closure*.

Section 342 and Clause 11(e) of the 10th Schedule of the Local Government Act allow councils to temporarily prohibit traffic from using a road for the purposes of film-making, provided that the total time the road is closed does not exceed 31 days in a calendar year. To temporarily close a road, the council must give public notice of its intention to close the road and accept and process any objections. Notice of its decision once it has decided to close the road must also be publicly notified. The 10th Schedule should be referred to for full details.

The Transport (Vehicular Road Closure) regulations provide an alternative route for managing road closures. These regulations were originally prepared under the 1962 Transport Act, but are now regulations pursuant to Sections 167 and 218 of the Land Transport Act 1998. These regulations require at least 42 days' notice of a road closure. People may object no later than 28 days before the proposed event.

The Local Government Act does not set out what constitutes a reasonable notice period for a temporary road closure under the 10th Schedule. Some councils require 42 days' notification of the closure of public roads (the time set out in the Vehicular Road Closure Regulations); other councils provide for shorter notification periods, such as two weeks, or to fit in with committee meeting cycles. These variations in the notice period are confusing to people in the film industry.

In considering timeframes for a reasonable notification period, councils must take into account the need to:

- assess and approve the traffic management plan
- arrange for notification in the newspaper of the request to close a road
- undertake consultation with the Police, and other agencies such as the Ministry of Transport
- process any objections
- make a decision
- place the final notice in the newspaper.

Councils have interpreted the road closure provisions of the Local Government Act and the Transport (Vehicular Road Closure) Regulations in a number of ways.

- Many councils have delegated the decision to close a road to council officers. Where this is the case, the process can be undertaken in a timely way.
- Some councils have only delegated the authority to close a road to officers where no objections have been received
- Some councils interpret the Local Government Act to mean that the decision to close a road may not be delegated to council officers and must be made by the council. Other councils delegate this decision to community boards. The timing of council and community board meetings can create significant delays and extra costs.

The wide variety of interpretations of the Local Government Act highlight a gap in the regulatory framework for the holding of traffic for short periods of time (ie, for longer than is commonly accepted under temporary traffic control), but for no more than, say, one or two hours. In these situations the notification provisions of the Local Government Act and the 1965 Regulations for temporary road closures impose significant delays. The temporary road closure provisions of Clause 11(e) of the Local Government Act are set up so that public events can be carried out on

a street (eg, a street race or market day), which may extend over a half day or longer. The clause also allows for the charging of an entry fee. The inclusion of filming within a clause dealing with community events does not recognise the differences between filming as a business and these other community events.

To overcome these problems some councils 'bend' the rules where a temporary road closure is needed for a short period of time, any affected businesses or landowners have been notified, and the closure would not affect through traffic.

To allow for temporary road closure without the need for notification, a change to the Local Government Act is needed. A number of modifications to the Act could be made to make temporary road closures a simpler process, including:

- allowing for councils to develop their own policy on temporary road closure; for example, allowing for closure for short periods where:
 - a main road is not involved
 - an easy diversion is available for any through traffic,
 - any residents or businesses affected have been informed and no objections have been received
- altering the delegation provisions to clarify that decisions can be made by council officers
- removing the need for public notification if direct notification of land-owners and businesses occurs (eg, a letter-box drop in the affected area).

The current review of the Local Government Act provides an opportunity for Local Government New Zealand to take up this issue on behalf of local councils and the film industry.

On-street parking management

Some councils manage road-side parking where this is associated with filming on a road or adjacent private land. There may be a need to set aside parking restrictions, such as discontinuing maximum time periods and resident-only parking areas. In areas where there are no parking restrictions, it may be necessary to distribute the parked film vehicles into a number of blocks so that residents and customers of businesses are not disadvantaged by restricted access to kerb-side parking.

In a rural situation there may be a need to consider the location of road-side parking areas if visibility is limited, or there are no hard shoulders or grass berms that can be used.

Parking management is handled in the same way as temporary traffic management: an application is submitted and assessed. Parking wardens need to be informed so that they do not ticket vehicles that have obtained approval to set aside normal parking restrictions. It is necessary to ensure that council officers have the power to pass temporary resolutions to approve and enforce changes to parking controls.

Transit New Zealand

Transit New Zealand controls all state highways. These can be motorways and arterial roads in urban and rural areas. For the control of traffic on state highways, contact should be made with Transit's regional offices. Transit requires at least five working days' notice of the temporary control of traffic – longer if it involves a busy road. Transit sometimes contracts out the control of road-side activities to traffic control companies, so it may also be necessary to liaise with these companies in addition to the regional office.

3-5 Access to utilities

Sometimes film companies may want to access public services, such as the water supply (eg, to wet-down a road before a shoot). In areas with a reticulated water supply the council needs to give advice as to which fire hydrants can be used, as some hydrants tap straight into trunk water mains and drawing off water from these mains could affect the water supply to nearby residents and businesses.

Filming may also involve direct connection to power supplies and other utilities. The companies who provide these services need to be approached for their approval.

3.6 Use of council parks and reserves

Public reserve land is controlled by a wide range of agencies, including local councils, regional councils or the Department of Conservation. Other public land is managed by the Commissioner of Crown Lands and Landcorp (Crown-owned farming land). For high-country leasehold land, the Crown's agents are currently Knight Frank.

Some reserves and open spaces are owned by one body, but are managed on a day-to-day basis by another body. For example, the Department of Conservation can grant control of a reserve to a local council, or vice versa.

For parks and open spaces owned and administered by local or regional councils, the common procedure is for film companies to lodge an application with the council. A check is made to ensure that the reserve is not already booked by a different party, and relevant parks staff may be consulted on whether arrangements for parking and other activities associated with the filming are suitable. Often approval can be given within one to two days for simple filming activities.

For parks owned and managed by regional councils – such as the Auckland Regional Council – practice varies. In Auckland contact is initially made with the head ranger for the park within which the filming will be undertaken. In Wellington a policy planner is the initial contact point for all regional council land (forests and parks). This person then consults with the relevant ranger or property manager.

Reserves are managed under a number of different Acts, and this sometimes affects how proposals to film on reserve land are administered. Reserves may be classified under the Reserves Act 1977, but not all reserves are subject to this Act. Reserves owned and managed by regional councils may be managed under the Local Government Act. In some cases reserves owned and managed by local councils may be freehold land not held under the Reserves Act.

The complex issues associated with filming on land under the Reserves Act – particularly filming that requires exclusion of the public and/or the occupation of a reserve for a long period of time – can mean that councils steer film companies to locations on open-space land which is not a reserve under the Reserves Act.

In some cases filming on a reserve may also require consent under the Resource Management Act 1991. This consent is separate from any consent under the Reserves Act or other provisions affecting the management of reserve land.

Use of reserves under the Reserves Act 1977

Under the Reserves Act a permit is needed to temporarily occupy a reserve. In most cases this is a simple process, but if a film production proposes to erect a structure or exclude the public, or wishes to occupy an area for a long period of time, then a more complex process may be involved.

Most reserves owned and managed by local councils are classified under the Reserves Act 1977. Many reserves are classified as either recreation or local purpose reserves, although they can also be classified for scenic, historic, nature or scientific purposes.

Recreation reserves

For reserves classified as a recreation reserve, Section 54(d) of the Act provides that councils may grant permits for filming organisations to occupy a reserve for a period of up to six consecutive days. These provisions would also appear to allow for temporary sets and structures, and for temporary exclusion of the public during an actual film or sound take. If the public need to be excluded for a longer period of time, Section 53(e) allows for the exclusion of the public for a period of up to six days. However, Section 53(d) limits the total time the public can be excluded to not more than 40 days in any one year. Where a film company wishes to occupy a reserve for longer than six days, a licence is required. This may require the consent of the Department of Conservation, and public notification with a minimum one-month objection period.

The Reserves Act provides for the preparation of Reserve Management Plans. These plans set out how a park should be administered. If there is a Reserve Management Plan in place that sets out that filming activities can occur on a particular reserve, then there may be no need to obtain the consent of the Department of Conservation, nor to publicly notify an application to occupy a reserve for longer than that allowed under the Reserves Act.

Local purpose reserves

For local purpose reserves there is no restriction on the length of any temporary permit for a commercial activity such as filming. However, Section 17 (Purposes of Local Purpose Reserves) states that proposals to restrict public access need to be notified.

Other reserves

For reserve land classified for other purposes – scenic, historic, nature or scientific – the process involved in occupying land for more than a short period of time (over six days) is potentially more complex, and may involve Department of Conservation consent, even if a Reserve Management Plan is in place.

Reserves not under the Reserves Act

For open-space land that is owned by the council but is not a reserve under the Reserves Act, councils have wider discretion to permit filming. However, use of reserves may still be subject to management plans. For example, the Local Government Act requires that management plans be prepared for regional parks held under the Local Government Act.

Examples of council processes to manage filming on reserves

To meet their obligations to manage reserve land councils have put in place a number of mechanisms.

- Wellington Regional Council has developed both Reserve Management Plans and a concessions policy that applies to all of their reserve land (reserve land under the Local Government Act 1974 and land held under the Reserves Act 1977). The Reserve Management Plans provide for a range of activities, including filming. Where the plans provide for filming as a permitted activity, no public notification is necessary. The concessions policy covers what actually happens on the reserve once a filming activity is approved under the Reserve Management Plan. The policy helps determine the commercial issues associated with use of public land, including what information needs to be supplied with a filming application and what conditions may be applied to the approval.
- Auckland Regional Council has developed Reserve Management Plans for their parks – both parks under the Reserves Act and parks under the Local Government Act. These plans make filming a conditional activity that requires the approval of the council. By following this process, the council is not bound by the notification requirements of the Reserves Act when considering filming activities on a reserve, although other provisions of the Act may apply. The Reserve Management Plans set out the matters to be taken into account when considering filming applications, and consultation may be necessary in some cases.

