

Ayrburn Retirement Village Special Housing Area Feedback

Created Wednesday, January 20, 2016

<http://fluidsurveys.com/account/surveys/1013976/responses/export//surveys/qldc/ayrburn-retirement-village-special-housing-area/6>

Page 1

I am giving feedback as:

An individual

First Name:

Wendy

Last Name:

Boyd

Address:

[REDACTED]

My thoughts on the proposed special housing area are:

Great spot, needs to be sunny, accessible close to doctors and airport, this site has got this. It is far enough away from the main road to be private for residents and locals alike. Get on with it!, this community needs to be looking after the oldies. This is somewhere where I hope to be when I get too old to be at home!

Ayrburn Retirement Village Special Housing Area Feedback

Created Thursday, January 21, 2016

<http://fluidsurveys.com/account/surveys/1013976/responses/export//surveys/qldc/ayrburn-retirement-village-special-housing-area/7>

Page 1

I am giving feedback as:

An individual

First Name:

Michael

Last Name:

Farrier

Address:

[REDACTED]

My thoughts on the proposed special housing area are:

I support the proposal by the developers that the Ayrburn Retirement Village be designated a Special Housing Area. I believe it is a reasonable location, since it is on public transport route. Environmental issues have been addressed in the application. There is a lack of detail as to who will manage the retirement village and facilities and on what model home ownership will be based.

Ayrburn Retirement Village Special Housing Area Feedback

Created Thursday, January 21, 2016

<http://fluidsurveys.com/account/surveys/1013976/responses/export//surveys/qldc/ayrburn-retirement-village-special-housing-area/e>

Page 1

I am giving feedback as:

An individual

First Name:

James

Last Name:

Feehly

Address:

[REDACTED]

My thoughts on the proposed special housing area are:

I. I am against this development, because;

a. I believe that it is too far from shopping facilities for retirees.

b. As a member of two of the early families to settle in the Arrowtown area (great-grandparents Feehly married in Arrowtown in 1868, great grandparents Jopp owned the Royal Oak Hotel from the 1880's) I do not want to see further over development of our rural aspects. Lets try to keep some undeveloped area available for our children to enjoy.

I do not believe that it should be a SHA and that it should go through the normal resource act process.

Yours

James Jopp Feehly

Ayrburn Retirement Village Special Housing Area Feedback

Created Friday, January 22, 2016

<http://fluidsurveys.com/account/surveys/1013976/responses/export//surveys/qldc/ayrburn-retirement-village-special-housing-area/f>

Page 1

I am giving feedback as:

An individual

First Name:

Wink

Last Name:

Glazebrook

Address:

[REDACTED]

My thoughts on the proposed special housing area are:

As a permanent but aging resident of Arrowsmith I believe there is a shortage of options for retiring people who want to move into a home with more security and assistance when needed. As we grow older and less able to move about it is important to know that help is at hand and that you can acquire the things you need for daily living without making it into a huge mission. Social life is also important as too many old people become isolated in their own homes.

For these reasons I am in favour of Retirement Villages in general and the Ayrburn Village proposal would seem to tick all the boxes from position to affordability, amenities and closeness to Arrowsmith Village. The fact that existing historical buildings can be restored and incorporated into the facility is an added bonus and will help to keep the whole within the special 'feel' of Arrowsmith.

In due course I may well be looking to move into a retirement village myself and would very much like to stay in the Arrowsmith area to be close to my family and I know a number of people who feel the same. I am therefore delighted by the prospect of these facilities being available locally and endorse the building of both the Ayrburn and Mallaghans Road Villages.

Ayrburn Retirement Village Special Housing Area Feedback

Created Friday, January 22, 2016

<http://fluidsurveys.com/account/surveys/1013976/responses/export//surveys/qldc/ayrburn-retirement-village-special-housing-area/>

Page 1

I am giving feedback as:

An individual

First Name:

ELIZABETH

Last Name:

HANAN

Address:

My thoughts on the proposed special housing area are:

The Ayreburn Retirement Village is a preferred site for such a Village than that of McDonnell Road (Arrowtown Retirement Village). We support this proposal.

- 1. It is adjacent to Rural Lifestyle zone and Millbrook Housing developments - Resort Zone.*
- 2 It is on the main road- Lake Hayes Road which includes public transport to Frankton and Arrowtown.*
- 3 The proposal does not impact on visibility from the road as shown by the plans with a rural buffer .*
- 4 It is adjacent to walking trails and recreational activities and near Lake Hayes*
- 5 There is provision for ten affordable housing units for workers in the village*
- 6 It does not impact on visibility from key positions such as Crown Range, Tobins Track etc.*

IN CONTRAST

- 1, The Arrowtown Retirement Village impacts strongly on the underlying zone of Rural General or Rural in the District Plan*
- 2 McDonnell Road has been subject to lengthy Environment Court actions and has been designated as the absolute line between urban boundary Arrowtown and special Rural Lifestyle of Arrow South.*
- 3 McDonnell Road is a back road used as a bypass by trucks, heavy vehicles and tourist activities between Queenstown and Gibbston.*
- 4 Traffic generated by workers at the village and those living there will exacerbate an already busy back road.*
- 5 The workers are not housed at the village as proposed at Ayreburn.*
- 6 The village will be highly visible from Crown Terrace , Tobins track etc creating a Lake Hayes Estate type of development in the rural zone.*

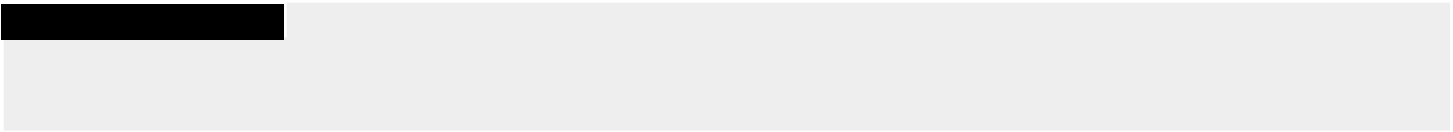
7 The HASA Act gives owners the right to own their own houses at an affordable rate - the Arrowtown Retirement Village only give a Right to Occupy - the ownership of the houses falls back to the developer. This is NOT In the spirit of affordable of the legislation .

Note

In the Review of the District Plan - original point 404.1 Map 30 Lake Hayes (Ben Farrell) there is a submission for a Retirement Village adjacent to already urban zoned areas of Lake Hayes Estate and Shotover Country. In fact Shotover Country also has a Retirement Village in its plans.

Rather than try and use the HASA legislation it is more fitting for the developers to use a Plan Change and the Review of the District Plan than fabricate so called affordability of the housing when the owners only have a license to occupy rather than outright ownership.

Dame Elizabeth and Mr Murray Hanan



Ayrburn Retirement Village Special Housing Area Feedback

Created Friday, January 22, 2016

<http://fluidsurveys.com/account/surveys/1013976/responses/export//surveys/qldc/ayrburn-retirement-village-special-housing-area/4>

Page 1

I am giving feedback as:

An individual

First Name:

Grant

Last Name:

Reid

Address:

[REDACTED]

My thoughts on the proposed special housing area are:

I am in favour of the Ayrburn Retirement Village proposal. I looks to be well thought out with good consideration for protection of the outstanding landscape issues. This town needs a retirement village. The sooner the better.

Ayrburn Retirement Village Special Housing Area Feedback

Created Wednesday, January 27, 2016

<http://fluidsurveys.com/account/surveys/1013976/responses/export//surveys/qldc/ayrburn-retirement-village-special-housing-area/2>

Page 1

I am giving feedback as:

An individual

First Name:

Mick

Last Name:

Burdon

Address:

[REDACTED]

My thoughts on the proposed special housing area are:

I am against this area being proposed as a special Housing area. There is a proposal for an Aged Home in McDonnel Road this is in my view better sighted nearer the Utilities in the open Facing North with very little to no Traffic,ideal sight. Thanks Mick Burdon

Ayrburn Retirement Village Special Housing Area Feedback

Created Friday, January 29, 2016

<http://fluidsurveys.com/account/surveys/1013976/responses/export//surveys/qldc/ayrburn-retirement-village-special-housing-area/>

Page 1

I am giving feedback as:

An individual

First Name:

Martin

Last Name:

Barrett

Address:

[REDACTED]

My thoughts on the proposed special housing area are:

I can see no reason why this should be classified as a SHA. This is simply a rezoning exercise under the guise of a retirement complex. If it is to be assessed then it must be done by the normal due process. Not through the back door of SHA.

There appears to be little specific fine detail of the development, or who the health care owners will be. Particular concerns are:

- * the effect on the iconic view coming down McIntyres hill.*
- * egressing traffic onto a high speed road at the bottom of a hill.*
- * infrastructure in the area.*
- * lack of specific detail*

Ayrburn Retirement Village Special Housing Area Feedback

Created Monday, February 01, 2016

<http://fluidsurveys.com/account/surveys/1013976/responses/export//surveys/qldc/ayrburn-retirement-village-special-housing-area/4>

Page 1

I am giving feedback as:

An individual

First Name:

Sue & Kevin

Last Name:

O'Connor

Address:



My thoughts on the proposed special housing area are:

Generally we are in favour of the proposal. There is a need for a retirement village.

We approve of this site being a suitable one.

Our own concern is that it is hard to imagine that anything here would be affordable.

This would not need to an 'over the top' facility. The needs of the elderly are usually basic - comfort being important, not luxury.

Ayrburn Retirement Village Special Housing Area Feedback

Created Tuesday, February 02, 2016

<http://fluidsurveys.com/account/surveys/1013976/responses/export//surveys/qldc/ayrburn-retirement-village-special-housing-area/c>

Page 1

I am giving feedback as:

An individual

First Name:

Jim

Last Name:

Ryan

Address:

[REDACTED]

My thoughts on the proposed special housing area are:

Unlike other recently proposed retirement villages in the Wakatipu the plans for this development appear to be a quickly thrown together set of pretty pictures and fancy wording (similar to Retirement Village proposals that have never eventuated at Remarkables Park from nearly 10 years ago). Apparently this developer purchased the property - made an application for a development to QLDC under the SHA accord, was turned down and now desperately tosses this proposal in. A retirement village requires a provider and no mention is made of this or how it will be managed.

Two other proposed local retirement villages have been put forward by providers with sound and respected track records.

Jim Ryan

Chair of an action group to act as a catalyst to entice retirement villages to the area

[REDACTED]

Ayrburn Retirement Village Special Housing Area Feedback

Created Tuesday, February 02, 2016

<http://fluidsurveys.com/account/surveys/1013976/responses/export//surveys/qldc/ayrburn-retirement-village-special-housing-area/>

Page 1

I am giving feedback as:

An individual

First Name:

Wendy

Last Name:

McGuinness

Address:

My thoughts on the proposed special housing area are:

Hi Anita,

Please treat this email as part of submission. I would like my past submission to become part of this latest invitation to comment.

I have a few additional questions:

- 1. Can you advise any feedback from my earlier submission – for example any areas where this was a lack of clarity or strong areas of interest/debate.*
- 2. Has there been a reassessment of all the properties and/or is the past assessment by council still relevant?*
- 3. Is there a summary of the differences between this recent application and the past application?*
- 4. Can you advise the situation/status regarding the environmental court challenge?*

Many thanks for your help in advance. I appreciate you must be very busy ☐

Best wishes, Wendy

*Wendy McGuinness
Chief Executive*

Ayrburn Retirement Village Special Housing Area Feedback

Created Tuesday, February 02, 2016

<http://fluidsurveys.com/account/surveys/1013976/responses/export//surveys/qldc/ayrburn-retirement-village-special-housing-area/5>

Page 1

I am giving feedback as:

An individual

First Name:

Robyn

Last Name:

Hart

Address:

My thoughts on the proposed special housing area are:

Dear Councillors

We wish to submit our strong opposition to the Ayrburn Farm Retirement Village SHA proposal.

QLDC SHA LEAD POLICY 2.6 states: Identification of Special Housing Areas and the development facilitated within them should be generally consistent with the direction of the residential policy in the District Plan Review...

The Ayrburn Farm SHA is the opposite extreme of the District Plan residential policy direction. Changing pristine Rural General land to high density 120sq m sections is farcical and goes against years of excellent town planning and procedures.

QLDC SHA LEAD POLICY 5.2.1 states: The proposed area shall be located within or adjacent to existing urban areas. Areas located in rural areas remote from existing urban areas and services will generally not be viewed favourably....

The Ayrburn Farm SHA is not adjacent to existing urban areas. Many retirees would not drive and there is no easy access on foot to local services.

QLDC SHA LEAD POLICY 4 states: District Plan provisions are relevant assessment considerations for applications for qualifying developments...

The (out-dated) Ayrburn Farm SHA Urban Assessment (which only refers to 150 lots not 201) states a high adverse effect on the surrounding properties. Their latest proposal has squeezed in another 51 properties, showing no consideration for an even greater adverse effect on the surrounding neighbourhood.

Affordable housing is essential. I applaud QLDC for proposing Gorge Road as a suitable SHA area. SHAs need to have the right balance of land value and location so that developments deliver affordable solutions for those in need and not investment or holiday home opportunities for the wealthy.

The council is already aware of many reasons why Ayrburn Farm is not suitable for this type of development as these were covered at great time and expense in May 2015. This 2nd proposal (which sometimes refers to 150 lots and sometimes 201 lots), still raises the

same issues. We ask that the council follows the same process and rejects this unsuitable proposal again.

Regards

Robyn & Nick Hart

Ayrburn Retirement Village Special Housing Area Feedback

Created Tuesday, February 02, 2016

<http://fluidsurveys.com/account/surveys/1013976/responses/export//surveys/qldc/ayrburn-retirement-village-special-housing-area/6>

Page 1

I am giving feedback as:

An individual

First Name:

Cynthia

Last Name:

Wilkins

Address:

[REDACTED]

My thoughts on the proposed special housing area are:

Rubbish! - obviously just another attempt to make more of the 'dreaded money ' after having his first attempt to do 150 or so houses and certainly nothing to do with looking after the elderly!

Ayrburn station is one of the few remaining farms operating in the Wakatipu - it always looks impeccable and is a wonderful asset for our visitors to the region to enjoy.

There are many reasons I think this development is rubbish! - you may well call me a N I M B Y - however I believe and I know that we are killing the golden egg - Mill stream is a spawning stream with much activity during the spawning season - this will be severely effected - the lowlands around the stream are also prone to flooding - how would the retirement village cope with that ? any proposals for this! - and of course the beautiful Lake Hayes! already with many problems mostly in my mind with the development and the removal of the wetlands so no filtering system - Millbrook I believe has had to have 'cleansing ponds' put in to limit the fall from the golf course into the stream - has this retirement village any infrastructure in place for these issues! - don't we think we have enough problems with infrastructure in the area already.

I beg that this galloping development be very closely thought out. I believe also this retirement proposal has no experience in such things unlike the one proposed in MacDonnell road .

Ayrburn Retirement Village Special Housing Area Feedback

Created Sunday, February 07, 2016

<http://fluidsurveys.com/account/surveys/1013976/responses/export//surveys/qldc/ayrburn-retirement-village-special-housing-area/5>

Page 1

I am giving feedback as:

An organisation

Name of Organisation:

Arrowtown Village Association

(No response)

Address:

[REDACTED]

My thoughts on the proposed special housing area are:

The Arrowtown Village Association would like to express our grave concerns regarding the Ayrburn Retirement Village proposal. There appears to be very little detail in the proposal with specific regard to a Retirement Village, in fact documents within the proposal refer to this as "the proposed 150 lot residential Ayreburn Farm Development". (Contained in Appendix 9A) No details have been made available about who the operators of this proposed retirement village might be, what it will comprise and how the Village will appear on this property, beyond some photos of young families at play (appendix 5) and a designers sketch of a street view (appendix2). While the AVA are not specifically concerned about the possible development of a second retirement retirement village in the area, the lack of relevant detail with regard to this being a proposal specifically for a retirement village is of some considerable concern.

[REDACTED]

Ayrburn Retirement Village Special Housing Area Feedback

Created Monday, February 08, 2016

<http://fluidsurveys.com/account/surveys/1013976/responses/export//surveys/qldc/ayrburn-retirement-village-special-housing-area/3>

Page 1

I am giving feedback as:

An individual

First Name:

Simon

Last Name:

Beadle

Address:

My thoughts on the proposed special housing area are:

Ayrburn Farm Developments (AFDL) proposed 201 section 'retirement village' is contrary to the district plan, various reports commissioned by the QLDC and QLDC growth management strategies. Specifically the ruination of an iconic natural outstanding landscape and the adverse environmental affects the development would deliver if allowed to go ahead.

Some examples -

5.2.1 Environmental Results Anticipated

The following environmental results are anticipated in the Rural General zones:

- (i) The protection of outstanding natural landscapes and features from inappropriate subdivision, use and development.*
- (ii) Maintenance and enhancement of openness and naturalness of outstanding natural landscapes and features.*
- (iii) Strong management of the visual effects of subdivision and development within the visual amenity landscapes of the district.*
- (iv) Enhancement of natural character of the visual amenity landscapes.*

(d) Nature Conservation Values

In considering whether the proposed development will adversely affect nature conservation values and whether these effects are minor with respect to any ecological systems and other nature conservation values, the Council must be satisfied that:

- (i) the area affected by the development proposed in the application does not contain any indigenous, ecosystems including indigenous vegetation, wildlife habitats and wetlands or geological or geomorphological feature of significant value;*
- (ii) the development proposed will not have any adverse effects that are more than minor on these indigenous ecosystems and/or geological or geomorphological feature of significant value;*
- (iii) the development proposed will avoid the establishment of introduced vegetation that have a high potential to spread and naturalise (such as wilding pines or other noxious species).*

(a) Effects on natural and pastoral character

In considering whether the adverse effects (including potential effects of the eventual construction and use of buildings and associated spaces) on the natural and pastoral character are avoided, remedied or mitigated, the following matters shall be taken into account:

- (i) where the site is adjacent to an Outstanding Natural Landscape or Feature, whether and the extent to which the visual effects of the*

development proposed will compromise any open character of the adjacent Outstanding Natural Landscape or Feature;
(ii) whether and the extent to which the scale and nature of the development will compromise the natural or arcadian pastoral character of the surrounding Visual Amenity Landscape;
(iii) whether the development will degrade any natural or arcadian pastoral character of the landscape by causing over-domestication of the landscape;
(iv) whether any adverse effects identified in (i) - (iii) above are or can be avoided or mitigated by appropriate subdivision design and landscaping, and/or appropriate conditions of consent (including covenants, consent notices and other restrictive instruments) having regard to the matters contained in (b) to (e) below;

4.2.4 Issues

The District's landscapes are of significant value to the people who live, work or visit the District, and need to be protected from inappropriate subdivision, development and use. Increasing development and activity makes the District's landscape particularly vulnerable to change.

The landscapes of the district broadly fall into three separate categories - outstanding natural landscapes and features, visual amenity landscapes and other landscapes. The following significant resource management issues in respect of landscape generally, and by category, have been identified:

The principal issues identified are:

(a) the management of urban growth in order to protect water resources and ground water recharge, safeguard the life supporting capacity of soils, wetlands and air, avoid natural hazards including sheer slopes and flood plains and protect and enhance landscape values and visual amenity.

4.11.2 Issues

Sediment and soil run-off associated with earthworks have the potential to adversely affect water quality and the amenity values of neighbouring properties.

The direct results of sediment run-off include damage to neighbouring properties, the blocking of drains and the sedimentation of waterways.

The factors that affect the amount of sediment run-off are rainfall, soil erodability, slope length and slope gradient. The closer the earthworks operation locates to a waterway, the more immediate the potential impact.

Earthworks, either through excavation or filling, have the potential to permanently alter the natural shape and form of the landscape,

These are just a few!

AFDL 'Retirement Village' application is very confusing. Some of the consultants AFDL have engaged to report on the proposed development, are basing their findings on numbers other than the 201 sections proposed.

Geo Solve quote - 120 sections.

Clarke Fortune quote - 150 sections.

Baxter Brown quote - 151 sections.

This must surely render the whole application a complete nonsense.

This application is a cynical attempt to make a quick dollar, by trying to use a loophole from the SHA guide lines - it doesn't even come close to meeting the SHA guide lines.

The applicant has absolutely no regard for the natural beauty of the Wakatipu, the environmental impact on Mill Creek and Lake Hayes or the adverse affect it will have on the neighbouring properties.

It is without question, unbridled greed at its most ugly. To allow the application to go ahead would make a mockery of the district plan and all the hard work , time and expertise that have gone into it.

Please do not approve this application.

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Page 1

I am giving feedback as:

An individual

First Name:

Peter

Last Name:

Beadle

Address:

[REDACTED]

My thoughts on the proposed special housing area are:

'THE WAKATIPU IS THE PRIDE OF NEW ZEALAND'

My comment re the Ayrburn Farm Developments LTD (AFDL) proposed 201 section retirement village.

It contradicts all that the QLDC has carefully and wisely put in place over the last few years.

I congratulate the Mayor and Councilors for what they are doing and I know they will continue to block such breathtaking distortions, which are to be found in the AFDL disingenuous proposal.

Peter Beadle

Ayrburn Retirement Village Special Housing Area Feedback

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Page 1

I am giving feedback as:

An individual

First Name:

Murray and Clare

Last Name:

Doyle

Address:

[REDACTED]

My thoughts on the proposed special housing area are:

This is the second time this land has been subject to a special housing application and this application is clearly a contrived scheme to gain approval under the guise of a retirement village. Like the first application this tries to place development in a rural environment completely out of context with the surrounding landscape. The infrastructure will be unable to cope in the immediate location and this will impact all those people who have chosen to live rurally in this area. Growth in the Arrowtown area of this scale should have context to the town itself and not be dropped in the middle of a paddock three km from the township effectively stranding people away from the services they need. Many other will have provided the technical reasons that show this application will degrade the rural environment. The rural general zone is under threat in the basin and we risk spoiling the very thing that attracts so many people to the area. We have plenty of land already zoned for housing in the area and whilst land itself is expensive money has never been cheaper. In the same way affordable housing is scarce in New York, London and Auckland it is scarce here due to the demand to live here. Luckily we do have areas in relative proximity that people can buy cheaper homes. I would ask the Council reject this application on the same grounds it rejected the first.

Ayrburn Retirement Village Special Housing Area Feedback

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Page 1

I am giving feedback as:

An individual

First Name:

Gaynor

Last Name:

Shepherd

Address:

[REDACTED]

My thoughts on the proposed special housing area are:

I support Ayrburn Retirement Village. Although I believe that all commercial developments should not be SHA, if McDonnell Road Retirement Village is given this status , to be fair and consistent , Ayrburn must also fall into this category. Ayrburn has a wide vista - mountains and established trees. Public transport would give residents their independence. Walking and cycling tracks are easily accessible. It appears an ideal position.

The proposed village , although close to Arrowtown , would not encroach on the "green belt" area defining Arrowtown boundary.

Ayrburn Retirement Village Special Housing Area Feedback

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<http://fluidsurveys.com/account/surveys/1013976/responses/export//surveys/qldc/ayrburn-retirement-village-special-housing-area/>

Page 1

I am giving feedback as:

An individual

First Name:

Stephanie

Last Name:

Goulston

Address:

[REDACTED]

My thoughts on the proposed special housing area are:

We would like to raise a strong objection to this proposal, not only for the significant adverse affect to the enjoyment of our property in the rural residential zone, but because it constitutes an urban development in a rural zone, which is clearly not in the best interests of the area's development and character. In particular we would like to highlight the following specific concerns.

Location

In the lead policy the Council stated that priority should be given to SHAs within existing urban areas although consideration would be allowed for greenfield sites adjacent to urban areas. The developer suggests that this location is adjacent to an existing "urban" area in respect of Millbrook and Waterfall park. As detailed in the district plan and proposed district plan, Millbrook and Waterfall park are special resort zones and they do not have the infrastructure, traffic pattens, retail provision, public transport support, or density of urban development areas. Additionally both Millbrook and Waterfall Park are outside the Urban Growth Boundary of Arrowtown so it is difficult to surmise how Ayrburn Farm can be considered "adjacent to urban areas". The Ayrburn Farm proposal would constitute a ghetto of high density development in an otherwise open rural landscape and would not integrate well into the existing community given the significant disparity in housing density and the impact on visual amenity.

Ayrburn Farm is clearly defined as rural landscape in the proposed district plan and lying as it does between the special resort zoning and the rural residential zoning of North Lake Hayes it provides the last remaining corridor of open low intensity farming land on that side of the Arrowtown-Lake Hayes Road. To remove this would, without question, create an immediate degradation of the visual amenity and rural landscape character of this area.

Affordability

Typically retirement villages of this type and in such an area of visual amenity would attract wealthy retirees who are already home owners or with substantial assets. It is therefore very difficult to see how this proposal would meet the Council's objective, understood by us and many in the community, to increase the level of affordable housing envisaged in signing the Special Housing Accord. In such an area of outstanding rural visual amenity these sites, though small in size, will attract a significant premium which negates the feasibility of this site as an SHA.

Practical limitations of site for retirement housing

Retirement villages are ideally situated close to amenities to which residents can walk or cycle, integrating older people into surrounding communities while still providing security and care to remain independent. This is usually best achieved through flat land urban locations close to town centres and public transport routes. Lack of access to key facilities including opportunities to socialise leads to reduced quality of life for seniors and social isolation. The proposal allows for a cafe and a bowling green on site along with medical care but it does not consider special requirements for retirees and the range of amenities appropriate to seniors for daily needs e.g. hairdressers, groceries, chemist, laundry, library, recreational facilities, open spaces for socialisation or exercise, sitting out areas.

These services are available in Arrowtown however the location of the site at the base of the steep slope of Ayrburn ridge will preclude many senior residents from being able to walk/cycle to Arrowtown. The trail path through Milbrook is an unpaved thin winding steep path, used extensively by cross-country cyclists and is therefore not suitable as a walking track for many seniors or for mobility vehicles. The road link to Arrowtown also does not provide a suitable walking path or pavement and is dangerous given volumes and speeds of traffic. The site is not well served by public transport and even were a bus stop to be provided for the development, it would still require a significant walk by senior residents to the roadside.

These factors mean that senior residents will have a high reliance on cars for transport to and from the site and any inability to drive will have a serious negative impact on their ability to live independently. Access to/from the site is from a busy road which is again not suitable for seniors.

Visibility and density of housing

The impact on the local environment and the high visibility of this proposed development is of special concern. This revised proposal has significantly increased the scale and visibility of the proposed development, from 150 houses to a medium density development of 200 houses. To do this it has increased its geographical spread so that it is now proposed to directly adjoin the Queenstown Trail path. It is hard to believe this significant escalation is proposed without significantly updating the previously rejected proposal for the major impact that this extension of scope would have upon the surrounding neighbourhood and area. In particular the landscape report has not been updated for the increase in size of the development. The attached landscape report specifically highlights the importance of maintaining open grazing pastures in the area immediately adjacent to and visible from the public Queenstown Trail path. Failure to do this has a significant adverse impact on visual amenity both for residents of the area to the south of this newly extended development and for members of the public using the Queenstown Trail. The medium density nature of the development will also make it highly visible from the nearby high tourism amenity areas on higher ground.

The current Ayrburn Farm proposal provides for a medium density urban island in a rural zone. It is not only out of keeping with the rural landscape, rural residential and resort zones immediately surrounding it, it is also inconsistent with the proposed development of growth and urban density within the Urban Growth Boundary of Arrowtown.

