

# Decision following the hearing of a Plan Change to the Auckland Unitary Plan under the Resource Management Act 1991



## Proposal

Plan Change 106 (**PC106**) to the Auckland Unitary Plan (Operative in Part) (**AUP**) seeks to remove the requirement for a resource consent by identifying temporary filming activities as a permitted activity on Sites and Places of Significance to Mana Whenua (**SSMW**) that are public places

This Plan Change is **APPROVED** with modifications to that publicly notified. The reasons are set out below.

|                                   |   |
|-----------------------------------|---|
| <b>Plan Change number:</b>        | <b>PC106 - Filming on Sites and Places of Significance to Mana Whenua</b>   |
| <b>Hearing commenced:</b>         | Wednesday 21 May 2025   |
| <b>Hearing panel:</b>             | Mark Farnsworth (Chairperson)<br>Glenn Wilcox<br>Vicki Morrison-Shaw  |
| <b>Appearances:</b>               | <u>For Council</u><br>Eryn Shields, Team Leader<br>Chloe Trenouth, Consultant Planner<br><br>Sam Otter, Senior Hearings Advisor<br><br><u>Local Boards</u><br>Rodney Local Board (online) <ul style="list-style-type: none"><li>Michelle Carmichael, member</li></ul><br>Albert-Eden Local Board (online) <ul style="list-style-type: none"><li>Liv Roe, member</li></ul> |
| <b>Hearing adjourned:</b>         | Wednesday 21 May 2025   |
| <b>Commissioners' site visit:</b> | Wednesday 21 May 2025   |
| <b>Hearing closed:</b>            | Friday 23 May 2025  |

## INTRODUCTION

Tihei uriuri

Tihei nakonako

Ka tauha, whakatau te rangi i runga nei

Ka tauha, whakatau te papa i raro nei

Ka tauha, whakatau nga kanohi e titiro mai nei

Kia hiwa rā i te whakaaro a rātou mā

Ko ngā wāhi motuhake, ko ngā mātāpono tapu, hei tuku aroha mō ngā uri e huri mai nei.

Tihei Mauri Ora!

1. This decision is made on behalf of the Auckland Council (**Council**) by Independent Hearing Commissioners Mark Farnsworth (Chairperson), Glenn Wilcox and Vicki Morrison-Shaw appointed and acting under delegated authority pursuant to section 34 of the Resource Management Act 1991 (**RMA**).
2. The Commissioners have been given delegated authority by the Council to make decisions on Plan Change 106 – Filming on Sites and Places of Significance to Mana Whenua (**PC106**) to the Auckland Council Unitary Plan Operative in Part (**AUP**), after considering all the submissions, the section 32 evaluation, the reports prepared by the officers for the hearing and evidence tabled during and after the hearing of the submissions from the Local Boards.
3. PC106 is a Council-initiated plan change that has been prepared following the standard RMA Schedule 1 process (that is, the plan change is not the result of an alternative, 'streamlined' or 'collaborative' process as enabled under the RMA).
4. The plan change was publicly notified on 26 September 2024. The submission period closed 24 October 2024. A summary of submissions was notified for further submissions on 21 November 2024. A total of 10 submissions were received (including one late submission). The closing date for further submissions was 10 December 2024 and no further submissions were made on the plan change.

## PROCEDURAL MATTER

### *Late Submission*

5. The Council received one late submission from the Tūpuna Maunga o Tāmaki Makaurau Authority (**Tūpuna Maunga Authority**) on 31 October 2024. The Council granted a waiver on 4 November 2024 to accept the submission under Section 37A of the RMA for the following reasons:
  - No persons' interests will be adversely affected by the waiver as it does not result in any time delay or additional steps in the Plan Change;

- The interests of the community in achieving adequate assessment of the effects of the plan change will be achieved as the submitter raises valid concerns arising from the Plan Change; and
- Accepting the submission will not interfere with the Council's duty to avoid unreasonable delay, as the submission was received within a short time of the close date.

## PURPOSE OF THE PLAN CHANGE

6. The proposed plan change is described in detail in the Section 42A Report<sup>1</sup> prepared by Ms Chloe Trenouth, Consultant Planner for the Council:

*"The purpose of the plan change is to remove the requirement for a resource consent by identifying temporary filming activities as a permitted activity. Filming activities will need to comply with a new standard (D21.6.4). Filming activities will still require a Film Permit in accordance with Te Ture ā-Rohe Tauhokohoko Whakahaerenga me te Tango Kiriata Tūmatanui 2022 Public Trading, Events and Filming Bylaw 2022 (the Bylaw)".*

7. The Section 42A Report provided background material on the identified need for the plan change noting:<sup>2</sup>

*"In council-controlled public places, the requirement for resource consent on SSMW<sup>3</sup> duplicates the film permit process required under the Bylaw. Tātaki Auckland Unlimited and the screen industry have identified that requiring resource consents for temporary filming activities on SSMW is a significant barrier to filming due to the additional compliance costs and uncertain timeframes affecting the desirability of Tāmaki Makaurau for some filming activities.*

*Most filming activities can work within the permitted activity parameters under the relevant rules of AUP, including temporary activities, noise, lighting, traffic generation, parking, and earthworks. However, all filming on SSMW triggers resource consent as a restricted discretionary activity in accordance with Rule D21.4.1(A3) as a temporary activity."*

## PLAN MAKING PROVISIONS

8. The RMA sets out an extensive set of requirements for the formulation of plans and making changes to them. These requirements are referred to in the section 32 evaluation, and as such, we do not need to repeat these requirements here.
9. We note the Council's section 32 evaluation clarifies that the analysis of efficiency and effectiveness of the plan change is to be at a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal<sup>4</sup>. Having considered the application, the submissions and the Section 42A Report we are satisfied that PC106 has been developed in accordance with the relevant statutory requirements.

---

<sup>1</sup> Section 42A Report, at [10].

<sup>2</sup> Ibid, at [13]–[14].

<sup>4</sup> Ibid, Section 8.

<sup>4</sup> Ibid, Section 8.

10. Clause 10 of Schedule 1 requires that this decision must include the reasons for accepting or rejecting submissions. The decision must include a further evaluation of any proposed changes to the plan modification arising from submission; with that evaluation to be undertaken in accordance with section 32AA.
11. Having considered the submissions and relevant background documents, we are satisfied, overall, that PC106 will clearly assist the Council in its effective administration of the AUP.

