

Community & Services Committee

24 September 2024

Report for Agenda Item | Rīpoata moto e Rāraki take [3]

Department: Community Services

Title | Taitara: Queenstown Gardens Reserve Management Plan Amendment

Purpose of the Report | Te Take mō te Pūroko

The purpose of this report is to consider a minor amendment to the Queenstown Gardens Reserve Management Plan 2011 to permit the LUMA Light Festival to operate in Queenstown Gardens.

Recommendation | Kā Tūtohuka

That the Community & Services Committee:

1. **Note** the contents of this report;
2. **Recommend to Council** to adopt the following minor amendment under section 41 of the Reserves Act 1977, that the Queenstown Gardens Reserve Management Plan 2011 include a new policy that permits the LUMA Light Festival event within the Queenstown Gardens. Specifically the inclusion of the following clauses:

8.8 Permit the LUMA Light Festival Trust to run a light festival event for up to 5 consecutive days each year. The festival may occupy part of the reserve for up to 20 total consecutive days to facilitate festival operations. Disruption to other users of the Reserve must be minimised during occupation. Subject to implementation conditions below.

Explanation

The Luma light festival is an established event operating in the Queenstown Gardens since 2016. It is recognised that this annual event benefits the community and the district. The event shall be permitted recognising the need to minimise the impact on the gardens and on other users of the Reserve.

Implementation

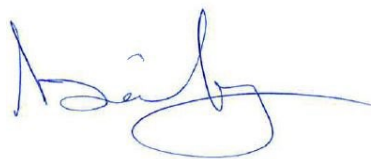
- *LUMA Light Festival: Ensure recognised stakeholder groups are consulted during the licence process whenever a new licence is considered for this event. Ensure QLDC and Friends of the Wakatipu Gardens and Reserves (or successors) have the opportunity to review and consult on the festival plan annually.*

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27 August 2024

Reviewed and Authorised by:



Name: Kenneth Bailey
Title: General Manager Community Services
4 September 2024

Context | Horopaki

1. The Queenstown Gardens Reserve Management Plan (RMP) was adopted in 2011. The RMP is a plan that sets out policies and objectives for the management and protection of Queenstown Gardens under the Reserve Act 1977. Within the RMP there are specific policies relating to events that can be permitted within Queenstown Gardens.
2. These event policies specifically limit events to use the park for a maximum of 3 consecutive days within a month. Furthermore, exclusive events/functions are not permitted to occupy the reserve or any part of the reserve for more than six consecutive days.
3. The Luma Light Festival Trust runs the arts and culture event LUMA, showcasing a curated collection of 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. The first light festival in Queenstown Gardens took place in 2016.
4. LUMA has established itself as a premier event which attracts visitors to the district. The event has numerous community benefits including establishing an emerging artist's programme and creating a program for local schools to be involved in the LUMA event. In 2024 the event ran special guided tours to cater for all abilities, making the event accessible to everyone.
5. Since 2023 the LUMA event has been run over 5 days during King's Birthday weekend. Additional days are required for pack in prior to the event and pack out after the event, bringing the total days of occupation in Queenstown Gardens up to a maximum of 20.
6. Five days is the preferred length for the event to ease congestion and reduce the impact on the gardens. Allowing the event over five days reduces the number of attendees on each night, which in turn reduces the concentrated wear and tear on the surfaces of Queenstown Gardens.
7. Due to the LUMA event not falling within the RMP event policies, previous licences to occupy for LUMA have been subject to a full public notification process and required to be approved by Full Council.

8. Council approved a 1-year licence for LUMA in May 2024. This licence application was publicly notified with the only submission coming from the Friends of the Wakatipu Gardens and Reserves (FOWGR), a local community group. FOWGR ultimately supported 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 potential commercial nature of LUMA,
 - The size of the event and the number of people attending.
9. FOWGR's concerns were managed by limiting the licence to a maximum 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 is also subject to a number of conditions within its hire agreement regarding remediation of any damage, which is undertaken by a contractor and paid for by LUMA.
10. The 1-year licence was issued to allow time for a minor amendment to the RMP to be considered.
11. The LUMA event requires a licence to occupy under the Reserves Act 1977. This is because the partial occupation of the Queenstown Gardens Reserve is for a period greater than 6 days. Additionally QLDC requires an event permit. The permit sets out specifics related to the event including; traffic and waste management, health and safety considerations, food and alcohol requirements and specific conditions QLDC places on the event. Furthermore the event also is required to have a hire agreement. The hire agreement includes the fees charged for using the reserve and QLDC equipment. It also includes conditions specific to the use of the reserve including use restrictions and remediation requirements.

