

Full Council

2 May 2024

Report for Agenda Item | Rīpoata moto e Rāraki take [10]

Department: Community Services

Title | Taitara: Luma Light Festival Trust - Reserve licence

Purpose of the Report | Te Take mō te Pūroko

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

Recommendation | Kā Tūtohuka

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That the Council:

1. **Note** the contents of this report;
2. **Approve** a reserve licence under section 54 of the Reserves Act 1977, to the LUMA Light Festival Trust over Sections 4, 5, 6 & 7 Blk LI Queenstown TN, Sections 1, 3 Blk LII Queenstown TN, and Sections 8-18 Blk XV Queenstown TN subject to the following terms and conditions:

Licensee	Luma Light Festival Trust (Not transferable)
Commencement	6 May 2024
Term	1 year
Rent	Subject to the Community Facility Pricing Policy
Reviews	At renewal
Bond	\$10,000
Insurance	Requirement to have public liability insurance of \$2 million
Duration	To hold the Luma light festival, for a maximum of 5 days, plus pack in pack out days to be agreed with Council. Booking date to be confirmed with Council to avoid booking clashes.
Numbers	Permit a maximum of 10,000 paid ticket holders into the event each day.
Safety/Suspension	Council to retain ability to suspend or vary the licence for safety or other purposes including to protect the reserve and associated infrastructure 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 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 Require a Tree Protection Management Plan (TPMP) for any development, activity or work proposed near a public tree where the works are likely to impact the tree or its root zone prior to works.

Council to meet with Luma Light Festival Trust within one month after the event to discuss; numbers involved, the mitigation of any damage, and the potential for future improvements sponsored by LUMA which could benefit the Reserves and the community (such as planting).

3. **Delegate** authority to approve final licence terms and conditions, and execution authority to the General Manager Community Services, provided all relevant Queenstown Gardens Reserve Management Plan requirements are addressed; and
4. **Agree** to exercise the Minister's consent (under delegation from the Minister of Conservation) to the granting of the licence over Council Reserve Land.

**Prepared by:**



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**Title:** Parks and Open Spaces Planning  
Manager  
**5 April 2024**

**Reviewed and Authorised by:**



**Name:** Kenneth Bailey  
**Title:** General Manager Community  
Services  
**10 April 2024**

### Context | Horopaki

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1. The Luma Light Festival Trust runs the arts and culture event LUMA, showcasing a curated collection of stunning light sculptures, installations, and performances in the Queenstown Gardens, Marine Parade and Earnslaw Park with a focus on the transformation of spaces and public interaction.
2. In 2016 the Luma Light Festival Trust was granted a reserve licence. The licence has now expired and they are applying for a new reserve licence.
3. The Luma Light Festival Trust has hosted the event in the Queenstown Gardens, Marine Parade and Earnslaw park since 2017.
4. The event is primarily based in the Queenstown Gardens. This area is legally known as Sections 4, 5, 6 & 7 Blk LI Queenstown TN and Sections 1, 3 Blk LII Queenstown TN, being part of the land comprised and described as Recreation Reserve, Certificate of Title OT18A/765.
5. The event in 2024 would run for a maximum of 5 nights over King's Birthday weekend. LUMA in the Gardens is to be a ticketed event operating from 5-10pm. The set up required is approximately 10 days prior for a 5-day event, and 7 days post for pack down.

### Analysis and Advice | Tatāritaka me kā Tohutohu

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6. The licence 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 providing it does not contradict management objectives. The event is to be ticketed, which is supported by the Queenstown Gardens Reserve Management Plan.
7. The Queenstown Gardens Reserve Management Plan also supports art and cultural events that are beneficial and can greatly improve the use and enjoyment of the reserve. LUMA has demonstrated that the event provides this for the community and visitors to Queenstown.
8. The Queenstown Gardens Reserve Management Plan allows for events that are no longer than three consecutive days within a month. The plan also restricts ticketed / exclusive events to not occupy the reserve, or part of the reserve, for more than six consecutive days.
9. A licence for a 5-day event across the months of May and June is being sought, which is longer than the three days permitted for in the Queenstown Gardens Reserve Management Plan.
10. The reason for a 5-day event is to ease congestion and reduce the impact on the gardens. Allowing the event over 5-days reduces the number of attendees on each night, which in turn reduces the concentrated wear and tear on the surfaces of Queenstown Gardens. In addition to the 5 days of the event, additional days are required for pack in and pack out, extending the period of occupation in the gardens. Accordingly, the licence was publicly notified.