## EXISTING PLAN PROVISIONS

12. The Section 42A report sets out the existing plan provisions.<sup>5</sup> In summary:
- Filming activities come under the definition of ‘temporary activity’ in the Chapter J Definitions of the AUP.
  - Filming activities are primarily managed as an Auckland-wide provision in Chapter E40 Temporary Activities. Filming is identified as a specific temporary activity that can occur for up to and including 30 consecutive days as a permitted activity under Rule E40.4.1(A15). Filming activities that are more than 30 consecutive days are a restricted discretionary activity.
  - Chapter D21 establishes the policy framework and rules for managing activities on SSMW and includes Rule D21.4.1(A3) Temporary Activities with an activity status of restricted discretionary. Where permitted activities are identified in Table D21.4.1, there is a corresponding permitted activity standard that defines the parameters within which that permitted activity can occur, and if these are breached or exceeded, then a resource consent is required as a restricted discretionary activity.
  - Restricted discretionary activities in Chapter D21 are assessed in terms of the matters of discretion in D21.8.1: Assessment criteria require restricted discretionary activities to be assessed against Policies D21.3(1), (2), and (3), which set out a hierarchy of management requirements that:
    - a. physical destruction of SSMW in whole or in part during earthworks be avoided;
    - b. significant adverse effects on the values and associations of Mana Whenua with SSMW be avoided; and
    - c. adverse effects that cannot be practicably avoided, be remedied or mitigated.

## PROPOSED PLAN CHANGE PROVISIONS

13. The Section 42A report outlined the proposed plan provisions:<sup>6</sup>

*“PC106 amends Chapter D21 Sites and Places of Significance to Mana Whenua by inserting new plan provisions to identify temporary filming on public places as a permitted activity in accordance with permitted standards.  
Amendments to Chapter D21 identify temporary filming activities (up to 30 days) on SSMW that are public places as a permitted activity. A permitted standard is proposed to*

---

<sup>55</sup> Section 42A Report, at [18]–[22].

<sup>6</sup> Ibid, at [23]–[26].

*be inserted that requires filming to be no more than 30 days, involves no land disturbance, and that it is undertaken in accordance with a site plan and in compliance with any special conditions approved under the Auckland Council Film Permit. Chapter D21 with proposed amendments is provided in Attachment 1. The proposed permitted standard is set out below.*

**D21.6.4 Temporary activities for filming in public places for up to 30 days**

(1) Any temporary activity for filming in a public place must:

- (a) be no more than 30 days;
- (b) not involve any land disturbance;
- (c) be in accordance with a site plan and special conditions approved under an Auckland Council Film Permit to:
  - i. confirm that Mana Whenua have been consulted on the filming activity, including with regard to any Treaty Settlements that relate to the site;
  - ii. be consistent with any relevant iwi film protocol, iwi planning document, or cultural impact assessment prepared for the filming activity;
  - iii. maintain access for customary activities throughout filming; and
  - iv. apply tikanga as informed by Mana Whenua.

- 14. The proposed permitted standards have been developed in collaboration with iwi/hapū as detailed in the section 32 report.<sup>7</sup>
- 15. No changes are proposed to Schedule 12 or to the objectives, policies or assessment criteria within Chapter D21. No changes are proposed to any other filming-related provisions throughout the AUP.

## **STATUTORY FRAMEWORK**

- 16. Section 6 of the Section 42A report<sup>8</sup> provides a comprehensive analysis of the applicable statutory framework and how PC106 *gives effect to or meets the requirements* of that framework. This analysis was not contested, as a result we do not intend to provide a summary of the analysis other than to note the documents that were considered:
  - RMA
  - National Policy Statements:
  - New Zealand Coastal Policy Statement 2010 AUP
  - Other Relevant Plans and Strategies:
    - Treaty of Waitangi Settlement Acts
    - Hauraki Gulf Marine Park Act 2000
    - Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014
    - Heritage New Zealand Pouhere Taonga Act 2014
    - Local Government Act 2002
    - Waitakere Ranges Heritage Area Act 2008
  - The Auckland Plan

<sup>7</sup> Section 32 Evaluation Report, at [51]-[68].

<sup>8</sup> Section 42A Report, at pages 8-18.

- Iwi Planning Documents.
- Reserve Management Plans.

## CONSULTATION

17. In Section 7 of the Section 42A Report Ms Trenouth provides an overview of the consultation that was undertaken in the preparation of the plan change. She records that in accordance with Schedule 1 of RMA the following parties were consulted:

- Minister of Conservation
- Iwi Authorities
- Ministry for the Environment
- Local Boards
- Screen Industry
- Heritage New Zealand
- Houkura – Independent Māori Statutory Board
- Tūpuna Maunga Authority.

18. Ms Trenouth noted<sup>9</sup> the plan change has been developed collaboratively with Mana Whenua through a series of engagements outlined in the Section 32 Report (Section 4). The following 19 mandated iwi authorities were identified, and engagement has occurred at both the governance and kaitiaki levels to provide opportunities for feedback on any concerns regarding filming on SSMW and on the draft plan change options and wording.

- Ngāti Manuhiri Settlement Trust
- Ngāti Maru Runanga
- Ngā Maunga Whakahii of Kaipara Trust
- Ngāti Paoa Iwi Trust
- Ngāti Rēhua Ngāti Wai ki Aotea Trust
- Ngāti Tamaoho Charitable Trust
- Ngāti Tamatera Iwi Settlement Trust
- Ngāti Whātua Ōrākei Trust (NWOT)
- Ngaati Whaanaunga
- Ngātiwai Trust Board
- Pou Tāngata Ngāi Tai ki Tāmaki Development Trust
- Te Ahiwaru Trust
- Te Ākitai Waiohua Iwi Authority

---

<sup>9</sup> Section 42A Report, at [97].

- Te Ara Rangatū o te Iwi o Ngāti Te Ata – Waiohua
  - Te Kawerau ā Maki Tribal Authority
  - Te Patukirikiri Incorporated
  - Te Rūnanga o Ngāti Whātua Māori Trust Board
  - Te Uri o Hau Settlement Trust
  - Waikato Raupatu Lands Trust.
19. Ms Trenouth also noted<sup>10</sup> the Local Boards were kept informed during the development of the plan change with memoranda in November 2022 and September 2024 outlining the issues, options and outcomes of engagement.