Analysis and Advice | Tatāritaka me kā Tohutohu

12. The LUMA festival has been developed subsequent to the 2011 RMP. An event of the scale, nature and duration of LUMA wasn't anticipated when the RMP was initially adopted.
13. The proposed amendment would; recognise the event within the RMP, permit the event to run over a 5-day period and also permit partial occupation of the Queenstown Gardens for up to a total of 20 days to enable pack in and pack out. This change, if adopted, would reduce the level of consultation required under the Reserves Act 1977 to issue new licences to occupy. Any new licence complying with the RMP would not require public notification or to go to Full Council for approval.
14. Specific terms and conditions for the event are contained within the licence, event permit and hire agreement.
15. FOWGR, as the only submitter on the most recent licence, has been consulted regarding this minor amendment to the RMP. During this consultation FOWGR raised concerns around the length of the festival, the commercial nature of the event, possible sale / change of ownership of

the Trust, and FOWGR having oversight of the festival. It was also raised that there should be an allowance for consultation into this process in the future.

16. To address these concerns raised by FOWGR, QLDC is to ensure that a licence would only be issued to the Luma Light Festival Trust and it would not be transferable. The RMP amendment allows for consultation with recognised stakeholder groups prior to issuing any new licence. LUMA would also be required to provide its festival plan for consultation with QLDC and FOWGR prior to each event. As previously mentioned, the 5-day length of festival is intended to help ease congestion and wear and tear on the gardens. The past two LUMA festivals, which were run over 5 days, have resulted in minimal damage and an acceptable level of wear and tear to the Queenstown Gardens.

17. S41(9) of the Reserves Act 1977 provides for Council to undertake a minor amendment to a RMP, provided it determines that the review prompting the amendment is not “comprehensive”. As this is a minor amendment relating to an existing event, that has recently been subject to public notification, it is not considered comprehensive. Therefore, neither full public notification nor a hearing is required.

18. 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.

19. Option 1 Adopt the amendment to the RMP

Advantages:

- Adopting the amended RMP will recognise the established arts and cultural festival that is LUMA as a permitted event within the Queenstown Gardens.
- It will permit the event to run over a 5-day period, reducing congestion and wear and tear on the gardens.
- Save resources via not requiring public notification or Full Council to approve potential future licences.

Disadvantages:

- The amendments to the RMP include a requirement to undertake specific consultation with FOWGR for this event which may set a precedent for future Queenstown Gardens RMP changes.

20. Option 2 Do not adopt the amendment to the RMP

Advantages:

- None.

Disadvantages:

- Will require all future licences for LUMA to continue to be publicly notified and approved by Full Council. Thus, taking up significant resources.
- Will not allow security for a 5-day LUMA event within Queenstown Gardens and potentially the future of the event.

21. This report recommends Option 1 for addressing the matter because it will recognise and enable the established event that is LUMA to operate a 5-day event, with up to 20 days of partial occupation, within Queenstown Gardens.

Consultation Process | Hātepe Matapaki

Significance and Engagement | Te Whakamahi I kā Whakaaro Hiraka

22. This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy 2021 because the decision has the potential to impact the future of the LUMA event and potential revenue it brings to the district.
23. The persons who are affected by or interested in this matter are users of the reserve displaced by the event, attendees of the LUMA light festival and Friends of the Wakatipu Gardens and Reserves community group.
24. As mentioned above, Council has consulted with Friends of the Wakatipu Gardens and Reserves, and addressed the concerns that were raised where appropriate.

Māori Consultation | Iwi Rūnaka

25. As this is considered a minor amendment to the RMP, Council has not consulted specifically with Kāi Tahu on this matter.