Environmental impact

There has been no update to the infrastructure or environmental assessments of the proposal for the significant increase in density and scope of project. The development on this greenfield site will have a significant impact on the local environment in particular we would highlight the following concerns:

- The infrastructure required to service such a development is not currently available and when created will of course impact visual amenity and rural nature of landscape.*
- It is questionable as to whether existing infrastructure has the capacity to accommodate the significant increase in housing in particular as regards the water supply from Lake Hayes catchment which is already under pressure.*
- The size of the development will have a significant adverse impact on light and noise pollution in the area, including the significant glare from over 400sqm of solar panels.*
- The proposed entrance/exit is close to an already difficult road intersection and a substantial increase in traffic flows from over 200 residents will make the road more dangerous to motorists, cyclists and pedestrians.*
- There is potential for residents, particularly in the newly envisaged western section of the development, to use the secondary road which runs parallel and into Speargrass Flat Road. This would create significant noise and road pollution issues for existing residents of that area and safety issues for users of the Queenstown Trail cycling path. It would also significantly increase the visibility of this urban development from Speargrass Flat Road.*
- The potential for significant pollution from residential activities to Mill Stream and Lake Hayes is very high.*

- *Adverse impact on local bird populations and breeding grounds / migratory patterns.*

Ayrburn Retirement Village Special Housing Area Feedback

Created Friday, February 12, 2016

<http://fluidsurveys.com/account/surveys/1013976/responses/export//surveys/qldc/ayrburn-retirement-village-special-housing-area/C>

Page 1

I am giving feedback as:

An organisation

Name of Organisation:

Queenstown Grey Power Inc

-
- Please also include my name as part of this feedback.
-

First Name:

Betty

Last Name:

Gray

Address:

My thoughts on the proposed special housing area are:

Queenstown Grey Power Inc supports the Ayrburn Retirement Village Application on the grounds as a Special Housing Area for the following reasons:

- 1 It will provide the older citizens of Queenstown with increased choices about where and how they wish to live;*
- 2 It would allow older citizens to contribute to the housing stock of Queenstown when they vacate the family home to move into a retirement home;*
- 3 It would meet the social and security needs of older citizens in an assisted environment;*
- 4 By providing its proposed health services it would lessen the demand on the LD Hospital's services;*
- 5 It would remove the older citizen's worries associated with maintaining a private home;*
- 6 The ageing population continues to grow as the population in Queenstown rapidly grows. Today's 50+ population will be soon looking for smaller residences as their family needs change. Planning for tomorrow is essential today;*
- 7 It would lessen the need for older citizens to move away from Queenstown to seek other forms of supported living not often currently available in Queenstown;*

8 It would contribute to the reputation of Queenstown being an age friendly city.

Ayrburn Retirement Village Special Housing Area Feedback

Created Saturday, February 13, 2016

<http://fluidsurveys.com/account/surveys/1013976/responses/export//surveys/qldc/ayrburn-retirement-village-special-housing-area/9>

Page 1

I am giving feedback as:

An individual

First Name:

Stephanie

Last Name:

Kemp

Address:

My thoughts on the proposed special housing area are:

I am opposed to the proposed special housing area ("SHA") for the following reasons:

- 1. The SHA will ruin the amenity value of the rural landscape of the area. In fact the SHA contravenes specific policies set out in the district plan recommending " the protection of the rural character of this landscape is of high importance to the maintenance of the remaining rural character and visual amenity of the basin". The district plan specifically recommends avoiding further subdivision and further residential development of the Speargrass Flat Road area including " requiring any further residential development should not be visible from locations in Speargrass Flat Road so that the open pastoral landscape value of the area be preserved."*
- 2. Due to stormwater run off and a proposed new flood channel the SHA will have more than minor effects on the water quality of Mill Creek which is an important spawning stream for trout. As Mill Creek feeds into Lake Hayes the SHA will significantly affect the water quality of Lake Hayes a hugely important recreational resource and ecological habitat.*
- 3. The SHA proposes 201 houses which is completely inconsistent with the low density zoning and rural nature of the area in which it is proposed and will therefore have significant effects not only on the amenity and landscape value of the area but on the very quality of life of residents that live in the surrounding area. The SHA would fundamentally alter the character of the area from rural to urban. Once again this contravenes policies in the district plan.*

In conclusion one of the key aims of the district plan is that growth should be restricted to appropriate areas. It is my submission that Ayrburn Farm is not an appropriate area for the SHA due to the negative impact on the rural landscape and on the important ecological habitat of Mill Creek and Lake Hayes. I am therefore completely opposed to the establishment of the SHA at Ayrburn Farm.

Ayrburn Retirement Village Special Housing Area Feedback

Created Saturday, February 13, 2016

<http://fluidsurveys.com/account/surveys/1013976/responses/export//surveys/qldc/ayrburn-retirement-village-special-housing-area/8>

Page 1

I am giving feedback as:

An individual

First Name:

William

Last Name:

Kemp

Address:

My thoughts on the proposed special housing area are:

I am opposed to the proposed special housing area ("SHA") for the following reasons:

- 1. The SHA will ruin the amenity value of the rural landscape of the area. In fact the SHA contravenes specific policies set out in the district plan recommending " the protection of the rural character of this landscape is of high importance to the maintenance of the remaining rural character and visual amenity of the basin". The district plan specifically recommends avoiding further subdivision and further residential development of the Speargrass Flat Road area including " requiring any further residential development should not be visible from locations in Speargrass Flat Road so that the open pastoral landscape value of the area be preserved."*
- 2. Due to stormwater run off and a proposed new flood channel the SHA will have more than minor effects on the water quality of Mill Creek which is an important spawning stream for trout. As Mill Creek feeds into Lake Hayes the SHA will significantly affect the water quality of Lake Hayes a hugely important recreational resource and ecological habitat.*
- 3. The SHA proposes 201 houses which is completely inconsistent with the low density zoning and rural nature of the area in which it is proposed and will therefore have significant effects not only on the amenity and landscape value of the area but on the very quality of life of residents that live in the surrounding area. The SHA would fundamentally alter the character of the area from rural to urban. Once again this contravenes policies in the district plan.*

In conclusion one of the key aims of the district plan is that growth should be restricted to appropriate areas. It is my submission that Ayrburn Farm is not an appropriate area for the SHA due to the negative impact on the rural landscape and on the important ecological habitat of Mill Creek and Lake Hayes. I am therefore completely opposed to the establishment of the SHA at Ayrburn Farm.

Ayrburn Retirement Village Special Housing Area Feedback

Created Saturday, February 13, 2016

<http://fluidsurveys.com/account/surveys/1013976/responses/export//surveys/qldc/ayrburn-retirement-village-special-housing-area/9>

Page 1

I am giving feedback as:

An individual

First Name:

Elizabeth

Last Name:

Winstone

Address:

[REDACTED]

My thoughts on the proposed special housing area are:

I am totally opposed to this development.

Let this application be thrown out.

We do not need cheap housing cluttering the unique landscape.

Please, please, no more SHAs in this area.

Ayrburn Retirement Village Special Housing Area Feedback

Created Sunday, February 14, 2016

<http://fluidsurveys.com/account/surveys/1013976/responses/export//surveys/qldc/ayrburn-retirement-village-special-housing-area/5>

Page 1

I am giving feedback as:

An individual

First Name:

Philip

Last Name:

Winstone

Address:

[REDACTED]

My thoughts on the proposed special housing area are:

*Hello,
I am totally opposed to SHA being used for a retirement village at Ayrburn. It is a pristine area. As with the Monk proposal I have grave reservations about the SHA process being used for retirement villages.
The SHA process is ideally suited to provide affordable housing for younger people starting in life. The best place for SHA projects is in new residential developments that will be coming forward when the developers start releasing the already approved 11,000 site in the Wakatipu basin.
Why not be a bold Council, lead on the front foot and ensure say 15% of the sections in all (future) land developments are priced at a level that meets the dollar signs to ensure there are entry level priced houses.*

Bottom line from me is NO to Ayrburn as retirement village under SHA.

*Thanks for the opportunity to express my view.
Phil Winstone*

Ayrburn Retirement Village Special Housing Area Feedback

Created Sunday, February 14, 2016

<http://fluidsurveys.com/account/surveys/1013976/responses/export//surveys/qldc/ayrburn-retirement-village-special-housing-area/7>

Page 1

I am giving feedback as:

An individual

First Name:

Ros

Last Name:

Preston

Address:

[REDACTED]

My thoughts on the proposed special housing area are:

I am totally against the proposal for a retirement village at Ayrburn Farm under the S.H.A. It is such a beautiful area, & should be left the way it is now.

Ayrburn Retirement Village Special Housing Area Feedback

Created Monday, February 15, 2016

<http://fluidsurveys.com/account/surveys/1013976/responses/export//surveys/qldc/ayrburn-retirement-village-special-housing-area/6>

Page 1

I am giving feedback as:

An individual

First Name:

Chris & Julia

Last Name:

Stephenson

Address:

My thoughts on the proposed special housing area are:

Whist we are not opposed to the development of a retirement village on the site known as Ayrburn Farm per se (though we are not that thrilled that the stunning views will be gone from the track to Christine's Hill), we do have concerns regarding the surrounding infrastructure as follows:

1) Increased traffic on the immediate (Lake Hayes - Arrowtown Road) and Speargrass Flat Road. The speed restrictions were lowered on the former late 2015 however this has not slowed the traffic significantly. We are concerned that increased volume of traffic would also arise on Speargrass Flat Road. Furthermore, we would be opposed should there be any widening of the one lane bridge over Mill Creek to cater for increased car traffic as Speargrass Flat Road is well used by cyclists and walkers and the current bridge acts as a forced speed reducer.

2) Also in line with the above, should a retirement village be built you could reasonably expect an increase in the number of cyclists and pedestrians. Despite there being signs indicating walkers on the road, the current roading on Speargrass Flat Road does not cater sufficiently to walkers in particular. There are no footpaths or flat berms and the bridge has insufficient space for a walker to safely stop mid cross to allow a car to pass. Should the proposed development go ahead we'd like to see the building of a foot bridge to increase the safety factor for walkers whist ensuring the traffic is naturally slowed by the bridge.

3) Having enjoyed many a walk & swim at Lake Hayes this summer, the levels of fish were very evident, especially near the Mill Creek flow and its a pleasure to see such a thriving natural habitat. We implore the council to ensure that waste water and its effects do not affect Mill Creek.

Ayrburn Retirement Village Special Housing Area Feedback

Created Monday, February 15, 2016

<http://fluidsurveys.com/account/surveys/1013976/responses/export//surveys/qldc/ayrburn-retirement-village-special-housing-area/3>

Page 1

I am giving feedback as:

An individual

First Name:

Wendy

Last Name:

Clarke

Address:

My thoughts on the proposed special housing area are:

Ayrburn Retirement Village Special Housing Area. Feedback

We as immediate neighbours object to the proposed application for the following reasons:

- The land is zoned Rural General. It is not appropriate for development of this density.*
- The proposal is a cynical way of getting a subdivision through a process avoiding the more rigorous RMA process.*
- How is it possible for a development for 150 dwellings that was turned down (first application for an Ayrburn Special Housing Area) to now become 201 dwellings spread over a greater area and miraculously have less adverse effects?*
- The proposal still does not meet the lead policy requirement of a Special Housing Area of being adjacent to an existing urban area. To consider that Millbrook or the Waterfall Park zone is an adjacent urban environment is ludicrous. Millbrook is not an urban area, it has no shops or services, is empty of residents for much of the year and is a private resort. It is in many ways a hollow community.*
- To say that the proposal is respecting Arrowtown by not putting pressure on Arrowtown to extend its boundaries is also cynical. This proposal has nothing to do with Arrowtown. It is detached completely from Arrowtown both physically and geographically.*
- The SHA legislation was not intended for this type of development. It will not produce any affordable housing. It will be a smaller version of Millbrook for wealthy second home owners. The offering of free houses for staff is a bribe to try and get it over the line. 10 houses for staff that will work for the development in return for 191 expensive houses!! What is affordable for a retirement dwelling? Given land costs in this area and construction cost of around \$3000 per m2 these dwellings are likely to be \$600,000 to \$1million? Is that affordable?*
- The developer has looked at the support for a Retirement Village on the outskirts of Arrowtown and thought- ' Ah that's what we will do here to get it through'. In the space of a few months since the last SHA application on this land was turned down, things have been rejigged, reports changed and old sections used again to come up with another proposal that is even worse.*
- The proposed operators of the Arrowtown Retirement Village have a proven track record of running successful villages. The applicant here has no experience. We have no confidence that the proposal would end up as anything other than an intensive expensive subdivision.*

- *The Arrowtown Retirement Village proposal also has merit, because it is close to an existing urban area and its associated services and it may well free up housing stock as older Arrowtown residents who still want to be close to Arrowtown, move there and free up their houses for families to buy.*
- *The proposal is contrary to the District Plan objectives policies and rules for Rural General zoned land(RG). No subdivision of this scale on Rural General land would be granted under normal circumstances, without going through the RMA process. It makes a nonsense of past rulings, the time spent advocating for landscape protection and the acceptance by successive councils to carefully assess development in the RG zones. It also makes a nonsense of the RMA process and all of those people who have had to go through that process to get development rights on RG land.*
- *The RG rules seek to retain RG land from inappropriate sub division that has effects that are more than minor. The proposal has effects that are certainly more than minor.*
- *The District Plan is under review. The owners of Ayrburn farm already have submissions to get this land rezoned. They are using a shot gun approach, throwing everything at Council to try and get the land zoned something other than RG. The District Plan process and the submissions made in relation to the owners proposals should go through the District Plan process where evidence will be heard by commissioners.*
- *The subdivision will be highly visible from the public walking trail which is part of the national Te Araroa trail and also highly visible from a number of neighbours and from some public roads (when trees are bare) Given the increased density it is even more visible for neighbours to the west and the walking track than the previous SHA proposal. This is not given consideration by the application. This is a beautiful piece of 'Arcadian' landscape admired by the many track walkers and cyclists and enjoyed by neighbours. These neighbours had a realistic expectation when they purchased their properties, that any development on the adjacent RG land would be subject to a robust RMA process.*
- *The council is to be congratulated for rezoning the Gorge Road area in Queenstown. This is where affordable housing is needed, catering for transient tourism workers who are renting houses that could otherwise be used by permanent residents. The other issue that needs urgently addressed is getting land already zoned for residential use to the market and we already know there are 100's of these.*
- *The density and extent of development is greater than the last proposal that was turned down. What makes this better? Other than perhaps reduced traffic flows, there are still the issues of density, visibility, potential threat to Mill Creek from pollution (Stormwater discharge of this magnitude to Mill Creek is not acceptable nor is a waste water line proposed to be established beside the creek. This is the spawning creek for Lake Hayes fish. Lake Hayes is already subject to eutrophication) water shortages and light spill. The modelling and assessment relies on the first SHA proposal for 150 dwellings based on the assumption that dwelling occupancy will be less. This is a lazy application in that respect. Stormwater for instance will now come from an additional 50 dwellings with their associated roofing and additional roading*
- *This part of the valley is on a migratory path for many birds including plovers, native falcon, stilts, all types of ducks and the occasional herons. Intensive development will impact on this.*
- *Some proposed housing is on a flood plain. Altering the natural river course and undertaking extensive earthworks to try and combat this is not an acceptable solution. It will potentially change the stream and Lake Hayes ecology for the financial gain of the developer.*
- *Much of the supporting evidence is the old reports that were produced for the last failed attempt. They do not take into consideration the additional houses to the west. The landscape assessment doesn't assess visibility of the extended development from a number of residences or from the walking track. How can reports for a previous development be relied on to provide reliable evidence for this application?*
- *The application states the development will be screened by planting. What sort of planting? Is it deciduous? What happens in winter? Is it native? Very few natives survive in this part of Speargrass Flat due to extreme cold and would take years to provide any meaningful screening even if they did survive.*
- *Existing semi mature avenue trees running through the land to the west will have to be removed*

This is not a case of nimbyism. Besides, the word nimby is a much thrown about derogatory word indicating that anyone who objects to a significant neighbouring development is somehow acting out of some pettiness. This submission is about asking the council to continue to make the protection of landscape paramount in Rural General zones and in the District Plan. It is also about Council allowing for infrastructure district wide to catch up before zoning more and more land for development. If the SHA must be used as a mechanism in this district, then these SHA's need to be established in areas where they will create genuinely affordable housing close

to places of work and services. This development like the last one, continues to make a mockery of the process. We urge that Council turn this SHA application down.

[REDACTED]

Ayrburn Retirement Village Special Housing Area Feedback

Created Wednesday, February 17, 2016

<http://fluidsurveys.com/account/surveys/1013976/responses/export//surveys/qldc/ayrburn-retirement-village-special-housing-area/b>

Page 1

I am giving feedback as:

An individual

First Name:

Roy

Last Name:

Somerville

Address:

[REDACTED]

My thoughts on the proposed special housing area are:

Ayrburn farm is situated in a rural area. Parts of the original farm have been recently subdivided into very large parcels of land with single dwellings appropriate to this area.

The advent of creating an isolated, intense development in such a position, is entirely inappropriate and would have a lasting detrimental effect on the whole fabric of what is one of the most treasured and unspoilt landscapes in the area. This is one of the unique differences between the Arrowtown area and Queenstown developed areas.

The local infrastructure is designed to cope with the future development of a rural area, not high density housing.

Some other significant considerations. The water quality of Lake Hayes has been deteriorating for a number of years and any further run off into Mill Creek or the surrounding area from intense development will only aggravate the existing situation.

The addition of probably upwards of another 300 cars from the proposed Special Housing Area development, onto the existing rural roads, would create another undesirable effect.

This proposal is definitely not a Retirement Village but an attempt, using the recently created SHA, to bypass existing legislation to create a high density development which will only benefit the developer and not the local community.

The QLDC is an elected body to represent the best interests of the community. I would hope our trust in this process will not be misplaced.

Ayrburn Retirement Village Special Housing Area Feedback

Created Wednesday, February 17, 2016

<http://fluidsurveys.com/account/surveys/1013976/responses/export//surveys/qldc/ayrburn-retirement-village-special-housing-area/3>

Page 1

I am giving feedback as:

An individual

First Name:

Colin

Last Name:

Bellett

Address:

[REDACTED]

My thoughts on the proposed special housing area are:

As rural residents living between Lake Hayes and Arrowtown for over 30 years, we have appreciated the well considered planning that has taken place in the past to guard against ill conceived land development.

Many aspects of the Ayrburn proposal have raised serious alarm bells.

The April edition of "Scuttlebutt" reaffirmed the need to protect against urban sprawl.

This proposal is smack inside a rural district and designed to settle a large number of residents, but effectively linking it to the already stretched, township of Arrowtown.

The impact on all services is evident to you. I feel sure. But the environmental impact would be major!

Already the Tourist zoned, Waterfall Park land has, I understand, existing permission to build an excess of 100 dwelling, adjacent to the Mill stream, the vital spawning stream for Lake Hayes trout.

The light, noise, smoke and motor vehicle pollution would be very significant and effectively destroy the dreams of all of us rural land owners who settled where we are, with the assurance of tightly controlled land subdivision.

I am sure you will be aware of the strong opposition to this proposed development. Like most we fully realise the need to provide for the strong surge in our regions population growth. We know and accept that there is a need for many more homes.

Developments like Lake Hayes Estate, Shotover Country have been carefully evaluated and are supported by the expanding shopping centres and infrastructure near Frankton. These subdivisions are clearly needed and have been wisely planned.

I am not a NIMBY, but simply know, like hundreds of other in the district, that the Ayrburn retirement village development proposal is a very flawed project that does not stand up to any serious scrutiny .

Please do not allow this proposal to proceed further without an intense study of long term impact on our beautiful part of the Wakatipu

Yours sincerely

Colin and Mary Bellett

[REDACTED]

[REDACTED]

Ayrburn Retirement Village Special Housing Area Feedback

Created Wednesday, February 17, 2016

<http://fluidsurveys.com/account/surveys/1013976/responses/export//surveys/qldc/ayrburn-retirement-village-special-housing-area/c>

Page 1

I am giving feedback as:

An individual

First Name:

ROBERT

Last Name:

DUMARCHAND

Address:

My thoughts on the proposed special housing area are:

I object to the proposed zone change that would allow for a large scale development for the following reasons:-

- 1. Retirement Villages are not affordable housing. A proposed zone change from Rural General to Special Housing Area negates our ability to object to future developments on Ayrburn Farm under the RMA process of public input.*
- 2. Loss of a Landscape of Significant Heritage and Cultural Value. Once the land is developed it is changed for ever.*
- 3. The scale of the proposed development is not in keeping with the immediate surrounding area. There is no development of this scale along the Lake Hayes Arrowtown Road.*
- 4. Loss of visual amenity from all the adjoining properties, especially in the evenings when the lighting generated from a large scale development will be significant. Noise is another major factor.*
- 5. As a property developer and owner of 40 years experience with major commercial developments in Australia and Asia, I challenge the findings of the Traffic Consultants. Vehicle movements will far exceed those stated in the report.*
- 6. The Developer's offer of 10 Rent Free houses in the development to workers employed by the Retirement Village with any unused houses then offered rent free to the Housing Trust is nothing more than a SCAM. A retirement village of this scale will have staff levels which will far exceed the ten houses. Where is the benefit in this offer to our community and the Housing Trust? The only benefit is to the Developer and Owner of the completed Retirement Village.*
Enticements made to any Statutory Authority (QLDC) by a Developer to assist in gaining an approval is inappropriate, unethical and in most circumstances, illegal.

As affected residents we are constantly reminded of the "NOT IN MY BACKYARD" attitude to developments such as this. However, there are times when it is appropriate to make a firm stand.

When you make your decision, Councillors need to remember what makes Queenstown special. To destroy this by bowing to the whims of our vote-driven political masters and the manipulations of greedy Developers and Land Owners is nothing but a travesty.

You only need to look at the beautiful region of Noosa Heads, Queensland to see the results of making the right decision. The local council, together with the support of concerned residents, fought the Queensland State Government and Developers over high density and high population expansion and won. As a result, the area now has a population growth capped at 41,000 and is classified as a World Heritage Area. The beauty of the environment has been saved for future generations and this is what sets it apart and makes it special. Queenstown deserves nothing less.

Ayrburn Retirement Village Special Housing Area Feedback

Created Thursday, February 18, 2016

<http://fluidsurveys.com/account/surveys/1013976/responses/export//surveys/qldc/ayrburn-retirement-village-special-housing-area/c>

Page 1

I am giving feedback as:

An individual

First Name:

Barry

Last Name:

Pannett

Address:

[REDACTED]

My thoughts on the proposed special housing area are:

A SHA removes the development from under the Resource Management Act and places it under the Housing Accords and Special Housing Areas Act which has different rules for public consultation and approval by QLDC

Whilst supporting the development in principal, it should only proceed if it complies with the resource management act and the regulations that are there to protect this very fragile environment.

The proposal to develop it under a SHA is a direct attempt to circumnavigate the legislation that has protected Arrowtown to date.

Ayrburn Retirement Village Special Housing Area Feedback

Created Thursday, February 18, 2016

<http://fluidsurveys.com/account/surveys/1013976/responses/export//surveys/qldc/ayrburn-retirement-village-special-housing-area/f>

Page 1

I am giving feedback as:

An individual

First Name:

Sandra

Last Name:

Zuschlag

Address:

[REDACTED]

My thoughts on the proposed special housing area are:

I like seeing old farms coming to live but the Ayrburn concept is not a good concept in my opinion. Firstly I believe the location is not suited to have dense housing at all. The area is obviously rural residential and the proposed development would totally destroy this area and its rural feel. 400sqm sections are a good idea but not at this location as it doesn't connect to any existing development of the same character. To me it feels like lost in translation - totally not speaking the language of the surrounding landscape. The upgrading of the farm buildings is a nice side effect but it doesn't take away the massive block of housing surrounding it.

Secondly it feels for me that this is actually not a retirement village but a way of getting more housing on the market. All houses, even though being small, have 3 bedrooms. Retirees could easily live in one or two bedroom homes with the option of using a guest house on site for family to come.

Thirdly I believe the older generation should be part of the community and not getting tucked away at the bottom of the hill to far away to get to Arrowsmith without any vehicle. I believe the elderly homes should be right in the community to allow the old folks to live an independent life without the need to use a car. We have special housing in Arrowsmith, maybe we should also allow for elderly housing as well - for anybody who likes to downsize and needs care as well.

Conclusion: The Ayrburn retirement village and special housing is not fitting the environment at all and should not be allowed.

Ayrburn Retirement Village Special Housing Area Feedback

Created Thursday, February 18, 2016

<http://fluidsurveys.com/account/surveys/1013976/responses/export//surveys/qldc/ayrburn-retirement-village-special-housing-area/6>

Page 1

I am giving feedback as:

An individual

First Name:

Catherine

Last Name:

McClean

Address:

[REDACTED]

My thoughts on the proposed special housing area are:

I am concerned that the Council is considering this proposal in isolation rather than in the Plan Review Process. Really the council needs to address the bigger picture of Queenstown's development pattern and the associated problems of infrastructure, traffic congestion, public transport, appropriate locations for affordable housing etc within the District Plan Review process. I am worried that the rapid growth occurring in the district with its attendant negative effects, are not seen in totality with this ad hoc approach.

The correct process for the council to follow is to consider development on this site within the Plan Review process and not as a fast track SHA development in disguise as a retirement village. I am not convinced any development as proposed will be affordable or beneficial to the community. It is hard to avoid the cynical view that they are using the SHA legislation to try to lower the development costs of a carve up. A fast track process is not necessary and the Councillors would be very irresponsible to allow it to proceed when a DP review is concurrently being conducted.

Catherine McClean

Ayrburn Retirement Village Special Housing Area Feedback

Created Thursday, February 18, 2016

<http://fluidsurveys.com/account/surveys/1013976/responses/export//surveys/qldc/ayrburn-retirement-village-special-housing-area/e>

Page 1

I am giving feedback as:

An individual

First Name:

Sandra

Last Name:

Zuschlag

Address:



My thoughts on the proposed special housing area are:

I believe council needs to sit down and get a concept under way working out which areas can be developed in the future and which ones need to stay as they are to make sure we keep beautiful down here and not end being a patchwork of developers dreams which won't suit the landscape.

With Ayrburn I can only see someone trying to copy the same ideas as the new higher density development next to Lake Hayes Estate. In Ayrburn's case it is done also under the label of retirement village and special housing. For me this concept lacks any effort to show connection to the surrounding land. It is just someones idea plonking 200 houses on small sections in the middle of the landscape softening it by the idea of converting a farmhouse into a cafe. There is nothing especially set up for the elderly like care center or sports area this is clearly just housing in the nowhere.

I believe if we want to grow we need to create a village with all amenities and not just an accumulation of houses to sleep in. Arrowtown is a great example of a functioning village: school, shops, restaurants, library, pool, jobs. It totally works. And we need more of this and therefore council must step up and get an overall plan sorted. The district plan needs to allow for this. We need to have a plan and then developers can come in and develop the designated area but within the restrictions which are set in advance. Right now it is the other way round - council which should be in charge is reacting and not leading the way.

I am against Ayrburn is does not suit the location at all.

Ayrburn Retirement Village Special Housing Area Feedback

Created Friday, February 19, 2016

<http://fluidsurveys.com/account/surveys/1013976/responses/export//surveys/qldc/ayrburn-retirement-village-special-housing-area/a>

Page 1

I am giving feedback as:

An individual

First Name:

Lauren

Last Name:

Warwick

Address:

[REDACTED]

My thoughts on the proposed special housing area are:

The developement is inappropriate for the area which is mainly a rural residential environment.

Whilst there is a need for a retirement village for the elderly in the district it should be placed in Arrowtown or Frankton close to amenities.

I believe a big subdivision like this is not in keeping with the area.

Ayrburn Retirement Village Special Housing Area Feedback

Created Friday, February 19, 2016

<http://fluidsurveys.com/account/surveys/1013976/responses/export//surveys/qldc/ayrburn-retirement-village-special-housing-area/3>

Page 1

I am giving feedback as:

An individual

First Name:

Kevin

Last Name:

Bouchier

Address:

My thoughts on the proposed special housing area are:

The critical point that underpins the master plan for this area and any development within the Ayrburn farm is rural zoning. What is the purpose of zoning, if a developer can consistently challenge its boundaries.

The developer cites Millbrook Resort as part of urban growth and therefore assumes we should accept the medium density development proposal of Ayrburn farm using this as a precedent. I would challenge the interpretation of Millbrook as urban growth considering a large percentage of it's residents are not permanent. Each developer submission must stand on its own merits based on existing zoning of the land and purpose of the development.

In addition, locating a Retirement Village two kilometres outside of the nearest township creates a fragmented sense of community and belonging. The best way to support our elderly community is to have them located within our township communities, where they can interact with the community on a daily basis. Walking distance to shops, libraries, cafes, movie theatres, restaurants and assistance from the local school community and Christian societies.

Lastly the generational environmental impact to Millcreek would be devastating, as this is a spawning ground for the Brown Trout, which has been part of our environment and rivers long before any development within the basin.

We should put our energy towards a hospital to support the community and our tourists, rather than considering 200 new retirees with no access to any amenities or the community which they belong to.

The greatest asset we have to support our growth is tourism, this development challenges the roads, infrastructure to one of our greatest tourist assets, Arrowtown.

I would urge the QLDC to consider its obligations in supporting our community and look at a more holistic view of providing affordable and retiree housing within the Wakatipu.

We firmly oppose this development.

Roni & Kevin Bouchier

Ayrburn Retirement Village Special Housing Area Feedback

Created Sunday, February 21, 2016

<http://fluidsurveys.com/account/surveys/1013976/responses/export//surveys/qldc/ayrburn-retirement-village-special-housing-area/3>

Page 1

I am giving feedback as:

An individual

First Name:

Brentleigh

Last Name:

Bond

Address:

My thoughts on the proposed special housing area are:

*The Mayor and Councillors
Queenstown Lakes District Council
Queenstown*

*Feedback on the:
Ayrburn Retirement Village Special Housing Area*

I object to the Expression of Interest: Special Housing Area for the Ayrburn Retirement Village dated November 2015 for the following reasons:

1. Apart from a substantial 34% increase in the number of dwellings to be constructed, the essential difference between this and an earlier proposal under the SHA which was properly rejected by Council is the concept that this is to be a "retirement village". It is apparent that the proponents have simply picked up the old, failed February 2015 EOI, rehashed the wording somewhat with the sporadic inclusion of the words "Retirement Village", attached the unaltered consultants' reports (this is acknowledged in the Executive Summary), and claimed that the average number of residents per unit will drop to 1.1 over time while continuing to offer only 2, 3 and 4 bedroom dwellings. A simple calculation indicates that, to achieve the 1.1 figure, there can be only be 20 of the 191 units with two residents. It is interesting to speculate what an elderly person living alone, perhaps with even mobility difficulties, is going to do with a 4 bedroom home? This latest EOI must surely be just another bite at the old cherry.