## NOTIFICATION PROCESS AND SUBMISSIONS

20. As recorded above, PC106 was publicly notified on 26 September 2024, with submissions closing on 24 October 2024. Ten primary submissions were received and one late submission. A summary of the submissions was publicly notified on 21 November 2024, with further submissions closing on the 10 December 2024. No further submissions were received.
21. Primary submissions were received from:
- 01 Tia Barrett
  - 02 Sue Marshall
  - 03 Rob Bavin
  - 04 Richard Waite
  - 05 Barry Smith
  - 06 Advertising Producer Aotearoa - Kristen Eek
  - 07 NWOT– Clarie Rorke
  - 08 Ngā Aho Whakaari – Kay Ellmers
  - 09 Spada Screen Producers - Sandy Gildea
  - 10 Tūpuna Maunga Authority.
22. The Council circulated a copy of the submissions, and a summary of the decisions requested.
23. Auckland Council's Local Boards also provided comment. Ms Trenouth notes<sup>11</sup> Local Boards were kept informed during the development of the plan change with memos in November 2022 and September 2024 outlining the issues, options and outcomes of engagement. Resolutions were received from 20 of the Local Boards and Ms Trenouth provides a useful summary of their resolutions:
- Overall Support for the plan change;

---

<sup>10</sup> Section 42A Report, at [104].

<sup>11</sup> Section 42A Report, at [104]–[105]

- Further engagement with Mana Whenua and concerns that not all Mana Whenua may have provided feedback;
  - Devonport-Takapuna Local Board direct engagement with Mana Whenua take place to reach a majority view by impacted parties before this plan change proceeds further;<sup>12</sup>
  - Henderson-Massey Local Board note that Te Kawerau ā Maki are crucial as Mana Whenua to the local board, and we would value their feedback on this plan change;<sup>13</sup>
  - Hibiscus and Bays Local Board support the proposed change as a practical improvement, removing unnecessary duplication and cost;<sup>14</sup>
  - Howick Local Board recommend that film makers avoid wāhi tapu sites wherever possible;<sup>15</sup>
  - Manurewa Local Board defer to the view of ahi kā on PC106 for filming on Sites and Places of Significance to Mana Whenua;<sup>16</sup>
  - Papakura Local Board believes deciding the hapū or iwi with the strongest relationship to the filming location best sits with Mana Whenua, iwi and hapū groups;<sup>17</sup>
  - Waitākere Ranges Local Board recommend Governing Body consider the views of Te Kawerau ā Maki, Ngāti Whātua and other Mana Whenua to determine whether the plan change is appropriate;<sup>18</sup>
  - Albert-Eden Local Board notes the regular use of their area for filming and suggested that up to 30 days as temporary activity is too long. They provided recommendations;<sup>19</sup>
  - Māngere-Ōtāhuhu Local Board supports the goals of PC106 and addressed the concerns of some of the submitters providing recommendations;<sup>20</sup>
  - Rodney Local Board supported PC 106 request an engagement process regarding the allocation of filming permits.<sup>21</sup>
  - Waitematā Local Board supported the local film industry and noted the need to recognise hapū or iwi with the strongest relationship to the location.<sup>22</sup>
24. We acknowledge, and thank, the Local Boards for taking the time to present their views to us. We have carefully noted the points put forward, and have come to a view that the regime that will be put in place by removing costly time-consuming duplication will go a long way to meeting the aspirations of the Local Community Boards.

---

<sup>12</sup> Resolution DT/2025/10.

<sup>13</sup> Resolution HM/2025/12.

<sup>14</sup> Resolution HB/2025/8.

<sup>15</sup> Resolution HW/2025/12.

<sup>16</sup> Resolution MR/2025/16.

<sup>17</sup> Resolution PPK/2025/13.

<sup>18</sup> Resolution WTK/2025/9.

<sup>19</sup> Resolution AE/2025/9.

<sup>20</sup> Resolution MO/2025/11.

<sup>21</sup> Resolution RD/2025/11.

<sup>22</sup> Resolution WTM/2025/17.



## OUT OF SCOPE SUBMISSIONS

25. Ms Trenouth proffered the view that she considered some of the submission points made by the of the Tūpuna Maunga Authority were out of scope in terms of the matters addressed by PC106 as they were not 'on' the plan change. Namely:

| Sub No | Submitter               | Summary of decision requested   |
|--------|-------------------------|---|
| 10.3   | Tūpuna Maunga Authority | Insert new activity (A3B) into Table D21.4.1 Activity Table as follows: "Temporary activities for concerts, fairs, festivals and events, and special events on land administered by the Tūpuna Maunga Authority for up to six consecutive days that comply with Standard D21.6.5".  |
| 10.6   | Tūpuna Maunga Authority | Insert new "Standard D21.6.5 Temporary activities for concerts, fairs, festival and events, and special events on land administered by the Tūpuna Maunga Authority for up to six consecutive days (1) Any temporary activity for concerts, fairs, festivals and events must: (a) be no more than six consecutive days; (b) not involve any land disturbance; (c) be undertaken by or under the direction of the Tūpuna Maunga Authority; (d) maintain access for customary activities; and (e) apply tikanga as informed by integrated Management Plan and Strategies". |

26. Ms Trenouth provided a background commentary on potential out-of-scope submissions.<sup>23</sup> She reminded us of the Council's approach to jurisdiction which was predicated on the approach taken by the High Court in *Clearwater Resort Ltd v Christchurch City Council*,<sup>24</sup> and *Palmerston North City Council v Motor Machinists Ltd*.<sup>25</sup> The *Motor Machinists Ltd* decision of the High Court referred to the *Clearwater* decision and confirmed that a two limb test must be satisfied as follows:

- The submission must address the proposed plan change itself, that is it must address the extent of the alteration to the status quo which the change entails; and
- The Council must consider whether there is a real risk that any person who may be directly affected by the decision sought in the submission has been denied an effective opportunity to respond to what the submission seeks

27. In justifying her opinion that the relief sought by submissions 10.3 and 10.6 is out of scope of the plan change, Ms Trenouth notes that there has been no evaluation by the submitter under RMA sections 32 or 32AA about the relief sought. The characteristics of events (concerts, fairs, festivals and other events) are different from filming activities. Engagement with Mana Whenua did not include consideration of how such characteristics could be appropriately managed as a permitted activity.
28. We concur with Ms Trenouth that submissions 10.3 and 10.6 go beyond the scope of the plan change. PC106 has a very narrow focus, the activities sought by Tūpuna Maunga Authority are activities that may occupy areas of the site, but they have different potential impacts both on the environment and on persons (especially close neighbours). We are

<sup>23</sup> Section 42A Report, at section 8.

<sup>24</sup> *Clearwater Resort Ltd v Christchurch City Council* HC Christchurch AP34/02, 14 March 2003, at [66].

<sup>25</sup> *Palmerston North City Council v Motor Machinists Ltd* [2013] NZHC 1290, at [80]-[82].

also mindful that there is no section 32AA type analysis that would support the adoption of submission points 10.3 and 10.6.