Both the reserve management and concessions policy mechanisms can be useful. Where it is likely that there will be a demand for filming on reserves that will extend beyond a short-term activity, it would be appropriate to include relevant provisions in Reserve Management Plans relating to the appropriate scale and duration of filming. A concessions policy is useful in setting out how applications to film on reserves will be processed, the fees involved, and various conditions that are likely to be applied to the management of the filming activity, whether it is a short-term or long-term activity.

Typical issues addressed when considering an application to film on reserves are:

- length of filming activity
- number of people involved
- parking arrangements
- construction of sets
- if exclusion of the public is required during the film shoot
- use of animals
- modifications to the landscape
- ownership/acknowledgement of images
- if adjacent landowners should be informed
- if sets are left overnight, whether security guards are provided to ensure their safety
- signage to inform the public that filming is under way

- if current licence holders have given their consent
- if a bond is required
- waste collection, toilets and tidy up.

Wellington Regional Council normally do not allow for filming in their parks on the weekend, so that parks are always open to the public during high-demand periods.

Some councils ask for the film's location to be included in the credits of the final production. However, some production companies do not have the authority to agree to this, while some productions, like TV commercials, do not have credits. Consequently a case-by-case approach needs to be taken.

Consultation with iwi may be necessary. This may be because the filming will be located in an area of cultural significance to iwi, or if there is the likelihood that the filming might adversely affect water quality or other elements of the natural environment. Adjacent landowners may also need to be consulted.

Reserve land not controlled by councils

For reserve land owned and controlled by agencies other than local or regional councils, contact must be made with the relevant agency.

The Department of Conservation follows a standard procedure. A 'Commercial Filming Application Information Pack' is given to prospective applicants at first contact. This contains full information about how to apply for a filming permit, how the application will be processed, the charges that may apply, and a standard application form for a filming permit.

For other Crown lands the relevant department or agency needs to be consulted (eg, for Defence land, the relevant base staff; for education, the relevant school). For Crown land not obviously administered by a particular department it would be necessary to approach the Commissioner of Crown Lands, at Land Information New Zealand.

3.7 Building consents

Temporary film sets can be exempted from the Building Act, but this is not automatic. Each case is usually discussed with the council. Subsection (M) of the Third Schedule of the Building Act provides for the exclusion of temporary structures as follows:

(m) Any other building work in respect of which the territorial authority considers that a building consent is not necessary for the purposes of the Act because that building work either-

(i) Is unlikely to be carried out otherwise than in accordance with the building code; or

(ii) If carried out otherwise than in accordance with the building code, is unlikely to endanger people or any building, whether on the same land or on other property.

As stated in the Third Schedule, while film sets may be exempted from the need to obtain a building consent, they must still comply with the Building Act. To be satisfied that a set meets the Building Act, councils may require an engineer's certificate that a structure is safe, especially if a large structure is involved.

The Building Act does require building consent for tents and marquees greater than 30 square metres in area.

3.8 Use of lakes, rivers and coastal areas

Filming that will involve the use of water bodies must take into consideration:

- ownership of the water bodies
- the council responsible for the management of activities on the surface of lakes and rivers and in coastal areas
- Maritime Safety Authority requirements
- navigation issues.

Ownership

Filming on lakes and rivers requires the consent of the owner, where the lake or river is not owned by the Crown. Some lakes and streams are privately owned; others are owned by iwi authorities.

For the beds of lakes and rivers owned by the Crown, owner's consent is dealt with as part of any approval process. For example, for lakes or rivers managed by the Department of Conservation their approval process deals with landowner issues. Water supply areas may be owned by regional or local councils, or by separate utilities like Watercare in Auckland. Regional councils may also own floodways and land within stop banks adjacent to rivers.

Activities in lakes and rivers and in coastal areas.

This is a complex area.

Activities in the coastal marine area (technically below mean high-water springs) are usually managed by regional councils. Regional councils should be consulted to determine whether there will be any specific resource management issues if any temporary structures need to be built in the coastal marine area. Structures will usually need a resource consent if they are not covered by temporary activity rules.

In the Auckland region, filming in the coastal marine area is a permitted activity so long as it does not involve the erection of structures, or otherwise alter the environment. If a structure is required, then the Regional Plan: Coastal allows for temporary structures, but if the structure is in use longer than the temporary activity period or does not meet other conditions, then a discretionary resource consent is required. The provisions for temporary structures are as follows:

- the temporary structure should not be in a Coastal Protection Area
 - the temporary structure should not be used for more than 14 days within any 6 month period, and must be removed at the end of this period
 - disturbance of the sea bed and to the environment is to be minimised
 - public access is not to be restricted
 - the structure will not be a hazard.
-

Above mean high-water springs (or certain defined boundaries of estuaries and river areas – it is necessary to check with regional or local councils for the exact location of these boundaries), responsibility is split between regional councils and local councils. Local councils may have rules relating to activities on the surface of lakes and rivers. These rules relate to amenity issues associated with such activities, and there may be standards relating to noise, for example. For activities that may affect water quality (like a new structure or the diversion of water), the relevant regional council should be consulted.

Where filming occurs in a coastal area and does not involve resource consent issues, there still may be bylaw issues (eg, use of vehicles on beach areas). Here responsibility can also be split between different agencies. Local councils may have bylaws that have effect below mean high-water springs to mean low-water mark. Where there is Crown land (such as a Department of Conservation reserve) abutting the coastal area, then the jurisdictional boundaries may be different again.

Access to coastal areas can sometimes involve obtaining the consent of adjacent landowners. In some cases there is no public access to a beach, with people having to cross private land. In other cases the beach itself may be privately owned. For a commercial activity such as filming, landowners may ask for an access fee. Councils need to be aware of these situations so that they can inform film companies about the need to obtain the consent of these landowners.

Maritime Safety Authority requirements

Any vessels (and their crew) used as work boats for filming purposes are required to be in compliance with the applicable maritime rules (the safety standards made by the Minister of Transport under the Maritime Transport Act 1994.) Basically, under the rules only commercial vessels (as opposed to pleasure craft) are able to be used as work boats.

Navigation

The relevant harbourmaster should be consulted where filming involves using boats in harbours and popular waterways. A temporary uplifting of navigational safety rules is necessary where filming involves a departure from navigational rules (eg, exceeding maximum speed limits when close to shore and other craft, or where there is a need to exclude other water users from defined areas). The uplifting of navigational rules will need to be sanctioned by the regional council where bylaws are in force, or, in other areas, by the Director of Maritime Safety. In the latter case the relevant requirements are set out in the Water Recreation Regulations 1979 (to be superseded by the Water Recreation Rules at some point in 2003).

An uplifting of council bylaws covering navigational safety rules may require public notification, and this may take up to four weeks to process.

3.9 Use of dangerous goods

Where dangerous goods such as fireworks, gunpowder or explosives are used, people using such materials have traditionally been required to hold a certificate of competency issued by an inspector from the Department of Labour. Under the Hazardous Substances and New Organisms legislation, a new licensing regime will be introduced whereby a person using dangerous goods must have been issued with a certificate of competency by a consultant registered by the Environmental Risk Management Authority.

Civil Defence and the New Zealand Police should be given prior notice of the use of explosives, fire or fireworks. It may also be necessary to inform the local coast guard and the Maritime Safety Authority where boats are involved (eg, when using flares).

3.10 Use of helicopters and/or aeroplanes

This is covered by normal Civil Aviation rules. In some cases the council's District Plan may restrict where helicopters can land, and the number of landings and take-offs that can be made. This is to protect the amenity of residential areas. Landing areas need to be clearly marked and made safe so that members of the public are not put at risk.

Auckland City's standard conditions for the use of parks and streets note that applicants should contact Civil Aviation if aircraft are going to be used, and that the organiser is responsible for obtaining any relevant approvals where there is the possibility of low-flying aircraft over a large crowd.

3.11 Occupational health and safety

A film company, as a business, is responsible for the safety of the crew and cast working on a film. Following the New Zealand Film and Video Production Industry code of practice is generally seen to be the best way to comply with this obligation.

Where filming occurs on public land, the council, as a landowner, may also have responsibility for the safety of members of the public. Section 16 of the Health and Safety in Employment Act 1992 states:

(1) A person who controls a place of work (other than a home occupied by the person) must take all practicable steps to ensure that no hazard that is or arises in the place harms -

(a) People in the vicinity of the place (including people in the vicinity of the place solely for the purpose of recreation or leisure).

The activity should be well managed so that the public and crew are not put at risk from temporary structures, cables and wires, generators and trucks, vans and cars, or any dangerous goods. Procedures need to be in place to manage these risks, such as using barriers, controlling access, and providing the ability to quickly contact emergency services.

Council practice on this topic varies, and there needs to be a consistent approach. Some councils require the presentation of a health and safety plan as part of an application to film, especially where the film takes place in a very public area. Councils may vet these plans. Auckland City provides a list from the Department of Labour (OSH) of common hazards and requests that filming activities provide a health and safety plan that addresses these and other relevant hazards. Christchurch City Council provides a simple checklist to follow when preparing a health and safety plan.

In most cases, however, councils simply make film companies aware of the film company's obligations to provide a safe work place, often making it a condition of approval that they comply with the Health and Safety in Employment Act 1992. This fulfils their statutory duties.

3.12 Rural fire controls

In many rural areas closed fire seasons are declared during hot, dry periods. Councils may be the fire authority in areas that are declared rural fire districts. Otherwise the Fire Service should be consulted. During these periods no activity – including filming – can involve the use of explosions or fires without the necessary consent.

3.13 District Plans, Regional Plans and resource consents

Most filming activities do not involve a resource consent. Waitakere City reports that 95 percent of filming activity falls within permitted activity status and does not trigger the need for a resource consent. However, under many District Plans location filming that involves more than just a few days' filming (such as a feature film or drama that involves a set that is used for two or three months), a resource consent is usually required. Resource consents can take from one to three months to process.