2. Appendix 5 of the EOI contains eight photographs all depicting happy family groups, including dogs, presumably as an indication of the lifestyle residents can enjoy at the Village. Have the proponents of this latest EOI really taken so little interest in this latest EOI as to not even bother checking the various appendices for these anomalies. To me, this does not indicate serious consideration of this "Retirement Village" proposal.

3. The EOI contains virtually no details of the ownership, management, or operational structure of the "Retirement Village". A number of questions that need answering include:

- a. Will residents hold 'fee simple' or some other form of freehold title to their allotment or will they obtain residency with the more common retirement village 'licence to occupy' or similar? The wording in the EOI seems to indicate the former which implies there will be no effective ongoing control of the age of persons who can occupy the units that would defeat the proposal.*
- b. The EOI indicates a medical centre, and medium and high care facilities with additional beds to be available for residents. Para 5(a) indicates the medical centre will be located in the homestead and original farmer's cottage. However, there appears to be no indication of where the medium and high care facilities will be located or the number of beds that will be available for residents.*
- c. There is no indication that the medium and high care facilities will include hospice care for the terminally ill. Will the Village be equipped to provide longer term palliative care or will terminally ill residents be tossed out to find an alternative facility?*

4. The control of potential flooding for the development appears to consist of the creation of a 15-20m wide floodway with rock protection and planting on certain sections of Mill Creek, and the closure of the existing secondary overflow across Area B. There appears to be no consideration of the effects of this channelling and overflow closure, together with the higher volume runoff from roofs as compared to the present pasture, on properties located downstream between the Village and Lake Hayes.

I submit that this high density proposal does not comply with the present District Plan, and has effectively been turned down once under the provisions of the HASHA.

I recommend that this present proposal does not proceed.

I further support the feedback by other residents objecting to the proposal.

Brentleigh Bond

[REDACTED]

[REDACTED]

[REDACTED]

I DO NOT wish to speak to this submission.

Ayrburn Retirement Village Special Housing Area Feedback

Created Monday, February 22, 2016

<http://fluidsurveys.com/account/surveys/1013976/responses/export//surveys/qldc/ayrburn-retirement-village-special-housing-area/C>

Page 1

I am giving feedback as:

An individual

First Name:

Bronwyn

Last Name:

Ross

Address:



My thoughts on the proposed special housing area are:

The size of this proposal is an assault on the intelligence of the local community and after the first proposal for the land was rejected the neighbouring properties should not now be put through this, shame on the council. This is pure greed of the developers involved in this. Ad hear to the rules of the land use and give the adjoining properties a chance to live in peace and enjoy their properties as they have paid their right to do.

Ayrburn Retirement Village Special Housing Area Feedback

Created Monday, February 22, 2016

<http://fluidsurveys.com/account/surveys/1013976/responses/export//surveys/qldc/ayrburn-retirement-village-special-housing-area/7>

Page 1

I am giving feedback as:

An individual

First Name:

Michael

Last Name:

Ross

Address:



My thoughts on the proposed special housing area are:

*The idea of this number of retirement homes being build when an existing aged care home company has already applied within normal planning rules to build closer to arrowtown makes this.completely unnecessary. In fact giving one applicant a way of.by passing exiting planning rules over others could be deemed to be at least extremely arrogant.
Equally any concentration of that number of homes completely ruins the valley all its existing ambiance.*

The approval by the commissioners for the develop of high density housing out at handly downs also provide adequate hoising stock.

If the planned aged care is build near allowtown is there a business for 300 plus more. This high number of homes would also end up raising issues surrounding Mill Creek, water drainage and sewerage.

Please do NOT approve this. Aged care is required for us all eventually please make it appropriate.

Ayrburn Retirement Village Special Housing Area Feedback

Created Monday, February 22, 2016

<http://fluidsurveys.com/account/surveys/1013976/responses/export//surveys/qldc/ayrburn-retirement-village-special-housing-area/4>

Page 1

I am giving feedback as:

An individual

First Name:

Roger

Last Name:

Brough

Address:

My thoughts on the proposed special housing area are:

*The Mayor and Councillors
Queenstown Lakes District Council
Queenstown*

Feedback on the:

Ayrburn Retirement Village – Expression of Interest: Special Housing Area November 2015

We wish to register my objection to the above Expression of Interest: Special Housing Area for the proposed Ayrburn Retirement Village dated 2015 for several reasons as follows;

- ☐ *A very similar proposal was presented to a meeting of the QLDC on 03 June 2015 and failed to gain approval to proceed.*
- ☐ *A paper presenting this proposal, along with others was presented to the council co-written by the then District Planning Manager and the General Manager , Planning & Development. In the 'Background' notes to the paper, it states that 'The Ayrburn Farm EOI, by being located 2km from the urban boundary, does not fit well with the locational criteria in the Lead Policy.....'. It goes on to say, 'The proposal essentially represents an "urban island" in the countryside, and may adversely impact on landscape values'.*
- ☐ *This new proposal is essentially the same as the previously rejected proposal albeit said to involve an additional 51 dwellings and now calling it a 'retirement village'.*
- ☐ *It is not only the scale and the type of development that we object to but also the damage that it could do to the natural beauty of the rural landscape in which it is proposed.*
- ☐ *We have a lot of visitors staying with us throughout the year coming to enjoy what the Wakatipu Basin has to offer. One of these visitors recently walked up Christine's Hill through to Millbrook and commented on their return that they were 'appalled to think that such a development could be considered for such a lovely area' and that such a development would surely be a 'blot on the landscape'.*
- ☐ *In addition to being an inappropriate development in terms of scale, to call it a retirement village is, in our view, a variation on a theme simply to get it through the process of being approved under the SHA.*
- ☐ *Most retirement villages in my experience contain a range of dwelling options such as 2-3 bedroom villas, apartments for independent living, plus rest home level care rooms for higher level care and then hospital and dementia care facilities. This proposal is limited in terms of detail as to the extent of the continuum level of care being offered and furthermore the developer is just that a*

developer and has limited if any experience as a retirement village operator.

- ☐ We question how many people will live in the 3-4 bedroom properties when typically those who choose to move to live in a retirement home tend to be couples or those who are already on their own. It might sound good that this proposal will provide a number of dwellings but in reality how many will the development as a whole house?
- ☐ My understanding is that the current 'housing shortage' is affecting mainly young single workers and young families. I do not see how this proposal alleviates that issue especially given that it is to be a retirement village.
- ☐ We acknowledge that if this development was to proceed that some future residents would probably sell their existing dwellings thereby making additional housing stock available however they would more than likely be higher in price than the nominated \$450,000 threshold considered as 'affordable'.
- ☐ The other point is that some future residents of this retirement village may come from out of the district which would not free up existing housing to help alleviate any shortage.

We strongly feel that this development proposal is not in keeping with the District Plan and it is so similar to an already rejected plan.

We recommend that this latest proposal should also be turned down and therefore not proceed and I support the other submissions that object to this proposal put forward by other residents in the area.

Roger and Jane Brough

[Redacted signature block]

Please note that I DO NOT wish to speak to this submission.

Ayrburn Retirement Village Special Housing Area Feedback

Created Wednesday, February 24, 2016

<http://fluidsurveys.com/account/surveys/1013976/responses/export//surveys/qldc/ayrburn-retirement-village-special-housing-area/4>

Page 1

I am giving feedback as:

An individual

First Name:

Gillian

Last Name:

Macleod

Address:



My thoughts on the proposed special housing area are:

I do not think this is an appropriate place for a retirement village which seems to presume by its location that such residents are able bodied car drivers. It may be upon their entry, but it certainly isnt upon their exit. Is small compacted suburbia in a remote location really the appropriate model for retirement? Locating elderly in a hidden and out of the way location seems bizarre.

As Matthew Paetz, the councils former principal planner states in his comments on the proposed district plan section 42a report

"12.56 Growing pressure on the District's roading infrastructure is evident, and in the Wakatipu Basin in particular there are particular pinch points, such as in Frankton. Notwithstanding planned infrastructure upgrades, there is likely to be growing pressure as large existing greenfield locations such as Jacks Point, Kelvin Peninsula and Remarkables Park are eventually developed substantively. In addition, significant growth in visitor numbers through the Queenstown Airport are projected which need to be factored in alongside the large potential residential growth. 12.57 In addition, widely dispersed greenfield developments, unless of a large scale and/or high density that support a reasonable degree of mixed use and self-sufficiency do not readily support walking, cycling and public transport modes – and are inherently reliant on private transport modes.

12.58 Furthermore, a predominance of low density, greenfield development located remote from services does not necessarily provide for the diversity of housing choice that a community requires to provide for its wellbeing. Nor does it cater for the growing need for centrally located visitor accommodation that is required in Queenstown"

Matthew Paetz page 26 chapter 3 S42a District plan report

while not visually obtrusive, and although a well laid out plan,the impact of locating a suburban development in this isolated location and context is not considered, and I believe it will have ongoing ramifications in terms of roading and infrastructure, precedence for future developments (why not pick me?) and erode the thrust of the proposed district plan which clearly expresses a desire for intensification of existing townships over creation of scattershot suburban enclaves.

Gillian Macleod

Ayrburn Retirement Village Special Housing Area Feedback

Created Thursday, February 25, 2016

<http://fluidsurveys.com/account/surveys/1013976/responses/export//surveys/qldc/ayrburn-retirement-village-special-housing-area/8>

Page 1

I am giving feedback as:

An individual

First Name:

Gerard

Last Name:

Hall

Address:

[Redacted]

My thoughts on the proposed special housing area are:

i am of the view QLDC immediately gives this proposal the go-ahead to proceed to the next stage of the SHA process. The reasons being that the district desperately needs the facilities such a development would provide the Wakatipu.. 2 The proposed land is not isolated as some are leading others to believe. 3. the design and layout of the development is sympathetic to the locale and meets the needs of modern living, both now and into the future.
The failure of the QLDC to give this proposal the require go-ahead under the SHA accord and associated legislation is simply caving into vested interests of other. It is time the QLDC stands up and represents the majority rather than minority interests who have their own agendas
Thank you
Gerard Hall,

Ayrburn Retirement Village Special Housing Area Feedback

Created Thursday, February 25, 2016

<http://fluidsurveys.com/account/surveys/1013976/responses/export//surveys/qldc/ayrburn-retirement-village-special-housing-area/4>

Page 1

I am giving feedback as:

An individual

First Name:

William & Wynnis

Last Name:

Kidd

Address:

[REDACTED]

My thoughts on the proposed special housing area are:

Original "Resource Consent" of Ayrburn was for three large Lots. Now, within three years they are proposing High Density Housing. It is simply a way of populating the area with pockets of High Density Subdivisions which are not in the best interest of the historical aspect of the Arrowtown district. Even if it is not visible the traffic on the already busy roads would be increased immensely. Sewerage is another issue. At present, some days when you drive up McEntyres Hill there is a stench. Developments of this type put too much pressure on a fragile environment and existing systems which don't operate correctly.

We feel that this proposal is a devious way for the Developers to renegotiate with Council by changing a few Clauses for the use of the area when they were turned down for their original High Density Housing proposal. There is already another RETIREMENT VILLAGE planned for Arrowtown. The area in question is a "Rural Residential" category and we feel that that is how it should continue.

We, therefore, oppose this Application.

*Yours sincerely
Bill & Wynnis Kidd*

Ayrburn Retirement Village Special Housing Area Feedback

Created Friday, February 26, 2016

<http://fluidsurveys.com/account/surveys/1013976/responses/export//surveys/qldc/ayrburn-retirement-village-special-housing-area/a>

Page 1

I am giving feedback as:

An organisation

Name of Organisation:

Friends of lake Hayes Society Incorporated

(No response)

Address:

My thoughts on the proposed special housing area are:

Proposed Special Housing Areas – Expression of Interest from Ayrburn Farm Developments Ltd – Ayrburn Retirement Village.

This submission is made by Friends of Lake Hayes Society Incorporated (FOLH).

FOLH was formed out of concern for water quality issues at Lake Hayes.

FOLH have noted the recent application by Ayrburn Farm Developments Ltd (AFDL) to develop a retirement village consisting of 201 units under the provisions of the Special Housing Area legislation. Of particular interest to FOLH is that AFDL intends to utilise Mill Creek and other water ways for discharge of storm water from the proposed development, and that AFDL intends to utilise the fresh water spring at the Northern end of Lake Hayes as a water supply.

It will be known that Mill Creek is an important ecological habitat in terms of trout spawning but more importantly is the principal waterway supplying Lake Hayes which is already significantly affected by discharges associated with land use in the Wakatipu basin. FOLH consider that the likely pollutants which would be carried in storm water associated with the proposed high density development would be considerable, and contribute further to an already critical lake water condition. The proposed development however, is a double blow for the lake in that while the water quality in Lake Hayes has been adversely affected by nutrients, its recovery is hampered by the low water flow through the lake. The partial removal of one of the lake's already meagre sources would contribute to a further delay to the lake's recovery and possibly a further degradation. There is a wealth of scientific information on these matters. FOLH is happy to make this available if needed.

FOLH therefore request that should this proposal proceed further that at the very least AFDL be required to provide an alternative form of storm water discharge that does not add to an already adversely effected waterway, and find an alternative source of water supply.

Ayrburn Retirement Village Special Housing Area Feedback

Created Friday, February 26, 2016

<http://fluidsurveys.com/account/surveys/1013976/responses/export//surveys/qldc/ayrburn-retirement-village-special-housing-area/f>

Page 1

I am giving feedback as:

An individual

First Name:

Tsung-hui

Last Name:

Pan

Address:



My thoughts on the proposed special housing area are:

Dear Sir / Madam,

Please refer to the letter sent through to Anita Vanstone.

Kind regards,

Albert Alloo

Albert Alloo & Sons

Ayrburn Retirement Village Special Housing Area Feedback

Created Friday, February 26, 2016

<http://fluidsurveys.com/account/surveys/1013976/responses/export//surveys/qldc/ayrburn-retirement-village-special-housing-area/e>

Page 1

I am giving feedback as:

An individual

First Name:

R & M

Last Name:

Donaldson

Address:

My thoughts on the proposed special housing area are:

Dear Mayor Van Uden and Councilors,

Thank you for the opportunity to provide feedback to the Expression of Interest: Special Housing Area - Ayrburn Retirement Village.

We are neighbors to the land in question and share a boundary with the property. Over the 25+ years of owning our property we have seen an explosion of development and interest in living in the district and while community expansion is inevitable, we hope you will continue to protect the area from excessively dense development for development's sake.

We understand that Ayrburn Farm Developments Ltd. currently has a legal claim against the QLDC regarding their previous EOI on the same land. As the legal action and the current application put the Council in direct conflict, it is both prudent and legally correct for the Council to cease consideration of the Ayrburn Retirement Village EOI until such time as the matter of the legal claim against QLDC is settled.

We specifically would like to reserve our rights to further comment on the merits of the Retirement Village application at such time, either I) an adjudication is made on proceedings before the High Court or II) it is determined that this EOI can proceed without the completion of the adjudication of the High Court claim.

That said, we have the following concerns regarding the current Expression of Interest:

1) Upon review of the current EOI, it appears to be a minor revision of the previously rejected submission for medium density low-income housing (then, approximately 150 houses.) The EOI currently expands that density to 200+ houses on property that is currently zoned "Rural General." We trust Council agrees this level of density is wholly inconsistent with the Rural General Zone and the reasons by which Council rejected the previous EOI remain.

2) We understand, in a normal RMA situation, a proposal of this type would go to a notified hearing or plan change. Property owners in the Rural General Zone purchased with the knowledge that any development in the same zone would be subject to notification and public participation. If granted SHA status, Ayrburn Farms Development Ltd may not necessarily be subject to these requirements. In addition, our experience has been that owners approach their adjacent neighbours directly prior to submissions to Council to present their proposals and discuss the ramifications. We have had no contact from Ayrburn Farm Developments or any of their

representatives. This lack of communication causes us to wonder why no effort to reach us has been made and an EOI under the SHA made instead.

3) If approved and developed as presented, views from the Arrowtown-Queenstown trail would be over a housing development rather than the natural landscape that currently exists and which we feel should be protected from such dense development.

4) The QLDC SHA Lead Policy states that SHA's be within or adjacent to existing urban areas (a logical requirement for retired seniors who likely rely on public transportation and ready access to shops, banks, medical care, etc.) The Millbrook Country Club and its included residences are cited as an adjacent "Urban Area." The Millbrook Country Club is zoned as "Resort Zone" and to call this Country Club/Residential Resort an "Urban Area" is inaccurate.

From the QLDC Report for Agenda Item 1, dated 3 June 2015

A) The Ayrburn Farm EOI, by being located some 2kms from the urban boundary, does not fit well with the locational criteria in the Lead Policy (although as noted above this does not preclude consideration). This can be viewed both positively and negatively in an RMA planning sense:

- 1) It might be argued that being located well away from the UGB better preserves the integrity of the UGB as an urban 'fence'
- 2) Conversely, a significant aspect of UGBs is not only to protect the 'town edge' but also to discourage urban development in the countryside. The proposal essentially represents an "urban island" in the countryside, and may adversely impact landscape values.

We oppose the current Expression of Interest for the Ayrburn Retirement Village and wish to be kept informed as an Affected Party.

Regards,

Roger & Marliese Donaldson

AYRBURN RETIREMENT VILLAGE SPECIAL HOUSING AREA FEEDBACK

DX No YP 80019
ANZ Account 010907:0044423:12

1. We act for Mr Pan a Director of Pan Tai Holdings Limited.
2. Pan Tai Holdings Limited owns Waterfall Park, a property adjacent to the proposed Ayrburn Retirement Village Special Housing Area.
3. Mr Pan has asked us to give feedback on **The Ayrburn Retirement Village Special Housing Area** application on his behalf.
4. The developer of the proposed retirement village **Ayrburn House Development Limited(AHDL)** whose registered office at Cruickshank Pryde, Unit 23, 159 Gorge Road, Queenstown) previously applied to the **Queenstown Lakes District Council(QLDC)** as **Ayrburn Farm Developments Limited(AFD Ltd)** for the same piece of land being 45.7 hectares at 341-343 Arrowtown –Lake Hopes Road in February 2015 for approval for development.
5. Both entities are controlled by Christopher Meehan through associated parties.
6. The **AFD Ltd** application was declined in June 2015.
7. The decision by the **QLDC** to decline the application by **AFD Ltd** is the subject of a claim for judicial review by **AFD Ltd**.
8. This preclude the current **QLDC** from considering a further application from any associated entity of Mr Meehan.

Notwithstanding the above:

9. Our client objects to the proposed development on its merits being:
 - a. The current application is a back door route for consent for a failed prior application.
 - b. The information provided is identical to that in support of the failed application.
 - c. The site is remote from the township proper of Arrowtown and thus does not meet the SHA Act requirements.
 - d. The application is for high density low cost housing which is incompatible with a heritage area.
 - e. The application as it stands requires significant water and earthworks.
This will have a flow on effect for wildlife and fish stocks in the immediate area.
 - f. Other areas in the vicinity have been deemed SHA Act areas and are more suitable for this type of development.
 - g. Another Retirement Village has recently gained approval which is closer to Arrowtown and more appropriate for this type of development.

Yours faithfully,

Albert Alloo

BEFORE THE QUEENSTOWN LAKE DISTRICT COUNCIL
AT QUEENSTOWN

IN THE MATTER of the Housing Accords and Special
Housing Areas Act 2013

AND

IN THE MATTER of an Expression of Interest for Special
Housing Area by Ayrburn Retirement
Village

AND

IN THE MATTER of a submission in opposition to the
proposal by Noel John Blair, the trustees
of the Glenshiel Trust, David and Sarah
Kidd and Peter and Stephanie Glouston

Submitters

SUBMISSIONS IN OPPOSITION TO THE PROPOSAL

GTODD LAW

Level 3, 36 Shotover Street,
(PO Box 124 Queenstown 9348)
Queenstown 9300
P 03 441 2743
F 03 441 2976
Email: graeme@gtoddlaw.com
Counsel acting: G M Todd

GTODD law
LAWYERS & NOTARY PUBLIC

1. These submission are made in response to an invitation to persons who have an interest in the Expression of Interest for a Special Housing Area (SHA) for a development described as the Ayrburn Retirement Village to file submission in respect of the same.
2. The submitters are owners of rural residential properties which immediately adjoin or are in close proximity to Ayrburn Farm where the SHA is proposed.
3. Each of the submitters filed submissions in opposition to an almost identical (other than in name, size and stated purposes) proposal put forward by what appears to be the same Applicant, Ayrburn Farm Developments Limited ("AFDL") for the same property in 2015. The proposal was rejected by the Council in June 2015 ("Council's first SHA decision").
4. In the interim the Queenstown Lakes District Council ("the Council") has notified its Proposed District Plan and it is noted that AFDL has filed submissions to the same seeking various rezonings for the property.
5. Of further relevance to the consideration of the second proposal for an SHA, AFDL has commenced proceedings against the Council in the High Court for a Judicial Review of Council's first SHA decision and is claiming the Council were negligent in the manner in which it considered the initial proposal and is seeking damages in the sum of \$380,000.00 and costs. It is understood that the proceedings will be heard by the High Court in Christchurch on the 16th March 2016.
6. It is of extreme disappointment and concern to the submitters that they, having taken the time to submit on the original proposal were not made aware of the proceedings as they have now lost any opportunity to be party to the same and when clearly they have an interest in the outcome of the same.
7. Before providing reasons as to why they submitters believe the new proposal should also be rejected, it is the submitters' view that the Council should not give any further consideration to this proposal until AFDL's High Court proceedings have been heard and determined for the following reasons:
 - (a) If AFDL were confident its High Court proceedings were going to be successful then there would be no reason to make this second application. In this regard it should be noted that the Council did not (as far as the public is aware) invite a further proposal from AFDL.
 - (b) To consider and determine the proposal prior to the hearing and determination of the proceedings by the High Court could be seen as an abuse of Court process.
 - (c) That to consider and approve the application prior to the High Court hearing would inevitably expose the Council to allegations that they had only approved the same under the influence of the High Court proceedings and in order to settle the claims made against it.
 - (d) Nowhere in the proposal does AFDL state that, if the second proposal was accepted, the AFDL would withdraw its claim against Council and peruse this development as against that originally proposed.

8. Should the Council resolve to continue to consider the proposal at this time then it is the submitters' position that the proposal should be rejected for the following reasons.

PREVIOUS SUBMISSIONS

9. Attached to these submissions are submissions that the submitters filed in respect of the initial proposal. As little has changed in terms of the proposal it is submitted the concerns are still relevant in terms of the second proposal.

SAME APPLICATION BUT IN A DIFFERENT GUISE

10. If you compare the initial and second proposal for a SHA for the land they are almost identical other than:
- (a) The target market is said to have changed yet nowhere in the application does there appear to be any limitation on who can reside within the development contemplated by the second proposal. Unlike true retirement village developments there is no minimum age of resident stipulated, no restriction on who dwellings can be sold to etc. Further, no details are provided in terms of the types of facilities that might normally be found in a retirement village or how it is to be staffed and serviced given such is significantly different to a standard residential development.
 - (b) Little by way of additional information is provided compared to the original proposal in terms of addressing the criteria for SHA's set out in the Council's Lead Policy for SHA's.
 - (c) Little additional information is provided in terms of the ability to provide necessary infrastructure for the development. If one reads the infrastructure reports carefully the same contain a number of "caveats" to the conclusions that the development might be able to connect to existing Council services.
 - (d) The supporting reports fail to address the reasons why the initial application was rejected.
11. In summary little effort has been made to amend the proposal from that originally submitted and rejected notwithstanding the type of development that is now intended.

CONTRARY TO UNDERLYING POLICY OF ACT, ACCORDS AND LEAD POLICY

12. It is not questioned that the elderly form part of our community and that there is pressures on them through a lack of appropriate housing for retirees and due to the current economic conditions that prevail that means they are facing adverse impacts on their income.
13. It cannot be said that it was ever the intention of central Government in enacting the Act, Government and Council entering into the Accord or Council in development its Lead Policy, that such would be used as a justification to enable a retirement village to be developed as a SHA even if it could be argued the proposal was for a genuine retirement village.
14. Further, it cannot be said that the location of the proposed SHA is within or adjacent to an established urban area. The applicants argue that it is adjacent to Waterfall Park and Millbrook Resort. This ignores the fact that both of those zones are for Special or

Resort zones and do not contain or are proposed to contain the types of facilities or services one would expect in an urban setting.

CONCLUSION

15. It is the submitters' view that for the reasons previously stated:
 - (a) the Council must defer its consideration of this latest proposal until the High Court proceedings referred to herein have been heard and determined; and
 - (b) the proposal should be rejected given it is clearly not for a genuine retirement village as the Councillors, and it seems everyone other than the proponent of the SHA, understand such to be.
16. It is clear that the proposal is a misguided and cynical attempt by the proponent of the SHA to latch on to the coat tails of the housing affordable issue faced by our community.
17. The submitters have had the opportunity to view and consider submissions you will receive from or on behalf of James Hadley and Jan Andersson and would support the same.

.....
Graeme Morris-Todd
Counsel for N J Blair, D & S Kidd, P & S Glouston and
the trustees of the Glenshiel Trust

26th February 2016

Ayrburn Retirement Village Special Housing Area

Feedback from **Brendon & Katrina Thomas**, owners of [REDACTED]
[REDACTED].

- We are immediate neighbours of Ayrburn Farm and our property overlooks Ayrburn Farm from above on the northern side.
- We are adversely affected by the proposed development and as such **we are strongly opposed to it.**

Direct Effects on ourselves and our immediate neighbours

- In May 2015 we also opposed the similar scheme for 150 houses for this site, and all of the same reasoning applies to our opposition to this proposal.
- This proposed development will be **clearly visible from our site** and will alter the existing rural vista of the area. The proposed development **will be detrimental to our visual amenity.**
- The likely **light** generated from these 200+ houses and their activity will **pollute our environment** and reduce our amenity.
- The likely **noise** generated by these 200+ houses and their occupants **will pollute our environment** and reduce our amenity.
- This **land is zoned Rural General** - which is completely **appropriate** for the green spacious nature of the rolling landscape.
- This proposed development will be **clearly visible from** the Millbrook to Lake Hayes walking and biking trail and will alter the existing rural vista of the area. The proposed development **will be detrimental to the visual amenity of this tourist trail.**
- To develop an intensive housing area in this location is **contrary to the expectations of the visitors** that use the Millbrook to Lake Hayes walking and biking trail. **Tourist visitors positively impact this area** and it is the unspoilt landscapes and dramatic

scenery that feature highly on the feedback from this group. The rural vista **should remain as a low-density environment.**

- This proposal to **insert a pocket of intensive development** of 200+ houses into this landscape is completely **inappropriate** and will be out of context with the surrounding rural zoned environment.
- **We are clearly an affected party** and as such we would normally have rights under the RMA for our position to be considered. We believe that the **council should not undermine the normal rights of affected parties** by allowing the designation of this proposal as an SHA.

General Issues with this Proposal

- We believe that the proposal to package a Retirement Village as a '**Special Housing Area**' is a cynical **attempt to avoid proper process** and due consideration that would otherwise be afforded under the Resource Management Act.
- We believe that to allow this proposal as an SHA would see the **Council unnecessarily intervening in a valid process** and removing our rights to participate as affected parties to this proposal.
- We see **no benefit to anyone** by using this 'fast track process – **other than the commercial benefit to the developer.**
- Our view is that the **SHA legislation was designed** to address the **policy issue of urgent delivery of affordable housing for first time buyers** and younger working people.
- **Retired people were not the intended beneficiaries of the fast track process** and there is **no demonstrated urgency required** to supply this market.
- This proposal is **not consistent with the QLDC Growth Management Strategy**
- This proposal is **not consistent with** the direction of the **residential policy in the District Plan review**

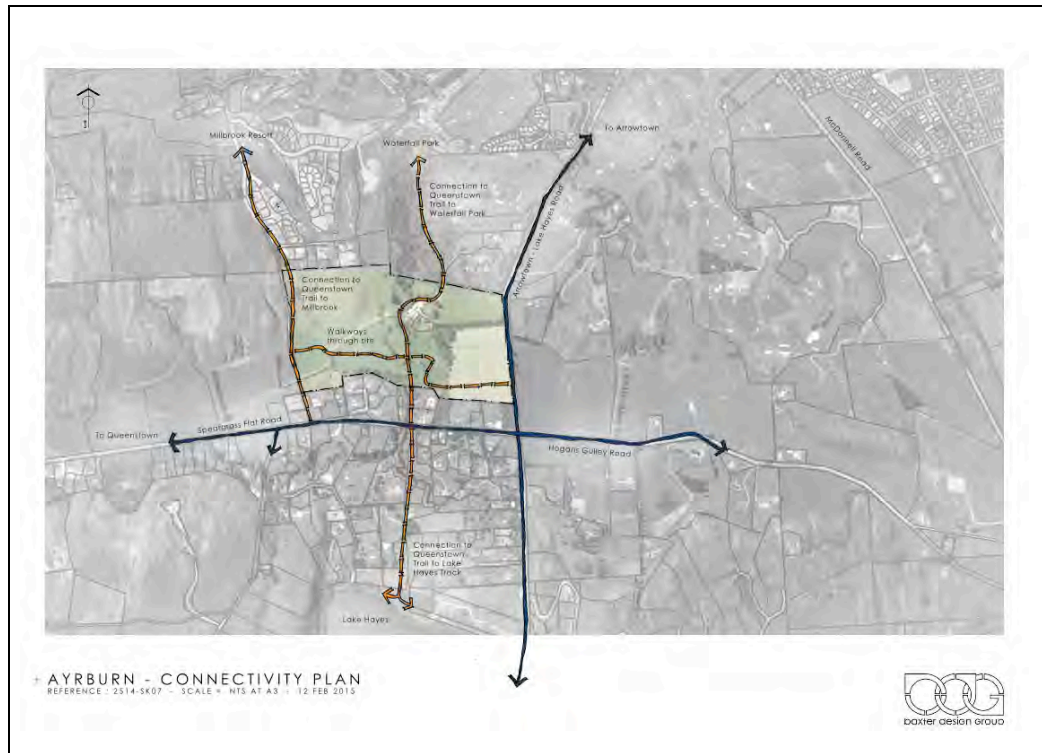
- The developer appears to have **simply repackaged their previous proposal** which was declined, and is continuing to pursue the **protection afforded by the SHA** designation to **avoid formal engagement with the parties adversely affected** by the intensive development of this rural land.
- We believe that if the Council approves a **change of zone to Residential** from Rural General for this site under the (simplified) SHA process, then once designated as residential **it will be possible for the developer to alter their plans** for more generic residential subdivision at this site.