## HEARING PROCESS

29. The hearing was set down for Wednesday 21 May 2025 at the Auckland Town Hall. A notable feature of the hearing was that none of the submitters opted to attend, to speak to their submission points or to provide expert evidence.
30. We did hear representations from two of the Local Boards:
- Ms Michelle Carmicheal for the Rodney Local Board spoke to their submission reinforcing the points made. In particular:
    - The need to keep Local Board informed in a timely manner of applications; and
    - The need to *cast the net wider* when consulting or communicating with mana whenua.
  - Ms Liv Roe for the Albert-Eden Local Board spoke to a series of Power-Point slides backing many of the points put forward by Ms Carmichael. Key points included:
    - The importance of the Albert-Eden area for filming;
    - The need to ensure timely engagement with Local Community Board; and
    - A concern that an allocation of 30-day period for filming is too long.
31. Ms Trenouth noted the importance of the input of the Local Boards in the permitting process. We came to the view that the reliance on a single permitting process, which acknowledges the importance of the Local Boards as an integral part of the process, will be largely met (with the exception of the 30-day time limit, which we address at paragraph 41 below) the aspirations of the Local Boards.
32. We would like to acknowledge and thank both Ms Carmichael and Ms Roe for taking the time to present to us.
33. Ms Trenouth then provided us with a series of brief comments on her Section 42A Report noting:
- The key issue addressed by PC106 is the reduction costly, time-consuming duplication as the result of the present system that can involve both RMA resource consenting and the need to apply for a permit under a bylaw.
  - A single permitting regime can more easily evolve and adapt.
  - The intensive consultation that was undertaken, especially with mana whenua.
  - Submitters were generally supportive of the approach advocated by council subject to any changes which they had sought.

- A confirmation that Manua Authority submission points 10.3 and 10.6 were out of scope and were not backed by a section 32AA analysis.
- Only SSWMs in public ownership have been included as PC106 sites. Tūpuna maunga sites that are not presently on the SSWM list cannot be added.

## DECISIONS ON SUBMISSION POINTS

34. In section 9 of Section 42a Report Ms Trenouth provided a comprehensive evaluation of the submission points made on PC106, providing us with her recommendations on whether individual submission points should be rejected or adopted, and why. Ms Trenouth's evaluation and recommendations were uncontested.

35. The Section 42A Report records:<sup>26</sup>

*"Submissions that address the same issues and seek the same relief have been grouped together in this report under the following topic headings:*

- *Support for the plan change in its entirety*
- *Support for plan change with amendments*
- *Support for specific provisions in the plan change*
- *Oppose the plan change subject to amendments*
- *Application of plan change to Tūpuna Maunga administered land"*

### Submissions supporting PC106 in its entirety

| Sub. No. | Name of Submitter                  | Summary of the Relief Sought by the Submitter  |
|----------|------------------------------------|--|
| 1.1      | Tia Barrett                        | Approve the plan change without any amendments.  |
| 2.1      | Steep Street Film                  | Approve the plan change without any amendments.  |
| 3.1      | Rob Bavin                          | Approve the plan change without any amendments.  |
| 4.1      | Richard Waite                      | Approve the plan change without any amendments.  |
| 5.1      | Barry Sutherland Smith             | Approve the plan change without any amendments.  |
| 6.1      | Advertising Producers Aotearoa     | Approve the plan change without any amendments.  |
| 8.1      | Ngā Aho Whakaari                   | Approve the plan change without any amendments.  |
| 9.1      | Spada Screen Producers New Zealand | Supports the opportunity for screen productions to access these (sites and places of significance) once again, in compliance with standards to protect and enhance the cultural values of these sites. |

36. As noted in the table above, there are eight submission points that support the plan change in its entirety without any amendments. However, and as is evident from preceding sections, Ms Trenouth has recommended some amendments.

<sup>26</sup> Section 42A Report, at [124].

37. We concur with Ms Trenouth's recommendations:

- Submissions 1.1, 2.1, 3.1, 4.1, 5.1, 6.1, and 8.1 should be accepted in part because some amendments are proposed to the notified version of the plan change, but overall, the intention of the provisions remains as notified, and this is consistent with the relief sought.
- Submission 9.1 be accepted because it supports the intention of the plan change as amended.

38. There are no amendments associated with these recommendations.

#### Submissions supporting PC106 with amendments

| Sub. No. | Name of Submitter      | Summary of the Relief Sought by the Submitter                                 |
|----------|------------------------|---|
| 4.2      | Richard Waite          | Clarify what would qualify as ground disturbance                              |
| 5.2      | Barry Sutherland Smith | Clarify what would qualify as ground disturbance or remove D21.6.4 clause (b) |

39. Ms Trenouth provided the following response:<sup>27</sup>

- SSMW are some of the most significant cultural sites and places to Mana Whenua, with cultural values associated with historic events, occupation and cultural activities. Through consultation with Mana Whenua it was identified early that there must be no land disturbance as a permitted activity to avoid potential risk of damage. This approach is consistent with Policy D21.3(1) to avoid physical destruction of SSMW in whole or in part.
- The term 'land disturbance' is used in the permitted standard because it is the term used to refer to earthworks as defined in Chapter J of the AUP to mean, "*the disturbance of the surface of land by earthworks, ancillary farming, or ancillary forestry earthworks*".
- Land disturbance activities on SSMW are managed through the AUP provisions in Chapter E12, Land Disturbance – District.

40. As a result, Ms Trenouth recommended no amendments were necessary. In the absence of commentary or evidence to the contrary we concur with, and have adopted the reasoning of Ms Trenouth.

#### Support of specific PC106 provisions

| Sub. No. | Name of Submitter | Summary of the Relief Sought by the Submitter  |
|----------|-------------------|--|
| 7.4      | NWOT              | Retain the notified version of permitted activity standard applying to "Temporary activities for filming in public places for up to 30 days" and clarification that the filming activities must "be no more than 30 days" as set out in the notified Standard D21.6.4(1)(a). |
| 7.8      |                   | Retain the requirement to "consult" as opposed to "inform" on the filming activity in the notified version of Standard D21.6.4(c)(i).  |

<sup>27</sup> Section 42A Report at [135]–[138].

41. Ms Trenouth made the following observations:<sup>28</sup>

- Feedback from the Albert-Eden Local Board requested amendments to the permitted standard to only provide for 'temporary activities for filming in public places for up to 7 days and that activities do 'not involve any structures or wharepaku on the site'.<sup>29</sup> There is no scope to consider this feedback because no submissions have been received seeking to amend Standard D21.6.4 to reduce the number of days for temporary activities or to add additional requirements. Changes to the maximum number of days were discussed with Mana Whenua, and their feedback informed the notified provision to ensure that permitted temporary filming does not exceed 30 consecutive days.
- NWOT support the requirement to 'consult' rather than to 'inform', which reflects further refinement of Standard D21.6.4 in response to feedback from Mana Whenua on the draft plan change.
- It was agreed with Mana Whenua that the location of wharepaku and other activities such as structures could be addressed through the film permit process and the requirement for a site plan.
- It is not proposed to amend these provisions as they reflect the feedback received from Mana Whenua during development of the plan change.

