

**Chairperson and Committee Members**

ENVIRONMENT AND COMMUNITY DEVELOPMENT COMMITTEE

14 JUNE 2012

Meeting Status: **Public**

Purpose of Report: For Decision

**ADOPTION OF THE NEW ZEALAND LOCAL GOVERNMENT  
FILM FRIENDLY PROTOCOL**

**PURPOSE OF REPORT**

- 1 The purpose of this report is to obtain Committee approval to:
  - adopt the Local Government New Zealand Film Friendly Protocol by signing a Film Friendly Agreement with Film New Zealand;
  - adopt a Film Friendly Policy; and
  - sign a Memorandum of Understanding with Film Wellington New Zealand.

**SIGNIFICANCE OF DECISION**

- 2 This report does not trigger the Council's Significance Policy.

**BACKGROUND**

*The New Zealand Screen Industry*

- 3 The screen industry<sup>1</sup> in New Zealand is a large and growing business. Turnover has been rising steadily from \$570 million in 1994 to \$2,874 million in 2010<sup>2</sup>. In 2010 there were 3,078 businesses in the New Zealand screen industry, up 15 percent from 2009. Film companies are attracted to New Zealand because of:
  - the scenery – its diversity and accessibility;
  - competitive production costs;
  - reverse season location;
  - the industry infrastructure – including skilled people; and
  - New Zealand is seen as a safe and trendy film location.
- 4 The Wellington Region is at the forefront of this growth industry. The geographical diversity of the Region along with its relative compactness and world-class film and creative digital technology makes it an attractive option for

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<sup>1</sup> The screen industry refers to all businesses involved in the four sectors of production and post production, television broadcasting, film and video distribution, and film exhibition. Businesses may work in multiple sectors in the screen industry.

<sup>2</sup> Screen Industry Survey: 2009/2010 – Statistics New Zealand.

[http://www.stats.govt.nz/browse\\_for\\_stats/industry\\_sectors/film\\_and\\_television/Screen\\_Industry](http://www.stats.govt.nz/browse_for_stats/industry_sectors/film_and_television/Screen_Industry)

international and domestic producers undertaking film and television commercial/series work. Local screen businesses have played a significant role in the production and post production of a number of international big budget feature films such as Lord of the Rings, King Kong and Avatar. The Region also boasts an increasingly vibrant and innovative local film industry. Many successful New Zealand produced and funded feature and short films are being shot on location in places such as the Kāpiti Coast (e.g. Lord of the Rings, Second Hand Wedding, Shopping and The Six Dollar Fifty Man).

- 5 Screen production activity is recognised as a significant economic contributor in many regions of New Zealand. In fact, many projects may involve activity over multiple council boundaries. The ability to have consistent and transparent treatment for screen production activity throughout the country is considered desirable for promoting the continued growth of this industry in New Zealand.

## CONSIDERATIONS

### *The New Zealand Local Government Filming Protocol & Agreement*

- 6 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 contracted Local Government New Zealand to prepare a best practice guide for film friendly regulatory practices to help ensure this relationship is expedient and positive.
- 7 The New Zealand Local Government Filming Protocol (the Protocol) was developed in November 2002. The Protocol 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. The Protocol establishes a number of conditions that both Film New Zealand and the Council are required to sign off and meet. It states that the Council must:
  - Provide a supportive environment for the screen production industry.
  - Takes steps to adopt the principles of the New Zealand Local Government Filming Protocol.
  - Communicate and co-operate with regional film offices and Film New Zealand where applicable.
  - Agree to develop best practise film friendly processes, involving the adoption of a film friendly policy.
- 8 The Film Friendly Protocol sets a standard by which councils can be judged to be 'film friendly'. It 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.
- 9 When introduced approximately eight years ago all of the councils in the Wellington Region, excluding Kāpiti, signed up to the Film Friendly Protocol. It is unknown why Kāpiti did not sign up at that time but it is believed that it was more of an oversight than a deliberate unwillingness to join. In fact, despite not

signing the protocol the Kāpiti Coast District Council's regulatory processes have generally been very accommodating to the film industry, with many successful films and commercials filmed in Kāpiti over the last decade.