We implore the Council to prioritise the community's values of protection of our natural environment, and sustainable development in keeping with our unique landscape, ahead of one developers desire to add value to their own land.

Brendon & Katrina Thomas



Context Plan



3 February, 2016

Robyn & Nick Hart



Dear Councillors

We wish to submit our strong opposition to the Ayrburn Farm Retirement Village SHA proposal.

FROM QLDC SHA LEAD POLICY 2.6: *Identification of Special Housing Areas and the development facilitated within them **should be generally consistent with the direction of the residential policy in the District Plan Review.***

The Ayrburn Farm SHA is the opposite extreme of the District Plan residential policy direction. Changing pristine Rural General land to high density 120sq m sections is farcical and goes against years of excellent town planning and procedures.

FROM QLDC SHA LEAD POLICY 5.2.1: *The proposed area shall be located within or adjacent to existing urban areas. **Areas located in rural areas remote from existing urban areas and services will generally not be viewed favourably.***

The Ayrburn Farm SHA is not adjacent to existing urban areas. Many retirees would not drive and there is no easy access on foot to local services.

FROM QLDC SHA LEAD POLICY 4: ***District Plan provisions are relevant assessment considerations for applications for qualifying developments...***

The (out-dated) Ayrburn Farm SHA Urban Assessment (which only refers to 150 lots not 201) states a high adverse effect on the surrounding properties. Their latest proposal has squeezed in another 51 properties, showing no consideration for an even greater adverse effect on the surrounding neighbourhood.

Affordable housing is essential. We applaud QLDC for proposing Gorge Road as a suitable SHA area. SHAs need to have the right balance of land value and location so that developments deliver affordable solutions for those in need and not investment or holiday home opportunities for the wealthy.

The council is already aware of many reasons why Ayrburn Farm is not suitable for this type of development as these were covered at great time and expense in May 2015. This 2nd proposal (which sometimes refers to 150 lots and sometimes 201 lots), still raises the same issues. We ask that the council follows the same process and rejects this unsuitable proposal again.

Regards

Handwritten signature in blue ink, appearing to read 'Robyn & Nick Hart'.

Robyn & Nick Hart

P.S. on the following pages we have included again, QLDC policy wording which we feel is very relevant to this proposal.

Photoshop visual of Ayrburn Farm Retirement Village siteplan and houses (photo from Ayrburn Farm's SHA proposal - urban design assessment)



I wanted to see a visual which included the housing on this development rather than the green, park-like siteplans submitted by the developer. First I overlaid the siteplan and then added (in Photoshop) a house for every lot on the plan.

Why has the developer not supplied a visual with houses?

Perhaps because it would show an unfavourable view?

Photoshop visual of Ayrburn Farm Retirement Village siteplan (photo from Ayrburn Farm's SHA proposal -



Residential Zone of North Lake Hayes is reached. Consented but as yet undeveloped sites on the northern ridge should not give rise to dwellings which are prominent from the valley floor. It is considered that the protection of the rural character of this landscape unit is of high importance to the maintenance of the remaining rural character and visual amenity of the Basin.

Recommendation: Avoid further subdivision and residential development of the Speargrass Flat Valley landscape unit, either through specific provisions in the District Plan or by increasing the rigour of the relevant assessment matters including requiring that any further residential development should not be visible from locations in Speargrass Flat Road, and that the open, pastoral landscape character of the valley must be preserved.

The Littles Stream Valley (area 7) is located to the west of the Fitzpatrick Basin. The upper reaches of the valley are visible from the vicinity of Hansens Road and Lake Johnston and the western from Arthurs Point. The lower reaches are more visually discrete. The area does contribute to the visual amenity experienced from those locations, however, and from properties within the valley itself. In terms of landscape character, the lower reaches have now been subdivided into lots in the vicinity of 4ha each. The higher slopes are in larger lots, and the removal of a block of Douglas fir is assisting in restoring the pastoral character of this area. It is considered, however, that both in terms of character and visual amenity this landscape character area is at the brink of its ability to absorb development. It is considered that the protection of the rural character of this landscape character area is of high importance to the maintenance of the remaining rural character and visual amenity of the Basin.

District Plan Review

Why are we doing the District Plan Review?

**Making the District Plan
easier to understand**

Reflecting community feedback

shaping our future

LOWERING RESOURCE CONSENT COSTS

Fitting better with our Long Term Plan

**Fixing known
problems**

Aligning with National and Regional Policy

Implementing Community Strategies

Town Centres, Heritage, Urban Design, Growth Management Strategy

The Current Situation

The overall goal of the current Queenstown Lakes District Plan is to manage the district's economic growth and development in a way that ensures its special landscape and environmental qualities are preserved for locals and visitors alike.

While the operative District Plan tries to reflect this goal in its detailed policies and provisions, it is not clearly stated as a core principle or objective.

As part of the review process, we have the opportunity to consider what the core aims should be.

Key Aims

We think the key aims for the District Plan should be:

- To protect the natural environment values of the District
- To protect the landscape values of the District
- To ensure that growth is provided for in appropriate locations
- To ensure that new development is of high quality
- To ensure the future social and economic wellbeing of the District by providing for commercial / business and community activities.

What do you think?

Have we identified the main issues correctly or should the District Plan have different aims?

Please send your comments to:
Policy & Planning
Queenstown Lakes District Council
Private Bag 50072
Queenstown 9348

or email to services@qldc.govt.nz

**Comments should be received by
23 January 2012**

[Click here to comment online](#)

key aims for the district plan

Principle 1: Growth is located in the right places

This principle refers to the need to direct where growth should be located so that the natural environment is protected, and growth supports the economic and social wellbeing of the District and its settlements. The need to be clear about what growth should go where stems, in large part, from the landscape values and the natural resources present in the District and the importance of them to the economic structure of the District. To protect these values, compact high quality liveable urban areas, of mixed densities and mixed uses, are needed that offer a choice of living and working environments. The main strategies to implement this principle are:

- 1a All settlements are to be compact with distinct urban edges and defined urban growth boundaries.
- 1b Growth is to be accommodated mainly in the two urban centres (Queenstown/ Frankton and Wanaka), and existing special zones outside of these centres.
- 1c Settlements in the Wakatipu Basin (Arthurs Point, Arrowtown, Lake Hayes Estate and Jacks Point) are not to expand beyond their current planned boundaries. Further development and redevelopment within current boundaries is encouraged where this adds to housing choices and helps to support additional local services in these settlements.
- 1d Growth of the smaller outer lying towns (such as Hawea, Hawea Flat, Luggate, Glenorchy, Kingston, Makarora, and Cardrona) is to be encouraged to a point where critical mass for affordable servicing is reached and an appropriate range of local services and employment can be supported.
- 1e The landscape values and the character of rural areas surrounding the urban areas and townships are to be protected from further urbanisation (i.e. changes from a predominately rural character to an urban character).
- 1f Greenfields development within the defined growth boundaries of the two main urban settlements (Queenstown and Wanaka), such as at Frankton Flats, is to be carefully managed to ensure that land is used to effectively balance the full range of desired community outcomes, and that a mix of activities can be accommodated. This includes encouraging a higher density form of development.
- 1g In Queenstown / Frankton and Wanaka, new centres are proposed in both settlements that can act as focal points for growth, with a mix of commercial, visitor accommodation and more intensive residential development in and around these centres, whilst ensuring that the two existing centres remain attractive, vibrant, and important places to residents by providing for a range of

RURAL AREAS

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8.2 To maintain the open character of the building restriction area by promoting the planting of small native plants and shrubs.

8.3 To ensure the protection of the prominent ridgeline from development by restricting development to the Low Density Residential zoned area.

Objective 9 – Building Line Restriction Area – Bible Face

To protect the heritage value of the Bible Face landform by preventing building and development upon the Bible Face in Glenorchy.

Policies

9.1 To protect the visually sensitive Bible Face from development

9.2 To maintain the rural backdrop that the Bible Face provides to the Glenorchy township

5.2.1 Environmental Results Anticipated

The following environmental results are anticipated in the Rural General zones:

- (i) The protection of outstanding natural landscapes and features from inappropriate subdivision, use and development.
- (ii) Maintenance and enhancement of openness and naturalness of outstanding natural landscapes and features.
- (iii) Strong management of the visual effects of subdivision and development within the visual amenity landscapes of the district.
- (iv) Enhancement of natural character of the visual amenity landscapes.
- (v) A variety in the form of settlement pattern within visual amenity landscapes based upon on the absorption capacity of the environment.

(vi) Retention and enhancement of the life-supporting capacity of the soil and vegetation.

(vii) The continued development and use of land in the rural area.

(viii) Avoid potential land uses and land management practices, which create unacceptable or significant conflict with neighbouring land based activities, including adjoining urban areas.

(ix) Maintenance of a level of rural amenity, including privacy, rural outlook, spaciousness, ease of access and quietness, consistent with the range of permitted rural activities in the zone.

(x) Retention of the amenities, quality and character of the different rural environments within the District, and development and structures which are sympathetic to the rural environment by way of location and appearance.

(xi) Retention of a range of recreation opportunities.

(xii) Utilisation of mineral resources within the District, providing that the scale of each operation and its effects, both short and long-term, are appropriate to its environment.

RURAL AREAS - RULES

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and the practicalities and likelihood of potential use of unformed legal roads for vehicular and/or pedestrian, equestrian and other means of access; and

(ii) the proposed development will not be visually prominent such that it dominates or detracts from public or private views otherwise characterised by natural landscapes; and

(iii) the proposal can be appropriately screened or hidden from view by any proposed form of artificial screening, being limited to earthworks and/or new planting which is appropriate in the landscape, in accordance with Policy 4.2.5.11 (b).

(iv) any artificial screening or other mitigation will detract from those existing natural patterns and processes within the site and surrounding landscape or otherwise adversely affect the natural landscape character; and

(v) the proposed development is not likely to adversely affect the appreciation of landscape values of the wider landscape (not just the immediate landscape).

(vi) the proposal does not reduce neighbours' amenities significantly.

(c) Visual coherence and integrity of landscape

In considering whether the proposed development will adversely affect the visual coherence and integrity of the landscape and whether these effects are minor, the Council must be satisfied that:

(i) structures will not be located where they will break the line and form of any ridges, hills and any prominent slopes;

(ii) any proposed roads, earthworks and landscaping will not affect the naturalness of the landscape;

(iii) any proposed new boundaries will not give rise to artificial or unnatural lines or otherwise adversely (such as planting and fence lines) affect the natural form of the landscape.

(d) Nature Conservation Values

In considering whether the proposed development will adversely affect nature conservation values and whether these effects are minor with respect to any ecological systems and other nature conservation values, the Council must be satisfied that:

(i) the area affected by the development proposed in the application does not contain any indigenous, ecosystems including indigenous vegetation, wildlife habitats and wetlands or geological or geomorphological feature of significant value;

(ii) the development proposed will not have any adverse effects that are more than minor on these indigenous ecosystems and/or geological or geomorphological feature of significant value;

(iii) the development proposed will avoid the establishment of introduced vegetation that have a high potential to spread and naturalise (such as wilding pines or other noxious species).

(e) Cumulative effects of development on the landscape

In considering the potential adverse cumulative effects of the proposed development on the natural landscape with particular regard to any adverse effects on the wider values of the outstanding natural landscape or feature will be no more than minor, taking into account:

(i) whether and to what extent existing and potential development (ie. existing resource consent or zoning) may already have compromised the visual coherence and naturalness of the landscape;

(ii) where development has occurred, whether further development is likely to lead to further degradation of natural values or domestication of the landscape or feature such that the existing development and/or land use represents a threshold with respect to the site's ability to absorb further change;

(iii) whether, and to what extent the proposed development will result in the introduction of elements which are inconsistent with the natural character of the site and surrounding landscape;

RURAL AREAS - RULES

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(i) whether, and to what extent, the proposed development is visible from public places;

(ii) whether the proposed development is likely to be visually prominent to the extent that it dominates or detracts from views otherwise characterised by natural landscapes;

(iii) whether any mitigation or earthworks and/or planting associated with the proposed development will detract from existing natural patterns and processes within the site and surrounding landscape or otherwise adversely effect the natural landscape character;

(iv) whether, with respect to subdivision, any new boundaries are likely to give rise to planting, fencing or other land use patterns which appear unrelated to the natural line and form of the landscape; wherever possible with allowance for practical considerations, boundaries should reflect underlying natural patterns such as topographical boundaries;

(v) whether the site includes any indigenous ecosystems, wildlife habitats, wetlands, significant geological or geomorphologic features or is otherwise an integral part of the same;

(vi) whether and to what extent the proposed activity will have an adverse effect on any of the ecosystems or features identified in (v);

(vii) whether the proposed activity introduces exotic species with the potential to spread and naturalise.

(b) Effects on openness of landscape.

In considering the adverse effects of the proposed development on the openness of the landscape, the following matters shall be taken into account:

(i) whether and the extent to which the proposed development will be within a broadly visible expanse of open landscape when viewed from any public road or public place and in the case of proposed development in the vicinity of unformed legal roads, the Council shall also consider present use and the practicalities and likelihood of

potential use of unformed legal roads for vehicular and/or pedestrian, equestrian and other means of access; and

(ii) whether, and the extent to which, the proposed development is likely to adversely affect open space values with respect to the site and surrounding landscape;

(iii) whether the proposed development is defined by natural elements such as topography and/or vegetation which may contain any adverse effects associated with the development.

(c) Cumulative Effects on Landscape Values

In considering whether there are likely to be any adverse cumulative effects as a result of the proposed development, the following matters shall be taken into account:

(i) whether, and to what extent, the proposed development will result in the introduction of elements which are inconsistent with the natural character of the site and surrounding landscape;

(ii) whether the elements identified in (i) above will further compromise the existing natural character of the landscape either visually or ecologically by exacerbating existing and potential adverse effects;

(iii) whether existing development and/or land use represents a threshold with respect to the site's ability to absorb further change;

(iv) where development has occurred or there is potential for development to occur (ie. existing resource consent or zoning), whether further development is likely to lead to further degradation of natural values or inappropriate domestication of the landscape or feature.

(d) Positive Effects

In considering whether there are any positive effects associated with the proposed development the following matters shall be taken into account:

RURAL AREAS - RULES

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- (i) whether the proposed activity will protect, maintain or enhance any of the ecosystems or features identified in (a)(v) above;
- (ii) whether the proposed activity provides for the retention and/or re-establishment of native vegetation and their appropriate management;
- (iii) whether the proposed development provides an opportunity to protect open space from further development which is inconsistent with preserving a natural open landscape;
- (iv) whether the proposed development provides an opportunity to remedy or mitigate existing and potential (ie. structures or development anticipated by existing resource consents) adverse effects by modifying, including mitigation, or removing existing structures or developments; and/or surrendering any existing resource consents;
- (v) the ability to take esplanade reserves to protect the natural character and nature conservation values around the margins of any lake, river, wetland or stream within the subject site;
- (vi) the use of restrictive covenants, easements, consent notices or other legal instruments otherwise necessary to realise those positive effects referred to in (i)- (v) above and/or to ensure that the potential for future effects, particularly cumulative effects, are avoided.

(3) Visual Amenity Landscapes

These assessment matters should be read in the light of the further guiding principle that existing vegetation which:

- (a) was either
 - planted after; or
 - self seeded and less than 1 metre in height at - 28 September 2002; and
- (b) obstructs or substantially interferes with views of the landscape (in which the proposed development is set) from roads or other public places

- shall not be considered:
 - (1) as beneficial under any of the following assessment matters unless the Council considers the vegetation (or some of it) is appropriate for the location in the context of the proposed development; and
 - (2) as part of the permitted baseline.
- nor shall removal of such vegetation be considered as a positive effect of any proposal.

(a) Effects on natural and pastoral character

In considering whether the adverse effects (including potential effects of the eventual construction and use of buildings and associated spaces) on the natural and pastoral character are avoided, remedied or mitigated, the following matters shall be taken into account:

- (i) where the site is adjacent to an Outstanding Natural Landscape or Feature, whether and the extent to which the visual effects of the development proposed will compromise any open character of the adjacent Outstanding Natural Landscape or Feature;
- (ii) whether and the extent to which the scale and nature of the development will compromise the natural or arcadian pastoral character of the surrounding Visual Amenity Landscape;
- (iii) whether the development will degrade any natural or arcadian pastoral character of the landscape by causing over-domestication of the landscape;
- (iv) whether any adverse effects identified in (i) - (iii) above are or can be avoided or mitigated by appropriate subdivision design and landscaping, and/or appropriate conditions of consent (including covenants, consent notices and other restrictive instruments) having regard to the matters contained in (b) to (e) below;

(b) Visibility of Development

Whether the development will result in a loss of the natural or arcadian pastoral character of the landscape, having regard to whether and the extent to which:

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The preservation of the remaining natural character of the District's lakes, rivers, wetlands and their margins.

The protection of outstanding natural features and natural landscapes.

The management of the land resources of the District in such a way as to maintain and, where possible, enhance the quality and quantity of water in the lakes, rivers and wetlands.

The protection of the habitat of trout and salmon.

Policies:

1.1 To encourage the long-term protection of indigenous ecosystems and geological features.

1.2 To promote the long term protection of sites and areas with significant nature conservation values.

1.3 To manage the sensitive alpine environments from the adverse effects of development.

1.4 To encourage the protection of sites having indigenous plants or animals or geological or geomorphological features of significant value.

1.5 To avoid the establishment of, or ensure the appropriate location, design and management of, introduced vegetation with the potential to spread and naturalise; and to encourage the removal or management of existing vegetation with this potential and prevent its further spread.

1.6 To allow development which maintains or enhances the quality of the environment in areas identified as having rare, endangered, or vulnerable species of plants or animals of national significance, or indigenous plant or animal communities that are of outstanding significance to the nation.

1.7 To avoid any adverse effects of activities on the natural character of the District's environment and on indigenous ecosystems; by ensuring that

opportunities are taken to promote the protection of indigenous ecosystems, including at the time of resource consents.

1.8 To avoid unnecessary duplication of resource consent procedures between the Council and the Otago Regional Council.

1.9 To encourage the provision of information about the District's indigenous ecosystems, in order to increase the appreciation and understanding of the District's indigenous ecosystems by both residents and visitors.

1.10 To maintain and, if possible, enhance the survival chances of rare, vulnerable or endangered species in the District.

1.11 Encouraging the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.

1.12 To maintain the site-specific, geological and geomorphological features that are of scientific importance.

1.13 To maintain or enhance the natural character and nature conservation values of the beds and margins of the lakes, rivers and wetlands.

1.14 To consider taking appropriate esplanade reserves of adequate width to protect the natural character and nature conservation values around the margins of any of the District's rivers, lakes, wetlands and streams should any subdivision occur of small lots or any development for residential, recreational or commercial purposes.

1.15 To identify areas, in co-operation with land occupiers and owners, the Regional Council, conservation and recreation organisations, for the setting aside of esplanade reserves or strips.

1.16 To encourage and promote the regeneration and reinstatement of indigenous ecosystems on the margins of lakes, rivers and wetlands.

1.17 To encourage the retention and planting of trees, and their appropriate maintenance.

DISTRICT WIDE ISSUES

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- (ix) To encourage the dissemination of information about the indigenous ecosystems of the District.
- (x) The provision of rules to manage the adverse effects of structures in, on, under, or over the beds and margins of lakes, rivers and wetlands in terms of section 13(1)(a) of the Act.
- (xi) Educate the public about the value of trees and their appropriate maintenance, through the provision of information about what are appropriate trees in certain urban locations and how to maintain trees.
- (xii) Adopt criteria (Part II Appendix 5) to enable the identification of areas of significant indigenous vegetation and significant habitats of indigenous fauna in the District.
- (xiii) Conduct an ecological assessment of the District to update existing databases and information (including verification of ecological values and boundaries of areas listed in existing databases) and to identify significant areas in parts of the District for which little or no information and data exists.

Explanation and Principal Reasons for Adoption

The District is fortunate to have many areas which are of particular nature conservation value, some of which harbour nationally significant species.

The Council recognises the need to include rules to control activities which may have adverse effects on areas or sites that contain indigenous ecosystems, or geological features, of significant value to the District. Activities involving vegetation clearance, land disturbance through earthworks, and the planting of trees can destroy indigenous plants and animals directly, or indirectly through the modification of habitat.

The Council also considers that rules are necessary to control activities which occur on the District's riverbeds and margins, so the habitats of birds, trout, salmon and indigenous fish species occupying these areas and their natural character are protected. In addition, the process of setting aside marginal strips, and esplanade reserves or strips is likely to continue with subdivision.

The Council recognises that, in some instances, activities will require resource consents from both the District and Regional Councils. In order to avoid duplication of processes and inconvenience to land occupiers and owners, it may in some instances be practical to transfer the power to administer the consents to the one authority.

Identification of appropriate trees for different urban environments would help promote retention of indigenous ecosystems and ensure that potential tree planters make an informed and educated decision when planting trees. Further, information of appropriate maintenance would avoid situations requiring removal of trees that have grown too large.

Objective 2: Air Quality

Maintenance and improvement of air quality.

Policies:

2.1 To ensure that land uses in both rural and urban areas are undertaken in a way which does not cause noxious, dangerous, offensive or objectionable emissions to air.

Implementation Methods

- (i) The assessment of resource consents for land uses in terms of their potential to generate air emissions.
- (ii) The implementation of bylaws, as necessary, to reduce nuisance from air emissions.

Explanation and Principal Reasons for Adoption

The protection of air through controls on air emissions is primarily a role for the Otago Regional Council. However, the District Council has the opportunity to control land uses in both rural and urban areas in a way which ensures they do not cause noxious, dangerous, offensive or objectionable emissions to air by means of resource consent procedures and regulatory bylaws under the Local Government Act and the Health Act.

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4.1.5 Environmental Results Anticipated

- (i) No increase in areas of erosion or contamination.
- (ii) The management of the location of land use activities to ensure the maintenance and protection of water availability and quality.
- (iii) Enhancement of lakes and rivers and their margins as ecological and amenity assets.
- (iv) Limitations on the effects of emission to air as a result of the control of land use activities which are generators of pollutants.
- (v) Protection and enhancement of the range and quality of natural ecosystems and the environment supporting them.
- (vi) The survival of indigenous plants and animals in their natural habitats.
- (vii) Maintenance of the natural character and landscape amenity of the rural area.
- (viii) Retention of geological features of value.
- (ix) Reduced exposure to risk of safety and property damage from natural hazards and a density of development consistent with the degree of risk from hazards prevailing in areas where development can take place.
- (x) Enhanced quality of the lakes and river margins and the recreational experience and public access opportunities this brings.
- (xi) Improved public awareness of the unique and valuable natural areas and assets of the District.
- (xii) Retention and enhancement of the life-supporting capacity of soils, including a robust, diverse and intact vegetation cover.

4.2 Landscape and Visual Amenity

4.2.1 Introduction

The District relies, in large part for its social and economic well being on the quality of the landscape image and environment and has included provisions in the District Plan to avoid development which would detract from the general landscape image and values. The District is a series of landscapes distinctive in their formation. Buildings, tree planting and roading can all change the character of an area and provides for social, recreation and economic activity.

Whilst the built environment is significant, important elements are those related more to the non-urban environment and the open space areas. These are generally:

- the rural hinterland;
- the semi-enclosed rural valleys and basins;
- the hill and mountain slopes;
- the ridgelines; and
- the lakes and rivers.

4.2.2 Resources and Values

The District covers a vast, predominantly mountainous region. The mountains are rugged in appearance and form a dramatic backdrop to the valley floors and terraces. Remnant beech forest covers much of the higher reaches, while in the lower area the valley floors and terraces have been converted to pastoral land use and settlement. Most major settlements i.e. Queenstown, Kingston, Frankton, Glenorchy, Wanaka and Hawea, are situated on the lakeshores.

The District has three main water bodies, being Lakes Wakatipu, Wanaka and Hawea. The Kawarau River drains Lake Wakatipu, and the Clutha River drains Lakes Wanaka and Hawea. Fast flowing mountain streams are characteristic of the headwaters of these lakes. Elsewhere in the District steep gorges have been created, most notably the Shotover and Kawarau Gorges.



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- iii **Signs** - Signs and advertising are visual aspects of development and can represent modification of the landscape. They are necessary as information providers, associated with tourism and recreation, but can interfere with the very landscape qualities they promote.
- iv **Roads and Tracks** - The need for access to and within the District is paramount for agriculture, viticulture, tourism and local convenience. Roads are a significant part of the visitor experience, such as in Skippers Canyon and along the shorelines of lakes and rivers. Roads, particularly on prominent slopes may adversely affect landscape values.
- v **Utilities** - Additional settlement, whether scattered or consolidated, creates increased demands for electricity, communications, and other utilities. Utilities are seen as lines and forms in the landscape. Their location relative to existing patterns and visually sensitive areas and details of design are important in determining their effect on the landscape and control to prevent or mitigate adverse effects is required.
- vi **Mining/Extraction** - Quarries and the disposal of waste may be directly associated with increases in development and settlement. Contrast in colour and form with the surrounding landscape makes these activities highly visible, and their presence can have an adverse effect on the quality of the landscape. Location, shape of the working area, and progressive restoration are important in reducing the visual impact of these activities.
- vii **Tree Planting** - Diversification of farming practices, soil conservation, conversion of arable land into forestry production and amenity planting may alter the landscape.
- viii **Farming** - Pastoral and arable production are significant land uses in the District, and the variety of enterprises is increasing. Diversification has meant horticulture and particularly viticulture has become a significant element of the visual landscape.
- ix **Recreation and Visitor Activity** - The visual landscape has made this District a "special experience" for thousands of visitors and the permanent residents. Tourism and recreation have become central to

the prosperity of the District, and this is likely to continue bringing increased pressure and demands on the landscape.

4.2.4 Issues

The District's landscapes are of significant value to the people who live, work or visit the District, and need to be protected from inappropriate subdivision, development and use. Increasing development and activity makes the District's landscape particularly vulnerable to change.

The landscapes of the district broadly fall into three separate categories - outstanding natural landscapes and features, visual amenity landscapes and other landscapes. The following significant resource management issues in respect of landscape generally, and by category, have been identified:

(1) General Landscape Issues

The landscape provides both a backdrop to development as well as the economic base for much activity. Because of the quality of the landscape and the important role it plays in the District's economy it is necessary to ensure that subdivision, development and associated activities are managed to avoid, remedy or mitigate any adverse effects resulting from the pattern of development and the location, siting and appearance of buildings.

The visual effect of subdivision, development and associated activities may be increased when the form and colour of structures contrast with the surroundings and when they are located in visually sensitive areas. The demand for housing and other developments in the rural area is growing and poor location, siting and appearance of these developments threaten to increase the level of inappropriate modification of the rural landscape. The hill and mountain slopes surrounding the lakes assume greater importance because of their role in providing a setting for the lakes. Likewise the views from roads within the District assume increasing importance as they give visual access to the mountains, lakes and landscape that, in turn, are integral to the economic wellbeing of the District, and provide a sense of place to both visitors and residents.

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- (v) The importance of protecting the naturalness and enhancing the amenity values of views from public places and public roads;

- (vi) The essential importance in this area of protecting and enhancing the naturalness of the landscape.

6. Urban Development

- (a) To avoid new urban development in the outstanding natural landscapes of Wakatipu basin.

- (b) To discourage urban subdivision and development in the other outstanding natural landscapes (and features) and in the visual amenity landscapes of the district.

- (c) To avoid remedy and mitigate the adverse effects of urban subdivision and development where it does occur in the other outstanding natural landscapes of the district by:

- maintaining the open character of those outstanding natural landscapes which are open at the date this plan becomes operative;
- ensuring that the subdivision and development does not sprawl along roads.