Most District Plans provide for filming as an 'event'. Events are commonly addressed in District Plans as part of temporary activity rules. District Plan rules relating to temporary activities typically cover things such as parades, street races and carnivals. The rules allow for these events to be held on a property for a certain number of days per year (eg, a total of three, five or 15 days). When these activities extend beyond the period allowed for temporary activities, a resource consent is usually needed. Examples of District Plan provisions are given below.

• WAITAKERE CITY DISTRICT PLAN

Filming up to 30 days in any one year is classed as a temporary activity and does not need a resource consent. Standards for temporary activities involve compliance with:

- general noise standards
- heritage rules
- natural area rules
- rules relating to odour, glare, vibration, air discharges and hazardous facilities
- signs rules.

When filming extends beyond 30 days, a controlled activity consent is required if the filming is located in the Waitakere Ranges. No consent is needed for filming in business and commercial areas. In residential areas, a limited discretionary or discretionary consent is needed, depending on the scale of the filming.

The Waitakere District Plan contains a specific policy for filming. Policy 11.31 states:

Filming Activities should be managed in way that recognises the generally short-term nature of the activity. The adverse effects of Filming Activities on amenity and character, in particular traffic generation and modifications

to the landforms from temporary structures should be avoided, mitigated or remedied.

The Waitakere District Plan defines ‘filming’ as:

The use of land and buildings for the purpose of commercial video and film production and includes the setting up and dismantling of Film Sets and associated facilities for staff.

The Plan further defines ‘film sets’ as follows:

The construction and use of any structure for the purpose of Filming Activities provided that the structure is removed at the completion of Filming Activities and is not used for any other activity.

The Waitakere City District Plan contains a comprehensive set of controls for filming. Administration of these controls has generally been positive. Some issues have arisen relating to whether the 30-day limit for temporary activities includes time preparing sets and dismantling and cleaning them up. The definition of filming and temporary activities does not clarify this. Other issues relate to reinstatement of sites after filming has ceased.

• AUCKLAND CITY DISTRICT PLAN (ISTHMUS SECTION)⁴

The Isthmus Section provides for filming as a temporary activity, provided that:

- filming does not occupy a site for more than five days
- actual filming activity does not last more than three days
- the cumulative duration of the activity does not exceed 12 hours per day
- structures meet height and yard requirements
- the maximum noise level, as measured at any residentially zoned property, shall not exceed 75 dBA L10 and 85 dBA L1.

For filming activities that exceed these parameters, a discretionary resource consent is required.

• QUEENSTOWN-LAKES DISTRICT PLAN

The council is currently in the process of reviewing their District Plan. They are considering rules that clarify the status of filming as a permitted activity, provided that the filming:

- does not involve more than 200 persons where the activity occurs outdoors
- the total time a site is occupied does not exceed five days in any calendar year
- the activity complies with the relevant noise standards.

Filming will be a discretionary activity where it does not meet these standards.

Examples of resource consents granted for filming activity note that because filming is a temporary use of land, significant adverse effects on the environment are not expected.

Conditions of consent relate to:

- removal of buildings and structures when filming finishes
- reinstatement of landforms and vegetation as they existed prior to the filming
- payment of monitoring fees
- payment of a bond to cover reinstatement costs
- construction of access to council/Transit specifications
- management of stormwater from buildings

- collection of rubbish, litter and waste
- location of lights to minimise glare
- noise.

Concerns about temporary activity rules

Treating filming as a temporary activity raises a number of issues. Many District Plans have wide-ranging provisions for temporary activities, with few criteria or standards. This gives councils discretion as to how they interpret the rules, but the approach has drawn criticism from people concerned that these ill-defined rules will allow too many events to occur in an area. There is also concern that if temporary activities rules are too loose (or too ‘grey’), they will not meet statutory criteria for good rules.

Under the Resource Management Act and associated case law, for an activity to be classed as a permitted activity (ie, an activity that can occur as-of-right), there can be *no doubt* about whether the activity does, or does not, meet the relevant standards. In the case of a temporary activity rule that does not clearly indicate what is actually permitted (how long the event can go on for, how many people, cars etc.), then the rule and the activity may be subject to a legal challenge. Consequently, many councils are in the process of clarifying their temporary activity rules, and this is having the effect of clarifying that some filming activities do in fact require a resource consent.

A further problem for filming activities is that in most cases where a temporary activity does not meet the standards set out for a permitted activity, the District Plan requires a discretionary resource consent application. Such an application may or may not involve notification, and most often involves a complex approval process. The time involved in obtaining consent can easily conflict with the period of time over which the actual filming activity occurs (eg, taking three months to obtain a consent for a feature film that might only take a month to shoot).

⁴ Auckland City operates three different District Plans: the Central Area Plan; the Isthmus Plan; and the Hauraki Gulf Islands Plan. Check with the Council as to which Plan applies.



CHAPTER FOUR

Developing Best Practice for a Film-Friendly Process

4. Before setting out the final guidelines in Part Two, this section looks at where councils might best fit location filming into their policy and regulatory frameworks. Should it be treated as a community event? If notification is too cumbersome, should there be policies on the kind of consultation that is carried out? Who should handle the approvals processes? What fees should be charged? And if location filming extends beyond the criteria of a temporary activity in a District or Regional Plan, how should it be treated?

4.1 *Developing policy*

Many councils use processes developed to manage community events to manage filming approvals, but there are important differences between filming and community events. For further discussion on the differences between community events and filming, as they relate to resource consents, see section 4.6.

Community events:

- are planned a long time in advance
- are usually regular events that occur at the same time on the same day each week, or on the same day each year
- occur for a relatively short, defined, period of time
- often involve activities outside of normal business hours, such as using roads on weekends.

In contrast filming:

- is a commercially driven business with short, unpredictable timelines
- often occurs during work hours
- does not involve large numbers of public participants
- involves a commercial use of public resources.

These differences indicate that specific policies and procedures for filming should be developed if councils wish to encourage location filming. Filming involves councils in a different balancing act between public and private needs compared to the issues involved in community events.

Council policy needs to consider:

- the overall approach council wishes to adopt
- the specific issues that filming activity raises in their area
- the procedures the council should put in place to deal with these issues
- consultation protocols – who to consult over what type of applications
- fees policy and policy on charging for use of reserves and other public areas.

In developing policy for location filming it is important to draw a distinction between location filming and other outside filming activities, such as taking footage for news items and videoing private activities (eg, weddings). It is not appropriate for these types of filming activities to be caught up in policies and procedures for location filming.

4.2 Consultation protocols

Of overriding importance to creating smooth approval paths is early consultation between the film's location manager, the council and the community. Consultation is different from the formal notification process involved with temporary road closure and other statutory obligations. It involves a dialogue between the parties involved, helping to inform each other of their respective issues and to look at ways of resolving any problems.

Consultation gives people early warning of what is happening in their community, and by building relationships and improving levels of understanding can smooth out problems at an early stage and avoid the need for lengthy, formal notification processes.

A council and a filming activity may think that relying on statutory notification procedures fulfils their responsibilities to consult about a filming proposal, but statutory methods often do not build relationships or resolve problems easily. Consultation can be informal and flexible, and does not have to mean additional time or cost for a filming activity. Early contact with the council, letter-box drops to residents and businesses informing them of possible filming, site meetings and individual contact can all go a long way to avoiding problems.

Potential barriers to early consultation between film activities and councils and communities can include:

- productions not being aware of the need to seek approval, or of the timelines involved
- productions not knowing who to approach at a council
- councils not having the appropriate processes in place to respond promptly to filming approval requests, and taking too long to respond
- uncertainty as to who (the council or the production) should undertake consultation
- uncertainty as to who should be approached – what specific groups, agencies or landowners should be involved.

Actions that councils and film companies can take to make consultation more effective include:

- council contacts and approval processing details being available on the web sites of film marketing bodies / economic development agencies that operate in the area
- councils developing consultation protocols – who to consult and when – and preparing contact lists and web site links to iwi and other organisations who may need to be consulted on a regular basis
- councils developing lists of 'hot spots' (areas where community issues have arisen) so that when a filming proposal is suggested for these areas, there is advance warning that consultation prior to issuing an approval may be required
- councils developing pro-forma consultation letters with full information and details, which location managers can use to approach particularly affected parties
- as part of the approval process, requiring production companies to inform residents and businesses prior to undertaking filming.

4.3 Approval processes

Multiple process paths used by some councils and the different approaches to decision making –with some councils having a high level of discretion at officer level and others requiring approval by community boards for many film-related activities – greatly affect the efficiency with which approvals can be processed.

Councils can provide a timely service by having a designated film co-ordinator, and by putting in

place the relevant policies, procedures and delegations to assess and grant applications quickly. In summary, the range of actions that councils could take to improve their approval processes include:

- appointing a specific film co-ordinator, who can build up the necessary experience to give film companies useful and timely advice on the processes they need to follow in order to undertake filming
- if staffing capacity is a problem, a number of smaller councils could jointly fund a position so that the film co-ordinator can cover a number of small councils
- producing a standard application form to be used by all councils in a region to simplify submitting the application
- delegating decision-making, so that, at a minimum, council officers responsible for open-space and traffic management can make decisions on the use of parks, other open spaces and roads (including temporary road closures) by filming activities
- delegating decision-making to film co-ordinators – film co-ordinators could be given the power, after receiving the right training and the right policy framework is in place, to approve permits to occupy reserve land, for temporary traffic control and for road closure.

In councils where there is limited experience of delegation, it may be necessary to set up a staged process whereby the film co-ordinator builds up experience over time. In the initial stages, delegation could be granted for the approval of simple filming activities, with these powers extended to more complex applications once training and policy criteria are in place. This would be a proactive way of greatly increasing efficiency.

There is a particular issue as to whether delegations to make decisions can be granted to film co-ordinators who are part of an organisation separate from the council, such as film co-ordinators employed by business enterprise trusts. It is desirable that the council's film co-ordinator, whether inside or outside council, has the authority to make decisions quickly.

