

QLDC Council  
27 June 2019

### Report for Agenda Item | Rīpoata mot e Rāraki take : 8

**Department: Community Services**

**Title | Taitara:** Skyline Enterprises Limited (SEL), Request for Lessor's and Minister's Approval for Luge Night Lighting in the SEL Lease Area

#### PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO

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- 1 To consider granting Lessor's Approval and exercise the Minister's delegation to provide Minister's Approval to SEL, to establish night lighting for the luge activity within their Lease Area.

#### EXECUTIVE SUMMARY | WHAKARĀPOPOTOTANGA MATUA

- 2 SEL seek Lessor's Approval and Minister's Approval to establish night lighting that will enable them to increase the operational hours of their existing luge activity to 10pm for customers, and 11pm for staff. SEL have also applied for resource consent for the same activity, and the Consent Authority arm of council is considering the proposal. That assessment includes input from a Consultant Landscape Architect, and peer review of the applicant's lighting analysis by an independent lighting consultant. Whilst any potential grant of resource consent does not in any way obligate the grant of any Lessor's and Minister's approval, the analysis of the resource consent already undertaken is helpful to identify potential adverse effects which might inform any decision.

#### RECOMMENDATION | NGĀ TŪTOHUNGA

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That Council:

- 1 **Note** the contents of this report;
- 2 **Approve** Lessor's Approval and Minister's Approval for SEL to establish luge night lighting and undertake earthworks, as sought under their resource consent application RM181919;
- 3 **Ensure** that prior to any works being undertaken upon the site, a Health and Safety Plan is provided to Council to ensure the health and safety of users of the Ben Lomond Recreation Reserve, for all works associated with the proposal; and
- 4 **Require** that all aspects of the development, including associated earthworks and landscaping are in accordance with a final decision on resource consent RM181919, and associated conditions.

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10/06/2019

Reviewed and Authorised by:



Thunes Cloete  
General Manager Community  
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13/06/2019

**CONTEXT | HORPOAKI**

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- 5 SEL lease an area of the Ben Lomond Recreation Reserve (Reserve) from the Queenstown Lakes District Council. That lease is registered as encumbrance 5014878.1 on the Certificate of Title for the Reserve (lease). For clarity, the land associated with this report is at the SEL restaurant and luge site accessed from the top of the gondola.
- 6 Clause 6 of the SEL Lease states:

“that the Lessee shall not erect or place any buildings or other improvements or add any addition to any existing building or structure on the demised land without the prior approval in writing of the Lessor and the Minister.”
- 7 SEL have applied for resource consent RM181919, to establish night lighting associated with the SEL luge operation. The resource consent application includes a request to vary conditions of underlying resource consents RM970293, RM970548 and RM170147. The variations are necessary to enable the night lighting, as the consent conditions are otherwise prohibitive of the proposed activity. The purpose of the lighting is to extend the operating hours of the luge from half an hour prior to sunset, through to 10pm for customers and 11pm for staff. At the time of this report, consent has not been granted, although the associated assessment is well advanced.
- 8 In addition to the resource consent, SEL also require Lessor’s Approval and Minister’s Approval for their development proposal, and their request for such, and associated plans are included as ATTACHMENTS A & B of this report. The request for Lessor’s and Minister’s Approval is the purpose of this report, and Council has the delegation to provide Lessor’s and Minister’s approval.
- 9 For ease of reference, the proposed SEL activity is described below, with the wording taken from the applicant’s proposal, and subsequent amendments identified by the QLDC Resource Consent Planner:
  - *The applicant proposes to remove two existing security lights located on the ends of the restaurant.*
  - *The above ground electrical conduit to be fixed to existing structures are proposed to be mounted on the back of the rails, therefore being protected from any impact damage.*
  - *Lighting calculation results are based on direct lighting only.*
  - *Lighting is proposed to operate year round, and daily from half an hour prior to sunset through to 10pm for customers, and 11pm for staff.*

*With regard to the proposed 3m high light poles, these are proposed as follows:*

*Top Terminal*

- *7 pole mounted (3m high) lights (A1);*
- *1 double light for start of luge track pole mounted (L2);*
- *4 lights mounted to the existing top terminal lift structure (A3);*
- *1 wall mounted light on the workshop building (A4);*

- *LED strip lighting mounted under the soffit of the existing toilet building (LS1);*
- *LED Walkway strip (W1);*

#### *Lower Terminal*

- *3 x wall mounted lights on the luge photo kiosk building (A2);*
- *4 x lights mounted on the lower terminal luge lift structure (A3);*
- *LED walkway lights (descending the walkway into the lower terminal area (W2)).*