- (d) To avoid remedy and mitigate the adverse effects of urban subdivision and development in visual amenity landscapes by avoiding sprawling subdivision and development along roads.

7. Urban Edges

To identify clearly the edges of:

- (a) Existing urban areas;
- (b) Any extensions to them; and
- (c) Any new urban areas

- by design solutions and to avoid sprawling development along the roads of the district.

8. Avoiding Cumulative Degradation

In applying the policies above the Council's policy is:

- (a) to ensure that the density of subdivision and development does not increase to a point where the benefits of further planting and building are outweighed by the adverse effect on landscape values of over domestication of the landscape.
- (b) to encourage comprehensive and sympathetic development of rural areas.

9. Structures

To preserve the visual coherence of:

- (a) outstanding natural landscapes and features and visual amenity landscapes by:
 - encouraging structures which are in harmony with the line and form of the landscape;
 - avoiding, remedying or mitigating any adverse effects of structures on the skyline, ridges and prominent slopes and hilltops;
 - encouraging the colour of buildings and structures to complement the dominant colours in the landscape;
 - encouraging placement of structures in locations where they are in harmony with the landscape;
 - promoting the use of local, natural materials in construction.
- (b) visual amenity landscapes

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ii Other Methods

- (a) Provide and publish guidelines to encourage development and activities to take place in a manner complementary to, and in harmony with, the landscape.
- (b) Bylaws to regulate signs.
- (c) Landscape criteria interpretation will be aided by three small companion publications to this Plan:
 - Examples of Landscape Concepts
 - Examples of Mitigation and Enhancement of Ecological Systems
 - Do's and don'ts of Forestry (Landscape and Wilding Spread).
- (d) The Council will compile a bibliography, to be updated annually, ensuring public access to the publications cited, of reports and publications relevant to the district landscape issues:
 - All landscape reports on landscapes of the District;
 - Ecological matters within the District;
 - All community workshop reports which reflect the aspirations of small local communities in terms of landscape;
 - Strategic reports reflecting the wider community aspirations in terms of landscape.
- (e) To provide guidelines on the prevention and control of wilding species within the District.

Explanation and Principal Reasons for Adoption

The landscape is outstanding and is vital to the wellbeing and economy of the District, the region and the nation. Sustainable management must be

undertaken in a manner which gives priority to ensuring the protection of the landscape and visual amenity.

The landscape policy provisions are carried through in other sections of the Plan relating to subdivision, use and development. It is the purpose of these policies to ensure that all development has an overriding regard to those wider visual and landscape considerations which are fundamental to the sustainable management of the District's natural and physical resources and the way in which the community provides for its social, cultural and economic well being.

In a District of the size and topographical diversity of Queenstown-Lakes there are always pressures on the physical environment due to growth, development and everyday living. However, the quality of this development and activity will not be sustained unless the protection of the District's natural resources and in particular the visual and landscape values of those resources can be assured. This is because the quality of life and development in the District is in large part dependent upon the quality of the visual and landscape character within which it operates and from which it benefits.

4.2.6 Environmental Results Anticipated

Implementation of the policies and methods relating to Landscape and Visual Amenity will result in:

- (i) The protection of outstanding natural landscapes and features from inappropriate subdivision, use and development.
- (ii) Maintenance and enhancement of openness and naturalness of outstanding natural landscapes and features.
- (iii) Strong management of the visual effects of subdivision and development within the visual amenity landscapes of the District.
- (iv) Enhancement of natural character of the visual amenity landscapes.

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Explanation and Principal Reasons for Adoption

Mahika kai was an essential element of survival for the early Maori, who survived on resources that were entirely indigenous. The significant loss of this resource is an indication of the degree of modification and introduction of exotic flora and fauna that has occurred. The range of stocks of native biota that exist can measure the health of the environment.

Objective 5 - Wai (Water)

The management of the land resource and associated waste discharges in such a way as to protect the quality and quantity of water in the District to a standard consistent with the human consumption of fish, swimming and protects the mauri (life force) of the lakes and rivers.

Policies:

- 5.1 *To recognise the importance of the concept of mauri (life force) as it applies to lakes and rivers.*
- 5.2 *In the development and upgrading of public sewage treatment and disposal systems and in the development of new and extended settlements.*
- 5.3 *To adopt performance standards or require resource consents for land use activities, including mining, in order to minimise the adverse effects on the quality of the District's water resources and associated habitat.*
- 5.4 *To encourage, where appropriate, the creation and enhancement of wetlands.*

Explanation and Principal Reasons for Adoption

The use and management of the land resource has a direct influence on the quantity and quality of the lakes and rivers in the District. The management of the riparian margins and catchments will require the maintenance and enhancement of undisturbed vegetation to act as purifiers of the water resource. The avoidance of direct discharges of effluent into lakes and rivers is central to the culture of Kai Tahu. The management of land activities such

as mining, urban expansion and subdivision to mitigate any adverse effects is essential.

Objective 6 - Repo Rauo (Wetlands)

The maintenance and enhancement of existing wetlands and their re-establishment, where practicable.

Policies:

- 6.1 *To recognise the important part wetlands play in maintaining the health of lakes and rivers and habitat for plant and fish life.*
- 6.2 *To encourage the re-establishment of wetlands where practicable.*

Explanation and Principal Reasons for Adoption

The Council has the ability to make provision for and promote the retention and expansion of wetlands in the District Plan. Wetlands serve a number of important functions important to iwi by assisting in the maintenance of water quality and wildlife habitat.

Objective 7 - Ingoa Rarangi (Place Names)

The continued and enhanced use of traditional Kai Tahu place names as an educational resource to explain the cultural and historical relationship of Kai Tahu to the environment.

Policies:

- 7.1 *When the use of the Maori language is being considered for streets or places, to consult and involve Kai Tahu in the process.*
- 7.2 *To broaden the interpretation of "heritage" values to include traditional Maori place names.*
- 7.3 *To give consideration to the recognition of traditional place names.*

Explanation and Principal Reasons for Adoption

The recognition and retention of traditional Kai Tahu place names is an ongoing recognition of the District's heritage and the relationship of Kai Tahu with the resources, lands and places of the District. Inappropriate use of

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with the need for a boating operator to recover people after the jumps.

- vi **Lake Hayes** lies in a shallow depression created by glacial action, which also formed the surrounding landscape. The main inflow to the lake is Mill Creek draining the Wakatipu Basin to the north of Lake Hayes. Hayes Creek drains the lake to the south into the Kawarau River.

Lake Hayes is a regionally important wildlife habitat for native and introduced birds. It is also an important fishery, particularly for brown trout and perch. Mill Creek provides spawning beds for brown trout and is also a valuable food source. Fly fishing is the predominant type of fishing on the lake, although trolling for fish is permitted provided no mechanical device is used. Motorised boats are permitted on Lake Hayes, which is popular for swimming, picnicking, yachting, rowing, wind-surfing and canoeing.

- vii **The Clutha River** flows east from Lake Wanaka outlet to the junction with the Hawea and Cardrona Rivers at Albert Town, then through large bends to the District boundary below the Luggate bridge. The river is wide and deep, flowing swiftly from bank to bank, with easy rapids. It is one of the few uncontrolled river outlets in the country from a large lake. It provides a scenic natural environment with a sense of remoteness, yet is readily accessible from Wanaka.

The Clutha is a nationally important trout fishery, with the Deans Bank area between the Wanaka outlet and Albert Town being recognised internationally for trout angling (both brown and rainbow trout). The river is a recreational fishery of high use, valued for its above average catch rate and fish size, as well as for its scenic qualities. It is also a nationally important trout spawning area.

Two commercial jetboat operations use the river from Lake Wanaka to below Albert Town. The Clutha is also popular for private, recreational jetboating. Although it is not exciting for experienced jetboaters, the Clutha River is easily navigable by the average boater. Rafting, kayaking, canoeing, drift diving and bodysurfing are popular with private recreationalists and school groups, with limited, but growing commercial kayaking, rafting and bodysurfing. These commercial operations rely on

the grandeur of the river and the peaceful scenic surroundings for the experience offered to their clients. Swimming is mostly limited to an area between an island and the true right bank at Albert Town above the bridge. The riverbank walkway between Outlet and Albert Town is a popular route for walking, picnicking and mountain biking. For Albert Town residents, the Clutha is part of the scenic view from many riverside properties and the camping area.

- viii **Lake Wanaka** is a large, deep, glacial lake with a surface area of 180km², running generally northwards from the township of Wanaka at Roys Bay. The main inflows to the lake are the Makarora River at the north end and the Matukituki River at the south-west side. Generally steep-sided and narrow, the lake opens out into a series of large bays and inlets containing shallower water in the southern reaches of the lake.

Lake Wanaka is an extremely popular holiday area and is of growing popularity for permanent residence and retirement. All forms of recreational boating are undertaken on the lake. A marina in Roys Bay adjoins the boat launching ramps. The area is popular for lakeside picnicking, camping, swimming and passive recreation. Walking tracks are maintained around the lakeside from beyond Waterfall Creek to the Lake Outlet. Commercial use of the lake includes jetboat operations; launches for lake cruises and guided fishing; hire of jet-skis and small boats; and paragliding; mostly concentrated on and near the main jetty in Roys Bay. Recreational fishing is primarily for brown and rainbow trout and quinnel salmon, by trolling, spin and fly fishing.

- ix **Lake Hawea** is a medium-sized, deep, glacial lake with a surface area of 138km², running generally northwards from the township of Lake Hawea. It is separated from Lake Wanaka by a narrow 1.6km wide ridge known as "The Neck". Main inflows to the lake are the Hunter River at the north end and the Dingle Burn and Timaru Creek at the eastern side. The lake has been dammed at its outflow to the Hawea River and is used as a storage lake for the Roxburgh hydro-electric station. The lake level has been raised significantly above its natural level, although lake levels have varied markedly over recent years, with severe dust problems at times.

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The District is a desirable place to live and work in, as witnessed by continued population growth. The people and communities who make up the District are facing new and different challenges. The fundamental consideration is to ensure continued growth is managed in a way which sustains the District's resources, character and amenities.

4.9.2 Issues

The Council can play an important role in the sustainable management of growth as it relates to other important District wide issues, including protection and enhancement of the landscape and avoiding the adverse effects of development on the natural and physical resources of the District. It is not possible to be precise about the level of growth to be planned for, but increased growth is anticipated in:

- i tourism and visitor numbers
- ii hotels and visitor accommodation
- iii housing demand
- iv increased range and scale of retail activity
- v increased demand for educational and recreational facilities such as schools.

The District Plan anticipates that most of the growth will occur within the existing and proposed residential zoned areas. This growth will comprise both residential and visitor accommodation units. Urban growth will result in changes to the natural and built environment and has the potential to affect the character of the District in terms of its impact on landscape amenity, provision of infrastructure, and the social and economic well being of the community.

The principal issues identified are:

- (a) the management of urban growth in order to protect water resources and ground water recharge, safeguard the life supporting capacity of soils, wetlands and air, avoid natural hazards including sheer slopes and flood plains and protect and enhance landscape values and visual amenity.

- (b) the lifestyle preferences of the District's present and future population.
- (c) the effects of urban growth on the identity, cohesion, and economic and social well being of the existing residential, farming and settlement communities.
- (d) the effects of expanding visitor accommodation development on the retention of residential housing and neighbourhoods.
- (e) the provision of efficient public transport services for the benefit of both residents and visitors.
- (f) how best to accommodate urban growth.
- (g) the effect on energy use.
- (h) the effect on access to facilities and services, i.e. health, education and shops.
- (i) the effect on the major infrastructure resources such as the airports, sewerage, treatment works, landfills, recreation facilities.
- (j) the needs of the takata whenua. (Refer to Section 4.3)

4.9.3 Objectives and Policies

Objective 1 - Natural Environment and Landscape Values

Growth and development consistent with the maintenance of the quality of the natural environment and landscape values.

Policies

- 1.1 To ensure new growth occurs in a form which protects the visual amenity, avoids urbanisation of land which is of outstanding landscape quality, ecologically significant, or which does not detract from the values of margins of rivers and lakes.
- 1.2 To ensure growth does not adversely affect the life supporting capacity of soils unless the need for this protection is clearly outweighed by the

DISTRICT WIDE ISSUES

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ii Other Methods Outside the District Plan

- (a) Confining the provision of new public urban infrastructural services exclusively to urban areas.
- (b) Monitoring of land availability, development trends and projecting future growth needs.
- (c) The use of Structure Plans to implement or stage development growth areas.
- (d) Community Plans to identify local characteristics and aspirations.
- (e) Studies and management strategies.

Explanation and Principal Reasons for Adoption

The spatial distribution of urban zones is an integral factor in achieving the sustainable management of natural and physical resources. A sustainable pattern of urban development is one that:

- i. Meets local needs – enabling communities to meet their social, economic and cultural needs
- ii. Optimises the use of urban resources – promoting the efficient use of physical resources and services, including developable land and infrastructure
- iii. Avoids the sprawl of urban development – achieving a compact urban form that maintains the character and setting of an urban zone and provides a clear distinction between urban and rural areas.
- iv. Safeguards sensitive resources – recognising the value of natural resources (soil, minerals, air and water), landscapes, ecological habitats, heritage and cultural features and reserves.
- v. Achieves cohesive urban areas through urban design that provides for efficient and effective network connectivity and coordination with

existing systems at the same time as far as practicable avoiding adverse effects upon the environment.

- vi. Avoids the need to provide urban services such as water supply and sewer reticulation to any land outside urban zones.

Urban Growth Boundaries are intended to promote a sustainable pattern of development. They can enable the social, economic and cultural well being of the community and at the same time avoid or mitigate adverse environmental effects associated with urban sprawl. Urban Growth Boundaries help to protect the setting of settlements and the character and amenity values of the rural environment as well as its landscape recreational and amenity values. Some areas within the urban environment need to be retained as open space for their recreational and amenity value.

The use of Urban Growth Boundaries is a method of containing urban development where appropriate for particular settlements. They can provide for future growth (which might be deferred or staged), they can clearly signal intended urban limits, and they can facilitate co-ordination with the LTCCP and Community Plans to provide a co-ordinated approach to infrastructure development and other community requirements. An urban growth boundary is distinct from an urban zone boundary (such as the threshold between a residential and rural zone) in that it signals the Council's intention that urban development should not extend into a rural area through the resource consent process.

Objective 8 – Wanaka Airport

Maintain and promote the on-going operation of the airport while managing reverse-sensitivity effects on surrounding land uses.

Policies

- 8.1: *Ensure appropriate noise boundaries are established and maintained to enable operations at Wanaka Airport to continue and to expand over time.*

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4.11 Earthworks

4.11.1 Resources, Activities and Values

The topography of the Queenstown Lakes District often means that land modification, through earthworks, generally precedes the development of land. Some modification of the natural landscape is inevitable in order to provide safe and stable building platforms and roads with a suitable gradient. For example, in Queenstown, extensive excavation is often required to enable the further development of steep land. This has the potential to cause problems in terms of stability of adjacent properties, run-off and de-watering. Filling may also be used to increase the height of building platforms. This has the potential to alter the natural form of the landscapes, and has the potential to adversely affect the amenity values of neighbouring properties, and can alter drainage patterns.

Earthworks have the potential to alter landforms, landscapes and natural features to such an extent that the identity, amenity values and character of an area can be changed permanently. Therefore, while earthworks are temporary, their effects are often both significant and long term.

4.11.2 Issues

Sediment and soil run-off associated with earthworks have the potential to adversely affect water quality and the amenity values of neighbouring properties.

The direct results of sediment run-off include damage to neighbouring properties, the blocking of drains and the sedimentation of waterways.

The factors that affect the amount of sediment run-off are rainfall, soil erodability, slope length and slope gradient. The closer the earthworks operation locates to a waterway, the more immediate the potential impact.

Earthworks, either through excavation or filling, have the potential to permanently alter the natural shape and form of the landscape,

particularly in areas of Outstanding Natural Features and Outstanding Natural Landscapes.

Potential adverse effects from earthworks on landforms and landscapes range from the widespread practice of remodelling the land for subdivisions, cut and fill operations, to more minor earthworks such as ground contouring for building platforms or driveways. Cut and fill operations can adversely affect privacy, cause physical domination and over-shadowing if located too close to neighbouring property boundaries, and have the potential to permanently alter the form and shape of Outstanding Natural Features and Outstanding Natural Landscapes.

Earthworks, including filling and excavation, have the potential to affect land instability and the potential for flooding.

Earthworks activities have the potential to weaken soil structure and exacerbate soil instability, subsidence, and soil erosion. This may be caused by incorrectly placed excavated fill, unsupported excavations, inherent weak rock strata combined with steep slopes, or steep slopes stripped of vegetation. Excavations close to the boundary also have the potential to reduce the overall stability of the soil of the adjacent property. Particularly in Queenstown, the excavation of sites to develop building platforms has the potential to undermine neighbouring properties.

Earthworks may also cause or exacerbate flooding by altering the natural profile of landforms, including the modification of stormwater run-off channels and catchment topography. The effects of modifying the landscape, if carried out inappropriately may cause downstream flooding and inundation. Further, by placing impervious structures beneath ground level, the potential for flooding is increased through the process of 'de-watering'.

Earthworks have the potential to adversely affect amenity values by creating noise and dust emissions.

Earthworks activities can emit high levels of noise, vibrations and dust. Dust emissions can cause irritation to people living nearby, and in some cases can cause adverse health effects such as asthma.

Farming and land
management

Climate

Resource consents

Regionally Significant
Wetlands

Environmental education

Dam safety and building
consents

Natural hazards

Civil defence and
emergency management

Waste

Land Air and Water
Aotearoa - LAWA

Pest control

Coasts and harbours

Minerals

Regional transport and
public transport planning

Twitter flood alert service

Why stormwater has become a problem

In the past, stormwater run-off was only considered to be a concern because it could cause flooding and erosion.

Now, stormwater is acknowledged as a major source of pollution in the world's waterways. Our modern lifestyle contributes to stormwater pollution, often unwittingly.

Stormwater is contaminated by:

- Construction sites
- Motor vehicles through metals such as lead, copper, zinc and oil washing off roadways
- Soil - it makes waterways cloudy and can silt them up. Silt can suffocate fish by clogging their gills.
- Rubbish such as plastic bags, bottles and other street litter
- Herbicides, garden fertilisers, rotting garden clippings
- Detergent from car washing
- Domestic animal faeces
- Illegal and accidental spills or dumping into stormwater drains
- Air pollution.

Due to the high density housing and large amounts of impermeable land in the Ayrburn Farm Development, all of these contaminants would be concentrated into Mill Stream and flow out into Lake Hayes.

What the Council is doing to protect waterways

The Council is committed to managing stormwater in ways which:

- Maintain or improve natural water quality
- Protect public health and safety
- Use ratepayers money wisely.

To achieve these goals, the Council is tackling stormwater problems from many different angles, such as:

- Ensuring all new building developments adhere to Resource Management Act rules on stormwater

The potential tools available for land-use planning to manage flood risks through RMA plans are outlined below. As a general rule, the level of control imposed through plans should be commensurate with the potential flood risk.

Tool	Use and links to RMA plans	Level of control imposed
Identifying flood hazard through mapping and description of issues and scenarios	Generally used as an information tool that informs RMA plan provisions. It can either be part of a plan rule, or may dictate when plan provisions for managing flood risk apply. In other guises, it can be used to inform PIMs and LIMs.	Low when used as an information tool only. High when linked to plan rules.
Plan provisions that direct sensitive development away from areas of high flood risk (areas that experience frequent flooding and where there is a high potential for damage due to water level or water velocity)	Zoning land for less vulnerable land uses, such as 'open space recreational use', conservation, or hazard management. Such zoning may be linked to areas identified as being at most risk in mapping and scenarios. Provisions will generally exclude land uses such as commercial, residential, or industrial uses.	High
Rules that restrict the type of development that may occur	Often associated with hazard overlays linked to particular plan objectives, policies and rules. These work in a similar way to zoning, but do not replace the underlying zone. Plan rules restrict the type of development allowed to occur to those that are less vulnerable to flooding (e.g. grazing or recreational activities). Rules may also be written specifically to exclude activities that may obstruct flow paths (such as raised road embankments, concrete block walls, buildings, raised spectator facilities for sports grounds, or other barriers). Some regional plans also contain provisions relating to management of vegetation and structures in waterways that would otherwise clog or diminish the ability of a waterway to drain in a flood event.	Moderate to high
Development standards for activities located in flood prone areas.	Activities located in areas identified by zoning, overlays or other hazard mapping may be required to comply with objectives, policies and rules specifying: <ul style="list-style-type: none"> minimum floor or ground levels necessary to avoid a prescribed flood scenario (e.g. a 1% AEP event) restrictions on the ground coverage of any building or extension to an existing building minimum lot size or maximum building density controls (e.g. one building not exceeding 100 m² per hectare) a requirement that buildings have 'sacrificial basements' or ground levels (areas under buildings that can be used for such things as garaging, but that are designed to ensure areas of the building vulnerable to flood damage are clear of anticipated water levels). 	Low to moderate

IAN GORDON

BARRISTER

26 February 2016

The Councillors
Queenstown Lake District Council
Private Bag 50072
Queenstown

Email: services@qldc.govt.nz

Dear Mayor and Councillors

Special Housing Area expression of interest – Ayrburn Farm / Ayrburn Retirement Village

1. I have been consulted by Mark and Wendy McGuinness of [REDACTED] in respect of the Ayrburn Retirement Village expression of interest.
2. Mr and Mrs McGuinness have reviewed the Ayrburn Retirement Village expression of interest in the context of the Council Lead Policy for SHA's and the Housing Accord between the Council and the Ministry. They have concluded that this revised proposal continues to be at odds with Council's criteria for SHAs and falls short of the principles set out in the Accord. In my opinion, their conclusion is entirely justifiable.
3. Mr and Mrs McGuinness request that this revised expression of interest be declined.
4. This letter is to expand on the views which Mr and Mrs McGuinness submitted in May 2015. It articulates their views on the retirement village overlay that you are now being asked to consider. Mr and Mrs McGuinness also request an opportunity to be heard in respect of this matter.

Background

5. An original expression of interest for a Special Housing Area was lodged by Ayrburn Farm in or about early 2015. The Council gave general notice of the expression of interest and various residents of Speargrass Flat Road and others responded in opposition to the Ayrburn Farm proposal.
6. The Council considered various expressions of interest including that of Ayrburn Farm and concluded that the Ayrburn Farm proposal was lacking in a number of respects. Specifically, Council concluded that the Ayrburn Farm proposal did not meet its published criteria for SHAs.

STOUT STREET CHAMBERS

Other expressions of interest were similarly adjudged to have fallen short of the criteria set out in the Council Lead Policy.

7. Subsequently, in November 2015 Ayrburn Farm modified its SHA and submitted the Ayrburn Retirement Village SHA. Prior to this submission, however, Ayrburn Farm also took steps to issue proceedings in the High Court alleging negligence on the part of the Council.
8. In essence, Ayrburn seeks to revive its expression of interest as a specific form of housing development namely, a retirement village. Presumably Ayrburn was encouraged to adopt this approach as a result of some community support for a retirement village SHA proposal at an address on MacDonnell Road, south of Arrowtown.

Previous consultation responses

9. Mr and Mrs McGuinness (the McGuinness Family) provided a consultation response to the original expression of interest by Ayrburn Farm. As with their near neighbours, Rebecca Lucas, James Hadley and others, they submitted that the proposal did not comply with the Housing Accord between the Minister for Building and the Mayor of Queenstown Lakes District Council, and that it failed to meet the criteria set out in the Council Lead Policy Statement.
10. Those consultation responses by Ms Lucas and the McGuinness Family continue to be relevant to this modified proposal and are relied on by the McGuinness Family. For the avoidance of doubt, the various points made by Ms Lucas in her letter of 28 May 2015 are adopted by the McGuinness Family.
11. My clients say that the Council correctly concluded that the original Ayrburn Farm expression of interest failed to meet the Council's published criteria and that this modified retirement village proposal does nothing to improve the quality or relevance of that expression of interest.

The retirement village overlay

12. It is well established that retirement villages need to be located adjacent to community facilities and other amenities in order to provide retirees with realistic, practicable options for quality living and appropriate care. Connectivity needs to include walkability as well as mobility scooter access and practical public transport. Proximity to shops, markets medical care, entertainment and transport hubs are all critical factors in identifying the optimal location.
13. The New Zealand Urban Design Protocol identifies that, "... good connections enhance choice, support social cohesion, make places lively and safe, and facilitate contact among people." In this respect, the Ayrburn Farm location is deficient. It is:

- (a) 3.5 to 5 kilometres from the amenities at Frankton;
 - (b) 2 kilometres from the somewhat limited amenities in Arrowtown (where the shopping is oriented towards tourist retail, with a lack of fresh food selection and regular domestic retail range); and
 - (c) Lacking any good connection to Arrowtown, particularly for retirees: the land is not flat or easy to walk to and from (the McIntyre Hill is very steep); there is no pathway for about 90% of the 2km distance; even if a footpath were created, and made wide enough for a four wheel mobility scooter, the McIntyre Hill is an ice trap in winter; and public transport is extremely limited.
14. The Ayrburn site is dislocated with poor connectivity. A better example of a well-located retirement village in the district is the Aspiring Village on Golf Course Road at Wanaka. Within 1 kilometre of that site are local health services including two medical centres, a pharmacy, physiotherapy, pilates and podiatry. Additional health services are located within 2 kilometres, including a health centre, and chiropractic, neurological and dental services. Other amenities within 1 kilometre include cafes, restaurants and a cinema, whilst a supermarket and a wide range of retail shops and services are all within 2 kilometres of the Village.
15. An alternative and more appropriate site to the Ayrburn proposal would be undeveloped land already zoned for residential activity at Remarkables Park. This area would provide more direct access to health and wellness services, and amenities with connectivity that is more consistent with the New Zealand Urban Design Protocol.
16. Beyond the issues of site location, it appears that the revised proposal envisages an underlying subdivision of lots so that each dwelling has its own section. This would be a departure from established models, as successful retirement village models typically opt for licensed occupation of dwellings and common areas. This feature appears to be no more than an attempt to achieve a range of lot sizes consistent with Ayrburn's notion of affordable housing as outlined in their first proposal.
17. These various departures from common and best practice retirement village development suggest that this revised proposal is no more than a shallow attempt to gain the advantages (for a developer) of SHA status. The proposal invites that conclusion due to the way it is presented, with very little detail on critical urban design features such as connectivity and little or no expert assessment. These aspects lead my clients to consider that the proposal for a retirement village is less than genuine and in reality a Trojan horse for the original housing complex proposal which Council has already and properly declined.
18. The trend for retirement living is for licensees to have active and passive use of open spaces between dwellings and other common areas, but not to have an obligation to maintain them

and so subdivision and typical density controls are able to be dispensed with. This is not a feature of the Ayrburn proposal which, apart from some additional care facility buildings, resembles a low to medium density residential satellite or gated residential community.

19. The surrounding rural residential zone centred on Speargrass Flat Road is very low density, and is at a scale which respects the surrounding Visual Amenity Landscape. The same cannot be said for the Ayrburn Retirement Village proposal. Even at the atypical density suggested, the visual appearance of the proposal would be completely at odds with the sensitive development in the adjacent rural residential zone, and entirely inappropriate in a Visual Amenity Landscape. The short point here is that this landscape would be unable to absorb such a level of development and retain its acknowledged values.
20. Further, Appendix 7 of the Expression of Interest relates to 150 lots and was prepared in February 2015. Arguably this report is no longer relevant as the land will be used differently, with house lots moving much closer to the Queenstown trail and impacting on the experience of trail users. The proposed replacement of deciduous trees with evergreens is at odds with the pastoral landscape of Speargrass Flat Road. Evergreen trees are atypical in this landscape. The proposal represents a significant change to this Visual Amenity Landscape and the views through to the ONL backdrop. These changes are likely to be adverse but have not been assessed by Ayrburn's consultants, and should not be underestimated or glossed over. The landscape attributes in this part of the Basin have previously been identified as deserving of careful stewardship and should not be abandoned to enable this dubious proposal.

Services

21. This modified expression of interest argues that the retirement village proposal **will** have less rather than more demand on Council services.¹ This is an illogical proposition given the proposed increase in numbers of permanent residents. Ayrburn says this proposal *will place lower demands on the surrounding infrastructure than the previously assessed 150 lot residential development would have*² and argues that there will be no additional costs to Council. However, it omits to provide any detailed costs for services to an urban standard. The McGuinness family submits that the proposal is seriously deficient in this regard and should not be taken at face value as meeting the Council Lead Policy in relation to services.

¹ Appendix 9, page 5

² Supra.

