



SUBMISSION ON

ARTHUR'S PASS NATIONAL PARK

DRAFT MANAGEMENT PLAN

Version May 2006

Film New Zealand Submission on Draft Arthur's Pass National Park Management Plan

SUBMISSION FROM: **Film New Zealand and SPADA**
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TO: Arthur's Pass Management Plan Review
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CHRISTCHURCH

Future Hearings

Film New Zealand wishes to be heard in respect of its submission at any future hearing. Preferred times for a hearing are weekdays, in the afternoon.

SUBMISSION ON ARTHUR'S PASS NATIONAL PARK DRAFT MANAGEMENT PLAN

INTRODUCTION AND BACKGROUND INFORMATION

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 charitable trust supported by the New Zealand screen production industry and funded by the Ministry of Economic Development, Investment New Zealand and the New Zealand Film Commission.

Film New Zealand's philosophical cornerstones are integrity, respect, value and partnership. It is recognised that the screen production industry crosses many cultures and promotes varied viewpoints. For this organisation to work in a global market driven by creativity and economic returns, these cornerstones are integral to good relationships and understanding.

About the Screen Production and Development Association of New Zealand Inc ("SPADA")

SPADA is the foremost screen production industry organisation representing film and television producers in New Zealand. It has approximately 370 company and individual members.

The SPADA 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's main objective is to advocate to enhance the environment for the New Zealand Screen Industry. SPADA's interest in making a submission on the Arthur's Pass National Park Management Plan derives from SPADA's members and associates having a long tradition of filming around and in the New Zealand conservation estate. These members include filmmakers at work on feature films, television programmes including documentaries and commercials.

Please read all following references to Film New Zealand as including SPADA.

Film New Zealand and DOC

Like the Department of Conservation, Film New Zealand and the film-makers it works with value conservation, and have great respect for New Zealand's natural environment. It is one of the things that makes New Zealand such a special filming destination. Film New Zealand therefore acknowledges that care is necessary when filming on conservation lands.

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Film New Zealand participated in the development of both the statement of Conservation General Policy, and the National Parks General Policy. Film New Zealand welcomed the explicit recognition of commercial filmmaking as a distinct activity in both policy documents. Recognition in General Policy is the first step in ensuring that the screen production industry continues to have access to many of New Zealand's iconic and valued locations, subject to good practice.

In 2005, Film New Zealand worked with DOC to develop the Code of Practice for Filming on Public Conservation Lands. The Code was developed to assist DOC and location managers working with international film crews, and promote environmentally friendly practices. The Code also promotes with film crews the need for them to apply to DOC for the appropriate concessions to film on the Conservation Estate.

Film New Zealand has also worked with DOC in the development of a film section on the Department's website: see "Commercial Filming on Public Conservation Lands" under the permissions section of the website:
<http://www.filmnz.com/production-guide/permissions.html#conservation>

Film New Zealand has collaborated with DOC on streamlining the film concessions process. This has involved both active liaison with the Department and its respective conservancies, and working with potential film-makers to enhance their awareness of the significance of the conservation estate, and the role of DOC as caretaker of these lands.

The Benefits of Filming

In November 2003 the Prime Minister released the government's response to the Screen Production Taskforce. Screen production was chosen as one of the key sectors under the Growth and Innovation Framework for special attention to enable sectoral growth, and growth across the economy¹.

The Screen Taskforce set a target of sustainable foreign exchange earning of \$400 million a year within five years. Its recommendations are intended to establish a climate in which at least 10 companies achieve an annual turnover of \$50 million each and at least another 20 achieve annual turnovers of \$10 million.

A specific initiative arising from the Taskforce's recommendations was the creation of the Large Budget Screen Production Grant as an incentive to attract internationally-financed productions to New Zealand. Since the introduction of the scheme in 2003 the Minister for Economic Development Hon. Trevor Mallard has stated that large budget screen productions have generated:

- \$363 million direct income to the New Zealand economy;
- Additional economic activity of \$119-227 million; and
- Indirect benefits ranging from \$10 million to \$34 million.