42. In the absence of counter submissions contesting the submissions of NWOT, we accept and have adopted the reasoning of Ms Trenouth in response to these submission points.

#### **Oppose PC106 subject to amendments**

| <b>Sub. No.</b> | <b>Name of Submitter</b> | <b>Summary of the Relief Sought by the Submitter</b>   |
|-----------------|--------------------------|--|
| 7.1             | NWOT                     | That Ngāti Whātua Ōrākei's ahi kā and mana whenua status within the 'heartland' of their rohe is recognised and provided for in the relevant provisions proposed to Chapter D21 of the AUP through PC106, and that their reo and identity is seen, heard and provided for in any filming on sites and places of significance that Ngāti Whātua Ōrākei are the tangata whenua of.                         |
| 7.2             |                          | That only the hapū or iwi with the strongest relationship to the filming location (as defined in the proposed Note and amendments to Standard D21.6.4) should be engaged with for filming activities on identified SSMW.   |
| 7.3             |                          | Oppose PC106, unless the amendments outlined in Ngāti Whātua Ōrākei's submission are incorporated.   |
| 7.5             |                          | Insert new Standard D21.6.4(c) "be in accordance with any requirements provided by the hapū or iwi with the strongest relationship to the filming location" [results in consequential change to numbering].  |
| 7.6             |                          | Amend new clause (d) to incorporate changes to subclauses (i), (ii) and (iv) to include the specific requirement that only the "appropriate" or "correct" hapū, and iwi which are recognised as "tangata whenua" and with the strongest relationship to the SSMW are engaged with on any proposals for development within identified SSMW. Refer to marked up changes in Attachment 2 of the submission. |

<sup>28</sup> Ibid, at [141]–[146].

<sup>29</sup> Resolution AE/2025/9.

| Sub. No. | Name of Submitter | Summary of the Relief Sought by the Submitter  |
|----------|-------------------|--|
| 7.7      |                   | Amend Standard D21.6.4 to insert the following new subclause (d): "Note: the hapū or iwi with the strongest relationship is the local hapū or iwi which is the tangata whenua of the place where the filming is to be undertaken, on the basis of take tūpuna (ancestral rights and obligations), take raupatu (the taking of land through traditional warfare), and tuku whenua (traditional gifting of land) which demonstrates mana i te whenua and ahi kā (continuous and unbroken occupation and use of land and sea)." |
| 7.9      |                   | Remove reference to "Iwi Film Protocol" and "Iwi Planning document" in Standard D21.6.4(c)(ii). Filming in SSMW to be consistent with any requirements provided by the hapū or iwi with the strongest relationship to the filming location, including any cultural impact assessment prepared for the filming activity.  |
| 7.10     |                   | If the amendments sought in submission points above are not incorporated into D21.6.4, the PC106 be declined and the requirement for resource consent as a restricted discretionary activity for temporary filming activities on SSMW is retained.   |
| 7.11     |                   | Request the power to determine applications for filming be transferred to the hapū or iwi with the strongest relationship to the filming location as per Option 5 in Attachment 5 to PC106 - Evaluation of Options.  |

43. NWOT opposes the plan change unless the permitted standard is amended to ensure that those who are the 'right' tangata whenua of the place where filming occurs are appropriately engaged with and involved in the decision-making process.<sup>30</sup>
44. NWOT indicated that failure to involve those who are the 'right' tangata whenua in decision-making processes associated with SSMW they have nominated could lead to poor outcomes.
45. Ms Trenouth acknowledged the concerns of NWOT and agreed with them that consultation with the appropriate iwi and hapū is essential with any proposal. To address NWOT's concerns, the following amendments were made to the proposed plan change prior to notification:
- Changed 'informed' to 'consulted' to strengthen the requirement to engage;
  - Added 'regard to any Treaty Settlements that relate to the site' to acknowledge these;
  - Changed Mana Whenua Film Protocol to 'relevant iwi film protocol', recognising these are iwi specific; and
  - Included 'relevant iwi planning document', which could include requirements for filming as well as information on the relationship of iwi/hapū with the site.
46. Ms Trenouth drew our attention to thes.42A Report prepared by Mr Matthew Gouge for PC102 – Sites and Places of Significance to Mana Whenua, which addressed the need

<sup>30</sup> The Rodney Local Board made a similar representation.

to ensure consistent interpretation and implementation of the AUP. Ms Trenouth stated:<sup>31</sup>

*"I do not consider the submission of Ngāti Whātua Ōrākei on PC106 to be out of scope because changes have been made to the provisions in Chapter D21, but I agree with the following points made by Mr Gouge:<sup>32</sup>*

*The AUP currently does not contain provisions which specifically direct plan users and decision makers to engage with certain iwi or hapū based on whether they hold ahi kā.*

*A determination is made of the iwi and hapū who may have a cultural interest in a proposal through several information sources. These include:*

- Through publicly available 'Mana Whenua Areas of Interest' maps.*
- Through a Council website providing mana whenua contacts for a site location,*
- Through consideration of Treaty settlements and iwi and hapū planning documents, or*
- Through mana whenua groups indicating an interest in a particular application after having received a weekly list of lodged consents.*

*In addition, a publicly available Council practice and guidance note provides all plan users with direction and an understanding of mana whenua values and when engagement may be required.*

*At the Regional Policy Statement level and elsewhere throughout the AUP, while the plan is explicit in providing for the relationship mana whenua have with their sites, wāhi tapu and other taonga in accordance with tikanga, the AUP does not detail what that tikanga is and how it should be applied. The plan recognises that mana whenua are specialists in the tikanga of their hapū and iwi."*

47. It should however be noted that in the final analysis of PC102 the matters raised in the NWOT submission were not considered, due to NWOT withdrawing the two SSMW they had nominated.

48. Ms Trenouth provided us the following commentary to justify her amendments:<sup>33</sup>

- PC106 has a narrow application within the AUP and for SSMW because it only applies to temporary filming activities on SSMW that are council-controlled public places.
- The concerns raised by Ngāti Whātua Ōrākei's submission relate to the overall management of SSMW and, more generally, how consultation with iwi and hapū is undertaken by Council and resource consent applicants. She did not consider it appropriate to address these broader issues within the narrow application of permitted standards for temporary filming activities on SSMW that are on public places.
- One of the options evaluated when developing the plan change Option 5 considered the transfer powers to Mana Whenua. The NWOT's submission (7.11) seeks that decision-making power is transferred to the hapū or iwi with the strongest relationship to the filming location if the amendments outlined in their submission are not incorporated.