The Queenstown-Lakes Housing Accord

22. The Housing Accord signed in October 2014, is to “facilitate development aligned with the Council's intended plan for residential development to be more affordable, medium density, and closer to key centres and on good public transport routes.” (Paragraph [9] of the Accord.) Whilst the Accord does not differentiate between different types of residential development, it lacks any express support for retirement housing. As has been outlined above, the Ayrburn Farm proposal is not close to key centres by any meaningful standard, and is not on good public transport routes; but more fundamentally, it remains unclear how its purported provision of housing for retirees will have any impact on the particular housing affordability issues that the district faces.
23. The Accord identifies that it is particularly important to respond to demand for more compact and affordable housing closer to employment (at paragraph [6]), to address the difficulties of attracting and retaining employees. The Ayrburn Farm proposal does not cater for employees in need of affordable housing, but (purportedly) for retirees. Nor is any information or assessment provided that suggests that making provision for retirees would indirectly free up compact, affordable, well-connected housing for employees elsewhere.

The Council Lead Policy

24. The Ayrburn Farm expression of interest also remains fundamentally inconsistent with the aspirations expressed in the assessment criteria that Council has committed to apply under its Council Lead Policy.
25. First, the Policy requires proposed SHAs to be within or adjacent to existing urban areas (5.2.1), which the Ayrburn Farm site is not. It is in a rural area, removed from existing urban areas.
26. Second, the Policy requires Council to be satisfied that the proposed development will deliver new housing that supports the aims and targets of the Accord (5.2.3) – to improve the supply of affordable housing. There is no assessment at all provided by Ayrburn Farms as to how the purported provision of houses for retirees will support the provision of compact, affordable housing, close to centres of employment. The Policy cannot be satisfied by assumptions on this front; it expressly states that evidence is required, and that the evidence must be sufficient to satisfy the Council that there is a direct connection between the proposed development and the delivery of housing consistent with the Accord. There is simply no evidence of that sort here.
27. Third, the Ayrburn Farm proposal does not meet criterion 5.2.6, which requires SHAs to primarily supply residential dwellings to the market. Contrary to that requirement, Ayrburn's proposal involves the supply of bare sites, leaving it for retirees to negotiate the construction

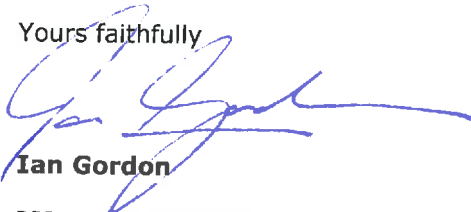
of a dwelling. The developer has no track record of retirement village development, and has put together a scheme that purports to be a retirement village but resembles none of the orthodox models for retirement villages.

The Lead Policy precludes Council from recommending to the Minister any SHA unless the criteria of part 5.2 of the Policy are met. As the Ayrburn Farm proposal fails to meet so many of those criteria, a recommendation to approve the SHA cannot be made.

Conclusion

28. In conclusion, the McGuinness Family respectfully submit that this expression of interest for a Special Housing Area should be rejected. It does not bring anything meritorious to the previous proposal (which Council has already turned back for good reasons) NS is markedly inferior to that proposal. In this context, and against the background of rejection of the earlier proposal, the current expression of interest should be seen for what it is: no more than a ploy to disguise the same proposal as something it is not.
29. The McGuinness Family urge Council to come to this conclusion freely and on the merits, and not be intimidated by Ayrburn's High Court proceedings, which may be intended to serve that purpose.

Yours faithfully



Ian Gordon

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Enclosed:

2015 Submission by Mark & Wendy McGuinness with supporting information

FREQUENTLY ASKED QUESTIONS

- Q: When will titles be available?
A: Titles are planned to be available early to mid 2016.
- Q: What is the status of the approvals for the project?
A: At its meeting on 18th December 2014 QLDC approved in that Bridesdale Farm be classified as a Special Housing Area under the Queenstown Lakes Housing Accord which will allow the 'fast tracking' of the resource consent application. The further resource consent application for the proposed development will be lodged with QLDC in early February 2015.
- Q: What services are available to the Lots?
A: All Lots will have access to QLDC reticulated service for water and sewerage. Electricity and telephone/broadband will be provided to the boundary of each Lot.
- Q: Why are there covenants on the title?
A: These are to help to ensure that Bridesdale Farm is a high quality and coherent living environment where your neighbours share the same vision of quality housing and landscaping as you do. The covenants deal with certain matters between neighbours (i.e. type of use and tree height) or with QLDC (i.e. access to Council infrastructure and services). Your solicitor will need to review these covenants and consent notices and discuss them with you.
- Q: What is the difference between the Bridesdale Farm Home Lots and the Design Your Own Home Lots?
A: On the Bridesdale Farm Home Lots one of the nine Bridesdale Farm Homes must be constructed. On the Design Your Own Home Lots you can build a house of your own design and choosing, subject to the Covenants and Design Controls.
- Q: What are the Bridesdale Farm Homes?
A: Acclaimed Queenstown architects Dravitzki Brown Architecture have designed nine homes specifically for Bridesdale Farm. One of the Bridesdale Farm Homes must be constructed on the Bridesdale Farm Home Lots.
- Q: Can I make internal changes to the layout of the nine (types A- I) Bridesdale Farm Homes?
A: Yes, the internal layout of the Bridesdale Farm Homes can be amended or varied however, any amendments to the standard Bridesdale Farm Home building plans cannot vary the position of the windows, external doors, garage/carport of the home or change the external materials or external appearance of the home in any way. Refer to Bridesdale Farm Design Control Guidelines for the Bridesdale Farm Home Lots located in the Information section of the Bridesdale Farm website for full details.
- Q: Is every Bridesdale Farm Home able to be built on each of the Bridesdale Farm Homes.
A: No, in order to protect neighbours sunlight and privacy, considerable thought has gone into the placement of each house type at Bridesdale. For this reason, not all of the Bridesdale Farm Homes can be built on all the Bridesdale Farm Home Lots. Refer to the Site Plan on the Bridesdale Farm website for details of which Bridesdale Farm Homes can be built on each Bridesdale Farm Home Lot.

- Q: What is the process to get design approval to build a home on the Design Your Own Home Lots?
- A: This process is outlined in the Bridesdale Farm Design Control Guidelines for the Design Your Own Home Lots located in the Information Section of the Bridesdale Farm website.
- Q: Why are there Design Control Guidelines?
- A: To ensure all neighbours in Bridesdale Farm share the vision of a high quality residential development, while also protecting Bridesdale Farm's natural environment, views and semi-rural character. The Bridesdale Farm Home Lots and Design Your Own Home Lots have different Design Control Guidelines, these are available in the Information section of the Bridesdale Farm website.
- Q: Can I on-sell my Lot before I settle it?
- A: Yes, however no for sale signs (or other advertising material) may be placed on your Lot before the title is issued.
- Q: Are there any body corporate levies or any annual fees payable?
- A: No.
- Q: Are there any restrictions on keeping pets?
- A: No, there are no restrictions on keeping domestic pets at Bridesdale Farm.
- Q: Can I occupy my Garden Allotment Shed?
- A: No, habitation and overnight occupation of the Garden Allotment Sheds will be prohibited.
- Q: Can I rent out my Garden Allotment separately to my house?
- A: Yes, however compliance with the design control guidelines and covenants associated with the Garden Allotment and Garden Allotment Shed is always required.
- Q: What is going to happen to the large area of farm land in front of the Bridesdale Farm Gardens?
- A: This will be held in private ownership and used for grazing.
- Q: Can I store a caravan, car or boat on my Garden Allotment?
- A: Yes, as long as it is kept inside the Garden Allotment Shed.
- Q: Can I run a small business from my Garden Allotment?
- A: Home office type practices are permitted, provided they are compliant with the Covenant and the QLDC district plan.
- Q: Will the bike paths connect to the district-wide paths that currently run along the Kawarau River?
- A: Yes, the cycle paths will also be continued through Bridesdale Farm along Hayes Creek.
- Q: Is there a set timeframe within which I have to start to build my house?
- A: No, but once you start, construction has to be completed within 12 months.
- Q: Can I get insurance for the shed I build on my Garden Lot?
- A: Possibly not as the land is designated as flood prone. During the 1999 flood, the area around the Garden Allotments rose to about ankle height, and took several days to subside. The area around the Garden Allotments is being raised slightly which will hopefully mitigate the effects of this in the next 100 year flood event.
- Q: Can I sell my Garden Allotment separately?

A: No, the Garden Allotment (subject to consent) will be included on the title of your Residential Lot and so cannot be sold separately.

Q: Is my Garden Allotment serviced?

A: The Garden Allotments will only be serviced by non-potable bore water (suitable for watering plants) access to which will be provided within the vicinity of the Garden Allotment boundary. There will be no sewer or power connection to the Bridesdale Farm Gardens. Public toilets will be constructed in the Bridesdale Farm Gardens. Power to the sheds erected on the Garden Allotments may be provided by individual generators which cost as little as \$250.

Q: Has every Lot been allocated a Garden Allotment?

A: Yes, every Bridesdale Farm Home Lot and Design Your Own Home Lot has been allocated a Garden Allotment. Please note, Lot 2 and Lot 150 have not been allocated a Garden Allotment.

Q: Can I chose my Garden Allotment?

A: No, these are allocated with each residential section that is sold. Refer to the information section of the Bridesdale Farm website for the residential Lot that corresponds to the Garden Allotment.

Q: When will the Red Cottage Café open?

A: The Red Cottage Café will be opened following the completion of the Bridesdale Farm subdivision works that are forecast to be completed in early - mid 2016.

Q: Are there any restrictions as to the landscaping I can do around my home?

A: Yes, all homes at Bridesdale Farm must adhere to the Design Controls that are in place for the Bridesdale Farm Home Lots and the Design Your Own Home which stipulates both the amount and type of landscaping required.

Q: Is there a preferred homebuilder for Bridesdale Farm?

A: Yes, GJ Gardner and Stonewood Homes have been appointed as the preferred homebuilders for Bridesdale Farm. GJ Gardner and Stonewood Homes have been involved in the development of the Bridesdale Farm Homes and have provided indicative construction costs for each of the Bridesdale Farm Homes (type A-I).

Q: Are GJ Gardner or Stonewood Homes required to build my home at Bridesdale Farm?

A: No, there is no requirement for GJ Gardner and Stonewood Homes to build your home at Bridesdale Farm. Any homebuilder is able to build your home at Bridesdale Farm.

Any more questions? Email them to admin@bridesdalefarm.co.nz and we'll come back to you.

THIS DOCUMENT IS PROVIDED FOR INFORMATION PURPOSES ONLY AND MAY CHANGE WITHOUT NOTICE. NO RELIANCE MAY BE PLACED ON IT. PURCHASERS MUST MAKE THEIR OWN ENQUIRIES AS TO THE MATTERS DISCUSSED IN THIS DOCUMENT AND ARE STRONGLY ADVISED TO TAKE LEGAL ADVICE IN THIS REGARD.



Thursday, 29 January 2015

RE: Bridesdale Farm Development

To Whom It May Concern

RENTAL APPRAISAL

Bridesdale Farm is an exciting new subdivision located between Queenstown and Arrowtown.

Properties in the development have strict design controls in place ensuring neighbouring properties reflect the same vision as each other.

Bridesdale Farm residents will enjoy the use of a garden allotment on the lower terrace of the development which consists of fertile farmland. There is an option for owners to build a shed on their allotment which would add value for renting purposes.

The development has a community market place.

Our rental estimate for the long term renting of your property takes into consideration all of the property specifications and also the following:

1. Location
2. Recent letting of similar types of properties
3. Type of interior and exterior
4. Size of the property
5. Outlook of the property

The following rental quote ranges reflect our opinion as property managers, not valuers.

The high value of the range provided reflects the addition of a shed on the garden allotment.

Small adjustments in the range reflect the size of the property, number of bedrooms and number of bathrooms.

Arcadia

ESTIMATED WEEKLY RENTAL	\$550 - 600 per week
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Bridesdale

ESTIMATED WEEKLY RENTAL	\$560– 625 per week
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Closeburn

ESTIMATED WEEKLY RENTAL	\$560– 625 per week
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Dunstan

ESTIMATED WEEKLY RENTAL	\$580– 650 per week
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Erewhon

ESTIMATED WEEKLY RENTAL	\$560– 625 per week
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Ferndale

ESTIMATED WEEKLY RENTAL	\$680– 750 per week
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Glenfellen

ESTIMATED WEEKLY RENTAL	\$580– 650 per week
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Hunter

ESTIMATED WEEKLY RENTAL	\$560– 625 per week
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Ida

ESTIMATED WEEKLY RENTAL	\$560– 625 per week
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Queenstown Accommodation Centre is happy to discuss management options with investors in Bridesdale Farm and provide appraisals for financing.

Best regards:

Allan Baillie



Managing Director
Queenstown Accommodation Centre Ltd / Goodstays Queenstown

Disclaimer: The estimated rental value provided above is our opinion only and is relevant as at the date of this letter and to circumstances prevailing at this time. Queenstown Accommodation Centre and Goodstays Queenstown Ltd accepts no responsibility for any person who relies on this appraisal for financial purposes.

18 February 2016

Our Ref: SHA's

Queenstown Lakes District Council

Private Bag 50072

WITHOUT PREJUDICE

Queenstown

Attn: Mayor Vanessa van Uden, Councillor Calum Macleod, Councillor Ella Lawton, Councillor Lyal Cocks, Councillor Simon Stammers-Smith, Councillor Cath Gilmour, Councillor Mel Gazzard, Councillor Alexa Forbes, Councillor Craig Ferguson, Councillor Merv Aoake and Councillor Scott Stevens

Dear Mayor and Councillors,

DEVELOPER ACTIONS INCLUDING THE AYRBURN RETIREMENT VILLAGE SHA

1. You have recently received yet another proposal from commercial developers to intensify land development and building density on Ayrburn Farm.
2. This latest proposal supersedes the residential subdivision SHA proposal on the same land (we will call this Ayrburn SHA1), which you rejected in June 2015.
3. This time you are presented with a hastily prepared and poorly veiled copycat proposal of another Retirement Village proposal at Arrow Junction. We will call this latest submission by Ayrburn Farm Developments Limited (AFDL) simply, Ayrburn SHA2.
4. Having learned of the Queenstown Lakes District Council's (QLDC) tacit support for what is a genuine Retirement Village proposal at Arrow Junction, it appears the Ayrburn commercial developers decided they best quickly jump on the band wagon and re-title their previous Ayrburn SHA1 documents in an attempt to further leverage QLDC for some development rights on the land (resulting in value uplift for AFDL, their investors and business partners).
5. The blatant and rudimentary re-work of the Ayrburn SHA1 documentation only serves to confirm that the current Retirement Village proposal is not genuine.
6. Indeed, if the photographs are to be believed then the retirement age of the Wakatipu Basin appears certain to become very low. This shameless and embarrassing re-use of Ayrburn SHA1 drawings and promotional photographs should, alone, signal to Councillors the true

intent of the commercial developers – that they intend to create their original residential subdivision SHA (Ayrburn SHA1), albeit at a higher density, within the Trojan Horse of a new Retirement Village SHA (Ayrburn SHA2).

7. The reality is that Ayrburn SHA1 and Ayrburn SHA2 are largely identical in terms of effect, outcome and the final product to become part of the Wakatipu Basin property stock and contribution to the Community. It would be wholly inconsistent to now allow what is in essence the same proposal as one which was previously declined. Such decision making would be certain to face strong challenge on both legal and political fronts.
8. Rather than subject you to the treatise which I provided for SHA1, I think this current proposal only requires brief comment to demonstrate it's shortcomings and highlight the aggressive conduct of the developers and their associates.
9. There are some basic questions to consider which highlight why this SHA2 proposal should not proceed;
 - Is the Retirement Village proposal itself genuine?
 - What credibility does the developer and development have?
 - Are QLDC being unnecessarily and aggressively badgered and leveraged via an application and litigation strategy led by AFDL legal Counsel?
 - Is this the right place and process to determine development outcomes on the land?
 - Most importantly, in a wider sense, what, if anything, does this proposal add to the balance of Wakatipu Basin property stock and the priority issues faced by the resident Community?

I discuss these questions as follows.

IS AYRBURN SHA2 A GENUINE RETIREMENT VILLAGE PROPOSAL?

10. Because the Ayrburn SHA2 proposal is premised on the SHA1 documentation, the whole layout of the development is not consistent with a genuine Retirement Village development in that;
 - i. Freehold titles are proposed. Genuine and credible commercially managed Retirement Villages are operated under ground leases. This simple parameter confirms that the current Ayrburn SHA2 is nothing more than a residential subdivision deceitfully dressed up as a Retirement Village in a cynical and opportunistic attempt to abuse and achieve commercial gain from SHA legislation.
 - ii. There is no aged care facility included. Aged care facilities typically define and underpin Retirement Villages.
 - iii. There are no confirmed retirement age community facilities proposed, or even nearby.

- iv. Unlike the Arrow Junction proposal, there is no confirmed operator for the Retirement Village.

- 11. These simple facts highlight that this is not a genuine Retirement Village proposal, but merely a high density land subdivision on rural land linked to a wider litigation strategy by the developers against QLDC. As such it fails at its first hurdle and should be rejected.

WHAT CREDIBILITY DOES THE DEVELOPMENT HAVE?

- 12. Regardless of the proud list of consultant contributions and dates of reports (easily changed), a quick review of some of the SHA2 consultant reports highlight the haste with which the current proposal has been conceived.
- 13. For example, John Edmonds still refers to “school bus services” – an unusual utility for a Retirement Village to say the least - and Baxter Design Group appear confused about the number of lots proposed – they still refer to the 151 lots of the previous SHA1 proposal rather than the 201 lots of SHA2 now before you. These are clear hangovers from the previous deficient work on SHA1 and illustrate the level of detail and quality of the work within the submitted documents. One could contend their reporting and analysis should therefore be discarded given their lack of understanding of the current SHA2 proposal on such a fundamental matter as the numbers of lots and houses.
- 14. In application documents and litigation documents much is made of the standing of the commercial developers and team behind SHA1 and now SHA2. Closer examination shows though that the developers can not demonstrate any track record of completed land development projects, let alone Retirement Villages. Yes, they have achieved zoning changes (and therefore value uplift for their investors), but there is no evidence of physical delivery of numerous successful projects which might add value to a Community.
- 15. The most relevant project of reference would be the Bridesdale SHA at Lake Hayes Estate. This project was touted as a solution to the Community’s affordable housing challenges. Unfortunately, history has shown that with the trading of sections and failure to include any affordability controls, the Council’s endorsement of this project has done nothing to aid housing affordability, whilst at the same time it has alienated many existing rate payers. The Council were faced with similar time is of the essence arguments by the same aggressive parties associated with Ayrburn SHA1 and SHA2. A more robust process would have aided Decision Making and therefore outcomes.
- 16. QLDC would do well to appreciate that the SHA1 and SHA2 applications which they have been presented are little more than a standard commercial property development project which relies on, and thrives, in buoyant market conditions. All one has to do to confirm the drivers for these projects and the culture of the commercial developer, is to refer to the Bridesdale

website and it's FAQ (refer Attachment A). The FAQ specifically includes reference to section re-sales ahead of title release and confirms that re-sales are permitted. Additionally, they also include rental appraisals (Attachment B) to underpin purchase on the basis of rental investment. Clearly, the developers support speculation. A brave developer who is genuinely committed to delivering their stated vision and enhance affordability, would exclude re-sales pre title issue.

17. Compounding the above is the involvement of consultant team members in the active trading of Bridesdale sections as re-sales.
18. Expert consultants and consultant staff employees common to Ayrburn SHA1 and SHA2 have invested in Bridesdale sections, with some on selling multiple sections ahead of title release and boasting about their successful investment and financial windfall. The fact that these parties have then been prepared to provide evidence and author professional reports upon which QLDC rely – without disclosing their commercial conflict of interest – is abhorrent in my view and highlights the true nature and lack of credibility in the proposals which have been put forward to you.

IS THIS THE RIGHT PROCESS TO CONFER NEW DEVELOPMENT RIGHTS ON THE LAND?

19. The commercial developers are endeavouring to use the SHA legislation to achieve a new development right on the land which is not currently supported in any way by the current District Plan.
20. The District Plan (DP) itself is presently under Review and hearings on the changes to land zoned Rural such as Ayrburn Farm are afoot, with outcomes expected in less than 12 months time. With this in mind it is hard even at a common sense level to accept that time is of the essence to the point that a Retirement Village land use be considered and fast tracked under SHA legislation. Such an approach by Council defies logic to the point of being reckless.
21. Councillors may not be aware that the land involving SHA2 is already the subject of extensive re-zoning proposals under the DP Review. It has been a busy time for this Ayrburn land and it is worth summarising the recent strategic development actions, by what could be called Ayrburn commercial affiliates, as follows;
 - i. The submission and rejection of SHA1 in June 2015.
 - ii. A DP Review submission suggesting that the Waterfall Park resort zone should be extended to encompass Ayrburn.
 - iii. A DP Review submission requesting low density residential zone (450m² lots) on the same basis as SHA1.
 - iv. A DP Review submission requesting the existing Rural Residential (North Lake Hayes) zone be extended to encompass Ayrburn.

- v. A late DP Review submission requesting that the Arrowtown Urban Growth Boundary be extended to include the Ayrburn land.
 - vi. Filing of Judicial Review proceedings challenging the Council decision not to advance SHA1.
 - vii. Filing of a Negligence Claim against QLDC associated with the decision not to advance SHA1.
 - viii. The most recent submission of SHA2 as a Retirement Village proposal on the land.
22. So in around 12 months commercial interests have put up no less than 8 actions in an attempt to achieve development rights on the land. It smacks of a scatter gun approach – of “hurry up and give us something” rather than carefully considering what is the correct use of the land in the context of the needs of the wider Wakatipu Basin.
23. It will be suggested that the DP Review submissions are not related to the SHA proposals, but this is farcical. I am sure the commercial parties involved in both processes will have ensured arms length separation in a commercial sense, but the SHA and DP Review proposals are intrinsically and undeniably linked – they even share the same base plans.
24. The driver which initiated receipt of the first of the 8 development actions on the land only 12 months ago was the need for affordable housing in Queenstown. Since that time, the factors affecting affordability, the QLDC understanding of affordability and the response of QLDC to the challenge have all changed dramatically. No longer can the basic creation of allotments be considered as a justifiable response to affordability issues. This combined with the DP Review and the many different zoning and development density proposals which will eventuate in some form, makes consideration of SHA's (in any guise) at isolated sites such as Ayrburn ahead of the outcome of DP Review process, highly premature. This is particularly so when QLDC are already achieving the targets under their Housing Accord and this was confirmed by staff as early as June 2015 in the meeting to consider a number of other SHA proposals.
25. As evidenced by the scatter gun development actions on the land in the last 12 months there is clearly some optionality in the land from a development perspective. The DP Review process will consider the appropriate land use for the land and importantly it will determine the land use on balance with the needs of the wider Wakatipu Basin. With that in mind it is incomprehensible that Councillors alone would choose to forgo the expert analysis that will be available during the DP Review process and instead usurp the DP Review and queer the pitch ahead of time by advancing this current speculative and opportunistic SHA2 proposal.
26. In essence, why would Councillor's choose to take on the responsibility of determining the de-facto zoning for this Ayrburn land alone, when it could be better addressed in the DP Review process. In my eyes, doing so would constitute an unnecessary political suicide.

27. The right process for this land is the DP Review process – not SHA legislation. I repeat that it will be very difficult to substantiate that time is of the essence for retirement facilities to the point that Councillors can justify that SHA legislation should now be used (so close to DP Review outcomes) on land where QLDC previously rejected SHA proposals for less dense development.

BADGERING, LEVERAGING AND AGGRESSIVE LITIGATION BY THE DEVELOPER

28. Simply through the number of development actions on the land in the last 12 months it is clear that the parties associated with the land (owners, vendors and conditional purchasers) are running a strategy to badger and leverage both Council and neighbours.
29. In addition, the commercial developer has filed Judicial Review and Negligence proceedings against QLDC. The commercial developer has been shown to be aggressive and is clearly running a litigation strategy to bully Councillors and by association, the ratepayers of the Queenstown Lakes District.
30. I have only very recently been made aware of and received a copy of the commercial developers Statement of Claim for the Judicial Review and Negligence proceedings.
31. Much like the SHA1 and SHA2 proposal, the legal claim is economic with the truth. The claim is largely premised on a supposed failure by QLDC to consider the affordable housing offerings put up by AFDL under their SHA1. There was no such failure. I attended the Council meeting which considered various SHA proposals and it was highlighted, in fact laboured, by Mr Marc Bretherton during his pitch on the Ayrburn SHA1 that QLDC had received a late proposal from AFDL. Mr Bretherton implored that this late proposal confirmed that AFDL would offer a component of affordable housing associated with SHA1 and that Council must consider it. It is worth noting that Mr Bretherton is now in the employ of the commercial developers associated with both SHA1 and SHA2.
32. So clearly Council did appropriately weigh the affordability proposal for Ayrburn SHA1 as part of their Decision Making. Perhaps they determined that offering affordable rental homes within a 10km radius of the Ayrburn development (Frankton Camp Ground) was not in fact a sufficiently generous or compelling offering from the commercial developers.
33. I do feel for QLDC and Councillors that we as a Community are having to deal with such an aggressive and hostile developer who sees fit to bully and leverage Council through litigation whilst also lobbying them for development rights. The Judicial Review and Negligence proceedings are clearly a case of sour grapes from the commercial developers and it is very disappointing that Councillors are being subjected to legal strategies such as this merely to secure a development right to satisfy a hurdle within a sale and purchase agreement.

34. Let's be honest. It is not Councillor's fault that AFDL put forward proposals under their SHA1 where the houses proposed did not actually fit on the lots proposed. This was a fundamental blunder. On this point alone one could conclude that Council quite reasonably exercised its discretion when considering SHA1 and determined that given the error ridden proposal perhaps AFDL were not a credible and genuine proposal worth pursuing.
35. Rather than attempting to blame QLDC, the commercial developer should be taking a long look at the quality of the work they submitted and the performance of his own team and whether the product actually represents the \$400,000 of value claimed in the Negligence proceedings. Again, it is not QLDC's fault that the commercial developer chose to pay \$400,000 for deficient and error ridden work. Regrettably this same error ridden theme seems to continue in the latest SHA2 submission. Instead of attempting to use legal back doors, the developers might be better served by doing the job properly and working through valid and well structured proposals under the DP Review.
36. The timing of the JR proceedings and the current SHA2 application must be considered. There is a clear risk that Council's decisions on SHA2 could be influenced by the claim before them. I strongly contend that QLDC should be deferring any decision on SHA2 until after the JR proceedings have been heard and ruled on.
37. It is disappointing that QLDC chose not to notify interested parties of the JR proceedings. Several parties would have joined these proceedings had they been aware and the failure to inform has prejudiced the ability of those parties to make submissions. It is further frustrating that an inquiry was made of Council's legal advisor, Meredith Connell, regarding the existence of the JR claim and Meredith Connell declined to cooperate to the point of refusing to even provide a copy of the Statement of Claim (a matter of Court record). Meredith Connell's lack of engagement and frustration over basic document matters is of concern to the point that I encourage QLDC to obtain an alternative legal opinion.
38. As already set out, in the context of the DP Review there is no urgency associated with the land to the point SHA legislation might be used. A year or more ago, possibly yes, but with the DP Review outcomes less than 12 months away that ship has sailed.
39. The appropriate treatment of this Ayrburn land is at best "unclear". The responsible and reasonable approach is to consider it within the DP Review process. Common sense alone demands this approach from Decision Makers. Departure from this thinking simply to account for legal and strategic leveraging and threats by the commercial developers will not achieve progress and will only guarantee separate legal challenge from other quarters.
40. Much as you would with a demanding child, the appropriate response in this instance, to avoid costly debate, is to tell the commercial developers to sit down and wait their turn under the DP Review process.

DOES SHA2 ADDRESS PRIORITY ISSUES FOR THE COMMUNITY?

41. It is very difficult to see how this current Ayrburn SHA2 proposal addresses any of the priority issues facing our Community at present. Quite the opposite in fact – it exacerbates many of the issues.
42. Right now the Community is grappling with significant tourist and population growth. This is presenting itself through traffic congestion and accommodation shortages for service and support staff.
43. At the most basic level – developing a 200 plus lot project for a retirement community in a remote location merely amplifies present traffic pressures and does nothing to address accommodation for service and support staff.
44. To conclude, in the 20 years I have lived, worked and contributed to the Community in Queenstown, the SHA policy remains the largest single issue to threaten the integrity of the District. On many fronts we are at a key point in Queenstown's growth cycle where the decisions taken will determine the nature of the settlement for years to come. I fully expect that in 30 years' time people will be able to look back at Queenstown's evolution and pinpoint the period from 2015 – 2017 as the time when the Decision Makers got it right - or got it wrong. Regardless of over bearing ministerial influence, let's concentrate on the former.
45. I would be happy to discuss any of the matters I have raised should you wish to contact me.

Yours sincerely,



James Hadley

Attach:

- A Bridesdale Farm Frequently Asked Questions
- B Queenstown Accommodation Centre Bridesdale Farm Rental Appraisal

BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL

IN THE MATTER

of an Expression of Interest for
Special Housing Areas by Ayrburn
Retirement Village dated
November 2015.

