

**QLDC Council**  
**12 September 2019**

**Report for Agenda Item | Rīpoata moto e Rāraki take 5**

**Department: Community Services**

**Title | Taitara: Kingston Golf Club Proposed Lease and Licence**

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

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The purpose of this report is to consider a lease, and a licence to occupy road reserve, to the Kingston Golf Club.

**RECOMMENDATION | NGĀ TŪTOHUNGA**

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That Council:

1. **Note** the contents of this report;
2. **Approve** a new lease over Section 1 Block XVI Kingston, subject to the following conditions:

Commencement	TBC
Term	3 years
Renewal	Two further terms of 3 years by agreement of both parties
Rent	Pursuant to Community Facility Funding Policy (\$1 per annum at commencement)
Reviews	N/A
Permitted use	Operation and maintenance of a Golf Course and associated activities
Insurance	Lessee to hold Public Liability Insurance of at least \$2,000,000
OPEX	Lessee to pay rates (if applicable), utilities and maintenance
Safety/Suspension	Council to retain ability to suspend the licence for safety or other purposes
Termination	Council can give 1-year cancellation notice if the land is required for core infrastructure purposes (but not in the first term)

3. **Agree** to the exercise of the Minister’s consent (under delegation from the Minister of Conservation) to the granting of a new lease to the Kingston Golf Club over Section 1 Block XVI Kingston.
4. **Delegate** final lease terms and conditions and signing authority to the General Manager Community Services.
5. **Grant** a licence to occupy unformed legal road reserve to the Kingston Golf Club subject to the following conditions;
  - a. The licence shall remain at Council’s pleasure and may be terminated with 3 months’ notice.
  - b. All services including 3-waters, phone, power and gas within the road reserve is to be identified and catered for and no compromise shall be made to Council Infrastructure or access to same.
  - c. The reserve is to be maintained by the Licensee so that it remains in good appearance and no safety hazard is created.
  - d. Public access to the road reserve shall not be impeded.

Prepared by:

Reviewed and Authorised by:



Dan Cruickshank  
Property Advisor - APL

27/08/2019



Aaron Burt  
Senior Planner:  
Parks & Reserves

27/08/2019



Thunes Cloete  
Community Services  
General Manager

29/08/2019

## CONTEXT | HORPOAKI

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- 1 The Kingston Golf Club (the Golf Club) was established in 1968, partly on private land, partly on Council recreation reserve and partly on unformed legal road. The Council reserve land is Section 1 Block XVI Kingston Town, comprising an area 4.0443 hectares, and shown outlined in red in Attachment A to this report. It is a nine-hole golf course, open to members and the public.
- 2 The reserve does not have a management plan in place, and there are no current plans by Council to implement a plan for the reserve in the near future.
- 3 In 1967 the Kingston Domain Board, as administrator of the lease, agreed to grant a lease to the Golf Club, but it appears that was never completed. In 1983, the Commissioner of Crown lands approved a lease but again it doesn't appear to have been completed, so no lease is in place for the land.
- 4 The Golf Club are seeking a lease over the reserve land.

## ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

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- 5 There is evidence that the Golf Club was formed in 1967 or 1968, and has occupied the reserve as part of their course since that time. Although the process of granting a lease has been considered on a number of occasions, it has never been completed.
- 6 The golf course occupies approximately 14 hectares, of which approximately 65% is on private land. We understand that the private land is leased from Kingston Village Ltd (KVL), associated with Goodman Group. If Council does not grant a lease to the club and it requires the area to be surrendered for another recreational purpose, it would be difficult, but not impossible, for the club to continue to operate.
- 7 The Golf Club provides a community recreational opportunity for residents and visitors to Kingston. Currently the club has 60 paying members and attracts approximately 550 visitors each year to the course. The Structure Plan for Kingston shows the golf course as Open Space.
- 8 Kingston township is currently undergoing planning for a considerable increase in subdivided land available for residential development by KVL. Increased residents/visitors at Kingston in the future as a result of this development may alter the requirements for open space reserve. The short-term nature of this lease being 3 years at a time, enables Council to regularly review the use and allocation of reserve land for the Kingston community.
- 9 The process of granting a new lease is pursuant to section 54(1)(b) of the Reserves Act 1977, and that clause requires that the intention to grant a lease to be publicly notified calling for submissions. Notification was undertaken on 27 June 2019 with submissions closing 27 July 2019. No submissions were received.

- 10 The club area also covers a portion of unformed legal road leading on from Shropshire Street and, to record this use, it is recommended a licence to occupy is granted to the Kingston Gold Club. The area of the proposed licence is shown in Attachment C.
- 11 The road may need to be formed in the near future as part of subdivision developments by KVL and as such, any licence should remain at Council's pleasure. It is not recommended that a licence fee be charged as the balance of the land leased by the Golf Club will not be charged in accordance with the Community Facility Funding Policy.
- 12 Option 1 To approve a lease, and licence to occupy road reserve, to the Kingston Golf Club.

*Advantages:*

- 13 Will enable the reserve to be utilised by the community for playing golf.
- 14 Negates the need for Council to maintain the land.
- 15 Will formalise the occupation of the land and define the rights and obligations of the two parties.
- 16 Will give the Golf Club and community security that golf can continue to be played on the reserve.

*Disadvantages:*

- 17 Will prevent the land being used for other purposes during the lease term (except core infrastructure).
- 18 Option 2 Not to approve a lease or licence, and for the Golf Club to vacate the land.