---

<sup>31</sup> Section 42A Report, at [155].

<sup>32</sup> PC102 Section 42 Report, at [203]–[206].

<sup>33</sup> Section 42A Report, at [157]–[164].

- A transfer of powers under section 33 of the RMA for decision-making on SSMW was identified as aligning with the goal of iwi/hapū for co-governance and strengthening Te Tiriti partnerships. Evaluation of Option 5 identified that there are significant costs to build capacity within and resource Iwi Authorities to meet the requirements of section 33 as well as risks relating to uncertainty about which Iwi Authority holds the mandate to approve consents. While this option would ensure protection and enhancement of the tangible and intangible values, it relies on resource consents being required. Therefore, it does not address the issues of process duplication and costs (resource consents and permits).
  - The approach taken by PC106 focuses on removing the need for resource consent, and relying on the film permit process to enable greater participation in decision-making by iwi and hapū. A specific SSMW film permit process has been developed in collaboration with Mana Whenua to ensure that those iwi/hapū with interests in the SSMW are satisfied that temporary filming activities are appropriately managed. If any iwi / hapū is not satisfied, then a film permit would not be issued on an SSMW in recognition of the significance of these sites.
  - Mana Whenua will be consulted on the review of the Auckland Film Protocol and confirmation of the SSMW specific film permit process, including how to ensure that at a minimum the iwi or hapū with the strongest relationship to the filming location is consulted.
  - Mana Whenua consultation under the film permit process was a core discussion point throughout engagement with Mana Whenua. Screen Auckland has developed templates for applicants to make initial contact with iwi and hapū about their filming proposals. Consultation will be required with iwi authorities via kaitiaki contacts as identified on the council's website.
  - The screen industry has also made its own commitments to ngā iwi and hapū of Tāmaki Makaurau to work together to strengthen relationships, to Tiriti-driven partnerships and collaborations, and to contribute to upholding and enhancing the mana and aspirations of iwi and hapū.
49. Ms Trenouth opined that the notified version of the permitted standard is the most appropriate method to achieve the policies of Chapter D21 because it provides certainty of the requirements for the film permit process to consider relevant information to determine the iwi and hapū to be consulted as Mana Whenua.
50. She recommended submissions 7.1, 7.2, 7.3, 7.5, 7.6, 7.7, 7.9, 7.10, and 7.11 be rejected for the reasons discussed above.
51. We agree that that consultation with the appropriate iwi and hapū is essential with any proposal. To address NWOT's concerns, Ms Trenouth made amendments to the proposed plan change prior to notification (noted above in paragraph 45) which in our view largely meet the intent of the NWOT submission points.
52. We concur with Mr Trenouth that submissions 7.1, 7.2, 7.3, 7.5, 7.6, 7.7, 7.9, 7.10, and 7.11 be rejected.



## Application of plan change to Tūpuna Maunga Authority administered land

| Sub. No. | Name of Submitter       | Summary of the Relief Sought by the Submitter  |
|----------|-------------------------|--|
| 10.1     | Tūpuna Maunga Authority | The provisions of PC106 be confirmed or amended to address the matters raised in this submission and Attachment 1 (refer to the submission)                        |
| 10.2     |                         | Amend activity (A3A) in Table D21.6.1 Activity Table to include "or land administered by the Tūpuna Maunga Authority" as a permitted activity.                     |
| 10.4     |                         | Amend proposed Standard D21.6.4 by adding "or on land administered by the Tūpuna Maunga Authority" to the heading and first sentence in (1).                       |
| 10.5     |                         | Amend proposed Standard D21.6.4 (c) by adding "including those required by the Tūpuna Maunga Authority where on land administered by the Tūpuna Maunga Authority". |

53. Ms Trenouth drew our attention to:<sup>34</sup>

- The submission of the Tūpuna Maunga Authority identifies that the plan change does not apply to land they administer because it is excluded from the definition of 'public place' in the Bylaw.
- When developing the plan change, including through consultation with Mana Whenua, it was never intended that the plan change would not apply to land administered by the Tūpuna Maunga Authority.
- The section 32 report focused on any potential effects of the plan change on the specific film permit process for tūpuna maunga, identifying that this would not be affected. It is not considered efficient or effective to require resource consents for those SSMW that are also tūpuna maunga (currently four sites) because potential adverse effects can be appropriately avoided, remedied or mitigated through the tūpuna maunga film permit process.<sup>35</sup>
- The Integrated Management Plan for tūpuna maunga establishes how they will be cared for, managed and maintained, setting out Values and Pathways to achieve integrated outcomes.

54. Ms Trenouth recommended:<sup>36</sup>

- Submission 10.1 be accepted in part and submissions 10.2, 10.4, and 10.5 are accepted because:
  - not all the amendments sought in Attachment 1 to the submission are accepted as those that relate to events are considered out of scope as discussed above; and

<sup>34</sup> Section 42A Report, at [167]–[171].

<sup>35</sup> The Waitematā Local Board supports amendments to enable temporary filming on land administered by the Tūpuna Maunga Authority.

<sup>36</sup> Section 42A Report, at [172]–[173].

- amendments clarify that the permitted activity for temporary filming on SSMW also applies to land administered by the Tūpuna Maunga Authority.
55. We accept the four tūpuna maunga sites) that are classified as SSMW sites are covered by PC106. The other tūpuna maunga sites would be covered by PC106 if/when they are classified as SSMWs.
56. We concur with Ms Trenouth recommendation - submission 10.1 be accepted in part and submissions 10.2, 10.4, and 10.5 are accepted for the reasons she outlined.