BETWEEN

JAN ANDERSSON, [REDACTED]
[REDACTED]

Submitter

**SUBMISSIONS FOR JAN ANDERSSON
IN OPPOSITION TO AYRBURN RETIREMENT VILLAGE
EXPRESSION OF INTEREST: SPECIAL HOUSING AREA
NOVEMBER 2015**

**GALLAWAY COOK ALLAN
LAWYERS
DUNEDIN**

Solicitor to contact: P J Page
P O Box 143, Dunedin 9054
Ph: (03) 477 7312
Fax: (03) 477 5564
Email: phil.page@gcalegal.co.nz

1. Jan Andersson made a submission on the previous expression of interest by Ayrburn Farm Developments Limited that was rejected by the Council at its meeting of 3 June 2015.
2. All of the reasons for opposition to the previous expression of interest apply equally to the current (apparently unsolicited) expression of interest dated November 2015. The Council correctly applied its own Lead Policy by rejecting that proposal. The same decision is now sought.
3. The difference between the earlier rejected proposal and the current expression of interest is the re-packaging of the proposal as a retirement village.
4. It is likely that the promoter of the Ayrburn Retirement Village will point to the Arrowtown Retirement Village expression of interest considered by the Council at its meeting on the 26th of November. The particular advantages that the Arrowtown proposal enjoy include a bona fides operator and a site that has low visibility from existing surrounding properties. Ayrburn has none of those things. Being in a valley surrounded by higher ground there are many affected parties that would not have rights of participation under the HASHA Act. The purpose of this SHA proposal is to avoid having to engage with highly motivated people who are adversely affected.

Nature of the Council's Decision

5. The Councillors are not given the level of assessment detail and contestability that allows issues to be properly explored. For this reason, Mr Andersson invites consideration of the "big picture" decision that Councillors are called upon to make.
6. The Housing Accords in Special Housing Areas Act ("HASHA") effectively provides a fast track process with which Councils can make decisions on behalf of communities without contestable public participation in Resource Management Act decisions. A decision by Council to recommend a SHA takes away rights of statutory participation that are the cornerstone to the Resource Management Act. This is a very serious erosion of your constituents' legal rights to test proposals

that adversely affect them. Your decision should be made with absolute confidence that your intervention is necessary and that no useful purpose will be served through submitter participation in the RMA processes. You must be especially vigilant to ensure that the SHA process is not being abused.

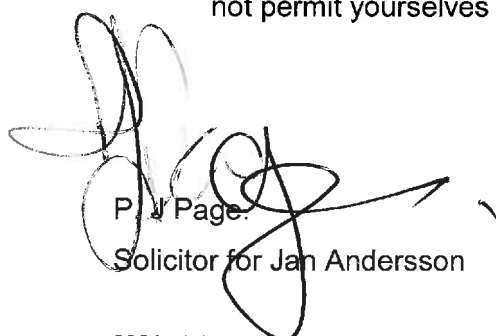
7. It is submitted that in relation to the Arrowtown decision, inadequate consideration was given in the officer's recommending report to the legislative policy underlying the HASHA Act and how that policy is served by the terms of the Housing Accord itself and Council's Lead Policy adopted under that Accord. The Act, the Accord, and the Lead Policy are the three fundamental documents that guide the exercise of your statutory power under the HASHA Act.
8. It is submitted that the underlying policy of the HASHA Act is not served by the approval of retirement villages. We **attach** a piece of policy analysis commissioned by the submitter from Carey Vivian of Vivian and Espie, Queenstown. We also **attach** a piece of background research to the HASHA Act completed by Jan Caunter of Gallaway Cook Allan. The basic propositions arising from this research are these:
 - (a) The HASHA Act was designed to improve the supply of residential housing to "first home buyers" because of the social and economic benefits of working families living in their own houses rather than rental accommodation.
 - (b) The measure of affordability is assessed against household income. That is, by comparing what people earn by way of wages against the cost of owning a house. That measure becomes meaningless if the affordability equation is applied to retired people.
 - (c) The HASHA legislation was designed to have application in particular areas of the country where demographic data predicted significant population growth. The obvious candidates are Auckland and Queenstown. The predicted population growth is primarily from inward immigration to those regions, that immigration not being primarily composed of retired people.

9. The policy goal of the Housing Accord is clearly explained in the background paragraphs to the Accord. The acute shortage in Queenstown is for housing suitable and affordable for the work force. Although "housing supply" relates to the entire housing stock in a broad sense, the acute need for intervention relates to first home buyers for working people to fuel the district's growing economy.
10. The discussion of "affordability" in the Council's lead policy reflects the terms set out in the background paragraphs to the Housing Accord. Again, the focus of attention is the needs of "first home buyers", because of the disparity between wages and house price.
11. The Ayrburn proposal is at best a highly indirect method of achieving the Housing Accord. This is not sufficient for the purposes of the Lead Policy. Part 5.2.3 of your Lead Policy very wisely requires a much more direct connection between what is being supplied and what is being demanded. You must be satisfied that there is evidence that the qualifying development in the SHA will deliver new residential housing that supports the aims and targets of the Housing Accord in a timely manner.
12. There is no reliable evidence that the provision of new retirement facilities in the Wakatipu Basin will result in a greater supply of "affordable" housing being made available to first home buyers. It is submitted that the Council's ability to bypass the statutory participation rights under the RMA should not be exercised in pursuit of such indirect and unsubstantiated benefits for first home buyers.
13. There is no reason advanced why retirement villages cannot make provision for themselves under the existing Resource Management Act and District Plan review processes, nor why retirees from the existing Queenstown community are in such financial dire straits that they require urgent intervention. Indeed, the opposite is usually true. Baby boomer retirees currently resident in Queenstown are amongst the wealthiest demographic in the district and the least in need of Council intervention to provide affordable housing. The existing population of retirees get to buy and sell in the same market. The Housing Accord is designed to assist people who are not already home owners in Queenstown. Poor people do not retire to Queenstown.

14. The proposal is not a bona fides retirement village proposal for the reasons that Mr Vivian explains. This is a standard residential subdivision (already rejected by the Council for an SHA) dressed up for temporary political expediency.
15. Mr Andersson submits that the present proposal is a cynical manipulation of the Housing Accord.

District Plan Review

16. Councillors will be aware that hearings are shortly to commence on submissions on the District Plan Review. Arrowtown Retirement Village was not subject to re-zoning submissions and so the integrity of the District Plan Review hearing process was not something that you needed to deal with.
17. The Ayrburn Farm proposal is the subject of rezoning submissions by the developer, and also cross-submissions by opposing local submitters. The appropriate planning treatment under the Resource Management Act for Ayrburn Farms is a live issue to be determined by the Commissioners in upcoming hearings, an exercise that will be entirely pointless if Council were to approve the current expression of interest for a retirement village SHA for Ayrburn Farm. The integrity of the District Plan Review needs protection and Council should not intervene prematurely in response to this expression of interest.
18. This SHA proposal is an abuse of the Council's processes orchestrated by people who are intimately familiar with them. A favourable SHA recommendation from you will make opposition to rezoning for residential uses utterly pointless. Then as soon as the rezoning is complete, the developer is free to abandon the SHA model and proceed on standard commercial terms but without the impediment of having to deal with those people who area affected by the proposal. You should not permit yourselves to be manipulated in that way.



P. J. Page
Solicitor for Jan Andersson

5 February 2016

Jan Andersson
C/- GALLAWAY COOK ALLAN
LAWYERS
P O Box 143,
DUNEDIN 9054

Attn: Phil Page

Dear Phil

PLANNING ADVICE ON AYRBURN RETIREMENT VILLAGE EXPRESSION OF INTEREST TO BECOME A SPECIAL HOUSING AREA

The purpose of this letter is to provide planning advice on an expression of interest by Ayrburn Retirement Village (Ayrburn proposal) to become a Special Housing Area (SHA). In particular, this letter discusses whether or not the proposal is a retirement village; whether a retirement village is a residential activity; whether the proposal qualifies as a SHA; whether the proposal meets the Council's lead policy; and Submissions made on the Proposed District Plan requesting alternative zonings for the subject land.

Is the proposal a retirement village?

"Retirement Villages" are defined in the Operative District Plan (ODP) to mean:

"... the development of residential units (either detached or attached) and associated facilities for the purpose of accommodating retired persons. This use includes as accessory to the principal use any services or amenities provided on the site such as shops, restaurants, medical facilities, swimming pools and recreational facilities and the like which are to be used exclusively by the retired persons using such accommodation."

It is acknowledged that the proposal includes some small-scale care facilities and community amenities. However the provision of those facilities is not consistent with this definition as the application states that such facilities will benefit the "wider community", therefore are not exclusive to the residents of the retirement village. As such, those village facilities are simply a commercial activity and the proposal accordingly does not meet the definition of a retirement village.

Normally there is little, if any, subdivision associated with retirement villages. Instead, the common ownership and funding arrangement for retirement villages (under the Retirement Village Act) is that each unit will be sold to its intended occupier(s) and then when necessary, bought back at a discount, refurbished and resold. In this instance, the developer is proposing the sale of freehold lots to "residents", who then negotiate with development companies to build one of nine houses types on their site. The retiree's then wait until their unit is constructed, landscaping undertaken etc. before they can then move in. The whole point of a retirement village, in my view, is to avoid this stress and uncertainty. That is why the definition of "retirement village" under the ODP refers to the "development of residential units", not simply the sale of freehold land to retiree's as being proposed.

This is the major distinction between Ayrburn proposal and the Arrowtown Retirement Village proposal which, in my opinion, seeks to develop a 'true' retirement village as detailed below:

"Like most retirement villages in New Zealand occupants will purchase an "Occupation Right Agreement" which provides them with a right to occupy their chosen villa or apartment for the rest of their lives or until they need a higher level of care and move into the aged care facility. The key advantage of this form of tenure is that the village owner is able to set the standard and vision for the village. There is no subdivision of the underlying village asset and no subsequent sell down to downstream owners who potentially may develop the residences to a different and / or lesser standard. The village owner therefore develops the village to a consistent standard, retains ownership long term and is ultimately responsible for maintaining all village assets & landscape features for the long term interest of the resident community. This is a key difference to other residential development models, one that enables a more reliable and consistent tenure over the longer term."

To be a "true" retirement village the Ayrburn proposal would need to be committed to building the residential units and provide a number of services and amenities to its retired residents. The sale of freehold land, as opposed to an Occupation Right Agreement, creates difficulties further down the track when the unit is no longer required by the retiree.

I also note that the Ayrburn proposal does not appear to be exclusive to "retired persons". The proposal refers to "seniors" and "residents" who may or may not be retired. Other retirement villages in Queenstown-Lakes District have a minimum age for residents. For example, the Arrowtown Retirement Village is proposed to be 65 years plus. The Ayrburn proposal, as far as I can see, does not have a minimum age for residents.

In my opinion, when compared to the detail of Arrowtown Retirement Village proposal, the Ayrburn proposal lacks in credibility (which is particularly important in terms of submission of the Proposed District Plan seeking alternative zonings for the lands as discussed below).

In my opinion the proposal is not a “true” retirement village. It is simply a residential subdivision.

Is a Retirement Village a Residential Activity?

“Residential Activities” are defined in the Operative District Plan:

“Means the use of land and buildings by people for the purpose of permanent living accommodation, including all associated accessory buildings, recreational activities and the keeping of domestic livestock. For the purposes of this definition, residential activity shall include emergency, refuge accommodation and the non-commercial use of holiday homes. Excludes visitor accommodation.”

In resource consent Decision RM081295 Stoney Creek Village Limited commissioners Matthews and Whitney found that a retirement village was a form of residential activity. I agree with that finding. However, importantly, not all forms of residential activity are retirement villages. This is inherent in the distinction in definitions where “retirement Villages” refers to the “development of residential units” and “residential activity” refers to the use of land and buildings”. This major distinction is why I consider the Ayrburn proposal is not a ‘true’ retirement village, but the Arrowtown Retirement Village proposal is.

Does the Ayrburn proposal qualify as a SHA?

The purpose of the Housing Accords and Special Housing Areas Act 2013 (HASHAA) is to *“enhance housing affordability by facilitating an increase in land and housing supply in certain regions or districts, listed in Schedule 1, identified as having housing supply and affordability issues”*. I agree the proposal does facilitate an increase in land and housing supply consistent with the purpose of the HASHAA. However the application contains no information as to how housing affordability is enhanced in accordance with this purpose. This is unlike other proposals, such as the Bridesdale SHA, which included a report on affordability and had strong evidence that such a product was wanted by the market (in terms of pre-sales). That same level of certainty does not exist with respect of the Ayrburn proposal, which is especially important given the reduced market segment (i.e. retiree’s).

The lack of certainty in relation to affordability is evidenced in the application where it states the level building platforms and single level construction may *“reduce construction costs”* and *“should allow appealing housing to be delivered to residents cost effectively.”* However there does not appear to be a guarantee that that will occur. In my opinion a retirement village, aimed at small segment of the market (i.e. seniors or retiree’s), is unlikely to enhance housing affordability in the Wakatipu Basin or the District. Only 14% (or less) of the purchasers at Bridesdale were considered to fall within the “retiree” age group.

In my opinion, the Ayrburn proposal will do little to enhance housing affordability in the Wakatipu Basin as intended by HASHAA.

The QLDC's Lead Policy Considerations

Part 5.2.1 Location of the Council's lead policy states that the proposed SHA shall be located within or adjacent to existing urban areas and areas remote from existing urban areas and services will generally not be viewed favourably. The applicant states that because the site adjoins Millbrook Resort and Waterfall Park Special Zones (which provide similar development to Jack's Point) then the site is adjacent to an existing urban area. I consider this to be incorrect. Millbrook Resort is topographically distinct from the subject site and the level of development anticipated in Millbrook, compared to Jacks Point, is significantly lower. The purpose of the Resort Zone also recognises "the special amenities of the rural area in which the development is located", not the amenities of an urban area. The proposal is not adjacent to an existing urban area.

Part 5.2.2 Adequate Infrastructure of the Council's lead policy requires the Council to be satisfied with respect to water supply, wastewater, transport, stormwater services and reserves. While I am not an expert in relation to those matters, I do question the adequacy of the assumption in the engineering report attached to the application that Lake Hayes Estate will be supplied from the Shotover Country bores and therefore adequate flows and pressures will be available to serve the proposal from the Lake Hayes Water Scheme.

Part 5.2.3 Demand for a Qualifying Development of the Council's lead policy requires the Council is satisfied that there is evidence that the qualifying development in the SHA will deliver new residential housing that supports the aims and targets of the Housing Accord in a timely manner. This means it is not enough to simply increase the land supply generally, but the SHA has to deliver housing that actually supports a specific need identified in the Accord. Clause 9 of the Accord directs Council's intention is for residential development to be more affordable, medium density, and closer to key centres and on a good public transport route. The Ayrburn proposal lacks certainty with respect to affordability, is not a medium density development, is some distance to key centres and is some distance from the main public transport route. In my opinion the proposal does fails to achieve Part 5.2.3.

Part 5.2.6 Predominantly Residential of the Council's lead policy states that a qualifying development in a SHA will have the primary purpose of supplying residential dwellings to the market. The Ayrburn proposal supplies land to retirees who then negotiate with building companies for the construction of their dwelling. The Ayrburn proposal does not supply residential "dwellings" to the market.

Clause 5.5 of the Council's lead policy states that the Council will only recommend to the Minister to declare a SHA when (among other things) the Council is satisfied that the criteria in 5.2 of the policy have been met. In my view the Council cannot be "satisfied" the policy has been met on a number of issues.

Submission on the Proposed District Plan

I finally note that the Ayrburn Farm Estate Limited has made a submission on the Proposed District Plan (#430) seeking a number of alternative zones for the subject site. This includes Rural Residential, Waterfall Park Zone or Low Density Residential zone. Those zones generally permit residential development at various densities. Neither the Rural Residential nor Waterfall Park Zones enable retirement village activities as of right.

If the Council approves the SHA, then that effectively binds the District Plan Hearings Panel to rezone the land from Rural. If the District Plan Hearings Panel rezones the land from Rural, then there is no obligation to deliver any product that supports the aims of the Accord.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Carey Vivian', with a stylized flourish at the end.

Carey Vivian

Vivian Espie Limited

Housing Accords and Special Housing Areas Act 2013

Legislative changes and debate

To: Phil Page
From: Jan Caunter
Date: 1 February 2016

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Summary

The Housing Accords and Special Housing Areas Act 2013 was introduced as part of Budget 2013 on 16 May 2013 and assented to on 13 September 2013.

This research has focused on the front end of the Bill, Part 1, as these provisions tackle the identification of a qualifying development and the words “predominantly residential”.

The purpose of the Act did not change from the time the Bill was first introduced to Parliament in May 2013 - enhancing housing affordability by facilitating an increase in land and housing supply in regions or districts with housing supply or affordability issues.

The debates across the Bill's readings primarily focused on the provision of residential housing, a need for land supply (particularly relevant to Auckland), problems of affordability for first home buyers, and the question of how to determine affordability. Retirement villages are not mentioned at all in the debates. The Bill was amended to include a meaning for “predominantly residential” and at that the same time, introduced some non-residential activities ancillary to the quality residential development (recreational, retail, mixed use or town centre land uses).

As the bill progressed, the criteria for qualifying developments was also amended, finally resulting in developments having to include a prescribed number of affordable dwellings and the measure of affordability including criteria defined by reference to median house prices, median household income, individual income and a median multiple.

I have picked out a number of quotes from Hansard that illustrate where the focus was as the Bill progressed.

This document is accompanied by a table showing various relevant parts of the Bill as it developed through the legislative stages.

My conclusion is that the focus of the legislation has always been on the provision of residential housing stock, increasing land supply and the provision of affordable housing, particularly for first home buyers. In its passage through Parliament, the focus did not move at all to a wider residential component. Some non-residential components (see above) did form part of section

14(2) as passed. I do not consider these components would include a retirement home as that activity stands on its own and is not traditionally ancillary to a residential development.

Hon Bill English (from Budget speech) 16 May 2013

“Housing can be made more affordable in New Zealand by focusing on the key areas that actually make a difference: land supply, consent processes, provision of infrastructure, and productivity in the construction sector.

The Government is working with councils on these issues, because the decisions they make about housing affect the entire economy. High housing costs affect financial stability and create an increased demand for housing assistance.

Today we are introducing legislation to speed up the provision of new housing in areas where the pressure is greatest and housing is least affordable.

Special housing areas will be designated under accords between the Government and councils. Council approvals for new housing in those areas can then be managed under a streamlined process.

Where agreement cannot be reached, or targets are not met, the Government will be able to issue the consents itself.

This legislation, which will apply for three years, is an immediate response to housing pressures in areas facing severe affordability problems.

It gives time for the Government's resource management changes to bear fruit, and address land and housing supply issues in the longer term.”

First reading 16 May 2013 – Bill 117-1:

Explanatory note:

“Special housing areas are specific geographical areas within scheduled regions or districts that have the potential to deliver increased land and housing supply.”

“The criteria for qualifying developments establish the types of developments to which the more permissive resource consent and planning powers may apply. Where a housing accord is not in place, the Bill identifies that qualifying developments will –

- (a) Be predominantly residential;
- (b) Meet prescribed height limits of up to, and including, 6 storeys;
- (c) Meet prescribed density requirements.

Where a housing accord is in place, these criteria will apply, but an accord territorial authority will be able to recommend a variation to the prescribed criteria referred to in paragraphs (b) and (c). These variations will be made by Order in Council on the recommendation of the Minister of Housing.”

Dr Nick Smith introducing the Bill:

“This bill is a core part of the Government's work to improve housing affordability. It confronts the reality that homeownership rates have been in decline for a quarter of a century; that house

process have soared unsustainably over the past decade; and that far too many families' housing, whether they buy or rent, is unaffordable."

"It has to be acknowledged that interest rates play a huge role in housing affordability and homeownership trends. Anybody who looks at the home ownership issue post World war II will see that it is very simple – homeownership goes up when interest rates are low, and it goes down when interest rates are high."

"The essential mechanism in this bill is the creation of special housing areas. These will be both greenfield and brownfield areas that are suitable for residential development, where infrastructure is available or can be built, and where there is demand for new housing."

The debate then centred on these points:

- Whether the Bill actually required the building of affordable homes or whether affordability simply had to be considered.
- Whether enabling the new homes would take the heat out of the Auckland housing market.
- Homeownership is increasingly out of reach of young NZ'ers and first home buyers.
- What is affordable housing.
- Whether the Government should be building state homes.

Answers to questions from 29 May 2013 meeting:

Includes these points:

- home ownership and house prices in NZ being less affordable.
- "Constraints on land supply are a critical factor in affordability."
- The impact on housing supply of planning constraints such as building height and setbacks.
- What a household is – "refers to private dwellings that are usually occupied by a person or a group of people. Households therefore exclude non-private dwellings, unoccupied dwellings, and dwellings that are not the usual residence of people (for example, holiday homes, second homes).

Officials' report to Social Services Committee 25 June 2013:

- Summarises key issues raised in submissions – primarily clause 9 and Schedule 1, qualifying developments, establishing SHAs, notification, resource consent process, prohibited activities, plan changes, limited appeal rights.
- Qualifying developments – submitter concerns about what this meant and what its criteria were. What did "predominantly residential" mean? No requirement to actually deliver affordable housing. Officials recommend a definition that refers to the primary purpose of the development being one of providing a supply of dwellings and including a development which provides for some non-residential activities ancillary to quality residential development (such as recreational, mixed use, retail or town centre land uses). Note these comments in the report at paras 10-12 on page 5:

"10. We acknowledge the concern of submitters that the term "predominantly residential" could be difficult to apply, but it is difficult to define this term using a bright line test because the policy intent is different depending on the circumstances of the development. As an alternative way of achieving greater clarity around this term officials recommend providing a definition that refers to the primary purpose of the development being one of providing a supply of dwellings."

"11. The qualifying development criteria in the Bill do not require a certain level of affordable housing because the intent of the Bill is to enhance housing affordability by facilitating an increase in land supply and housing supply. Further, territorial authorities already have mechanisms to encourage provision of affordable housing through consenting conditions and developer agreements. For example the Queenstown lakes District Council is currently using planning instruments to facilitate market provision of quality affordable housing."

"12. In addition, officials recommend providing for more permissive variation in districts covered by a housing accord to allow for different criteria for qualifying developments in different parts of a special housing area. This will allow developments to have different qualifying development criteria where they are in the same special housing area."

- Clarity required around what appropriate infrastructure means and recommendation to align with the RMA and require that before SHA is established Minister must be satisfied that adequate infrastructure is there to service qualifying developments in the proposed SHA. Recommend amendments include aligning with RMA definition of infrastructure and before recommending that a SHA be established the Minister must be satisfied that adequate infrastructure to service qualifying developments in proposed SHA exists or is likely to exist having regard to planning instruments, strategies and policies.

Officials' Responses to advice of the Regulations Review Committee on the Housing Accords and Special Housing Areas Bill dated 13 June 2013 - this response dated 27 June 2013

- Addresses powers to add regions or districts to Schedule 1
- Regulation making powers under clauses 15, 17 and 18 – qualifying developments:
 - o Policy intent of sections 14-18 addressed – qualifying development is one that is:
 - ☐ Predominantly residential;
 - ☐ Contains buildings that are 6 storeys or any lesser number of storeys prescribed for the special housing area or part of the area;
 - ☐ Contains no less than the minimum number of dwellings prescribed for the SHA or any part of it.
 - o Criteria in last two points above may be prescribed by reference to a plan or proposed plan.
 - o Recommend inserting into the Bill a definition of "predominantly residential."

Memo accompanying Officials' report to Social Services Committee, 27 June 2013:

Qualifying developments – predominantly residential and storeys:

"It is not intended that a building that is over 6 storeys be able to be consented under the Bill as part of a qualifying development, nor that the provisions in Part 2 of the Bill be available for qualifying developments outside a special housing area. Officials accept that this first point may not be as clear as was intended on the fact of the Bill so recommend any necessary drafting amendments to be made in this regard."

"...an Order in Council could recommend a height or capacity requirement that is particular to the relevant part of the special housing area, and this criteria may be defined by reference to a plan or proposed plan. This means that any height or capacity restrictions in the plan can be translated directly into the criteria for making applications under the truncated consenting provisions of the Bill. The appropriate height or capacity requirements will vary from area to

area, depending on their existing land use or proposed land use. The empowering provisions are deliberately flexible to ensure appropriate criteria can be set for different special housing areas or parts thereof."

"Officials agree that a definition of "predominantly residential" is desirable and have recommended this in recommendation 2.1 of the officials' report."

Supplementary Officials' Report to Social Services Committee 27 June 2013:

- Amendments to clause 9(3) concerning expanded criteria to when a region or district is experiencing significant housing supply and affordability issues – recommendation includes "whether the land available for residential development in the region or district is likely to be sufficient to meet housing demand, based on predicted population growth."
- Discussion about qualifying developments and definition of a building storey – recommend clarifying criteria for qualifying developments by maintaining the 6 storey limit and include a corresponding maximum building height.

Second Reading 22 August 2013

Dr Nick Smith:

"This bill is a critical part of the Government's comprehensive work programme to address housing supply and affordability."

"It delivers the mechanisms to deliver on the 39,000 houses provided for in the Auckland Housing Accord."

"Section process have risen significantly, more than the cost of actually building the home over the past decade."

"I also note the number of sections that are available in Auckland plummeted from 4,100 a decade ago to just 1,400..."

"This bill will enable brownfield development to be consented in 3 months, as compared with the current average of over 1 year. This will enable greenfield developments to be consented in 6 months as compared with the current average of 3 years."

Phil Twyford (Labour):

"...things continue to go downhill badly for young Kiwi first-home buyers. The price of housing has gone up even more."

"The price of housing is determined by an interaction between the supply and the demand for land."

Peseta Sam Lotu-Liga (National –chair of committee):

"We also looked at the definition of "predominantly residential" and what that means for qualifying developments, and clarified that it must therefore have the supply of residential dwellings as its primary purpose."

"The bill, as I have said, is not the panacea. It is one of a number of initiatives that this Government is progressing to address the issue of housing affordability, and we will continue. Mr Twyford might laugh at the fact that this is a serious issue in parliament – it is a serious issue for my communities in Maungakiekie – but we will continue to act in the best interests of all New Zealanders who want to live their Kiwi dream, who want to live in their own home. We will continue to support and encourage those New Zealanders to aspire to their dreams and aspirations. That is why I commend this bill to this House."

Bill 117-2 as reported from Social Services Committee:

Introduction:

"The Housing Accords and Special Housing Areas Bill aims to provide a rapid and short-term legislative means, among other legislative changes under way, for improving housing affordability by facilitating an increase in land and housing supply in areas with housing supply and affordability issues..... The types of development to which such powers would apply must be predominantly residential, have a height of not more than six storeys, and have a minimum number of dwellings to be constructed."

In Committee 3 September 2013:

Phil Twyford (Labour):

"As well as the dream of home ownership slipping further out of reach, the housing crisis has had a massive negative effect on the health and wellbeing of the poorest and the most vulnerable New Zealanders, who are driven into the private rental market in high numbers, where they live, more often than not, crowded into substandard housing."

Dr Nick Smith:

"The Housing Accords and Special Housing Areas Bill is about addressing the issue of land supply."

"Yes, it will increase the supply of housing, by tens of thousands of additional houses."

"...we need to get this bill through to increase the supply of those houses, to get those 39,000 new houses built in Auckland, and to make sure that Kiwi families can get their homes soon."

Re Part 2 of the Bill:

"Those who are opposing this part of the bill cannot look in the mirror and pretend they are serious about helping Kiwi families get a home."

Eugenie Sage (Greens), re Part 2 of the Bill:

The problem that this part creates is that because the Minister and the Government are wanting to speed up decision making, the bill is ostensibly establishing an alternative planning regime to what exists in the Resource Management Act..... There is also a very real risks that it will lead to decisions around the location, the scale, and the design of new subdivisions and new residential developments that have not been anticipated, planned for, and agreed to by the local community in conjunction with their council, as would normally occur through the district plan process."

Third Reading 3 September 2013

Dr Nick Smith:

"This bill, introduced as part of Budget 2013, is about enabling tens of thousands of homes to be built. It is about helping Kiwi families to realise the dream of owning their own home. It is about supporting the Government's economic recovery plan by reducing the financial risks of Auckland's house price bubble. It is about employment and freeing up land so that builders, plumbers, electricians, plasterers, and painters can get on and construct the homes that cities like Auckland so desperately need."

"We have got a constipated planning system bogging new residential construction, and this bill is a laxative to get new houses flowing. It will enable plan changes and resource consents to be approved simultaneously."

Mrs Lee Nicolson



14 February 2016

FURTHER SUBMISSION ON THE QUEENSTOWN LAKES DISTRICT COUNCIL PROPOSED DISTRICT PLAN – ADDITIONAL FEEDBACK

SUBMITTER DETAILS

Name



Lee Nicolson



THIS IS A FURTHER SUBMISSION on the Queenstown Lakes District Council Proposed District Plan.

Ayrburn Retirement Village Special Housing Area

As an immediate neighbour sitting on the ridge above the proposed site I have a lot of interest, and more particularly, serious concerns about the entire proposed application.

My considerations to OBJECT to this proposed development are considerable, and by no means unfounded or emotionally based.