In March 2006 the government confirmed that it will continue to make this incentive available for large budget feature films and television productions.

¹ Cabinet Paper entitled "Review of Government Support for Screen Production" released 10 November 2003
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Film New Zealand has been consistent in their submissions to the Department of Conservation in relation to Management Plans and Management Strategies over the past few years. One of the key points they wish to ensure is that the Department recognises that New Zealand's great outdoors, and our cultural and natural heritage, are integral to the success of the Government's initiatives to achieve sustainable earnings of \$400 million per annum.

Film New Zealand has therefore consistently urged the Department to ensure that there is an appropriate policy framework for filmmaking in management plans, to give certainty that the activity of filming can continue to take place provided that the potential adverse environmental effects are appropriately addressed.

There are more than simply financial benefits of filming for the Department of Conservation. DOC's enabling legislation contains a tension between the preservation of its estate, while at the same time providing a role in facilitating recreation and public access. Filming can assist in alleviating that tension in several ways, both by promoting some of New Zealand's natural wonders without the need for the viewer to be physically present, and by providing access to views of wild and scenic places for those who are unable to visit such places of their own volition.

For the above reasons Film New Zealand considers that the recognition of filmmaking under Conservation General Policy and National Parks Policy is appropriate and the following submissions are intended to ensure that appropriate recognition of filmmaking devolves into specific management plans.

FILM NEW ZEALAND'S SUBMISSION:

1 General

1.1 The question of access is one to which modern National Park Management Plans are increasingly turning. The driver of a number of the detailed submissions below is that Film New Zealand is concerned to ensure a flexible and effects-based approach is taken to controlling access. The nature of filming activity is quite different from tourist and other commercial concessions, in that filming activity is:

- Low impact in the great majority of cases;
- Of a short duration;
- Each concession is a one-off, rather than a repetitive, event;
- Each concession application is unique and needs to be considered on a case by case basis; and
- Therefore generalised access controls such as a restriction of aircraft drop-offs, while appropriate for recreational and concession access generally, are overly restrictive for managing occasional, ad-hoc requests for access for filming activity.

Decision Sought

1.2 Ensure that objectives and policies adopted by the Management Plan distinguish between access controls on commercial concessions that are serial in nature and of variable impact, and access controls for one-off, low-impact activities such as specific animal control operations, a training programme, or a filming project.

2 Recreational Opportunity Settings - Page 32

Description of Subject Matter

- 2.1 Section 2.5.2 describes section 4(2)(e) of the National Parks Act, and the appropriateness of providing for appropriate recreational use. The section also notes that there is significant concessionaire activity providing for recreational use.

Reasons for Submission

- 2.2 The draft Management Plan does not completely distinguish between the on-going pressures of visitor access, and on-going commercial concessions, from one-off access agreements for activities such as filmmaking. There is a danger that the infrequent activity of filmmaking gets caught up in restrictions and prohibitions on access that apply to on-going activities.

Decision Sought

- 2.3 Ensure that the Management Plan has a policy framework that has flexibility to enable one-off applications for concessions to be considered on a case by case basis.

3 Management Issues – Pages 39-

Description of Subject Matter

- 3.1 Section 3.1 discusses management issues and the conflicts/natural tensions within DOC's legislative mandates, between preservation and use. Film New Zealand commends the acknowledgement and discussion of the issue, and how the management plan proposes to address the potential conflict.

Reasons for Submission

- 3.2 The discussion of aircraft use under s3.1 looks at the trend of increasing public pressure/use. However Film New Zealand is concerned to ensure that the management plan distinguishes between on-going pressure of significant numbers of visitors, and the relatively insignificant pressure of one off, occasional requests for concessions for access for filming activity.
- 3.3 The approach of the draft plan is to cite “*even stronger pressure to retain the Park free of all but essential aircraft use*” and there is an implication that “essential” use will be defined narrowly. There is no direct imperative under the NPA 1980 or CA 1987 suggest that all aircraft access is inherently inappropriate, although it is easy to see how Park Management could consider that aircraft access for recreationalists would threaten to undermine the Park's values which the Department is charged with protecting.