- 10 Nevertheless it is recommended that the Committee recommend to the Council that they adopt the Local Government New Zealand Film Friendly Protocol by signing a partnership agreement (see Attachment 1) with Film New Zealand.

### *Rationale for Gaining Film Friendly Status and Adopting a Film Friendly Policy*

- 11 In some cases councils are developing special procedures to deal with film industry requirements in a timely way, but these procedures are often dependent on specific 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, it can cause problems and delays. Another complaint from the film industry is that council's often have different rules or no policy framework in place to help assess and issue filming approvals. This can cause unnecessary delays, confusion and frustration when film production companies wish to film within tight timeframes or across territorial boundaries.
- 12 The focus of the Film Friendly Protocol is to streamline the Council's regulatory process to avoid unnecessary delays or red tape. The idea is not to circumvent these regulatory processes, but rather, to recognise the importance of establishing a process whereby experienced Council staff can receive a film request and then coordinate and collate the responses from all the relevant council departments to provide a prompt response.
- 13 Location filming is often associated with need to turn around council 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. A recent example of this was the feature film 'Shopping' in which the Council received a film application nine days before filming.
- 14 In addition to short lead times, film makers also need to be certain about the processes involved in obtaining an approval and desire consistent territorial authority rules. It is not uncommon to have TV series and feature films filming in 20 or 30 different locations, so varying standards across different councils can create additional paper work and problems with production timelines.
- 15 Consistent rules and streamlined 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.
- 16 While timeframes are very tight in the film industry, this is no excuse for unreasonable behaviour by its representatives. The Film Friendly Protocol identifies instances where councils have reported instances of filming companies failing to request approval to film, or turning up at the council offices moments before filming is about to start. A simpler, publicised process should reduce these

occurrences. Although these instances are rare, they nevertheless do not help encourage councils to set up more responsive processes.

- 17 To foster a more productive relationship the Film Friendly Protocol recommends that Film Friendly Councils should adopt a Film Friendly Policy outlining how it will process film requests in a prompt and efficient manner, who to contact for enquiries, and the Council's general expectations of film companies wishing to film in their respective districts. A key component of the Kāpiti Coast District Council's Film Friendly Policy (see Attachment 2) involves strengthening the relationship with Film Wellington and establishing a Council Film Liaison Office to help deliver local film friendly outcomes in co-ordination with the rest of the Wellington Region.
- 18 The Council's Film Friendly Policy recommends establishing a Film Liaison Office within the Strategic Projects Group. This Council department is perhaps the most flexible to manage the relationship with Film Wellington, prospective film production companies and inquiries from the public. The Strategic Projects Group has experience managing relationships with stakeholders, community groups and working across Council departments to develop policies, bylaws and coordinate the delivery of community outcomes.
- 19 It is recommended that the Committee recommend to the Council that they adopt the draft Film Friendly Policy.

### *Signing a Memorandum of Understanding with Film Wellington New Zealand*

- 20 Film Wellington is funded by the Greater Wellington Regional Council and is a programme of Grow Wellington, the Regional Economic Development Agency. The Film Wellington office promotes the Wellington Region as a screen production destination. It is focused on keeping the Region film friendly and provides a free support service for local and international screen production companies. Film Wellington helps productions to source locations, facilitates permit applications for each relevant Council and provides useful information and industry introductions.
- 21 Film Wellington is run by staff with extensive experience in the screen production sector. The office specialises in promoting the region as a great screen production location, promptly responds to inquiries from film production companies, and helps to streamline the permitting processes required by the regions nine district councils, other landowners and stakeholders.
- 22 Attracting screen activity to the Wellington is critically dependent on the co-operation of councils, regional government bodies and landowners. It is a highly logistical exercise that often requires co-ordination of large numbers of locations and resources. Using a location office such as Film Wellington allows film producers access to the resources they need while ensuring they meet the requirements of the region or area they are filming in.
- 23 To provide some clarity around the Council's relationship with Film Wellington a Memorandum of Understanding (MOU) has been drafted. This MOU outlines the responsibilities of both parties to work cohesively to support a film friendly

Kāpiti Coast District and Region, whilst still ensuring that local communities and the environment are protected.