4.4 Use of parks and reserves

An important location for filming is the scenery available in regional and local parks, so inevitably there will be an ongoing and growing demand use parks and reserves which may conflict with other activities in these parks. Therefore, to improve efficiency and reduce timelines, an important step is to clarify and develop policy relating to the use of such areas.

The Reserves Act allows for the temporary use of reserves, but proposals involving exclusion of the public or occupation of part of a reserve for more than a short period of time can involve lengthy procedures if policies are not in place in Reserve Management Plans. In the absence of Reserve Management Plans, the Reserves Act may require notification of proposals and consultation with the Department of Conservation.

Councils could be proactive and consider what reserves in their area are attractive filming locations, and whether there is a need to specifically provide for filming in Reserve Management Plans.

In developing Reserve Management Plan policies, it is useful to consider:

- the different scales of filming, from simple shoots to more complex proposals, and the different processes that should be used to manage these types of films
- the extent to which other open-space locations (land not under the Reserves Act) can provide the type of locations sought by film companies
- the range of environments within reserves, and where filming should be encouraged and discouraged
- what consultation should be required
- when exclusion of the public may be warranted, and the process that should be followed.

Even where specific provision in Reserve Management Plans is not considered necessary, and there is only the likelihood of short-term filming occurring on reserves, there is still a range of business issues that need to be addressed and it would be appropriate for councils to develop policy on these issues.

4.5 Temporary road closures and traffic management

Councils usually have in place suitable processes for controlling traffic, but it would improve efficiency if councils gave serious consideration to:

- universal adoption of the Transit New Zealand *Code of Practice for Temporary Traffic Management*
- delegating decision-making to officers
- ensuring there are the resources to turn around applications quickly.

For a temporary road closure there is greater variation in practice, and more need to develop policy. As discussed, the temporary road closure provisions of the Local Government Act need to be amended. Councils also need to review their notification policies to reduce timelines to a reasonable period. Experience suggests that two weeks' notice gives ample time for notification of road closures.

4.6 RMA resource consents

By its nature, location filming covers a variety of activities, some of which are similar in scale and nature to community events and therefore can be covered by temporary activity rules commonly included in District Plans. But in many cases filming is more like a business and is not suited to the regulatory framework developed for temporary activities. The differences between temporary community events and filming as a business activity are summarised in Figure 2.

FIGURE 2: DIFFERENCES IN EFFECTS BETWEEN COMMUNITY EVENTS AND FILMING

COMMUNITY EVENTS	LOCATION FILMING
Usually public events drawing large crowds	Is not a public event and does not attract large crowds
Can involve large amounts of parking and traffic as people come and go	Parking and traffic movements are limited to cast and crew
Involve tents and marquees and other simple structures	Can involve sets and other structures that may need to be in place for 1 to 2 months
Can involve public address systems, amplified sound and other sources of loud noise	Noise generation is limited to generators and other equipment
Can involve alcohol and food retailing	Food is limited to catering for cast and crew

This comparison highlights the point that temporary activity rules may not be the most appropriate means of addressing the effects of all types of location filming. In general, temporary activity rules allow for the setting aside of normal amenity controls for short periods of time because of the large numbers of people and traffic involved in community events. This may be appropriate for filming that takes only a few days, but where location filming extends to longer periods temporary activity rules may not provide the right management framework.

In developing a resource management framework for filming it is sensible to first review the environmental effects associated with filming. The following table lists and discusses possible effects of location filming.

FIGURE 3: POSSIBLE ENVIRONMENTAL EFFECTS OF LOCATION FILMING

POSSIBLE EFFECT	COMMENTS
Structures	<p>In many cases filming does not require any structures. Where structures are needed, these will typically involve:</p> <ul style="list-style-type: none"> • set dressing - altering the façade of an existing building • erecting a tent or marquee • building a specific set for a 2- or 3-month feature film • building a semi-permanent set for a long-running series. <p>It is only in the latter case that there may be issues associated with the impact of structures on the landscape and on amenity and character. Usually sets are specific to the individual filming activity and will not be designed for alternative, non-filming uses.</p>
Traffic	<p>Most issues associated with traffic are related to on-street management of traffic, such as stop/go traffic control and road closure. There does not appear to be any major problems with traffic generated by a filming activity when the filming occurs on private property.</p> <p>While filming activities can involve a considerable number of trucks, vans and cars, the transient nature of most filming activities means that such effects seldom have any long-term significance. It is only in the case of the longer filming productions that there may be the need to manage traffic.</p> <p>For traffic associated with a set that is in operation over a 2- to 3-month period, the main issue is likely to be safe access in and out of the filming location. For filming that involves a semi-permanent set, an additional issue may be the effect of sustained traffic movements on the general amenity of an area and parking on adjacent streets.</p> <p>Where there has been disruption to a community from traffic associated with filming, it is usually associated with on-road traffic control rather than concerns about too much traffic entering or leaving a particular site. On-road traffic is managed through council processes approving temporary control of traffic.</p>
Landform modification and vegetation removal	<p>There is generally an incentive for film companies to leave the site as they found it as they may wish to use the site again in the future.</p> <p>Modifications to the natural environment are usually associated with longer-term productions, where some sort of semi-permanent set is required. There may be the need for earthworks as part of creating the set. However, the scale of these works is not large.</p> <p>Most District and Regional Plans provide for a certain level of earthworks to occur before consent is triggered (often based on the level of earthworks associated with a house and driveway), and these rules would appear to be adequate to cover the effects associated with filming activities.</p>
Lights and noise	<p>Lights associated with filming and noise from generators can be managed through normal District Plan controls. As with any activity in a specific zone, there are usually standards in place to manage these effects.</p> <p>Where filming occurs on a road, the District Plan often does not have specific noise limits or light control rules. However, the Resource Management Act 1991 does contain measures relating to avoiding excessive noise, which can be used in these situations. Usually these issues are looked at when applications are made to film on a public road, or in a public space.</p>
General amenity - the look and feel of a place	<p>Perhaps the most difficult issue to gauge is the long-term cumulative effect of filming. In some communities there is some intolerance of filming, but in other communities with a long history of film industry activity there is greater acceptance of the industry.</p> <p>The perceived adverse effect on general amenity, where it occurs, appears to be mostly related to frequent use of public spaces such as roads and reserves (eg, traffic being held up, or beach areas being used for filming). Use of private land for filming does not seem to generate any substantial cause for concern.</p> <p>The implications for the District Plan are that there are no significant reasons to strictly manage filming activities on private land. In the case of roads and reserves, the council's consent as a landowner provides the avenue to deal with any overuse of public spaces.</p>

This analysis suggests that for the majority of short-term filming, temporary activity rules may be an acceptable framework to manage the effects of filming activities. However, when filming extends beyond the timeframe associated with a temporary activity, it can be 'caught up' in a resource management framework that is based on much more significant adverse environmental effects than those associated with location filming.

Clearly, community events that attract a large number of people have the potential to cause significant adverse effects, and need an appropriate level of management. However, for filming activities that extend beyond temporary activity time limits, a specific response needs to be developed that recognises the transitory nature of filming. In many cases District Plans provide for non-residential and business-type activities to be considered in residential and rural areas of their districts once temporary activity time periods are exceeded. These provisions also provide for filming, but these provisions for non-residential activities anticipate permanent activities. Location filming mostly covers, at most, two to three months, and it is only rarely that location filming involves semi-permanent outdoor sets.

In other words, there can be a 'gap' in District Plan frameworks between temporary activity rules and the rules covering permanent activities into which some location filming activities may fall.

In many cases filming for up to three months in a year could be considered as a permitted or controlled activity, subject to standards, as there is no lasting impact on the environment or a community from this length of activity. Beyond three months, there is justification for a more specific management regime. A three-tier approach is recommended.

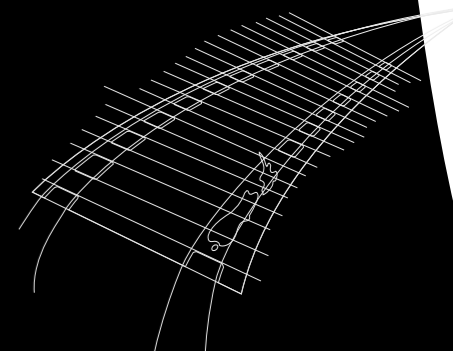
- **Tier 1.** Filming up to one month's duration in any one calendar year, including temporary sets – *permitted activity*. This would mean that, in most cases, location filming associated with commercials and off-set shoots associated with dramas and films would not need a resource consent. Standards would need to cover:
 - noise and lighting
 - no structures remaining after filming finishes
 - other rules relating to earthworks, vegetation removal , etc. being complied with.
- **Tier 2.** Filming of up to three months' duration in any one year (including the erection of temporary sets that will be removed at the end of the filming) – *controlled activity in most zones*. Filming should continue to be permitted in business and commercial areas. Controlled activity status would allow for any traffic safety issues associated with entry and exit to the site to be checked, and specific conditions imposed for any set construction and its removal.
- **Tier 3.** Filming of more than three months' duration – *rules need to reflect the zone within which the activity is located*. Filming could be considered as either a specific activity, or assessed in terms of the District Plan's existing framework for non-residential activities. The activity status needs to reflect the local environmental issues, but in most general rural zones controlled activity status will still be appropriate.

To implement a suitable framework, District Plans should:

- provide appropriate objectives and policies
- have a definition of 'filming activities' that includes all ancillary actions and activities associated with location filming, such as site preparation and set construction, but excludes filming associated with news coverage, family videos, etc.
- include appropriate rules, along the line of the rules outlined above.

PART TWO

Regulatory Best Practice Guidelines





CHAPTER FIVE

Regulatory Best Practice Guidelines

These guidelines set out the actions that councils need take to be able declare themselves 'film friendly'. By implementing the following actions, councils will demonstrate that they have set in place the policies and procedures to ensure that the regulatory approvals required by location-filming activities are provided in an efficient and timely manner. The guide is also intended to help people and organisations involved in location filming understand the regulatory process councils have to follow.

