

DEPARTMENT OF CONSERVATION STANDARD OPERATING PROCEDURE: Guidelines for Managing Commercial Filming on Conservation Lands

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Introduction

About this review

Harry Maher, Manager National Revenue for DOC, has invited Film New Zealand and SPADA to provide feedback on the Department's Standard Operating Procedure for commercial filming as part an overall review of filming concessions within the Department.

Film New Zealand and SPADA welcome this opportunity to be involved in the development of revised guidelines for managing commercial filming on conservation lands. We anticipate that this review process, in conjunction with updated forms and application processes, will improve the standard of applications for filming concessions. It is also hoped that the revisions will improve film makers' access to information and contacts, so that they can be more proactive about consulting other interested and/or affected parties about proposed filming activity.

About Film New Zealand

Film New Zealand is a member of the AFCI (Association of Film Commissioners International) and is New Zealand's film locations office, providing information, introductions and support to filmmakers from around the world who are looking to shoot in New Zealand. Film New Zealand is also involved in marketing initiatives to promote New Zealand as a production destination.

Film New Zealand's goals are to generate foreign exchange, foreign investment in New Zealand's creative business and supporting infrastructure, and to support regional development by promoting location shooting. Film New Zealand encourages the engagement of local staff and local business, such as engineering firms, freight companies, rental and hire companies, in international production.

Film New Zealand is a non-profit organisation supported by the New Zealand screen production industry and funded by MED/Industry New Zealand, Investment New Zealand, the Community Employment Group and the New Zealand Film Commission.

About SPADA

SPADA is the foremost screen production industry organisation representing screen producers, directors and associated personnel in New Zealand. We have over 300 company and individual members. Our mission statement is to be *the leading advocate for a robust screen production industry which strives to enhance the diversity of screen culture in New Zealand.*

SPADA is a non-profit incorporated society funded by its members and with additional project support from the NZFC, Trade New Zealand and NZ On Air.

Standard Operating Procedure

It may be useful to include in the Standard Operating Procedure some background information about filming and film timelines. This would help to explain some of the idiosyncrasies of film production.

Following is an example of the kind of information that DOC might include as background information about filming in their SOP for staff:

The normal process for a film or television production is:

- *Assess script**
- *Breakdown into location options*
- *Shortlist of location options*
- *Arrange for senior production personnel (Director, Producer etc) to go to those location options – contact appropriate Conservation staff, arrange time and place*
- *View locations – all options*
- *Discuss and choose best location from a visual and logistical point of view*
- *Revisit the location –*
 - *again meet with DOC staff to discuss fine points of requirements, including access, number of vehicles and other equipment.*
 - *Be made aware of any special requirements or limitations for that park or conservancy.*
- *Make formal application to DOC for permission to film in the park or conservancy.*
- *Complete application forms.*
- *Approvals*

The principal difference between filming and other business operations on conservation land is that filming is short term (in most cases) and of a temporary nature - filming has a finite start and finish.

**The time frame from script assessment varies depending on the type of project. A commercial might have a time frame of 4 weeks from script to shooting, and would therefore need to search/decide/apply & get approval within a 1 to 3 week time frame. A feature film might have from 8 weeks to 4 months from script to shooting. A documentary may only require 1 day of shooting in bush or on a mountain as 'background' to a story.*

These short time frames are the principal reason for film companies failing to meet concession application deadlines. A possible way around this is for film companies to at least start discussions with DOC as soon as possible, even if they are not yet able to make a formal application.

We have received feedback from location managers that they have in some cases had to spend several hours explaining to DOC staff the measures put in place by film crews to manage the effects of their activity. Film crews, who have given up their time to educate the DOC staff, are then charged for DOC staff time.

Firstly, this charge is unreasonable - no recognition is given to the fact that location managers have given up their time to share their knowledge with DOC staff (making it easier for that office to process the next film concession). Secondly, many location managers on a production do not have the time to spend two hours at the local DOC office (several times over, if the shoot covers more than one area) explaining what is second nature to a film crew.

Ideally, therefore, the education process should go beyond the SOP. Workshops could be held at DOC offices throughout the country, introducing DOC staff to filming processes and activities, and the industry's well developed techniques for managing the effects of filming. A reference manual could also be provided.

Considering Applications

Point 10 - small scale vs large scale

- We have several reports of local DOC officers taking an inflexible and sometimes mistaken interpretation of 'small scale' (eg. both less than 30 crew **and** less than 10 days). Some extra explanatory text would be useful.

Point 12 - public notification

- We understand that there is mounting pressure from organisations like Forest and Bird and Federated Mountain clubs to publicly notify all large-scale film projects.
- If this policy were implemented, it would be very difficult for any large-scale project to shoot on conservation land, as the timeframe for notification is longer than most productions have between the project getting the go-ahead and the beginning of the shooting period.
- As many of New Zealand's key film locations are on conservation lands, such a policy change could have a significant impact on our ability to attract international production to New Zealand and to manage local production within the existing tight budget constraints. Consequently, the impact on the screen production industry, economic development at both regional and national level, and foreign exchange earnings would be significant.
- We suggest that encouraging a film company working on a significant shoot to notify and consult with all affected parties prior to filming is preferable to a public notification process. Information should also be made available to other park/conservation land users prior to and during filming, using public noticeboards.
- If the decision maker does intend to exercise their discretion to publicly notify a concession application, we strongly suggest that this is authorised at a national level within the Department beforehand. This helps to avoid inconsistency between conservancies.