- 24 The MOU proposes adopting Film Wellington's Standard Terms and Conditions with film production companies. These terms and conditions provide a fairly comprehensive list of obligations on film production companies which help to ensure they behave responsibly and with due care. Section 18 of the Standard Terms and Conditions allows the Council to impose any other additional conditions they deem necessary. The MOU also proposes that the Council formally accept Film Wellington's permit application forms. These documents are already being used by the Council and are used as the basis to inform the Council of where filming activities are planned and if Council permits or consents are required.
- 25 It is recommended that the Committee establish a more formal working relationship with Film Wellington by recommending that the Council approve the signing of the attached Memorandum of Understanding (see Attachment 3).

### Financial Considerations

- 26 There are no additional costs in adopting this policy.

### Legal Considerations

- 27 There are no significant legal implications for the Committee to consider.

### Delegation

- 28 The Committee has the authority to develop policies and work programmes that support the social, economic, environmental and cultural wellbeing of the community. This authority encompasses the power to:
- establish partnerships with Central Government, iwi and key community organisations to advance the LTCCP
  - recommend to the Council the Adoption of policies relating to District image and promotion and monitor public relations activities; and
  - have oversight on all cultural, arts and heritage matters.

### Consultation

- 29 There is no requirement or need for the Council to consult with other parties other than Film Wellington and Film New Zealand. The Film Friendly Agreement and Policy support Local Government New Zealand's Film Friendly Protocol which was developed following extensive consultation with the film industry, key stakeholders, Councils and community groups. The Policy (and its accompanying MOU) centre on a strong partnership with Film Wellington and, for this reason, both documents have been reviewed and approved by Film Wellington prior to this meeting.

### Policy Implications

- 30 There are no policy implications for the Committee to consider.

### Tāngata Whenua Considerations

- 31 There are no Treaty of Waitangi considerations for the Committee to consider.

### Publicity Considerations

- 32 Adopting the Film Friendly Policy and signing the agreement with Film New Zealand are examples of the Council delivering on outcomes relevant to the Arts and Economic Development Strategies. It is also another example of the Council working proactively and in coordination with the rest of the region to develop consistent and streamlined processes and mutually beneficial outcomes.
- 33 Once adopted both the Policy and the Agreement with Film New Zealand will be advertised on a Film Friendly web page on Council's website. The Council's communications team will create a media release for public dissemination.
- 34 The MOU with Film Wellington is an internal document and will be stored in Council's database and the relationship managed by the Film Liaison Office.

### Other Considerations

- 35 Once the Chief Executive signs the Partnership Agreement with Film New Zealand it then needs to be forwarded to Film New Zealand to be counter signed. The Council will then receive a certificate of 'Film Friendliness' which can be posted on its website and used in advertising and promotional activities approved by Film New Zealand.

## RECOMMENDATIONS

- 36 That the Committee recommend to the Council that the Local Government New Zealand Film Friendly Protocol (appended as Attachment 1 to report SP-12-508) with Film New Zealand be approved for signing by the Chief Executive.
- 37 That the Committee recommend to the Council that the draft Film Friendly Policy (appended as Attachment 2 to report SP-12-508) subject to any further amendments requested by the Committee be approved.
- 38 That the Committee recommend to the Council that the draft Memorandum of Understanding (appended as Attachment 3 to report SP-12-508) with Film Wellington subject to any further amendments requested by the Committee be approved for signing by the Chief Executive.

**Report prepared by:**

**Approved for submission by:**

Scott Dray  
**Strategic Policy Analyst**  
**Strategy & Partnership Group**

Gael Ferguson  
**Group Manager**  
**Strategy & Partnership Group**

**ATTACHMENTS:**

Attachment 1: Partnership Agreement between Film New Zealand & KCDC

Attachment 2: Kāpiti Coast District Council Film Friendly Policy 2012

Attachment 3: MOU between KCDC & Film Wellington