## SECTION 32AA EVALUATION

57. Section 32AA of the RMA requires a further evaluation for any changes that are proposed to the notified plan change after the section 32 evaluation was carried out.<sup>37</sup> This further evaluation must be undertaken at a level of detail that corresponds to the scale and significance of the changes.<sup>38</sup>

58. In section 10 of the Sections 42A Report Ms Trenouth provides a Section 32AA evaluation for her recommended changes. She notes:<sup>39</sup>

*“The proposed changes clarify that it is a permitted activity for temporary filming activities on SSMW on land that is administered by the Maunga Authority. The proposed changes are efficient and effective because they enable filming activities to be managed through the existing film permit process, ensuring that any actual or potential adverse effects are appropriately managed. Sufficient information is available to understand any risks.”*

59. This analysis was not contested, and we have adopted for the purpose of this decision.

## PART 2 OF THE RMA

60. Section 32(1)(a) of the RMA requires assessment of whether the objectives of a plan change are the most appropriate way for achieving the purpose of the RMA in Part 2. Section 72 of the Act also states that the purpose of the preparation, implementation, and administration of district plans is to assist territorial authorities to carry out their functions in order to achieve the purpose of the RMA. In addition, section 74(1) provides that a territorial authority must prepare and change its district plan in accordance with the provisions of Part 2. This is a Council sponsored plan change which will change the AUP.
61. For all of the reasons set out in this decision, we are satisfied the matters set out in sections 6, 7 and 8 of the RMA have been addressed. PC106 has recognised and provided for, had particular regard to and taken into account those relevant section 6, 7 and 8 matters.
62. Finally, in terms of section 5 of the RMA, it is our finding that the modifications of PC106 in section 32 and 32AA terms, are consistent with, and the most appropriate way, to achieve the purpose of the Act. PC106 will allow filming on SSMW to take place as a

<sup>37</sup> RMA, section 32AA(1)(a).

<sup>38</sup> RMA, section 32AA(1)(c).

<sup>39</sup> Section 42A Report, at [176].


permitted activity while recognising and protecting the tangible and intangible Māori cultural values of public sites and places within Tāmaki Makaurau, to provide for the relationship of mana whenua with their cultural heritage.

## DECISION

63. That pursuant to Schedule 1, Clause 10 of the Resource Management Act 1991, Proposed Plan Change 106 to the Auckland Unitary Plan (Operative in Part) be approved, subject to the amendments recommended by Ms Trenouth as set out in Appendix One of this Decision.

## Reasons

64. The reasons for our decision are that Plan Change 106:
- a. will allow filming activities by recognising and protecting the tangible and intangible Māori cultural values of sites and places within Tāmaki Makaurau, thereby providing for the relationship of mana whenua with their cultural heritage.
  - b. in council-controlled public places and on land administered by the Tūpuna Maunga Authority which have a SSMW classification the amendments made by PC106 will remove the requirement for a resource consent which currently duplicates the film permit process required under the Te Ture ā-Rohe Tauhokohoko Whakahaerenga me te Tango Kiriata Tūmatanui 2022 Public Trading, Events and Filming Bylaw 2022. Filming will still require a permit in accordance with the Bylaw.
  - c. will assist the Council in achieving the purpose of the RMA;
  - d. is consistent with the provisions of Part 2 of the RMA;
  - e. is supported by necessary evaluations in accordance with section 32 and section 32AA; and
  - f. will help with the effective implementation of the AUP.



**Mark Farnsworth MNZM**  
Chairperson



**Glenn Wilcox**  
Panel Member



**Vicki Morrison-Shaw**  
Panel Member

**Date: 4 June 2025**

## **APPENDIX ONE**

Notified amendments are identified as black text underlined.

Recommended amendments are identified as red text underlined.

## **D21. Sites and Places of Significance to Mana Whenua Overlay**

### **D21.1. Background**

The Sites and Places of Significance to Mana Whenua Overlay applies to sites and places that have been scheduled and protected for their significance to Mana Whenua. A schedule of the sites and places of significance is provided in Schedule 12 Sites and Places of Significance to Mana Whenua Schedule. Sensitive information regarding the significance of the sites and places to Mana Whenua may be subject to special protocols.

Sites and places of significance to Mana Whenua have tangible and intangible cultural values in association with historic events, occupation and cultural activities. Mana Whenua values are not necessarily associated with archaeology, particularly within the highly modified urban landscape where the tangible values may have been destroyed or significantly modified.

Mana Whenua are aware of many other sites and places that may be equally or more significant, and acknowledge there may be shared interests over scheduled locations. It is intended to identify further sites and places nominated by Mana Whenua through future plan changes including those identified through other legislation.

Some sites and places of significance to Mana Whenua may also be scheduled as historic heritage. These sites and places are identified in Schedule 14 Historic Heritage Schedule, Statements and Maps.

**[new text to be inserted]**

### **D21.2. Objective [rcp/dp]**

- (1) The tangible and intangible values of scheduled sites and places of significance to Mana Whenua are protected and enhanced.
- (2) Scheduled sites and places of significance to Mana Whenua are protected from inappropriate subdivision, use and development, including inappropriate modification, demolition or destruction.

### **D21.3. Policies [rcp/dp]**

- (1) Avoid the physical destruction in whole or in part of sites and places of significance during earthworks.
- (2) Avoid significant adverse effects on the values and associations of Mana Whenua with sites and places of significance to them.

- (3) Require subdivision, use and development, where adverse effects on sites and places of significance cannot practicably be avoided, to remedy or mitigate those adverse effects by:
  - (a) enhancing the values of the scheduled site or place of significance and the relationship of Mana Whenua with their taonga, commensurate with the scale and nature of the proposal;
  - (b) incorporating mātauranga, tikanga and Mana Whenua values, including spiritual values;
  - (c) recognising and providing for the outcomes articulated by Mana Whenua through an assessment of environmental effects with Mana Whenua and within iwi planning documents;
  - (d) demonstrating consideration of practicable alternative methods, locations or designs that would avoid or reduce the impact on the values of scheduled sites and places of significance to Mana Whenua; and
  - (e) demonstrating consideration of practical mechanisms to maintain or enhance the ability to access and use the scheduled site or feature for karakia, monitoring, customary purposes and ahikā roa by Mana Whenua.
- (4) Reflect within the development the relationship of the scheduled site or place of significance within the context of the wider local history and whakapapa.
- (5) Recognise that some activities may have such significant adverse effects on Mana Whenua values that they are culturally inappropriate when considering the nature of the scheduled site or place of significance and associated values.
- (6) Manage the adverse effects of subdivision where scheduled sites and places of significance to Mana Whenua are split into multiple land parcels.
- (7) Provide incentives to encourage the protection and enhancement of scheduled sites and places of significance to Mana Whenua.
- (8) Recognise that the intangible values of sites or places of significance can be protected and enhanced even where the site or place has been significantly modified or destroyed.
- (9) Enable existing network utilities and electricity generation facilities on sites and places of significance including:
  - (a) use and operation; and

(b) minor upgrading, maintenance and repair in a manner that avoids, where practicable, or otherwise remedies or mitigates adverse effects on cultural values.

(10) Avoid where practicable the use of scheduled sites and places of significance to Mana Whenua for new infrastructure where this affects cultural values.