#### *Luge Track*

- *294 bollard mounted (approximately 1500mm high) 'medium beam' projector type light fittings, complete with a glare shield distributed along the full length of both tracks at approximately 6-8m centres. Specific 'high risk' areas such as tight corners will have an increased illuminance level, with fittings positioned at approximately 4-5m centres.*
- *Coloured filters will be installed in the lights in areas which are obscured from the view of distant observers*
- *Five 'gobo projector' light fittings will be mounted onto the underside of the three pedestrian overpass walkway structures to add another element to the night Luge experience. The gobo projectors will be static and aimed directly down onto the track surface.*
- *Coloured lighting effects are proposed in the tunnels at three locations on the tracks' consisting of five rows of 'LED neon' lights inside each tunnel with alternating red, green and blue coloured light sources. Static colour only is proposed.*

#### **S127 Variation**

*Consent is sought under section 127 of the RMA to change Condition 7 of resource consent RM970293, Condition 8 of resource consent RM970548, and Condition 30 of resource consent RM170147 (as varied by RM171122) to provide for night lighting around the existing luge track, top and bottom luge chairlift terminal buildings, bottom station walkway, and tunnels.*

- 10 Minimal earthworks are identified as necessary for post hole and trench excavation to install lighting posts and conduit. All areas of excavation would be backfilled and reinstated to original levels, and areas of exposed earth would be re-grassed. Landscape plans submitted as part of the resource consent application partly identify the areas of planting currently required by resource consents RM160647 and RM170147 as part of the consented gondola terminal and chairlift upgrade works. Additional planting is proposed in areas on the upper western slopes of the site and a small area of margin planting on the most eastern end of the luge track. Planting would consist of 13 beech trees and swathes of native grasses and shrubs.
- 11 The QLDC resource consent processing planner has provided advice on potentially affected parties and effects on the environment, and determined that only the QLDC (as landowner) is materially affected by the resource consent proposal. Affected Persons Approval (APA) for RM181919 was subsequently provided by the QLDC Chief Executive on

24 May 2019, having considered the findings of the Council Resource Consent Planner, Council Landscape Architect, and expert assessments as they related to the nature and extent of potential effects on Council and the greater environment. Additional information was required of the applicant to inform the APA consideration, and this included images to illustrate how the potential lighting effects will be seen from the surrounding environment beyond the site (ATTACHMENT C). It should be noted that SEL require all approvals (including resource consent) to progress, and any grant of one approval does not mean that other approvals will automatically follow, or should imply support for the greater activity. APA can also be withdrawn if deemed appropriate.

## 12 ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

13 The underlying land is a recreation reserve administered by QLDC and leased to SEL by QLDC. There is a management plan in place for the reserve and one of the objectives of the Ben Lomond and Queenstown Hill Management Plan is “provision for recreation and tourism activities, including commercial activities that do not adversely impact on the landscape, recreation and natural values.”

14 Whilst this report is related to Council’s Consideration of Lessor’s Approval and Minister’s Approval, it is helpful to consider the findings of Council’s (consultant) Landscape Architect (Mr Richard Denney) in his Landscape Report for the luge lighting dated 11 March 2019. Mr Denney’s Landscape Report informs the position of Council as the Consent Authority in considering the resource consent application, and constitutes an expert analysis of potential adverse effects to landscape values. Mr Denney’s report conclusion is copied below:

15 *The location is separated from the Queenstown urban area below, and has a distinct atmosphere of being within the mountains with expansive views of the lake and ranges. The site although highly modified is not detached from its mountain context, with exposed rock forms, exposure to the elements, sloping topography and the nature of recreational activities utilising the peak as the starting point for journeys down the mountainside, all references to the mountain landscape. The site is not isolated from the surrounding landscape, and is clearly a focal point on the many views and vistas of the Queenstown area, with a context of mountains, lake and urban elements.*

16 *The Bobs Peak gondola peak is a long established landmark on the Queenstown landscape. It is however evident since the original RM970293 and RM970548 decisions, and the ‘no-lighting’ condition, that the Bobs Peak landscape has evolved with further development and activity. The area is a busy node with high demand on recreational and commercial use. The recent granting of the gondola redevelopment works will see a large scale of works that will significantly change the landscape during the construction phase but include landscape mitigation works that will, once established, integrate development into an enhanced natural setting.*

17 *The proposed development of this application would have very little impact on the landscape in terms of physical works. Structures are small in size and the degree of earthworks minimal. Elements of structures need to blend into the landscape rather*

*than stand out such as light poles, conduit attached to structures, bollards etc., and a condition controlling external materials and colours is recommended.*