11. The Friends of the Gardens (FOG), a local community group, submitted and were consequently consulted about the application. FOG ultimately support the event however raised concerns about; the number of days the event occupied the gardens, the length of licence term, possible transfer of the licence to another party, possible damage to the gardens, the size of the event and the number of people attending.
12. Their concerns have been addressed by; limiting the licence to a 5-day event, limiting the term to 1 year, making the licence non-transferable and imposing a restriction on numbers that can attend each day. The Luma Light Festival Trust are also subject to a number of conditions within their hire agreement regarding remediation of any damage, which is undertaken by a contractor and paid for by LUMA.
13. The event will also be hosted at Marine Parade and Earnslaw Park. Additional light sculptures will be displayed on Marine Parade. The Marine Parade area is legally known as Section 6 Blk LI Queenstown TN, being part of the land comprised and described as Recreation Reserve, Certificate of Title 46575. The Marine Parade Recreation Reserve is classified as zone 3 in the Queenstown Bay Foreshore Reserves Management Plan (RMP) 2016. The licence application aligns with the RMPs objective to allow consideration of temporary events of benefit to the community.
14. Additional light sculptures will also be displayed in Earnslaw Park. This area is legally known as Sections 8-18 BLK XV Queenstown TN being part of the land comprised and described as Recreation Reserve. The Earnslaw Park Recreation Reserve is classified as zone 2 in the Queenstown Bay Foreshore Reserves Management Plan (RMP) 2016. The licence application aligns with the RMPs 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 area to host several light sculptures as the event grows in popularity.
15. A one-year reserve licence is being sought, which will enable the event to go ahead in 2024. Our intention is to conduct a review following the 2024 event, to understand if this scale of event is appropriate in the Queenstown Gardens.
16. If the licence is approved, the actual occupation of the site will be restricted to the immediate dates of the festival, plus allowance for set up, approximately 10 days prior, and pack out, up to 7 days after the event, subject to annual approval by Council officers.
17. 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.
18. Option 1 To approve a reserve licence to LUMA subject to the terms and conditions outlined above.

*Advantages:*

- Will enable a meaningful event which engages locals and visitors in a world class display of New Zealand and international sculptors.
- The event has positive economic effects to the greater Queenstown Lakes District community.

*Disadvantages:*

- Would restrict the use of part of the reserve land occupied by the event for other activities.
- Will potentially increase congestion and use of the reserve land.
- Minor damage to the reserve could occur and remedial works may be necessary.

19. Option 2 To decline notification of the intention to grant a reserve licence to LUMA subject to the terms and conditions outlined above:

*Advantages:*

- Would not restrict the use of the reserve land for other activities and there would not be temporary disruption of the reserve land.
- Will potentially avoid congestion.

*Disadvantages:*

- Will not enable a meaningful event which engages locals and visitors in a world class display of New Zealand and international sculptors.
- The event may not transpire and flow on economic benefits to the district will not occur.

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

## **Consultation Process | Hātepe Matapaki**

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### **Significance and Engagement | Te Whakamahi I kā Whakaaro Hiraka**

21. This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy 2021 because it involves Council reserves. The impact of the decision however is minor, as disruption to the reserve is anticipated but there is public recreational benefit.

22. The persons who are affected by or interested in this matter are the general public and users of the reserve.

23. The Council has notified this licence in accordance with section 119 of the Reserves Act 1977.

### **Risk and Mitigations | Kā Raru Tūpono me kā Whakamaurutaka**

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24. This matter relates to the Community & Wellbeing risk category. It is associated with RISK10023 Disruption event to facility or service within the QLDC Risk Register. This risk has been assessed as having a high residual risk rating. It is however recognised that the licence being sought has been through a public process to ensure it is supported, prior to being considered by full Council.

25. The approval of the recommended option will allow Council to implement additional controls for this risk. This will be achieved by a licence that will detail appropriate conditions.

### **Financial Implications | Kā Riteka ā-Pūtea**

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26. A commercial rental for use of the reserve is recommended in line with the Community Facility Funding Policy. A bond is recommended to cover potential damage to the public reserve and associated infrastructure.

### **Council Effects and Views | Kā Whakaaweawe me kā Tirohaka a te Kaunihera**

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27. The following Council policies, strategies and bylaws were considered:

- Reserves Act 1977
- Community Facility Funding Policy
- Local Government Act 2002
- Parks & Open Spaces Strategy 2021
- Proposed and Operative District Plan
- Events Strategy 2015-2018
- QLDC Tree Policy

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

29. This matter is not included in the Long Term Plan/Annual Plan and has no effect on it.

### **Legal Considerations and Statutory Responsibilities | Ka Ture Whaiwhakaaro me kā Takohaka Waeture**

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30. To grant a licence on reserve land, Council must follow the required process set out under the Reserves Act 1977.

### Local Government Act 2002 Purpose Provisions | Te Whakatureture 2002 o te Kāwanataka ā-Kiaka

31. Section 10 of the Local Government Act 2002 states the purpose of local government is (a) to enable democratic local decision-making and action by, and on behalf of, communities; and (b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. It will help meet the current and future needs of the community by not affecting the use of open space in reserve. As such, the recommendation in this report is appropriate and within the ambit of Section 10 of the Act.

32. The recommended option:

- Can be implemented through current funding under the Long Term Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not significantly alter 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 | Kā Tāpirihaka

A	Site Plan
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**Attachment A – Site Plan**