The guidelines cover the:

- development of film-friendly policies, including fees policy
- appointment of a film co-ordinator
- adoption of the Transit New Zealand *Code of Practice for Temporary Traffic Management*
- development of consistent policy and practice relating to temporary road closures
- development of policies relating to the use of parks and open spaces
- development of District and Regional Plan policies and rules relating to location filming.

Best Practice 1: Developing film-friendly policies

- a.** Councils should develop and adopt, in conjunction with the local screen production industry, their own local film-friendly process guide setting out the:
 - council's overall policy on location filming
 - contact details for relevant council offices
 - filming activity application form
 - application process, including minimum timelines
 - schedule of fees that will be charged.
- b.** The overall policy should state:
 - the council's general approach to location filming in their area
 - the specific issues the council needs to respond to in their area to ensure that application processes are as efficient as possible, and that local environmental and community issues are addressed
 - the dual role that councils have as both landowners and representatives of the community
 - decision-making policies and criteria relating to these issues
 - consultation and communication requirements.

- c) The council should monitor implementation of the policy. This should involve holding an annual meeting with film industry representatives to discuss policy and implementation issues.
- d) In setting fees for the use of council-owned land and the processing of approvals, the following factors should be taken into account:
- whether the council wishes to encourage filming by not charging a fee, or only recovering part of the costs associated with processing applications
 - the scale of the filming, such as the number of people involved
 - the duration of the filming, and whether it extends over a number of days
 - multiple-location discounts
 - reduction or waiver of fees for filming undertaken by community groups, non-profit organisations and students
 - a late-filing penalty fee to encourage early filing of applications.

Best Practice 2: Appointing a film co-ordinator

- a. Councils should appoint a film co-ordinator, who will be a council officer with particular responsibility to manage filming approvals. The film co-ordinator might be a specific staff position, or part of an existing council officer's responsibility.
- b. Councils should consider delegating decision-making responsibilities to film co-ordinators so that they can make decisions relating to simple location-filming applications. For example, councils could delegate responsibility to film co-ordinators to approve filming applications relating to:
- the use of reserves for short periods of time – proposals for one day in length that do not involve exclusion of the public or the erection of structures other than small tents or marquees
 - temporary traffic control on minor local roads and setting aside normal parking restrictions.

To undertake these duties the film co-ordinator will need appropriate training and will still need to consult with relevant roading, parking and parks staff, but would have the ability to issue an approval quickly.

Best Practice 3: Consultation

- a. Actions that councils should take to make consultation more effective include:
- making council contacts and approval processing details available on the web sites of film marketing bodies and economic development agencies that operate in the area
 - developing consultation protocols – who to consult, and when
 - developing contact lists and web site links to iwi, and any other organisations that may need to be consulted on a regular basis
 - producing lists of 'hot spots' (areas where community issues have arisen), so that when a filming proposal is suggested for these areas there is advance warning that consultation prior to issuing an approval may be required
 - developing pro-forma letters with the correct information and details, which location managers can use when approaching particularly affected parties
 - as part of the approval process, requiring the production to inform residents and businesses prior to undertaking filming.

Best Practice 4: Processing applications

Where appropriate, councils should consider pooling resources with adjacent councils and setting up joint processes. This might involve:

- using the same application form
- standardising fee structures
- standardising conditions of approval
- appointing a film co-ordinator who could cover a number of council areas.

Best Practice 5: A Step-by-Step Guide to Issuing Approvals

The following is a suggested step-by-step guide for issuing approvals for location filming in council-owned and managed locations. It assumes that the council has:

- developed an overall policy in relation to filming, including a fees policy
- appointed a filming co-ordinator
- put in place the necessary delegations to allow either the film co-ordinator or the relevant council officers to make timely decisions on filming applications
- developed policy / decision-making criteria relating to temporary traffic management and temporary road closures.
- amended bylaws, Reserve Management Plans and District Plans to incorporate suitable provisions for location filming.

Step 1: Pre-application process

- i. The applicant should contact the council's film co-ordinator or the officer with responsibility to manage location filming proposals, at an early stage, allowing for the following timeframes.
- If a simple application is needed (eg, filming activities that do not involve a temporary road closure, the erection of structures that may involve a resource consent or the exclusion of public from reserve areas; or using a reserve or a road for a long period of time), then contact should be made with the council 1 week before the proposed filming.
 - If a more complex application is involved (eg, a temporary road closure is needed, a resource consent is required or exclusion of the public), then allowance should be made for a minimum of 4 weeks, more if possible, before the proposed filming.
- ii. The film company and the film co-ordinator should discuss the proposed filming, the range of locations, and the issues (if any) involved in the use of these locations.
- iii. The film co-ordinator should advise in principle:
- whether the locations are suitable, based on previous experience and known problem areas and hot spots
 - whether the locations are available (they are not already booked)
 - what council approvals will be necessary
 - the amount of time required for processing
 - if there is a need for specific notification of the application.
 - whether there is benefit from undertaking informal community consultation and/or consultation with specific people or businesses prior to lodging an application, to ascertain if these people are likely to object to the filming occurring, and ways of mitigating concerns
 - the cost of lodging and processing the application
 - if it is likely that a bond may be requested
 - what other approvals may be required from other agencies.
- iv. For small shoots involving a handful of people and one car or van visiting a location for a short period of time, the film co-ordinator should be able to give verbal approval.

Step 2: Lodging the application

- i.** At least 2 working days' notice should be given of simple filming proposals involving stop/go traffic control on local roads, or temporary occupation of reserves for less than 6 days.
- ii.** At least 5 working days' notice should be given of filming involving temporary traffic management of an arterial road.
- iii.** At least 20 working days' notice should be given of filming that involves temporary road closures.
- iv.** An application form should be completed for each location (a generic application form is provided in Appendix Two to assist councils who don't already have a form). The application should contain information on the following:
 - contact address and cell phone number for:
 - production house
 - location manager
 - director
 - agency (if applicable)
 - client
 - traffic control consultants (if used)
 - type of filming proposed
 - location
 - date, time and duration
 - outline of shoot / action to be filmed (a diagram clearly showing camera locations is desirable)
 - location and size of structures – tents, marquees, sets
 - traffic control required:
 - stop/go
 - on-street parking
 - temporary road closure
 - number of vehicles and parking arrangements
 - use and location of lights and generators
 - if any stunts are to be performed
 - whether there will be fireworks / pyrotechnics / special effects
 - whether helicopters or aeroplanes will be used, and possible landing arrangements
 - if filming will involve use of waterways
 - whether exclusion of the public is needed
 - whether firearms will be used
 - if access to water, electricity and other utilities is needed
 - arrangements made for access to toilets
 - clean-up arrangements in place
 - whether any structures are proposed, and if these structures are likely to need building consent
 - if a health and safety plan is required.

Note: a traffic management plan must accompany all applications that involve filming on a road, including on-street parking and temporary road closures.

- v.** The film co-ordinator should then check that:
 - the application is complete and that sufficient information is provided on the location, dates and activities proposed
 - public liability insurance is arranged
 - the consent of the owner of the location has been obtained (if it is privately owned land)
 - the film company has noted the need to contact other agencies where other approvals are required, such as the New Zealand Police.

- vi.** The film co-ordinator should then acknowledge the application.
- vii.** Where the appropriate delegations are in place, and after any necessary consultation with communities, council departments or agencies such as the New Zealand Police, the film co-ordinator should issue the approval, subject to the appropriate decisions.
- viii.** Where the decision-making delegation lies with other council officers, the film co-ordinator should forward the application to these departments, liaise with the film company and the relevant council departments over any specific issues, and ensure that the approval is issued in a timely manner
- ix.** The film co-ordinator should ensure that the production house is invoiced promptly for any fees.
- x.** The film co-ordinator should advise the appropriate community board and the appropriate agency in situations where filming occurs close to the boundary of an adjoining jurisdiction.

Step 3: Filming and clean-up

- i.** The production company should:
 - attend to all conditions, including advising cast and crew of any special conditions
 - pay all specified fees and bonds
 - advise (as necessary) landowners, businesses and the community
 - advise the council of any changes to schedules or locations far enough in advance for the council to amend an approval, or issue a new approval
 - clean up the site and leave it in the condition it was before filming started, or as agreed as part of the approval process
 - arrange with the council for a site inspection, if needed.
- ii.** The council should:
 - notify any relevant agencies of the activity
 - check the site and pay back any bonds, once filming is completed.