*Advantages:*

- 19 Will free the land up for other recreational purposes.

*Disadvantages:*

- 20 Will require a complete redesign of the golf course on the remaining land which may result in the Golf Club closing.
- 21 May result in the land being vacant requiring Council to maintain it.
- 22 This report recommends **Option 1** for addressing the matter because it will formalise the Golf Club occupation and use of the land thereby ensuring golf continues to be played in Kingston, and provides an immediate recreational use for the reserve land.

## CONSULTATION PROCESS | HĀTEPE MATAPAKI:

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

- 23 This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy because it relates to a Council reserve, but is not identified as a Council strategic property.
- 24 The persons who are affected by or interested in this matter are the users of the reserve and the residents, ratepayers and visitors to the Queenstown lakes District community.
- 25 The Council has undertaken consultation through a public notification calling for submissions. No submissions were received.

### > MĀORI CONSULTATION | IWI RŪNANGA

- 26 The Council has conducted consultation with the wider community via the public notification of the intention to grant easements over the reserves. No further consultation has been undertaken.

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

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- 27 This matter relates to the Community & Wellbeing risk category. It is associated with RISK0009 within the QLDC Risk Register. This risk has been assessed as having a High inherent risk rating, as it relates to a lease on a Reserve.
- 28 The approval of the recommended option will support the Council by allowing it to retain the risk at its current level. This shall be achieved by allowing the use to be for a community recreation purpose.

## FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA

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- 29 There are no financial implications from this report and recommendation. The Golf Club will meet any costs incurred in granting the lease.

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

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- 30 The following Council policies, strategies and bylaws were considered:
- Community Facility Pricing Policy.
- 31 The recommended option is consistent with the principles set out in the named policy.
- 32 This matter is not included in the Ten Year Plan/Annual Plan and has no impact on it.

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

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- 33 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 formalising the occupation of Council land thereby ensuring the sport of Golf continues in Kingston;
- 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 Lease area
- B Approval of a lease form the Commissioner of Crown Lands 1983
- C Plan of legal road

# ATTACHMENT A

Kingston Golf Course.

Approximate Golf Course outlined in blue. Proposed lease area outlined in red.



# ATTACHMENT B

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## SUBMISSION TO COMMISSIONER OF CROWN LANDS

### ISSUE OF LEASE

FILES H.O. 13/2/32  
D.O. 8/3/22a

CASE No. <sup>43</sup> R-1/

SOUTHLAND LAND DISTRICT

PROPOSAL: To issue a lease over part of a Recreation Reserve to the Kingston Golf Club.

RESERVE: Kingston Recreation Reserve

LOCATION: At Kingston 49 km from Queenstown and 61 km from Lumsden.

LAND AND AREA: 6.0499 ha more or less, being Sections 1 to 24 inclusive, Block VII Section 1, Block XVI, Section 1, Block XX Town of Kingston.

CONTROL: Lake County Council as Kingston Reserve Board.

STATUS: Reserved by N.Z. Gazette 1952, page 371, 1956, page 508, 1968 page 2309 and 2311 and 1974 page 264.

LAND AND AREA TO BE LEASED: 4.0721 ha more or less, being Section 1, Block XVI, Town of Kingston.

PROPOSED CONDITIONS OF LEASE:  
 Tenure - Pursuant to Section 54 1(c) of the Reserve Act 1977.  
 Lessee - Kingston Golf Club (*Incorporated*)  
 Term - 21 years from 1<sup>st</sup> January 198<sup>3</sup>  
 Rental - \$50.00 per annum, reviewable every three years.  
*Take required*

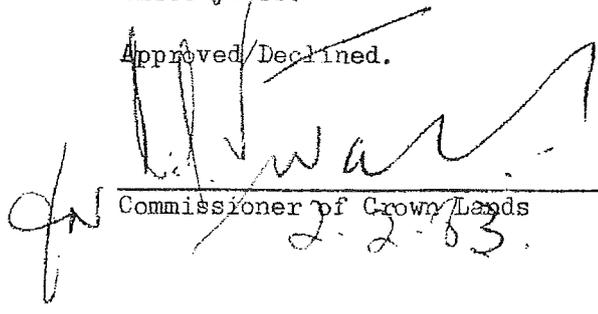
EXPLANATION: The land in question is currently being utilised as a golf course by the Kingston Golf Club. The Council has allowed the Club to use this part of the reserve for some considerable years, but the Club now wishes to regularise the position.

RESERVES RANGER REPORT: No objection.

PLANS: Attached.

RECOMMENDATION: That pursuant to Section 54 1(c) of the Reserves Act 1977 you approve the issue of a lease of Section 1, Block XVI, Town of Kingston being part of the Kingston Recreation Reserve, to the Kingston Golf Club for a term of 21 years at an annual rental of \$50.00, reviewed every three years.

DECISION: Approved/Declined.

*fn*  
  
 Commissioner of Crown Lands  
 2.2.83.

B/0  
P/R

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The map is an approximate representation only and must not be used to determine the location or size of items shown, or to identify legal boundaries. To the extent permitted by law, the Queenstown Lakes District Council, their employees, agents and contractors will not be liable for any costs, damages or loss suffered as a result of the data or plan, and no warranty of any kind is given as to the accuracy or completeness of the information represented by the GIS data. While reasonable use is permitted and encouraged, all data is copyright reserved by Queenstown Lakes District Council. Cadastral information derived from Land Information New Zealand. CROWN COPYRIGHT RESERVED