

Before the Queenstown Lakes District Council

Under the Resource Management Act 1991

In the matter of **Stage 3B of the proposed Queenstown Lakes District Plan
– Stream 20 – Arcadia Rural Visitor Zone Temporary
Filming Activities**

Legal Submissions on behalf of the successor to Lloyd Veint

7 August 2020

Submitter's solicitors:

Vanessa Robb
Anderson Lloyd
Level 2, 13 Camp Street, Queenstown 9300
PO Box 201, Queenstown 9348
DX Box ZP95010 Queenstown
p + 64 3 450 0700 | f + 64 3 450 0799
vanessa.robbs@al.nz

**anderson
lloyd.**

May it please the Panel

Introduction

- 1 These submissions are made on behalf of the successor to the submission by Lloyd Veint, in respect of submission 31074 regarding temporary filming activities in the Arcadia Station Rural Visitor Zone (**RVZ**).
- 2 Submission 31008, Mr Vivian's evidence and my legal submissions in regards to that submission set out the consenting history of the Arcadia Station and the submitter's intentions for rural residential, commercial recreation and visitor accommodation development.
- 3 Arcadia Station also has historic and ongoing use as a filming location, primarily as a temporary hub from which film crews travel to shoot in remote rural landscapes. There have been a number of consents granted for temporary filming activities at Arcadia, supplementary to the permitted temporary filming activities that occur there as of right. The area was and continues to be a popular filming location that brings both film crews and film enthusiasts to the District and the Glenorchy community.

The future of the film industry in the District

- 4 At the hearing of Submission 31008 Mr Edney, the future purchaser of the Arcadia Station, explained the opportunities that exist to rejuvenate the District's film industry, and the role that Arcadia could play in larger filming operations.
- 5 He explained the film industry has shifted significantly over the years, from large scale feature length productions to production of series for Netflix, Amazon and the like. Key figures in the film industry are both motivated and demand driven to get the District's film industry back up and running.
- 6 The film industry brings numerous benefits to the District. Most obvious, film production directly creates jobs and brings money into the local and national economies. This then leads to film tourism, which is already well established around Glenorchy, and again creates jobs and boosts the economy. Less directly, the film industry can influence the high end residential property market. Mr Edney spoke to the fact that film industry professionals who frequently visit the District are often interested in purchasing a residential property as their home or a holiday home.
- 7 Mr Edney explained that Arcadia Station is an ideal shooting location and would act as an operational base for first cut production where film crews temporarily set up on site to assemble sound trucks and

paraphernalia, organise staff and crew, and transport people and gear to and from various shooting locations. This temporary site would then link to a technical base for editing, as is currently proposed in the Gibbston Valley, with fibre-optic broadband communication for correspondence to and from the location of the production company, i.e. Hollywood.

- 8 Splitting the operation like this with a temporary operational base on location and a permanent technical base elsewhere simultaneously reduces the duration and scale of filming activities at Arcadia Station while enabling the film industry to operate more efficiently overall.

Temporary filming activities – Chapter 35

- 9 Chapter 35 is generally enabling of temporary filming activities, recognising and encouraging their contribution to the social, economic and cultural wellbeing of the District's people and communities.¹
- 10 The provisions make a distinction between the Rural Zone and 'all other zones', being more enabling of temporary filming activities in the Rural Zone.²
- 11 The relief sought by the submitter is that the temporary filming rule should apply to the Arcadia RVZ in the same way as it applies to the Rural Zone, i.e. that:
 - (a) The number of persons participating in a temporary filming event is capped at 200 at any one time, as compared to 100 in the Rural Residential and Rural Lifestyle Zones and 50 in any other zone;³
 - (b) Any temporary filming activity is limited to 30 days in duration per calendar year, as compared to an additional restriction of 7 days total of shooting per calendar year in any other zone;⁴ and
 - (c) Land can be used as an informal airport as part of a temporary filming activity.⁵

¹ Objective 35.2.1 and policy 35.2.1.1.

² Rule 35.4.8.

³ Rule 35.4.8(a).

⁴ Rule 35.4.8(b) and (c).

⁵ Rule 35.4.8(d).

- 12 Ms Grace supports the relief sought and considers enabling temporary filming activities in the Arcadia RVZ gives effect to Objective 35.2.1 and its policy suite. She considers the effects of temporary filming activities can be appropriately managed in the Arcadia RVZ, and that enabling temporary filming at Arcadia provides for the social, economic and cultural wellbeing of the District.
- 13 Ms Grace's support for the relief is in the context of the Arcadia RVZ as notified. She does not support further enabling temporary filming activities in the Arcadia RVZ if the submitter's primary relief to provide for rural residential and greater commercial recreation and visitor accommodation use is granted.
- 14 The submitter's position is that the combined relief it seeks will provide for compatible land uses. It considers temporary filming activities can be enabled at Arcadia to the extent sought, whilst being compatible with the rural residential, commercial recreation and visitor accommodation development anticipated.

Compatibility of land uses

- 15 The question for the Panel to determine is whether the separate land uses contemplated for the Arcadia RVZ, primarily rural residential development and temporary filming activities, are *compatible*, meaning they can occur concurrently without resulting in adverse effects, or whilst ensuring any adverse effects are managed so as to be minimised⁶. The question is not whether the activities are *complementary* to one another and of a similar nature, rather whether they can occur concurrently without adversely effecting one another.
- 16 It is submitted that the inherent nature of temporary filming activities as temporary and infrequent, the restrictions on temporary filming activities already built into Chapter 35, and the proposed Structure Plan design for development in the Arcadia RVZ work together to ensure compatibility of temporary filming with the other land uses proposed.