FIGURE 4: SUMMARY OF COUNCIL PROCESSES

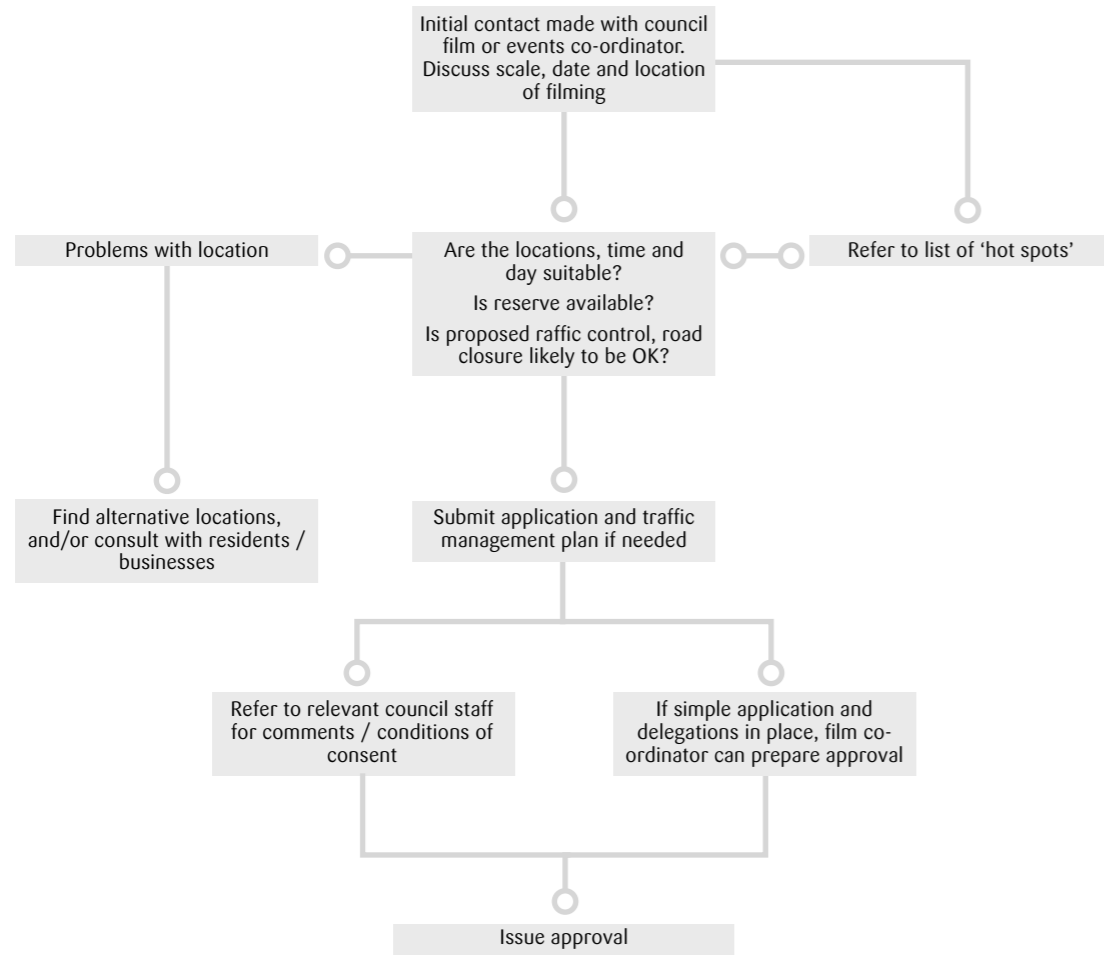


FIGURE 5: RANGE OF APPROVALS REQUIRED AND WHO TO CONTACT

The following is a checklist of the approvals that may be required, depending on the proposed filming activity.

ACTIVITY	APPROVAL THAT MAY BE REQUIRED	ORGANISATION INVOLVED
Filming on any part of a local public road where no road closure is required	<ul style="list-style-type: none"> Temporary traffic management plan Discontinuation of parking controls 	Local council
Filming on a local road where stopping of traffic is required	<ul style="list-style-type: none"> Temporary road closure 	Local council
Filming on a state highway, involving either roadside filming or holding of traffic	<ul style="list-style-type: none"> Temporary traffic management or temporary road closure 	Transit NZ
Camera crew filming from a moving vehicle on a road, and/or filming actors in a moving vehicle mounted on a towed low loader	<ul style="list-style-type: none"> Health and safety plan 	NZ Police (traffic safety)
Filming in a local reserve	<ul style="list-style-type: none"> Temporary occupation permit for short-term filming Licence / concession for long-term activity 	Local council or regional council, depending on owner of reserve
Filming in a national park or other lands managed by the Department of Conservation	<ul style="list-style-type: none"> Concession 	Department of Conservation
Filming on other Crown land	<ul style="list-style-type: none"> Landowner approval 	Depends on owner of the land
Filming in beach areas	<ul style="list-style-type: none"> Compliance with council bylaws Possible adjacent landowner consent to access beach 	Local council Landowner
Use of private land for filming	<ul style="list-style-type: none"> Possible resource management consent under District or Regional Plan 	Local or regional council
Filming on water – lakes, rivers, harbours	<ul style="list-style-type: none"> Landowner consent Alteration to navigation bylaws / rules Use of appropriately chartered vessel Resource management consent if involves structures or alteration to natural features 	Landowner Harbour master Maritime Safety Authority Regional council if structures involved
Sets and structures associated with filming	<ul style="list-style-type: none"> Compliance with Building Act if temporary structures under clause (m) of the 3rd Schedule of the Building Act (if an exemption is not granted) Building consent if not a temporary structure Building consent if a tent or marquee greater than 30 sq m in area 	Local council
Use of firearms	<ul style="list-style-type: none"> Film armourer must have appropriate licence; licence varies according to weapon 	NZ Police (arms officer)
Fire, fireworks, pyrotechnics	<ul style="list-style-type: none"> Storage area for dangerous materials must be licensed Transportation – above threshold levels, vehicle must be licensed Use of dangerous materials must involve an appropriately certified person Rural fire controls may apply Inform NZ Police, Civil Defence 	Local council Department of Labour – Inspector of Explosives Labour Department Local council
Stunts, other potentially dangerous activities	<ul style="list-style-type: none"> Responsibilities under Health and Safety in Employment Act NZ Police, if filming involves firearms 	Department of Labour
Use of overweight or over-dimension vehicles	<ul style="list-style-type: none"> Permit 	Local council

FIGURE 6: WHO TO CONTACT

OWNER / ADMINISTRATOR	ORGANISATION	CONTACT
Local city or district council	Auckland City	Events co-ordinator
	Christchurch City	Events co-ordinator
	Dunedin City	Film co-ordinator
	North Shore City	Events co-ordinator
	Queenstown-Lakes District Council	Film co-ordinator
	Waitakere City	Film co-ordinator (Enterprise Waitakere)
	Wellington City	Film co-ordinator
	Other councils	Council call centre
Regional council	Auckland Regional Council	Park Ranger
	Wellington Regional Council	Parks Policy Planner

OTHER AGENCIES		
AREA / LOCATION	AGENCY	CONTACT
National Parks and Conservation Parks	Department of Conservation	For small one-off applications – Department of Conservation Area Office within area to be filmed
		For other applications (low-impact, non-notified or high impact, notified) contact the relevant Conservancy (Regional) Office. See the DoC Website for details: http://www.doc.govt.nz/
Crown Land (eg Defence, hydro lakes)	Various Departments including State Owned Enterprises	If the relevant Department is not obvious, try the Commissioner of Crown Lands – Land Information New Zealand
High Country Leasehold	Crown's agents	Knight Frank
State Highways	Transit New Zealand	Transit Regional Office

Best Practice 6: Traffic control

Temporary traffic control

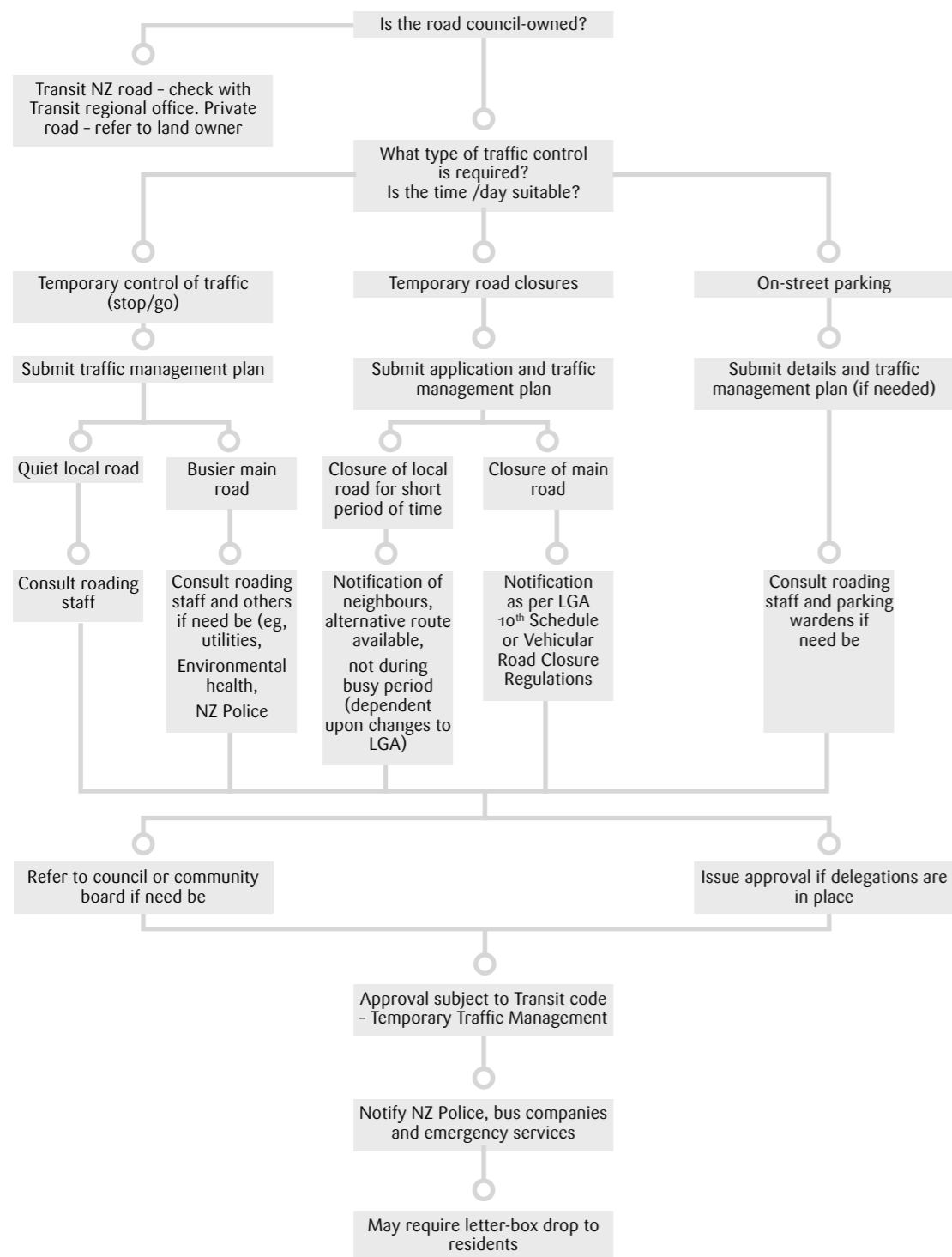
- a. Councils should adopt Transit New Zealand's *Code of Practice for Temporary Traffic Management* for managing filming activities on all roads.
- b. Councils should maintain a list of local traffic management consultants whom the film industry can retain to prepare traffic management plans and/or manage traffic control activities.
- c. A minimum of 2 working days' notice should be given by filming activities of proposed filming on a local road, and at least 5 working days' notice should be given of filming on an arterial road managed by the council.
- d. Applications should contain a traffic management plan, as detailed in the Transit New Zealand Code.
- e. Issues to consider with regard to an application to film on a road, in addition to the matters set out in the Transit New Zealand code, include:
 - the nature of the road and its role in the local road hierarchy
 - the time of the filming activity
 - the nature and extent of traffic management required
 - the likely impact on the normal traffic flow
 - whether other activities are occurring or planned to occur on the road, such as community events or works on utilities located within the road reserve
 - whether alternative routes are available for traffic
 - whether an alternative filming location may reduce disruption
 - the impact of parking on adjacent activities
 - the potential adverse effects of lights, generators and other related activity on adjacent land uses
 - the proposed traffic management plan and whether it deals with these issues.
- f. Councils should maintain a list of people who should be contacted once approval has been given, such as emergency services, bus companies, rural school bus services, and other regular road users in the area. A requirement to inform affected local residents by way of a letter-box drop should also be mandatory.
- g. The approved traffic management plan should be available on-site at all times.