- 18 *Lighting is the primary effect on this site with the potential to visually enhance existing development and detract from the broader natural landscape. The applicant has engaged with council at an earlier stage of the design process and the proposal has developed since lodgement of the application following council feedback. The proposal presented demonstrates that key areas of concern such as point source lighting and light spill visible from beyond the site has been considered. The proposal now incorporates an ability to adjust lighting and includes additional tools for mitigation such as barriers and planting to contain effects. The full scale of effects on the landscape, including the lighting of the upper and lower chairlift terminals is not fully detailed in the application. There is however sufficient information to determine the general nature of effects with a reasonable degree of comfort that any unexpected adverse effects can be mitigated and contained by conditions of consent and by the flexibility built into the proposed design.*
- 19 Conditions which serve to mitigate effects on the environment as well as persons will be a requirement of any grant of resource consent under RM181919, and Mr Denny has recommended conditions as part of his report. It is recommended that any decision to grant Lessor's and Minister's approval is subject to resource consent RM181919 being granted, acknowledging that associated resource consent conditions are enforceable.
- 20 Council has the delegation to provide Lessor's and Minister's approval, and may withhold that approval if so desired.
- 21 This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002:
- 22 Option 1 Council can grant Lessor's and Minister's Approval to Skyline Enterprises Limited for the proposed luge lighting development, subject to resource consent being obtained.

Advantages:

- 23 SEL will be able to establish the luge lighting and increase the associated operational hours of the luge.
- 24 More persons will be able to engage in the commercial/tourism activity, and the night experience may be popular.

Disadvantages:

- 25 The Ben Lomond Recreation Reserve will be further developed, compared to the existing degree of use.
- 26 Increased popularity and use of the luge may lead to congestion.
- 27 There may be some effects associated with increased visibility of the luge lighting when viewed from beyond the lease area.



28 **Option 2** Council declines Lessor's and Minister's Approval to Skyline Enterprises Limited for the proposed luge lighting development.

Advantages:

29 The night experience of the luge area will remain same, although it is acknowledged that recent resource consents have approved the redevelopment of the upper base and restaurant building, increasing its size.

30 Potentially less congestion during darkness hours because persons will not be attracted to the luge activity.

31 Any effects associated with luge lighting and visibility will be nil.

Disadvantages:

32 More persons might seek to access the luge during daylight hours, and this might concentrate users to daylight hours as opposed to spreading out use over a greater operational timeframe.

33 This report recommends Option 1 for addressing the matter because it will enable SEL to undertake the development, while resource consent conditions, if approved, will appropriately mitigate any adverse effects.

## CONSULTATION PROCESS | HĀTEPE MATAPAKI:

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### > SIGNIFICANCE AND ENGAGEMENT | TE WHAKAMAHI I KĀ WHAKAARO HIRAKA

34 This matter is of low significance, as determined by reference to the [Council's Significance and Engagement Policy](#) because it does not involve a Council strategic asset, is of low importance to the Queenstown Lakes District, is of moderate interest to the general community, is not inconsistent with policy and strategy and does not impact on Council's capability and capacity.

35 The persons who are affected by or interested in this matter are the general public.

36 The Council has been engaged with the applicant since May 2018, and efforts have been undertaken to ensure that consideration of the activity has been appropriate.

### MĀORI CONSULTATION | IWI RŪNANGA

37 The Council has not consulted with Iwi as part of the request for Lessor's Approval and Minister's Approval.

## RISK AND MITIGATIONS | NGĀ RARU TŪPONO ME NGĀ WHAKAMAURUTANGA

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38 This matter related to the operational risk OR027 'Delivering levels of service', as documented in the [Council's risk register](#). The risk is classed as moderate. This matter relates to this risk because it requires a decision from Council relating to an existing lease.

39 The approval of the recommended option will support the Council by allowing us to retain the risk at its current level. The risk is tolerated as it is considered the proposed lighting will not diminish, or impact significantly on the commercial activities which are provided for under lease and the Ben Lomond and Queenstown Hill Management Plan.

### **FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA**

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40 Council is likely to benefit from the proposal as SEL will increase their operational hours thereby maintaining revenue. Council and the community benefit from the lessee doing well commercially.

41 All costs associated with the consenting, design and installation of the lighting will be met entirely by SEL.

### **COUNCIL EFFECTS AND VIEWS | NGĀ WHAKAAWEAWE ME NGĀ TIROHANGA A TE KAUNIHERA**

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42 The following Council policies, strategies and bylaws were considered:

- Significance and Engagement Policy 2014
- Ben Lomond and Queenstown Hill Management Plan

43 The recommended option is consistent with the principles set out in the named policies.

44 This matter is included in the 10-Year Plan/Annual Plan as administration associated with overseeing this approval will be covered in existing property budget provisions.

### **LOCAL GOVERNMENT ACT 2002 PURPOSE PROVISIONS | TE WHAKATURETURE 2002 O TE KĀWANATAKA Ā-KĀIKA**

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45 The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by [explain how it will help];
- Can be implemented through current funding under the Ten Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

### **ATTACHMENTS | NGĀ TĀPIRIHANGA**

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A	Applicant's Proposal ' <i>Skyline Enterprises Limited – Application for Lessor Approval Pursuant to Clause 6 of Lease 5014878.1</i> ' (dated 23 April 2019).
B	Applicant's Plans



C	Luge Lighting Images