Duration and nature of Temporary Filming activities

- 17 The principle mechanism in the PDP for managing effects of temporary filming activities is duration. Temporary filming activities are permitted to a maximum of 30 days per calendar year in any zone, which is not sought to be changed. An assessment of the compatibility of temporary filming

⁶ Objective 35.2.1.

activities with other land uses must keep in mind that any effects to be managed and mitigated will occur a maximum of 30 times per year, and are therefore infrequent in nature.

- 18 If granted the relief will allow for a maximum of 30 days of shooting per calendar year as a permitted activity, as opposed to 7 days in other zones. Again, it is submitted that 30 days is minimal over a year long period. It is also important to note that the Arcadia RVZ is generally a hub for temporary filming activities, while shooting generally occurs in the surrounding rural area in more remote and dramatic landscapes. Therefore the increase from 7 to 30 days of shooting will have little impact on amenity within the Arcadia RVZ.
- 19 Policy 35.2.1.7 recognises that noise is anticipated with temporary filming, whilst protecting residential amenity from 'undue noise during night-time hours'. The policies do not refer to day time noise. The nature of the filming that occurs at Arcadia means both shooting and production are generally day time activities, and as such night time noise will be limited and infrequent.

Separation of activities

- 20 The second principle mechanism for managing effects of temporary filming activities on rural residential amenity values is separation between the activities. This is contemplated by the proposed Structure Plan which provides for discrete areas of rural residential, visitor accommodation and commercial recreation development. Temporary filming activities are contemplated to occur in discrete areas of the Arcadia RVZ within the identified open space areas, and any shooting would be closer to Diamond Lake (because of the backdrop it provides) and separate from rural residential development and visitor accommodation. This separation will ensure the immediate surrounding rural residential and visitor amenity is retained, and noise effects are reduced.

Rural residential development not urban development

- 21 The third important point is that *rural* residential development is contemplated for the Arcadia RVZ, comparable to rural lifestyle development. No higher density residential or urban development is sought.
- 22 This is an important distinction, because it is accepted that rural residential amenity is not the same as residential amenity. Those residing within a rural residential area appreciate there will be a trade-off between rural and residential amenity, given the ongoing operation of rural activities in their vicinity.

- 23 The temporary filming provisions already recognise this distinction to a degree, allowing for a maximum of 100 people per filming event in the Rural Residential and Rural Lifestyle Zones, as opposed to 50 people in other residential and urban zones. Logically this is because rural living areas can accommodate a greater intensity of non-residential activities without adverse effects on rural living amenity. However, the s 32 evaluation and s 42A report do not discuss reasons for the distinction between 200 people in the Rural Zone and 100 people in the Rural Residential and Lifestyle Zones. It is arguable whether there is any practical difference in effects on amenity from temporary filming events of 200 people as compared to events of 100 people.
- 24 The rural residential development contemplated for the Arcadia RVZ sits within a predominantly rural landscape. It is relevant that temporary filming activities to the degree contemplated for the Arcadia RVZ, and in particular informal airport use, can occur in the surrounding Rural Zone as of right. Policy 35.2.1.8 enables the operation of informal airports in association with temporary filming, so long as adverse effects on adjacent properties are minimised. It is submitted there will be no difference in effects on rural residential amenity from temporary filming activities enabled within the Arcadia RVZ, as compared to temporary filming activities which could occur as of right in the surrounding Rural Zone.
- 25 Residents moving into the Arcadia Station once developed will expect a level of amenity consistent with the surrounding rural environment. What's more, they will be on notice that temporary filming activities occur at Arcadia Station. This is because, due to the timing of the subdivision consent currently being implemented, it is anticipated temporary filming activities will be established before the rural residential lots come to market. It is also common knowledge that Arcadia is a popular filming location as well as a popular tourist location.

Visitor Accommodation and commercial recreation activities not incompatible to temporary filming

- 26 It is submitted that visitor accommodation activities and commercial recreation activities are not sensitive to temporary filming, as these activities are not greatly impacted by noise or intensity of activity.
- 27 Commercial recreation users in particular do not expect quiet environments, and visitor accommodation users generally stay for short periods of time, and are therefore less sensitive to the surrounding environment.

28 What's more, visitors to Arcadia Station will often be visiting the area because they have interest in various projects that have been filmed there, and it may add to their experience to see filming in action.

Conclusion

29 The outstanding issue for the Panel to consider is whether temporary filming activities and rural residential development to the extent proposed are compatible. This is not an assessment of whether the activities are complementary, rather whether they can occur without adverse effects on one another.

30 It is important to remember that the potential effects of the relief sought lie between the scale of temporary filming activities contemplated for all zones, and the scale completed for the Rural Zone. There is not a great difference in scale and intensity between these two circumstances, and all effects occur within 30 days regardless of location.

31 Mr Vivian's evidence is that the temporary filming provisions for the Rural Zone, which reasonably restrict filming activities to 30 days per year, would appropriately manage potential effects on other activities within the Arcadia RVZ.

32 From a section 32 perspective, the social, cultural and economic benefits to the District wide and local Glenorchy communities of enabling temporary filming activities at Arcadia Station greatly outweigh the potential costs of limited and infrequent potential adverse effects on amenity.

Evidence to be presented by submitter:

33 Planning evidence from Carey Vivian.

Dated this 7th day of August 2020



Vanessa Robb
Counsel for the successor to Lloyd Veint