Decision Sought

- 3.4 Ensure that provisions addressing access for commercial filming are distinguished from access provisions for other general concessions. Specific examples are addressed in submissions below.
- 3.5 Any other relief as appropriate to give effect to the intent of this submission.

4 Section 3.2 Resolving Conflicts

Description of Subject Matter

- 4.1 Section 3.2 lists ways in which the Plan will deal with potential conflicts. The fourth bullet point suggests that additional bylaws might be sought.

Reasons for Submission

- 4.2 Film New Zealand has observed that different draft National Park Management Plans are at different stages in regards to updating their attendant Bylaws.

Decision Sought

- 4.3 Film New Zealand recognises that the power to update existing and create new Park Bylaws is an appropriate management option. Several existing Bylaws are somewhat outdated and will be addressed in detail in submissions on Appendix A, below.

5 Section 4.0 Combined Park Objectives

Description of Subject Matter

- 5.1 The provision of a summary of the Park Objectives on page 43 is a useful feature. Film New Zealand's submissions on various Objectives, set out below, seek to address things such as perceived inconsistencies in approach between different sections of the draft plan.

Reasons for Submission

- 5.2 Combined Objective 8 is supported as a clear statement of the proposed approach of the Management Plan, of encouraging use of the Park where this is consistent with the preservation of natural values. Objective 10 is somewhat extreme and of little use given the limited ability of Parks Management to control aircraft activity in the vicinity of the Park. Objective 11 is not well written as the objective of avoiding activities that "*do not need to occur within the Park*" runs contrary to DOC's mandate to encourage access to the Conservation Estate. The Objective probably does not intend to create this impression and needs to be re-written.

Decision Sought

- 5.3 Re-write Objective 10 to read: "*the maintenance of a high degree of natural quiet within the Park, utilising a range of measures including controlling vehicular access (including aircraft)*".
- 5.4 Re-write Objective 11 to read: "*the management of activities within the Park, so as to preserve natural values as required under the National Parks Act 1980*".
- 5.5 Any other relief as appropriate to give effect to the intent of this submission.

6 Section 6.3.2 Public Access and Use

Description of Subject Matter

- 6.1 Policy 6.3.2(a) is to *encourage* public access and use of the Park, and lists eleven assessment criteria by which proposals will be considered. Film New Zealand is comfortable with such an approach being taken for applications for access for filming concessions, which it is submitted need to be able to be considered on their merits.

Decision Sought

- 6.2 Recognise that filming concession applications should be able to be considered under criteria such as those listed under 6.3.2.
- 6.3 Ensure that the Management Plan provides the flexibility to consider one-off applications for filming concessions on their merits.
- 6.4 Any other relief as appropriate to give effect to the intent of this submission.

7 Section 6.3.4 Information and Interpretation

Description of Subject Matter

- 7.1 Section 6.3.4 addresses one of the key roles of DOC in respect of administering the National Park.

Reasons for Submission

- 7.2 Film New Zealand considers that the provision of information and interpretation is one of the areas where filming activity (whether by still photography or by video or digital images) plays a role. For example, filming activity would appear to be entirely consistent with Method 6.3.4(d) 3.

Decision Sought

- 7.3 The terminology of the Explanation to 6.3.4(d) (page 108) is out of date. In the first bullet point, substitute "video cassettes" with the words "*video or digital images*". Where the word video is used in the second bullet point, substitute the phrase "*film, video or digital*".
- 7.4 Any other relief as appropriate to give effect to the intent of this submission.

8 Section 6.4 Concessions and Other Uses

Description of Subject Matter

- 8.1 Refer to Submission 5 above. Objectives 3 and 6 appear to be somewhat conflicting. Objective 5 is not realistic given the inability to control aircraft in the vicinity of the Park.

Decision Sought

- 8.2 Re-word Objectives 5 and 6 along the lines of the wording in Submission 5 above.