(11) Require an assessment of environmental effects where proposed works may have adverse effects on the values associated with sites or places of significance to Mana Whenua.

#### D21.4. Activity table [rcp/dp]

Table D21.4.1 Activity table specifies the activity status of land use and development pursuant to section 9(3) of the Resource Management Act 1991, subdivision pursuant to section 11 of the Resource Management Act 1991 and works, occupation or activity in the coastal marine area pursuant to sections 12(1), 12(2) or 12(3) of the Resource Management Act 1991.

Schedule 12 Sites and Places of Significance to Mana Whenua Schedule identifies sites and places where this section applies. Schedule 12 Sites and Places of Significance to Mana Whenua Schedule also identifies sites and places of significance that have intangible values associated with historic events, occupation and cultural activities that do not necessarily contain archaeology, where the site exception rule applies.

**Table D21.4.1 Activity table [rcp/dp]**

| Activity                  |   | Activity status           |
|---------------------------|---|---------------------------|
| <b>Development</b>        |   |                           |
| (A1)                      | Non-invasive archaeological survey  | P                         |
| (A2)                      | Minor work for the purpose of preserving or maintaining scheduled sites and places of significance to Mana Whenua   | P                         |
| (A3)                      | Temporary activities  | RD                        |
| (A3A)                     | <u>Temporary activities for filming in public places or on land administered by the Tūpuna Maunga Authority for up to 30 days that comply with Standard D21.6.4</u> | <u>P</u>                  |
| (A4)                      | Disturbance in the coastal marine area  | D                         |
| (A5)                      | New buildings and structures  | D                         |
| (A6)                      | Alterations and additions to existing buildings where the building footprint is increased   | D                         |
| [new text to be inserted] | [new text to be inserted]   | [new text to be inserted] |

PC 78 ([see Modifications](#))

|   |   |                           |
|---|---|---------------------------|
| [new text to be inserted]   | [new text to be inserted]   | [new text to be inserted] |
| <b>Land Disturbance</b>   |   |                           |
| Refer to the rules in <a href="#">E11 Land disturbance – Regional</a> (this includes <a href="#">Standard E11.6.1 Accidental discovery rule</a> ) and <a href="#">E12 Land disturbance – District</a> (this includes <a href="#">Standard E12.6.1 Accidental discovery rule</a> ) |   |                           |
| <b>Infrastructure</b>   |   |                           |
| Refer to the rules in <a href="#">E26 Infrastructure</a>  |   |                           |
| <b>Subdivision</b>  |   |                           |
| (A7)  | Subdivision that results in a site or place of significance to Mana Whenua extending across multiple lots | D                         |

**D21.5. Notification**

- (1) Any application for resource consent for an activity listed in Table D21.4.1 Activity table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule [C1.13\(4\)](#).

**D21.6. Standards**

All activities listed as a permitted activity in Table D21.4.1 Activity table must comply with the following permitted activity standards.

**D21.6.1. Accidental discovery rules**

- (1) Refer to the Accidental discovery rules in:
  - (a) [E11 Land disturbance – Regional](#) - [Standard E11.6.1 Accidental discovery rule](#)); and
  - (b) [E12 Land disturbance – District](#) - [Standard E12.6.1 Accidental discovery rule](#).

**D21.6.2. Non-invasive archaeological survey**

- (1) Minor earthworks or disturbance of the coastal marine area to define the location or extent of archaeological sites of features:
  - (a) must not be undertaken in areas where archaeological remains are evident, or known to be present. If during the investigation



archaeological material is encountered, that material must not be disturbed or removed;

- (b) must conform to accepted archaeological practice;
- (c) must be undertaken with a probe not exceeding a diameter of 10mm, or a spade. Mechanical tools must not be used;
- (d) spade holes must not exceed 250mm x 250mm in size;
- (e) after completion of works, the ground must be reinstated to at least to the condition existing prior to any works starting; and
- (f) must be undertaken in the presence of a mandated Mana Whenua representative unless confirmed by Mana Whenua in writing that this is not required.

**D21.6.3. Minor work for the purpose of preserving or maintaining scheduled sites and places of significance to Mana Whenua**

- (1) Minor works for the purpose of maintaining scheduled sites and places of significance to Mana Whenua must be undertaken in the presence of a mandated Mana Whenua representative (except for routine maintenance of grounds, including gardening, buildings and structures) unless confirmed by Mana Whenua in writing that this is not required.

**D21.6.4 Temporary activities for filming in public places or on land administered by the Tūpuna Maunga Authority for up to 30 days**

- (1) Any temporary activity for filming in a public place or on land administered by the Tūpuna Maunga Authority must:
  - (a) be no more than 30 days;
  - (b) not involve any land disturbance;
  - (c) be in accordance with a site plan and special conditions, including those required by the Tūpuna Maunga Authority whereon land administered by the Tūpuna Maunga Authority, approved under an Auckland Council Film Permit to:
    - i. confirm that Mana Whenua have been consulted on the filming activity, including with regard to any Treaty Settlements that relate to the site;
    - ii. be consistent with any relevant iwi film protocol, iwi planning document, or cultural impact assessment prepared for the filming activity;

- iii. maintain access for customary activities throughout filming;  
and
- iv. apply tikanga as informed by Mana Whenua.

#### **D21.7. Assessment – controlled activities**

There are no controlled activities in this section.

#### **D21.8. Assessment – restricted discretionary activities**

##### **D21.8.1. Matters of discretion**

The Council will restrict its discretion to all of the following matters when assessing a restricted discretionary resource consent application:

- (1) the effects of the proposal on the values and associations of Mana Whenua with the site or place, including effects on the context of the local history and whakapapa.
- (2) the nature, location, design and extent of the proposal.
- (3) the purpose and necessity for the works and any alternatives considered.
- (4) the provisions of any relevant iwi planning document.

##### **D21.8.2. Assessment criteria**

The Council will consider the relevant assessment criteria for restricted discretionary activities from the list below:

- (1) Policies D21.3(1), D21.3(2) and D21.3(3).
- (2) the extent to which the proposal:
  - (a) provides for the relationship of the site or place with Mana Whenua in the context of local history and whakapapa, if appropriate, through:
    - (i) the design and location of proposed structures;
    - (ii) landscaping and vegetation including removal and replanting; and
    - (iii) landform and modification.
  - (b) recognises the benefits derived from the upgrading of existing infrastructure to the community and the functional and operational needs of the network.
  - (c) considers the appropriate location of temporary activities to avoid, remedy or mitigate adverse effects on values and associations of Mana Whenua with the site or place.

#### **D21.9. Special information requirements**

There are no special information requirements in this section.