

**QLDC Council  
9 March 2017**

**Report for Agenda Item: 7**

**Department: Property & Infrastructure**

**Purpose**

The purpose of this report is to consider granting a new reserve licence to the Luma Light Festival Trust.

**Recommendation**

That the Council:

1. **Note** the contents of this report;
2. **Approve** a new licence to the Luma Light Festival Trust over Sections 4, 5, 6 & 7 Blk LI Queenstown TN, Sections 1, 3 Blk LII Queenstown TN, Lot 1 DP 25870, and Sections 8-18 Blk XV Queenstown TN subject to the following terms and conditions:

Commencement	25 May 2017
Term	Three years
Renewal	One right of renewal of two years by agreement of both parties
Rent	Subject to the Community Facility Pricing Policy
Reviews	At renewal
Insurance	Requirement to have public liability insurance of \$2 million
Duration	To hold the Luma light festival, approximately 4 days each year in the month of June, plus pack in/pack out days to be agreed with Council. Booking date to be confirmed with Council annually to avoid booking clashes.
Safety/Suspension	Council to retain ability to suspend the licence for safety purposes or to avoid other operations that might take priority over this event. Full Health and Safety plan to be provided to Council.
Other	Licensee must ensure they have a valid resource consent for the activity.

Licensee to take all necessary precautions to ensure that damage to trees, plants or structures in the reserves does not occur. Council may require Licensee to employ a qualified arborist of its choice to ensure that trees and plants are protected from any harm.

3. **Agree** to the exercise of the Minister's consent (under delegation from the Minister of Conservation) to the granting of a licence to Luma Light Festival Trust over Sections 4, 5, 6 & 7 Blk LI Queenstown TN, Sections 1, 3 Blk LII Queenstown TN, Lot 1 DP 25870, and Sections 8-18 Blk XV Queenstown TN.
4. **Delegate** signing authority to the General Manager, Property and Infrastructure.

Prepared by:



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Property Advisor – APL

17/02/2017

Reviewed and Authorised by:



Aaron Burt  
Senior Planner: Parks & Reserves

20/02/2017

## Background

- 1 The Luma Light Festival Trust is a non-profit charitable organisation which takes the form of a curated collection of light sculptures and installations in the Queenstown Gardens and central Queenstown with a focus on the transformation of spaces and public interaction.
- 2 The Queenstown Gardens are located on a small peninsula on the shoreline of Lake Wakatipu. Established in 1887 they have been the focus of many community activities and occasions. The land is classified as recreation reserve and managed through the Queenstown Gardens Reserve Management Plan 2011.
- 3 In 2016 the Light Festival was granted a reserve permit to hold its inaugural event. The Council Parks and Reserves department have since encouraged the event to apply for a licence to occupy as the set up and pack down days either side of the 4 day event will breach the 6 consecutive day limit associated with a reserve permit.

## Comment

- 4 The Luma Light Festival Trust wish to host the event in the Queenstown Gardens and display additional sculptures on Marine Parade and Earnslaw Park. These locations are legally known as; Sections 4, 5, 6 & 7 Blk LI Queenstown TN, Sections 1, 3 Blk LII Queenstown TN, Lot 1 DP 25870, and Sections 8-18 Blk XV Queenstown TN.
- 5 The Queenstown Gardens are comprised and described as Recreation Reserve, an area enjoyed by the people and visitors to Queenstown as a tranquil garden adjacent to the busier town centre.
- 6 The application is consistent with the management objectives outlined in the Queenstown Gardens Reserve Management Plan 2011, which aims to provide for other public use and events so long as they do not contradict other management objectives.
- 7 The 'Friends of the Gardens', a local community group who serves to protect the gardens, have been consulted with and provided their approval for the event.
- 8 The Marine Parade Recreation Reserve is classified as zone 3 in the Queenstown Bay Foreshore Reserves Management Plan 2016 and aligns with its objective to allow consideration of temporary events of benefit to the community.
- 9 The Earnslaw Park Recreation Reserve is classified as zone 2 in the Queenstown Bay Foreshore Reserves Management Plan 2016 and aligns with its objective to allow consideration of temporary commercial and community activities compatible with the passive recreation use of the reserves. This area is being sought as an additional area to host several light sculptures as the event grows in popularity.
- 10 A three year Licence to Occupy is being sought along with a one two year renewal, in line with their resource consent application, which will enable the festival to grow and become a significant part of Queenstown's events calendar.
- 11 The Luma Light Festival Trust is currently seeking a variation to their five year resource consent (RM160283) to allow for increased public attendance, as current predictions based on good clear weather are that 4000 people will pass through the event per night for a total of 16,000 people over the course of the event. Forecasts are that attendance to the event may grow by 2000 people per night, year on year. The resource management process will consider impacts and management required to accommodate this growth.
- 12 If a licence is approved for a maximum term of five years, the actual occupation of the site will be restricted to the immediate dates of the festival, plus allowance for use one week before and after, subject to annual approval by Council officers.
- 13 The Ice Arena and surrounding area known as Lot 1 DP 25870, is currently under a 33-year lease to D B Graham Sons Limited. The use of this area under the proposed licence is therefore subject to annual approval from the Ice Arena leaseholder.