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8.3 Any other relief as appropriate to give effect to the intent of this submission.

9 Section 6.4.3 Concessions General

Description of Subject Matter

9.1 The Explanation to the Policies, page 131.

Reasons for Submission

9.2 Film New Zealand supports the approach to considering applications for concessions. In particular, the sentence beginning "*It is important to consider all concession applications on their merits...*" is strongly supported. Such an approach has been sought by Film New Zealand in submissions on previous National Park Management Plans around the country.

Decision Sought

9.3 Ensure that Concessions policies in general, and policies addressing Filming Activity in particular, enable filing concessions applications to be considered on their merits.

9.4 Any other relief as appropriate to give effect to the intent of this submission.

10 Section 6.4.8 Aircraft

Description of Subject Matter

10.1 The Policies on page 145.

Reasons for Submission

10.2 Film New Zealand recognises that aircraft use within the Park should require a concession. However draft Policy 6.4.8(c) (page 145) as it is currently worded would remove the discretion for Park Management to consider an application for access for filming activity on its merits. The policy is cast too rigidly at present. The underlying philosophy that concessionaire activity could undermine Park values, especially quietness, is recognised. However, the policy does not recognise that filming activity is a low impact, one off, occasional activity without the impacts of some form of regular concessionaire activity.

10.3 Film New Zealand seeks to have policies recast to provide for the ability of applications to be considered on their merits, consistent with section 6.4.3 (refer our submission 9), and section 17ZF of the Conservation Act 1987.

Decision Sought

10.4 Re-word draft Policy 6.4.8(c) iii) (d) to read "*filming activity at sites approved through a concession*".

10.5 Any other relief as appropriate to give effect to the intent of this submission.

11 Section 6.4.9 Commercial Filming and Photography

Description of Subject Matter

11.1 The Policies on page 148 of the draft plan.

Reasons for Submission

11.2 As previously noted, Film New Zealand supports the general approach of section 6.4.3 that applications for concessions should be considered on their merits. The Policies under 6.4.9(a) need to be reframed accordingly.

11.3 Policy 6.4.9(a) i) risks lumping filming activity together with tourist/recreational concessionaire activity that has the potential to have impacts on Park values by bringing in significant visitor numbers, or requiring repetitive, predictable access. Film New Zealand wishes to stress the important distinction that filming activity is not in high numbers but may be of high value to the country. Filming activity is in the most part low impact, and is always one-off in nature. The suggested draft Policy cited above does not distinguish between an application for a concession for a one-off activity, from more general recreational/tourism concessions.

11.4 Sub-Policy 6.4.9(a) iv) is supported.

Decision Sought

11.5 Insert a second sentence below the heading to section 6.4.9 to read: *"Film making is by nature a one-off activity for which applications for concessions will be considered on a case-by-case basis."*

11.6 Re-word draft Policy 6.4.9(a) i) to read *"occur only at sites approved through a concession"*.

11.7 Re-word draft Policy 6.4.9(a) ii) to read *"be subject to the same conditions as other concessionaires"*.

11.8 Re-word draft Policy 6.4.9(a) iii) to read *"be restricted to means of access approved by the conditions of specific concessions"*.

11.9 Any other relief as appropriate to give effect to the intent of this submission.

12 Section 6.4.9 Explanation

Description of Subject Matter

12.1 The explanatory section on page 148-149.

Reasons for Submission

12.2 The explanation section recognises that filming activity is of a low level. However the prediction that increased scale would inevitably lead to increased or cumulative effects is not borne out by experience in other National Parks. In reality the likelihood of a major motion picture establishing exclusively in the Park for the majority of the shoot is low. It is more likely, and just as desirable in the view of Film New Zealand, that over time the Park may experience more applications for one-off, low impact filming events.

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- 12.3 The explanation section mentions several guidelines that Film New Zealand/SPADA have been involved in. A guide to filming within the rohe of Ngai Tahu can be downloaded on the Film New Zealand website – <http://www.filmnz.com/production-guide/permissions.html>.