Temporary road closures

- a. Councils should develop a policy on temporary prohibition of traffic covering:
 - when temporary road closure is appropriate
 - notification requirements and timelines
 - decision-making criteria.
- b. Notification for temporary road closure needs to balance a requirement to give adequate notice to the public, against addressing the needs of the film industry for a prompt response. In general, 2 weeks' notice should be given for a full road closure.
- c. As an alternative to temporary road closure, it may be appropriate for the Council to approve short-term holding of traffic where:
 - landowners have been directly informed and given their consent
 - disruption to traffic will not be significant, and easy diversions are available
 - the closure is for a short period of time (eg, maximum of 2 hours).

However this approach is dependent upon changes to the legislation (see page 29).

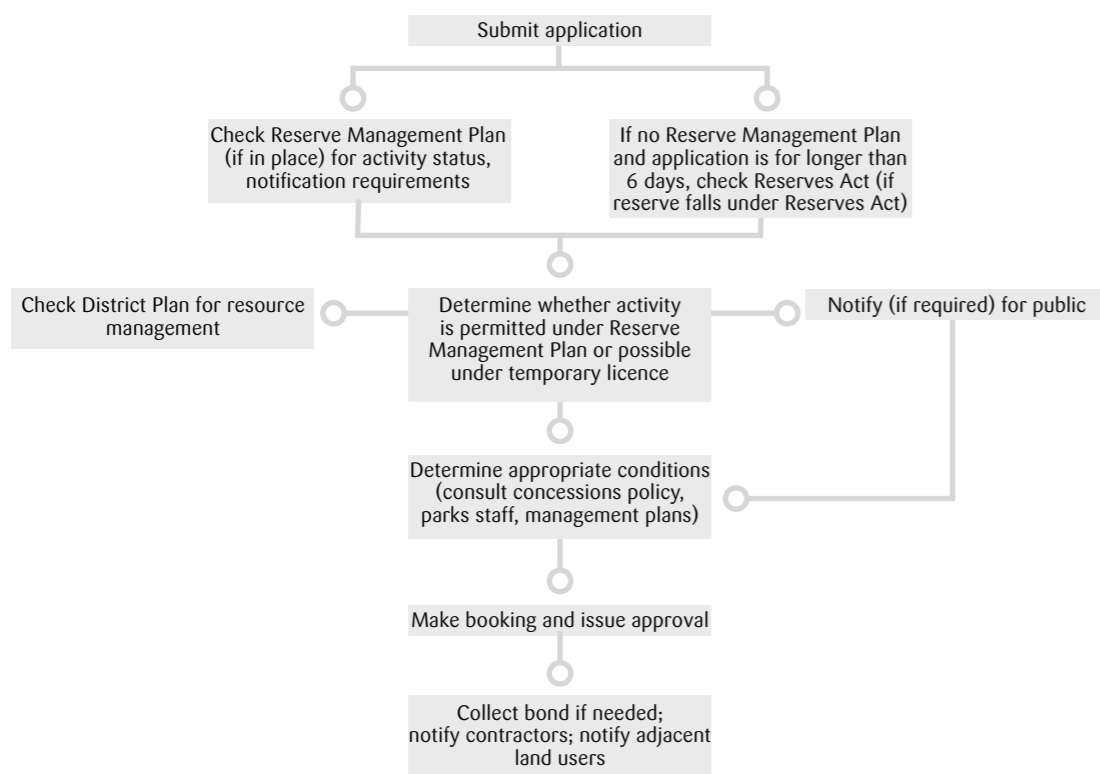
FIGURE 7: SUMMARY OF TRAFFIC CONTROL PROCESSES



Best Practice 7: Use of reserves and open spaces

- a. Councils should consider the need to prepare or review provisions in Reserve Management Plans for filming on reserves where there is the likelihood that there will be demand to use reserves for more than short periods of time. Reserve Management Plans should include policies relating to:
 - where filming should be encouraged and discouraged
 - what scale/duration of filming should be allowed through a simple approval process
 - when a more complex process involving consultation is required
 - under what circumstances exclusion of the public should be provided for
 - what size and type of structures are appropriate
 - when iwi should be consulted
 - conditions associated with use of animals (eg, feed sources that do not contain seeds)
 - limitation on landform and/or vegetation modification.
- b. To manage the commercial aspects of both short-term and long-term filming activities on reserves, the council should develop a concessions policy that sets out the council's approach to the following issues:
 - when (including time of day and week) it is appropriate to film on a reserve (eg, not allowing filming during weekends)
 - requiring signage so that the public are aware of the event
 - ensuring that any adjacent land users are notified
 - ensuring that the consent of any licence holders is obtained
 - whether it is appropriate to require credits showing that the film was shot on a council reserve
 - developing a standard contract that records the conditions of use and obligations of the filming activity
 - security and safety of sets, especially when they are left up overnight
 - provision of public liability insurance
 - conditions related to the use of helicopters – landing locations, security around the landing site
 - waste removal and clean-up
 - bond and fees.
- c. Film operators should give sufficient notice of an application to film on a reserve: at least 2 working days for a simple shoot, a week for a more complex shoot. If there is a need to occupy a reserve for more than 6 days, it may be necessary to provide 4 to 5 weeks' lead time, depending on the content of any Reserve Management Plan. Specific approval issues that councils should address include:
 - checking that the reserve is not already booked by another activity
 - consultation with the relevant park ranger or relevant maintenance staff
 - informing contractors
 - monitoring conditions of approval.

FIGURE 8: SUMMARY OF PROCESS FOR THE USE OF RESERVES AND OPEN SPACE



Best Practice 8: Other approvals (except resource consents)

- a. Other approvals that may be needed, apart from resource consents, and that may involve councils include:
- building consents
 - storage and use of dangerous substances.
 - use of helicopters
 - catering facilities
 - activities on the surface of lakes and rivers and in coastal areas.

Building consents

- b. Temporary film sets can be exempted from the need for a building consent under item (M) of the Third Schedule of the Building Act. Councils need to develop guidelines on when it is appropriate to provide such an exemption. However, such structures must still comply with the Building Act. Issues to consider include:
- the length of time the structure will be up
 - whether the structure will be removed at the end of filming
 - the scale and nature of the structure
 - where safety issues arise, whether there is a need for a certificate from a registered engineer stating that the structure will be safe

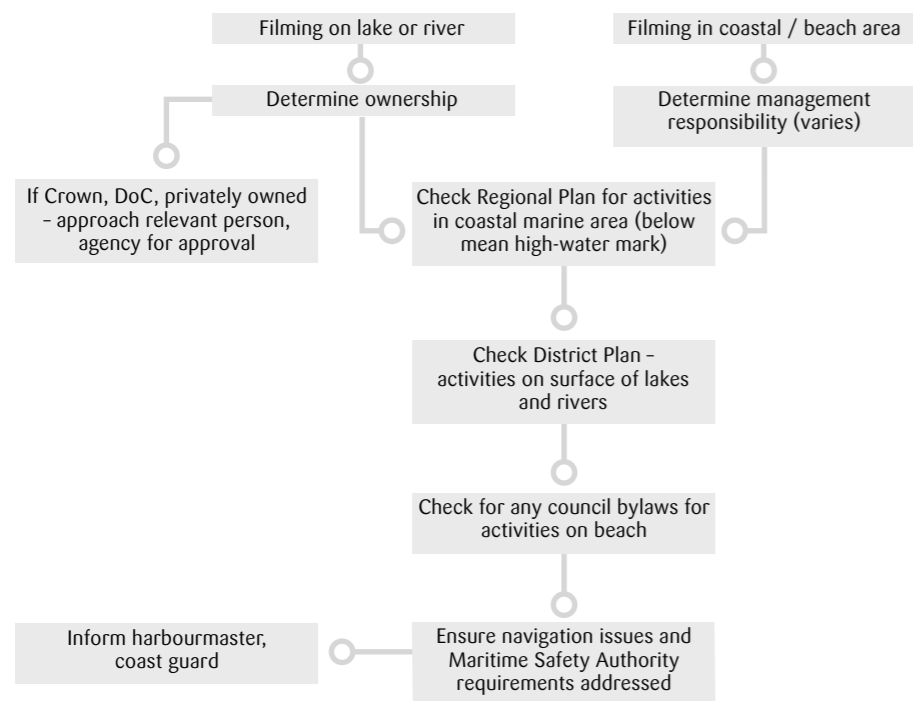
Use of explosives, firearms, helicopters and/or aeroplanes

- c. These should be managed as follows.
- Explosives
 - Explosives must be managed by a person with appropriate qualifications – currently a certificate of competency issued by Occupational safety and Health, Department of Labour. Amendments to the Hazardous Substances and New Organisms Act will change this process.
 - Explosives must be stored in a manner approved of by a dangerous goods inspector.
 - The New Zealand Police and Civil Defence must be notified when they are to be used.
 - Check if a closed or restricted fire season is in place.
 - Storage and transportation of explosives may involve the need for licences.
 - Firearms
 - The New Zealand Police must be notified when firearms are to be used.
 - Helicopters and/or aeroplanes
 - The use of helicopters and aeroplanes must comply with standard Civil Aviation rules.
 - The council's District Plan may have rules relating to helicopter landings in residential areas or other 'sensitive' environments.
 - Reserve Management Plans may affect helicopter landings in reserves.
 - Catering facilities
 - May need approval for Council's Environmental Health staff.