## Options

- 14 Option 1 To approve granting a licence to Luma Light Festival Trust over Sections 4, 5, 6 & 7 Blk LI Queenstown TN, Sections 1, 3 Blk LII Queenstown TN, Lot 1 DP 25870 and Sections 8-18 Blk XV Queenstown TN, subject to the terms and conditions outlined above.

*Advantages:*

- 15 Will enable a meaningful event which engages locals and visitors in a world class display of New Zealand and international sculptors. The event creates an additional tourist activity which will attract many of the tourists already in Queenstown for the Winter Festival.

*Disadvantages:*

- 16 Will potentially increase congestion and use of the reserve land.
- 17 Potential damage to the reserve.

- 18 Option 2 To approve granting a licence to Luma Light Festival Trust over Sections 4, 5, 6 & 7 Blk LI Queenstown TN, Sections 1, 3 Blk LII Queenstown TN, Lot 1 DP 25870 and Sections 8-18 Blk XV Queenstown TN,, subject to different terms and conditions.

*Advantages:*

- 19 Similar to the above.

*Disadvantages:*

- 20 Similar to the above.

- 21 Option 3 To decline the application by Luma Light Festival Trust over Sections 4, 5, 6 & 7 Blk LI Queenstown TN, Sections 1, 3 Blk LII Queenstown TN, Lot 1 DP 25870 and Sections 8-18 Blk XV Queenstown TN.

*Advantages:*

- 22 Will avoid congestion and potential for damage to the reserve.

*Disadvantages:*

- 23 Will not enable a meaningful event which engages locals and visitors in a world class display of New Zealand and international sculptors.

- 24 This report recommends **Option 1** for addressing the matter as it is a charitable event which supports local businesses and the wider community, promotes the area and encourages creativity and arts in the district.

### ***Significance and Engagement***

25 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because it involves Council strategic assets and is of importance to the Queenstown Lakes District and the community, but is not a long term lease. It is consistent with policy and strategy and does not impact on Councils capability and capacity.

### ***Risk***

26 This matter related to the operational risk, OR011A Decision Making as documented in the Council's risk register. The risk is classed as moderate. The risk is mitigated by the need to publicly notify the licence and consider any submissions received prior to considering granting a licence.

### **Financial Implications**

27 The Luma Light Festival Trust is a not for profit registered charity (CC53200) and attracts a significant amount of interest to the town. Accordingly the proposed rent charge is \$1.00 (if demanded) consistent with Council's Community Facility Pricing Policy.

### **Council Policies, Strategies and Bylaws**

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

- Queenstown Gardens Reserve Management Plan 2011
- Queenstown Bay Foreshore Reserves Management Plan 2016
- Community Facility Pricing Policy 2011.

29 The recommended option is consistent with the principles set out in the named policy/policies.

30 This matter is included in the 10-Year Plan/Annual Plan

- Approving this licence, will not add to planned revenue or expenditure over and above existing property provisions.

### **Local Government Act 2002 Purpose Provisions**

31 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 permitting an event which positively effects the community, and promotes Queenstown both domestically and internationally; and
- Can be implemented through current funding under the 10-Year Plan; and
- 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.

### **Consultation: Community Views and Preferences**

32 The persons who are affected by or interested in this matter are local residents/ratepayers of the Queenstown Lakes district with an interest in the reserves and the 'Friends of the Gardens' group.

33 The applicant has consulted with the 'Friends of the Gardens' who in 2016 provided written support for the festival. The 'Friends of the Gardens' have since provided verbal confirmation stating their ongoing support for the festival.

34 The intention to grant a licence was publicly notified with no submissions received.

### **Attachments [Presented separately]**

A – Luma Light Festival Site Plan

B – Luma Light Festival Licence Application

C – Luma Light Festival Operations Plan