Risk and Mitigations | Kā Raru Tūpono me kā Whakamaurutaka

26. 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 moderate residual risk rating.
27. The approval of the recommended option will allow Council to implement additional controls for this risk. This will be achieved by a licence and hire agreement for the LUMA festival.

Financial Implications | Kā Riteka ā-Pūtea

28. The event is charged a rental for use of the reserve in line with the Community Facility and Funding Policy.
29. The non-adoption of this amendment could ultimately threaten the future of the LUMA event, in turn impacting Queenstown businesses who benefit from the associated spend this event generates.

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

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

- Reserves Act 1977
- Community Facility and Funding Policy
- Local Government Act 2002
- Parks & Open Spaces Strategy 2021
- Events Strategy 2015-2018

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

32. This matter is not included in the Long Term Plan/Annual Plan.

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

33. To make a minor amendment to the RMP the required process set out under the Reserves Act 1977 must be followed.

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

34. 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 enabling a significant art and cultural event accessible to the community plus bringing financial benefit to the district. As such, the recommendation in this report is appropriate and within the ambit of Section 10 of the Act.

35. 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	Amended Queenstown Gardens Reserve Management Plan – Policy 8 Events
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Attachment A - Amended Queenstown Gardens Reserve Management Plan**Policy 8 – Events (Including Filming)**

8.1 Permit the use of the Gardens for weddings and other private functions, sporting, art and cultural events (both ticketed and non-ticketed) as approved by Council.

8.2 Ensure that events (including filming and still photography shoots) do not compromise the primary function of the Gardens and that events have contingency plans to relocate should ground conditions not be suitable.

8.3 Ensure filming and ticketed or exclusive events/functions do not occupy the reserve or any part of the reserve for more than six consecutive days or a total of 40 days in any one calendar year.

8.4 No single event or film shoot shall use the park for more than one period of three consecutive days within a month.

8.5 Manage events to minimise the disruption and inconvenience to other park users

8.6 Provide services to commonly used event locations within the Gardens to minimise the impacts of events as resources and needs permit.

8.7 Permit the development of an area of grass terracing to provide a natural terraced seating arrangement to accommodate up to 100 people for performances, lectures or other similar events.

8.8 Permit the Luma Light Festival Trust to run a light festival event for up to 5 consecutive days each year. The festival may occupy part of the reserve for up to 20 total consecutive days to facilitate festival operations. Disruption to other users of the Reserve must be minimised during occupation. Subject to implementation conditions below.

Explanation

Events and temporary commercial activities may be beneficial to the community and are by nature of short duration. Events can greatly improve the use and enjoyment of the reserve by the community and visitors to Queenstown.

The Gardens are a popular location for wedding ceremonies and other similar private functions and this use should be continued.

By necessity many sporting events, recreation activities and other events are becoming more commercialised. Issues of ticketing, security and signage all arise and need to be managed to ensure the sustainability of the events while protecting the values associated with the Gardens.

The Luma light festival is an established event operating in the Queenstown Gardens since 2016. It is recognised that this annual event benefits the community and the district. The event shall be permitted recognising the need to minimise the impact on the gardens and on other users of the Reserve.

Council approval is required for all events and film shoots. Approval is at the discretion of the Council.

The Gardens are used occasionally for filming for commercials or feature films. Such use is generally localised to one part of the Gardens and can be managed to minimise disruption to other park users.

The creation of a subtle amphitheatre via terracing of the slope where performances and movies have screened adjacent to the glass house would provide a space for such events and for lectures or other interpretive services within the setting of the Gardens.

Implementation

- Maintain a permit and approvals system for event and film bookings that ensures close liaison with park management.
- LUMA Light Festival: Ensure recognised stakeholder groups are consulted during the licence process whenever a new licence is considered for this event. Ensure QLDC and Friends of the Wakatipu Gardens and Reserves (or successors) have the opportunity to review and consult on the festival plan annually.
- Improve event infrastructure, such as permanent water, sewer and three-phase power supplies to minimise disturbance to the grounds and reduce set up and break down times for events, as resources permit.