Use of lakes, rivers and coastal areas

- d. The following sets out the basic steps involved in considering applications to film in lakes, rivers and coastal areas.

FIGURE 9: MAKING AN APPLICATION TO FILM IN LAKES, RIVERS OR COASTAL AREAS



Best Practice 9: District and Regional Plans

- a. Councils should review their District and Regional Plans so that filming is treated as a business, not as a community event or as a temporary activity. This involves:
 - developing specific policies for location filming
 - including filming in activity lists where this approach is taken, or ensuring that effects-based plans take into account the common temporary effects associated with location filming
 - providing for short-term location filming (less than 3 months' duration) where no permanent sets are proposed, as a permitted or controlled activity in most areas
 - only considering discretionary status for larger-scale, longer-running filming activities in the most sensitive zones.

- b. In setting District and Regional Plan rules the following issues need to be considered:
 - the generally temporary nature of filming
 - most short-term effects are associated with traffic management and public access to reserves and beaches
 - the most common environmental issues to arise have been those associated with cleaning up and reinstating sites
 - less common effects are:
 - modifications to the natural environment – removal of vegetation, earthworks, modifications to watercourses, stormwater
 - landscape issues – effects of structures on the visual appearance of an area
 - noise, lights, generators
 - amenity and character – the overall effect on the look and feel of a place.

- c. In considering resource consents, the following issues should be taken into account:
 - whether proposed structures are temporary and provision has been made for their removal when filming finishes
 - changes to landforms and vegetation, and reinstatement of landforms and vegetation as they existed prior to the filming
 - payment of monitoring fees
 - payment of a bond to cover reinstatement costs
 - construction of road access to meet council/Transit New Zealand specifications
 - management of stormwater from buildings
 - collection of rubbish, litter, waste
 - location of lights to minimise glare
 - noise effects and compliance with standards.

Councils should consider a fast-track system for filming activity consents; for example, processing within 10 working days, rather than the statutory timeframe of 20 days, for a non-notified consent.



Appendix 1: Film New Zealand

Film New Zealand is New Zealand's film locations office, providing information, introductions and support to filmmakers both internationally and locally.

We aim to ensure that everyone has a satisfying experience while filming in New Zealand, and we will do everything in our power to make sure the expectations of both visiting productions and local filmmakers are met and, wherever possible, exceeded.

Film New Zealand provides a complete introduction service for those wishing to film in New Zealand. We can supply everything film makers need to know about our locations, facilities, crews, permits, immigration, transport and accommodation.

New Zealand's film-friendly network extends throughout the country, and is identified by the Studio New Zealand brand. Film New Zealand can provide a fast, educated response from a comprehensive database and information source to any enquiry – whether for a commercial, telefeature, or extended location shoot.

Film New Zealand's web site, located online at www.filmnz.co.nz provides a comprehensive link to the New Zealand screen production environment.

Film New Zealand is an accredited full member of the Association of Film Commissions International.

For more information about filming in New Zealand, and how local authorities can work with the film industry, please contact Film New Zealand:

info@filmnz.org.nz – email

04 385 0766 – tel
04 384 5840 – fax

P O Box 24142
Wellington
New Zealand

Appendix 2: Filming Activities Approval Application Form

Project

Project name: _____
 Shoot days (list): _____
 Alternative weather days: _____
 Start time: _____ Finish time: _____
 Set up time: _____ Departing time: _____

Contact Details

Name and postal address of applicant:

Contacts for day of the shoot

Contacts	Name	Phone	Mobile	Fax	Email
Production company					
Location Manager					
Production co-ordinator					
Director					
Client's name					

Shoot Details

Location (site address, names of roads, park / reserve to be used for filming)

Description of the shoot (briefly describe the action being filmed). Attach a diagram showing the following details: location of cameras, whether on tripod or track, generators, lighting, sound equipment, tents/marquees, caravans, vehicle parking, any activities below mean highwater spring

How many vehicles will be involved in this shoot?

Trucks	Buses	Vans	Cars	Other (describe)
--------	-------	------	------	------------------

Parking (describe parking arrangements and attach a diagram)

Special aspects (circle where relevant):

Heli shoot	Fire	Explosions	Stunts	Crowd scenes	Other noise
Fixed wing aircraft	Gunfire	Boats	Wet downs, access to water mains	Road accidents	Overweight, over dimension vehicles

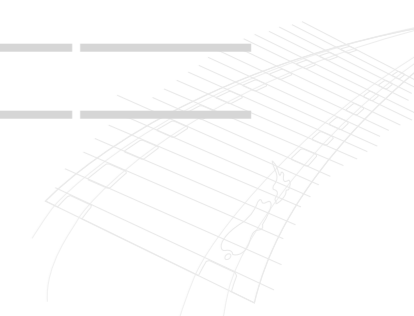
Effects on the Environment.

Will the shoot (tick Yes or No):

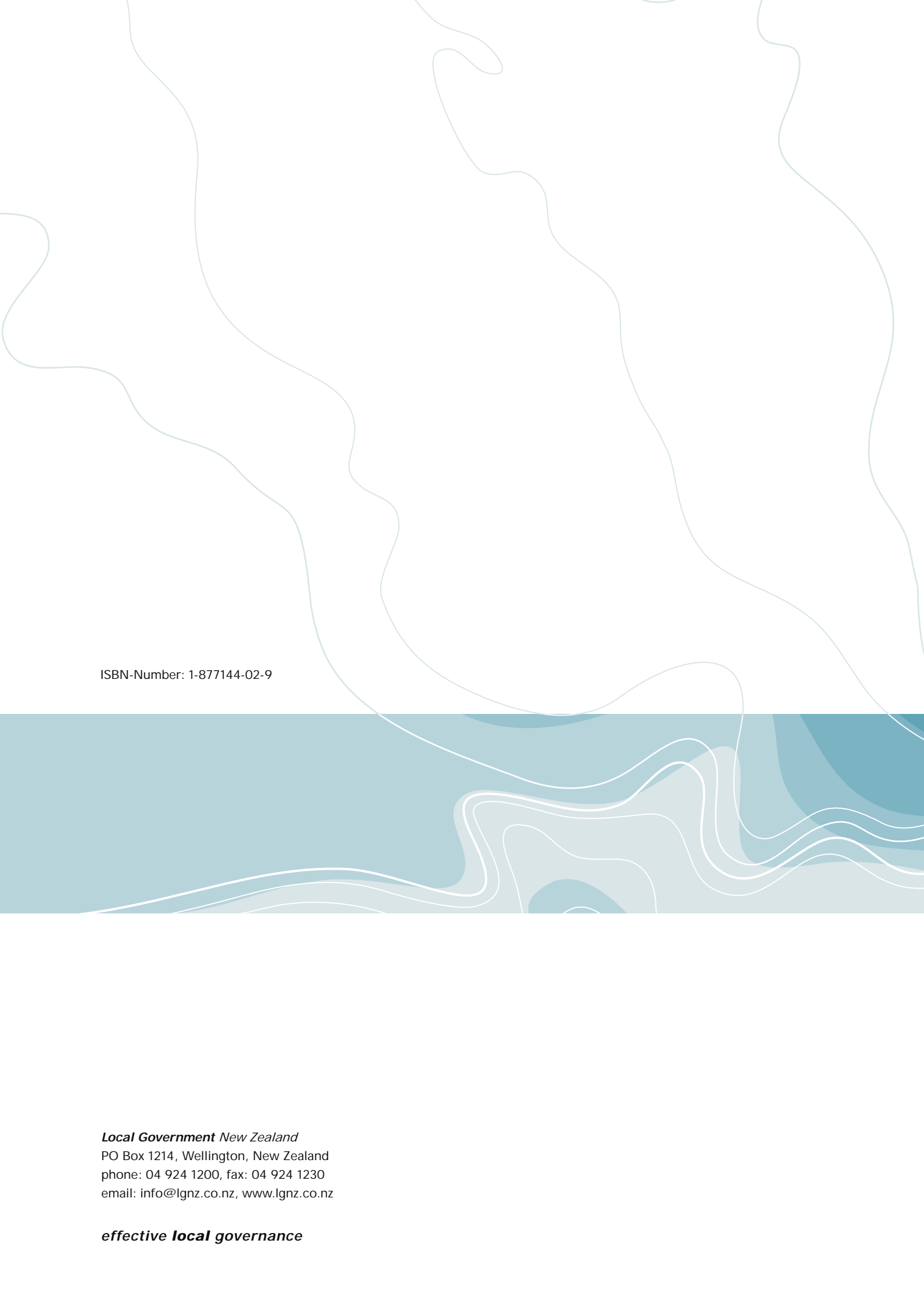
Potential Effect	Yes	No	If yes, describe
Create discharges to air (eg burning vehicle, generator noise)			
Affect any vegetation?			
Require earthworks?			
Involve the erection of a set, tent or marquee?			
Encroach onto roads?			
Require stop/go management of traffic?			
Require closure of road to traffic?			
Involve on-street parking?			

Check

Have you attached to this application the following?	Yes
For filming involving roads and streets, a Traffic Management Plan	
Details of public risk insurance	
Your health and safety plan	



NOTES



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effective local governance