Decision Sought

- 12.4 Delete the final two sentences in the first paragraph to the explanation. Replace with: *“It is more likely that the Park may experience more applications for one-off, low impact filming events.”*
- 12.5 Insert as paragraph three to the explanation: *“Because each application for a commercial filmmaking concession is essentially a one-off activity, the approach of this management plan will be to consider each application on its merits. Where an application involves an apparent breach of a Park Bylaw, the applicant will be expected to demonstrate how the activity will meet the requirements of the National Parks Act in the specific circumstances.”*
- 12.6 Any other relief as appropriate to give effect to the intent of this submission.

13 Appendix A Bylaws

Description of Subject Matter

- 13.1 As a general comment, some of the Bylaws could usefully be updated. For example the Bylaw on portable generators assumes that generators are noisy. Most National Park Bylaws include such a dated clause. However modern generators are quiet and should be allowed subject to a noise standard.
- 13.2 There is a typographic error on page 202 of the draft, where “Mount Cook National Park” is referred to.
- 13.3 Bylaw 11, addressing Aircraft Access, does not sit easily within the well-crafted text of the main document. The tenor of the Bylaw is rigid, inflexible and inconsistent with the policy on aircraft access contained within the draft Management Plan.

Decision Sought

- 13.4 Insert a new Bylaw 3, with consequential renumbering of existing subsequent Bylaws. The new Bylaw to read: *“3. Exceptions to Bylaws. Where a person is operating in accordance with express authorisation in any lease, licence or concession, the provisions of one or more of the following Bylaws may be varied or may not apply, subject to alternative requirements expressly set out in the lease, licence or concession.*
- 13.5 Re-write Bylaw 11 to reflect the policy content of the draft Management Plan. For example in subclause 11(1) replace the words “under the Wild Animal Control Act 1977” with the words *“by the Commissioner”*, and replace the words “necessary for” with *“consistent with”*.
- 13.6 Amend Bylaw 14 to control noisy electronic or mechanical devices and that exceptions for equipment currently specified in the Bylaws can be considered on a case by case basis, where it is shown that the equipment is not inherently noisy.
- 13.7 Any other relief as appropriate to give effect to the intent of this submission.

14 CONCLUSION

Arthur's Pass National Park is without a doubt one of the most scenic and beautiful landscapes within New Zealand and the world, and the Department's efforts to preserve that environment are fully supported by Film New Zealand. In Film New Zealand's view it is very important that New Zealand's nationally and internationally significant natural assets are protected from commercial exploitation that undermines the value of the assets.

However, it is submitted that the general approach of the draft plan to access and use, in particular the approach developed for visitor management, should not be transferred to one-off events such as an application for a concession for filmmaking. Such applications do not happen frequently enough for filmmaking to cause more than minor effects that can be mitigated leaving no long lasting fingerprint.

At the same time, Film New Zealand has worked alongside the Department of Conservation to achieve several useful outcomes. We trust that by working with Conservancies on individual National Park Management plans, we will ensure that the level of recognition of nationally significant issues, and the cooperation achieved at a national level, can transfer to individual filmmaking companies working with Conservancy staff.

Managed appropriately, filming activity will communicate the values of the national park while still ensuring the protection of the park environment. This will also allow DOC the ability to manage, maintain and protect our parks for future generations. At the same time, the opportunity to enable the film industry to have the option of applying for a concession will remain open.

Developing sensible, flexible and enforceable policies in consultation with industry groups such as Film New Zealand, SPADA, and district and regional councils is key. This will ensure that the needs of both the Department and the film industry are met without undermining the industry by unduly restricting access to filming in national parks.

We thank you for the opportunity to comment on this plan and look forward to hearing from you.



Signed:...

David Willetts, Enfocus Planning Limited
**On behalf of Film New Zealand and the Screen Production and Development
Association of New Zealand Inc**

Date:.....28 July 2006.....

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15 Attachment: Code of Practice, Filming on Public Conservation Lands