Costs and budgeting

• **Fee structure**

The location fee structure is complicated, involving application fees, location rental fees, per head charges and cost recovery for DOC time and resources. For 'large scale' productions, minimum fees only are specified, with the expectation that actual fees charged will be higher. Cost recovery charges (eg. rate per hour) are not specified. These factors make it difficult for a production company to budget for shooting on DOC land.

Possible solution:

Estimates to be prepared by DOC on request - this may already be done as part of application process.

- Per head charge for filming on DOC land (\$25.00 per person per day) is not consistent with fee structure for other NZ or international locations. Most location owners (including National Parks overseas) charge a daily fee for location use, sometimes with a sliding scale depending on crew numbers, but never with a per head charge on top. Some US National parks charge permit fees only, without mandatory location fees. The two comparable land management agencies cited in the SOP are National Parks and Wildlife Services in NSW and Queensland. NSW's fees are based on budget level and genre. Queensland's fees are based on number of people (1-5, 6-25 etc, not a per head charge) and whether or not structures are involved, up to a maximum of \$2,100 per day.

- Tourism concessionaires on DOC land are charged a much lower per head charge, despite the fact that tourism impacts are often higher and less well managed than the effects of film production.
- While we know that DOC cannot impose different charges for international and domestic shoots, it is still worth noting that domestic screen production budgets are among the lowest in the world and any regulatory cost has a disproportionate impact on New Zealand production.
- **Monitoring**
Some clarification on when monitoring is likely to be necessary, and what it involves, would be helpful.

We have had some feedback that the monitoring requirements for some productions have been excessive. For example, when BBC's *The Lost World* was shot in the Nile Valley area, constant on-site monitoring was required, at considerable expense to the production company (the DOC monitor was the highest paid New Zealander on the crew). Given that this location is used for rock festivals, horse trails and tourist operations, by local schools as an outdoor education location, and is the proposed site of further roadworks, the monitoring of the film crew - who have a much lower impact and are more experienced in effects management than any of the above activities - is unjustified.

Monitoring should only be required if the filming activity poses a significant risk to the environment. There should also be some flexibility, so that if after a day or two of monitoring the monitor is satisfied that the production company is taking adequate measures to manage risks and is behaving in a responsible manner, ongoing monitoring is not required.

This Nile Valley location also raises other issues about filming concessions on DOC land. The initial discussions about this location with the Hokitika Regional Headquarters indicated that filming there would be relatively straightforward, as significant DOC involvement did not occur until the end of the council road - about 1km past the main filming locations. The local office, however, took a different view, and imposed significant and costly conditions on the film crew's use of an area considered by the regional HQ to be of low importance. This inconsistency makes certainty when filming on conservation lands - a very important factor for film production - almost impossible.

We note that one of the Department's objectives in having these guidelines (point 3) is "to have a professional, cost-efficient and *nationally consistent* approach to considering and issuing permits for commercial filming and photographic activities on land managed by the department." Further action is required, particularly at the local office level, to ensure that this objective is met.

Other issues

Point 33

The department has an interest in understanding what types of film product are being produced using land managed by the Department. For this reason, the Department will reserve the right to request and receive a copy of the filming or photography product. The provision of this product by the permittee may be a condition of the return of any bonds.

- In many cases, this will be relatively straightforward.
- In some cases, however, this may be more complicated, because of the ownership of the product - the company applying for the concession may not be the owner of the end product.
- There may also be a significant delay between completion of filming and availability of finished product.

- It is unreasonable in this instance to withhold bonds, and this coercive approach should cease. A clause indicating that the permittee will use their best endeavours to provide a copy of the finished production should suffice.

Conservation values

We have received feedback that "conservation values" are often cited as the justification for various Department decisions, but there is no consensus about what conservation values actually are. Some clarity on this matter, as well as on the Department's decision making process for film concessions, would be helpful.

Information for Film Crews and Photographers

- It would be helpful to set this information out in a more user-friendly way - perhaps a step-by-step guide to the application process. Film New Zealand would welcome the opportunity to work with the Department on developing this guide, and would work closely with SPADA and our network of location managers to ensure that the guide meets the needs of the end users.
- This guide should also include contact details for various DOC offices, and information about how to access things like CMS's and Management Plans.
- This section should also include a fees grid, which includes application fees and information on hourly costs for DOC staff as well as location fees.
- Paragraph on permits at the bottom of the first page is unclear - are permits different to concessions? Some clarification on terminology is required.
- It is proposed that this Information/Guide be developed in conjunction with revised Film Concession application forms. Ideally, this would be web-based.