- It particularly concerns me that the earlier proposal which had enough issues to be correctly rejected, can now be resubmitted to this revised expression of interest as merely a repackaging of the original proposal. Worse still, this new approach of incorporating a retirement village concept, now suggests 201 dwellings to be acceptable when the first application was rejected a 150 dwelling development. How can this recent submission for a greater density possibly gain traction with any credibility?
- The site is zoned Rural General, so by nature of that zoning, a high density development is a complete misfit and challenges the integrity of the zoning, created in the first place to protect the rural areas of our district. Under normal circumstances, a subdivision of this size and proposal would not be considered without due stringent process of the RMA. Rural General rulings have been put in place for a reason, to ensure inappropriate subdivisions do

not get the go ahead.

- I have grave concerns that Developers look to the guidelines of the Housing Accords in Special Housing Areas (“HASHA”), and then they work within those guidelines, to submit what is nothing more than a carefully packaged piece of marketing sales pitch, presenting assumptions and innuendo, to try to enjoy the financial benefits they perceive to be achieved by successfully working through a fast track process, using the system to their advantage.

They have taken the opportunity to simply reshape their last declined proposal with nothing more than a few tweaks to try and test their luck this time. Given similar tactics in the past, I fully expect they will keep trying, time after time, to see if they can wear the system and the objectors down. Such time wasting of significant resources and skilled people is objectionable when there are many other exemplary projects in the district that should be given that attention and focus instead.

- I submit that the level of detail in the Ayrburn Proposal is laughable, and should not be allowed to carry any weight at all. Our Councilors and decision makers holding the responsibility to look after our district, need to demand a much greater level of detail to allow prudent decision making. The lack of detail, and deliberate inaccuracies, in the proposed submission shows a distinct lack of respect in my view, and needs to be addressed accordingly with utter disdain.
- The proposal is merely using the concept of a retirement village to try to get more sites granted. There is no proof that a bona fide Retirement Village Operator is confirmed or guaranteed to work in association with the Developer. The use of the language of planning a retirement village, I believe, is nothing more than posturing to gain the means to the end..... to achieve approval for a high density, intensive expensive sub division.
- There is already a Retirement Village proposed for Arrowsmith that has considerable merit, along with a proven and experienced operator of Retirement Villages. It also is proposed in a very logical, and much more appropriate location allowing for services and amenities all to be simply extended from the immediate adjacent township of Arrowsmith. By stark contrast, this proposed Ayrburn Development is completely isolated from Arrowsmith, and would cause extreme impact on the area, with virtually every logistic for servicing able to be challenged as inappropriate.
- The Ayrburn proposal suggests the site is in a low visibility area. During my own recent subdivision process, where I split my personal home property into two, Council suggested I was in a high visibility site when literally a

handful of people would see my proposed home. The council map that was sent to me suggested that up to 100 neighbours could see me, but when you actually stood on over 90 % of those sites, (and I did!) the map did not take into account topographical considerations. Virtually all of the suggested, effected people could not even see my land, due to hills, or mountains in the way!

By comparison, this Ayrburn proposal is the extreme opposite situation and they are trying to suggest they are a low visibility proposal. That is factually untrue! My property sits above on the ridge, where I would literally look immediately down on virtually every proposed dwelling! Every neighbour within a considerable distance, let alone the other directly affected surrounding boundary neighbours, would view most of the development. Everyone with a dwelling located around the surrounding area will be looking directly at it. Then add on every single car or vehicle travelling down the main road of McIntyres Hill will immediately be viewing it. It was told to me, that for my own subdivision that there was concern of the visibility of my house from McIntyres Hill, and you can barely find the site – even when you know where it is !! and even then that assumes you are stopping on the side of the road, on the steep hill incline, in an 80 km zone which would be dangerous to do. I personally struggle how one argument can be held up against me that had no real logical justification, and yet that version be completely ignored for this proposal?

- Adding further argument to the visibility, there is the public walking track at the other end of the proposed development. This track is part of the Te Araroa trail and it is an assumption that such walking tracks pass through beautiful landscapes. The visibility of the proposed development would be extensive – in fact, the entire development would be visible from the top of the hill approaching the track decline, and would remain visible until at Speargrass Flat.
- I have grave concerns over the extensive light and noise pollution that such a development would create – again, I was subjected to intense argument for my SINGLE development about the light pollution my one house would cause And now this is a document discussing 201 dwellings! Seriously
- The beauty of the natural flora and fauna that is unique to the site can be argued far more substantially by experts, but I know that every single day, the location of my home is appreciated due to the constant visibility of native birds coming up from below, in the valley stream and lightly forested areas. To disrupt those, would be criminal and lost to everyone in the region forever.

- The loss of so many stunning, very, old trees in the Valley is a real personal concern to me. This proposed development would require the removal of all the mature trees running through the site to the west, along with many more scattered across the property. Replacement of such impressive, beautiful, tall trees would take many many years, so the suggestion of screening being put back in to “hide” the dwellings and development is also laughable. What screening? What time would it realistically take to be effective screening? What are actual growing times? Of what Species? How would the proposed plantings cope with getting established, with our harsh winters to grow to any respectable height over what time frame?
- Some of the proposed housing is on areas of the property that seriously flood. The proposed altering of the flow of the river and using extensive earthworks to deal with the problem is a short and dangerous sentence. The impact on the Lakes Hayes ecology would be significant and would need extensive consideration for that single reason alone.

Considering all of the above, along with numerous other points I hope get suitably covered by other objectors, I can only implore that our Councilors give due diligence to respond to the proposal with the only acceptable and prudent answer to again decline the proposal.

I hate seeing such proposals be allowed to get this far, when personal greed seems to be the only apparent driver of the project, with no genuine regard whatsoever for the amazing district we live in.

Acting in haste, and allowing exceedingly poor taste proposals, like this, through, to gain any more traction, in a system that allows for fast-tracking, will be to the ruin of everything we all hold sacred.

We only get one chance to protect what we have here in the Valley.

Regret at making wrong decisions, and observing all the disastrous consequences, will weigh heavy for a very very long time.

Mrs Lee Nicolson



**IN THE HIGH COURT OF NEW ZEALAND
INVERCARGILL REGISTRY**

CIV-

IN THE MATTER of of the Local Government Act 2002 and the Housing
Accords and Special Housing Areas Act 2015

BETWEEN **AYRBURN FARM DEVELOPMENTS LIMITED** a duly
incorporated company having its registered office at c/-
Cruickshank Pryde, Unit 23 Gorge Road Retail Centre,
159 Gorge Road, Queenstown

Plaintiff

AND **QUEENSTOWN LAKES DISTRICT COUNCIL** a local
authority constituted pursuant to the provisions of the
Local Government Act 2002, situated at 10 Gorge Road,
Queenstown

Defendant

**STATEMENT OF CLAIM
30 September 2015**

ANDERSON LLOYD, LAWYERS, QUEENSTOWN

Solicitor: **Maree Baker-Galloway**

Anderson Lloyd

Address: P O Box 201
Queenstown 9348

Telephone: 03 450 0700

Email: maree.baker-galloway
@andersonlloyd.co.nz

Counsel

Instructed:

Jack Hodder QC

Thorndon Chambers

P O Box 1530
Wellington 6140

04 499 6040

jack.hodder@chambers.co.nz

The Plaintiff by its solicitor says:

Parties

- 1 The Plaintiff is Ayrburn Farm Developments Limited (Company No. 5594349, NZB No. 9429041605899), a duly incorporated company having its registered office at Cruickshank Pryde, [REDACTED] and carrying on business as a land developer (*Ayrburn*).
- 2 The Defendant is Queenstown Lakes District Council a local authority pursuant to the provisions of the Local Government Act 2002, situated at 10 Gorge Road, Queenstown (*QLDC*).
- 3 At all material times the QLDC had full capacity to carry on or undertake any activity or business, do any act, or enter into any transaction, in exercising its powers wholly or principally for the benefit of the Queenstown Lakes District (*District*), pursuant to sections 10-12 of the Local Government Act 2002 (*LGA*).

Background: HASHAA

- 4 At all material times the District has experienced, and continues to experience, a serious problem around the supply and affordability of housing.
- 5 The Housing Accords and Special Housing Areas Act 2013 (*HASHAA*) was enacted for the purpose of enhancing housing affordability by facilitating an increase in land and housing supply in certain regions or districts, listed in Schedule 1 of the *HASHAA*, identified as having housing supply and affordability issues.
- 6 The QLDC's District is listed in Schedule 1 of the *HASHAA*.
- 7 The *HASHAA* seeks to achieve its purpose by providing for, among other things:
 - (a) the relevant Minister and territorial authority entering into a public agreement to work together to address housing supply and affordability issues in the authority's district (*housing accord*);
 - (b) consistently with the *HASHAA* and a housing accord, the authority recommending specified areas within the district to be special housing areas (*SHAs*);

- (c) in Part 2 of the HASHAA, facilitating qualifying developments of residential housing within SHAs by modifying the regulatory requirements for approvals of such developments (in particular, those requirements within the scope of the Resource Management Act 1991 (*RMA*)), including by giving priority to the HASHAA purpose, and limiting the scope for delays (*Part 2 provisions*).

The Accord, EOIs

- 8 The QLDC entered into a housing accord with the Minister, dated 23 October 2014 (*Accord*), which included commitments by QLDC:
 - (a) to prioritise achievement of the specified targets for the number of sections and dwellings to be consented in the next three years totalling 1300 consented sections and dwellings (*Targets*); and
 - (b) to utilise the HASHAA provisions to facilitate positive consideration of housing developments that might otherwise struggle to achieve approval under the District Plan and the RMA (*Facilitation Commitment*).
- 9 On 7 November 2014, the QLDC invited expressions of interest (*EOIs*) from persons interested in developing areas of land as SHAs.
- 10 Ayrburn prepared and submitted a detailed EOI in February 2015, involving significant investment of time, skill and money, in relation to a proposed development of 150 new houses on a 45.7 hectare site at 341-343 Arrowtown-Lake Hopes Road and submitted this (*Ayrburn Farm proposal*) in February 2015.
- 11 The Ayrburn Farm proposal is for a medium density residential development which would be constructed at no cost to the QLDC. The proposed lots range between 350m² and 500m². The level platforms of the site would keep construction costs low and could deliver housing for around \$450,000 in line with the Kiwisaver Homestart grant house price cap for Queenstown of \$450,000, and would satisfy a major portion of the Accord's year one housing target.
- 12 The Ayrburn Farm proposal is located approximately 2km from Arrowtown, and is adjacent to the Waterfall Park and Millbrook Special Resort Zones, within which Millbrook at present contains approximately 220 dwellings, and is zoned for up to 450 dwellings. Waterfall Park is zoned for up to a further 100 dwellings.

QLDC Policy, Criteria re SHAs

- 13 In October 2014 QLDC adopted a "Lead Policy" (*the October Policy*) to guide the assessment of potential SHAs for recommendation to the Minister and to provide parameters around its approach to achieving Accord targets.
- 14 The October Policy specified nine criteria for QLDC consideration of EOIs in relation to land that might be suitable for consideration as SHAs should be recommended as SHAs (*Criteria*).
- 15 The October Policy and Criteria included matters which reinforced the existing District Plan and RMA considerations (*RMA matters*), including:
 - (a) location within or adjacent to existing urban areas; and
 - (b) assurance of adequate infrastructure; and
 - (c) community feedback
- 16 The Criteria provided the basis for an evaluation of EOIs by an Evaluation Panel, in which each criterion was given a weighting out of 100%, including:
 - (a) location – 15%;
 - (b) adequate infrastructure – 20%; and
 - (c) affordability – 20%.
- 17 On 30 April 2015, the QLDC adopted an amended "Lead Policy" incorporating implementation guidelines relating to the HASHAA (*Policy*). Compared to the October Policy, the Policy included new references to Community Housing, both generally and under the affordability Criteria.
- 18 On the basis of the addition of Community Housing to the Criteria, Ayrburn submitted an addition to its EOI, adding the offer to lease 15 three bedroom houses to the community housing provider for \$1/annum/house for a period of 25 years.
- 19 Only one other EOI had any community housing component. The Brackens Ridge proposal offered four residential sections to the QLDC or the Community Housing Trust.

Community Feedback

- 20 On 24 April 2015 QLDC called for community feedback on the proposed SHAs. At least 67 written responses were received, of which at least 12 directly referred to the Ayrburn Farm proposal, raising a range of issues in opposition. A copy of this document was not provided to Ayrburn prior to the 3 June 2015 QLDC meeting.
- 21 In addition to the formal responses to the call for community feedback, there was direct communication between residents, government departments and QLDC staff in relation to the proposed Ayrburn Farm Proposal, which included reference to RMA matters associated with the proposal.
- 22 Ayrburn was not provided with all of the information from the community feedback and direct communications that was relevant to the Ayrburn Farm Proposal prior to the 3 June QLDC meeting.
- 23 Ayrburn provided supplementary technical information to QLDC prior to the 3 June QLDC meeting to expand upon earlier reports attached to the Ayrburn Farm Proposal, including those issues brought to its attention by QLDC since the proposal was submitted in February 2015.

Report, Decision

- 24 The Planning and Development Department draft report dated 30 April 2015 recommended QLDC accept seven of the proposed SHAs, including the Ayrburn Farm proposal. The Draft Report predated the amended Policy that introduced the new Community Housing provisions.
- 25 The final form of the Planning and Development Department report was dated 19 May 2015 (*the Report*).
- 26 The Report incorporated:
 - (a) an Evaluation Panel assessment, based on the Criteria, which ranked the Ayrburn Farm proposal below six other EOIs;
 - (b) expressions of concern and complexity in relation to those EOIs (including the Ayrburn Farm proposal) which might be inconsistent with the Arrowtown Urban Growth Boundary (*UGB*) under the District Plan; and

- (c) recommendations that only four of the EOIs, but excluding the Ayrburn Farm proposal, be recommended to the Minister as SHAs. The four recommended EOIs would provide a potential yield of 175 consented sections.
- 27 The assessment matrix that made up part of the Evaluation Panel assessment appended to the Report was unchanged from the Draft Report, despite the Policy Criteria in respect of Community Housing changing in the interim, and the Report stating specifically:
- "(16) That the affordability component of the assessment matrix was modified following the amendment to the Lead Policy, and rescoring has occurred to reflect the responses received"*
- 28 The Report did not refer to the supplementary information provided by Ayrburn, referred to in paragraph 23 above. The assessment matrix rating in respect of the Criteria remained unchanged compared to the Draft Report.
- 29 The Report incorporated advice that regard should be had to RMA matters raised in community feedback.
- 30 The QLDC considered the Report at its meeting on 3 June 2015 and decided to proceed with only four EOIs, excluding the Ayrburn Farm proposal, as candidates for recommendation as SHAs (*Decision*).

FIRST CAUSE OF ACTION: APPLICATION FOR JUDICIAL REVIEW

- 31 The Decision was made in exercise of the QLDC's statutory powers under the LGA and the HASHAA, and is amenable to judicial review under the Judicature Amendment Act 1972 and the common law.
- A. First Ground of Review – Errors of Law**
- 32 In making the Decision, the Defendant was required to direct itself correctly on, and act in accordance with the relevant law in order to properly and lawfully exercise its powers under and in relation to Part 1 of the HASHAA and the Accord, including for the primary purpose of improving housing affordability in the District (*Primary Purpose*), and to adopt processes and criteria consistent with that Primary Purpose.

- 33 The processes adopted by the Defendant, and considered and reflected in the Decision, included an evaluation exercise which disregarded the Primary Purpose insofar as it:
- (a) failed to give primary weighting to housing affordability and the provision of community housing; and
 - (b) gave substantial weighting to RMA matters (when such matters are only relevant to procedures under the Part 2 provisions and not Part 1).
- 34 The Decision reflected recommendations by QLDC staff which negated EOLs relating to the Arrowtown area (including the Ayrburn Farm proposal) by giving primary weight to the protection of the existing UGB, and not to the Primary Purpose.
- 35 In making the Decision, the Defendant erred in law in:
- (a) applying the Policy which incorrectly permitted RMA matters to be considered in determining whether a proposal should be recommended as an SHA under the Act, inconsistently with the Primary Purpose, the Accord and the HASHAA;
 - (b) adopting the Report recommendations which were incorrectly based on an assessment which gave material weight to RMA matters and failed to give priority weighting to housing affordability matters, inconsistently with the Primary Purpose, the Accord and the HASHAA;
 - (c) reaching a conclusion which was incorrectly incapable of complying with or achieving the Targets and purpose of the Accord, contrary to the Primary Purpose of the Act;
 - (d) incorrectly giving priority to protection of the UGB over the Primary Purpose, the Accord and the Act; and
 - (e) misinterpreting the provisions of the District Plan to treat the Ayrburn Farm proposal as other than “adjacent to an urban area” when the Millbrook complex is an urban area and adjacent to Ayrburn Farm.
- 36 The Defendant accordingly made its Decision otherwise than on the basis of a correct legal understanding of the purpose of, and its

obligations under, the HASHAA and the Accord, and the Decision is accordingly invalid and unlawful.

B. Second Ground of Review – Irrelevancies, Improper Purpose

37 In making the Decision, the Defendant took into account irrelevancies, failed to take into account relevancies, and failed to use its power to recommend SHAs for proper purposes, in –

- (a) when considering recommendations under Part 1 of HASHAA, taking into account RMA matters, and the UGB, which would fall for consideration under the Part 2 provisions after any such recommendations were made;
- (b) failing to give priority to the HASHAA purpose;
- (c) failing to give effect to the Facilitation Commitment; and
- (d) failing to prioritise achievement of the Targets.

38 The Defendant accordingly made its Decision otherwise than on proper considerations and for proper purposes, and the Decision is accordingly invalid and unlawful.

WHEREFORE the Plaintiff claims the following relief:

- (a) A declaration that the Decision by the Defendant not to recommend the Ayrburn Farm proposal to the Minister as a SHA, is invalid.
- (b) An order quashing or setting aside the Decision not to recommend the Ayrburn Farm proposal to the Minister as a SHA.
- (c) A direction that the Defendant consider the Ayrburn Farm proposal for a SHA in accordance with its statutory obligations, and such directions as the Court considers appropriate.
- (d) The costs of and incidental to this proceeding.

SECOND CAUSE OF ACTION: NEGLIGENCE

39 The Plaintiff repeats paragraph 1-30 above.

- 40 The Defendant knew when it invited developers to submit EOIs for potential SHAs that preparation of an EOI would likely involve sophisticated proposals and the incurring of significant costs.
- 41 The Defendant also knew that those submitting an EOI would rely on the Defendant's assessment processes for the EOI being formulated and implemented consistently with the purposes of the HASHAA and the Accord, including the Targets and Facilitation Commitment and in particular to address the identified need for a substantial increase in the supply of affordable housing in the District, resulting from existing constraints on housing developments (*Relevant Purposes*).
- 42 The Defendant owed a duty to EOI submitters to take reasonable care to ensure that it acted consistently with the Relevant Purposes, and avoided undermining the Relevant Purposes by reliance on RMA matters and the UGB (*Duty*).
- 43 The Defendant breached the Duty by assessing the EOIs, and in particular the Ayrburn Farm proposal, on the basis of analyses which clearly and unreasonably disregarded the Targets, the Facilitation Commitment and the purposes of the Accord and the HASHAA, and which relied on RMA matters and the UGB (*Breach*).
- 44 As a consequence of the Breach of the Duty, the Ayrburn Farm proposal was not recommended by the Defendant as a SHA, and the costs incurred by the Plaintiff in preparing and submitting its EOI have been wasted (*Loss*).
- 45 The Loss incurred by the Plaintiff associated with the SHA EOI was in the order of \$380,000 (to be fully particularised before trial).

WHEREFORE the Plaintiff claims the following relief:

- (a) A declaration that, in assessing the EOIs for potential SHAs that it had invited, the Defendant committed a tortious Breach of its Duty.
- (b) Judgment for the Plaintiff against the Defendant for the Loss suffered by reason of the Breach of its Duty.
- (c) The costs of and incidental to this proceeding.
- (d) Interest.

This document is filed by Maree Baker-Galloway, solicitor for the plaintiff of the firm Anderson Lloyd.

The address for service of the Plaintiff is at the offices of Anderson Lloyd Lawyers, Level 2, 13 Camp Street. Documents may be:

- a. Posted to the solicitor at Anderson Lloyd, Lawyers, PO Box 201, Queenstown 9348; or
- b. Left for the solicitor at the document exchange for direction to Anderson Lloyd, Lawyers, DX ZP95010; or
- c. Transmitted to the solicitor by facsimile to Anderson Lloyd, Lawyers, Fax No. 03 450 0799.

Ian Gordon

From: Ian Gordon
Sent: Friday, 26 February 2016 4:40 p.m.
To: Ian Gordon
Subject: FW: Proposed SHA - Ayrburn Farm DRAFT
Attachments: 31052015Attachment 1 - Assessing the Scoring of the Evaluation Criteria DRAFT.xlsx; 31052015Attachment 2 - Views of the bike trail and walking track.docx

Dear Mayor and Councillors

We are writing in regard to the proposed Special Housing Area (SHA) at Ayrburn Farm at Speargrass Flat.

We have our home at [REDACTED]

We are disappointed that at no stage in the process of the Council considering Ayrburn Farm as a SHA, have we been contacted by Council or the applicant in regard to the proposal, as we are affected significantly by it as will indeed be many others. For example I am aware that the applicant has an agreement with the vendor of the property to provide a potential right of way to the development which will run along our back boundary and exit onto Speargrass Flat Rd , a fact that has not been disclosed.

I own a development company, Willis Bond & Co, which is involved in two SHA developments in Auckland. We currently are developing nearly 1000 houses and apartments in Auckland and Wellington. We understand that development is necessary for managing growth and affordable housing, creating homes for young families, is very important. However we do not support development which is out of context, fundamentally flawed or approved based on misleading information.

We believe that the development proposed at Ayrburn Farm will not provide good quality housing to locals who are working in the area. The Ayrburn proposal is in reality 'Millbrook Lite'. It will not be targeted at the affordable segment, with evidence of this being that the 3 bedroom affordable houses that are being promised will, in all likelihood, not be provided at Ayrburn Farm but instead within a 10 Km radius from Ayrburn.

In their analysis of the options the officers used a points based system. Whilst the categories and weightings seem logical the actual scoring by the officers is flawed. The ability of the planners to give Ayrburn maximum points for affordability (5 out of 5) shows a lack of experience and understanding of what affordable housing is. On the face of it a maximum score for affordability would imply that all of the homes in the development will be affordable. This will not happen and indeed it is likely that few, if any, in the actual development at Ayrburn will be affordable.

It is manifestly obvious, for example, that Quail Rise proposal will provide more affordable housing than Ayrburn yet was scored a 3 (while Ayrburn received a 5). The significance of giving the maximum score of 5 in affordability to Ayrburn cannot be over emphasised. If instead of 2x 5's it was given 2x 4's , Ayrburn's overall score would drop from .8 to .71, leaving it clearly worthy of expulsion as a SHA candidate. Maximum points should be given to a development where the prices are capped. Instead at Ayrburn we are told that prices start from \$450,000. This means you could have one section at \$250,000 or one house at \$450,000 and the rest greater than a million dollars. Yet it still gets the maximum affordability score which has the highest impact on the final 'SHA score'. We question what evidence has the developers provided that the housing will be affordable. What is the average price and the middle price?

The two bedrocks of sustainable development are location and infrastructure. According to the Council's experts Ayrburn is bottom in both of these measures. That Ayrburn's 'affordability' saves it, beggars belief and credibility.

The planners appear very impressed by the amount of money invested in the applicants reports at Ayrburn. They should not be. Leaving aside concerns over the correctness of the reports (e.g. the claim that the development will be impossible to see from Speargrass Flat Rd), one should focus on the real game at play here. An approved 150 lot subdivision adjoining Millbrook is worth a great deal of money. Potentially \$30-50m. I object to this being achieved under the Trojan Horse of a SHA. Council will rightly look naive if this is approved, but more importantly, the

affordability problem in Wakatipu would not have been addressed, at least not by Ayrburn. Much would have been lost for very little in return.

Lastly we have attached a detailed assessment of the scorecard. My wife is an accountant, a Fellow Chartered Accountant and operates a think tank in Wellington (see www.mcguinnessinstitute.org). She frequently assesses economic models and prepares models (such as the Government Department Strategy Index – www.GDSIndexNZ.org). In the attached document (Attachment 1) she raises nine concerns about the quality of the scoring assessment. I recommend you read these in order to understand why the two assessors results should not be relied upon.

We recommend that this Wednesday Council should decide to :

1. Increase the range of development options.

- a. Request the additional information on Quail Rise and Arthur Point Hotel.
- b. Promote the opportunity for development of affordable housing to all major property developers in New Zealand (I for one was not aware of this process until learning of the proposed Ayrburn farm development)
- c. Develop your own proposals (as implied in the Accord) – proactively seek out locations and development partners

2. Ensure all citizens owning or living in a radius of 3 km of a proposed SHA in a rural area are informed in writing of any application for a proposed SHA once it is formally received by the Council.

We were not advised and I am sure there are close neighbours to Ayrburn Farm that have not been notified. Good process delivers good decisions.

3. Survey residents to understand their housing needs.

Do they want to live close to where they work, play, doctors and their children attend school? What are their housing needs? What are their concerns? (looking at Arrowtown in isolation without understanding heritage and its proximity and importance to Queenstown is naïve [e.g. the Insight Economics review was narrow; it did not consider the wider geography or attributes like heritage, tourism, sports events and aesthetics]). See Attachment 2 which shows photos of the countryside from the cycle trail. We believe communities want and need beautiful places to walk and ride – in the countryside.

4. Cap the values of affordable housing.

I suggest \$500,000 for a house and \$200,000 for a section – so that if development is fast tracked, it delivers real value to citizens. If 100% of houses fit this criteria , score them a 5.

5. Place each Assessors report (their full report) in the public domain.

This is not simply placing the scorecard results in the public domain. Assessors should be transparent, explaining what evidence have they relied upon and how they made their judgements. If their reports are not up for public scrutiny the assessment process should be repeated. As a famous judge said, 'sunshine is the best disinfectant'.

6. Review and repeat the assessment process (see the nine concerns with the current review process in the attached document)

- a. Focus on the purpose of the Act and the Accord - affordable housing. The purpose of the Housing Accords and Special Housing Areas Act 2013 is to 'enhance housing affordability'. If a proposed development is not *enhancing affordable housing* it should be rejected. If the purpose of a proposed development is to *develop unaffordable housing* it should be rejected and asked to go through the normal channels. This law was created to provide a core asset for people in need, not to build holiday homes.
- b. Don't score proposals until the application is complete otherwise it is a nonsense (there was insufficient information on two proposals but they were still scored)
- c. Use three assessors (not two) and ensure that they assess proposals independently (no collaboration) – otherwise you are simply delegating the decision to an advisory board
- d. Ensure assessors use the full range of scores (a score of '5' should be used rarely, but the assessors used it 57% of the time - this is extremely unusual).

I would ask that you read the reports carefully, apply the correct degree of objectivity to evaluating the scores, particularly affordability and look for the evidence. The land between Queenstown and Arrowtown is very special; it is 'big country'. Destroying it to build holiday homes under the guise of providing housing for locals is indefensible.

Yours faithfully

Mark and Wendy McGuinness

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Dear Mayor and Councillors,

SPECIAL HOUSING AREA SUBMISSION
AYRBURN FARM RETIREMENT VILLAGE

1. INTRODUCTION

Please find for your consideration the following feedback on the Ayrburn Retirement Village Expression of Interest (EOI) for a Special Housing Area (SHA). I own property with my husband at [REDACTED]; I have lived at both properties and currently reside with my family at [REDACTED].

I have reviewed what is now the second proposal by this developer for an SHA in this location and again I strongly disagree with the proposal. The Ayrburn Retirement Village EOI is an opportunistic “cut and paste” of the last SHA proposal by this developer. The previous proposal for residential development in this rural zone was correctly not recommended to the Minister and this proposal should also be refused. This second proposal has not been significantly altered from the first proposal and the many adverse effects have not been resolved. The following submission discusses why the Ayrburn Retirement Village EOI **should not** be recommended to the Minister.

2. EXECUTIVE SUMMARY

The second SHA proposal by this developer and consultant team remains fanciful and full of inconsistencies and inaccuracies just like the first SHA proposal by this developer. I recall that in the first proposal it was illustrated by a submitter that the house designs did not fit onto the lots. The effects of this proposal are no different to the first proposal. In fact, they are worse as there are 50 more houses proposed. The screen planting proposed is unlikely to be successful and contrary to the Assessment of Effects in the EOI, the subdivision will be visible from the Wakatipu walkway, surrounding public roads and neighbouring properties. Further, the technical infrastructure reports have not been updated from the first proposal to include the additional houses.

There is no evidence provided by the developer that there is a shortage or a demand for a retirement village in this location or any information provided on the management of the retirement village. The developer has no track record of retirement village development or management and there is no established management company involved in the proposal.

The developer has submissions filed requesting zone changes on the Ayrburn land. The District Plan review process has commenced and consideration of the developer's requests will be included in this process in a timely manner. There is no requirement for a fast tracked SHA process for this land.

The proposal is not in accordance with Council Lead Policy for SHA's and the development will fail at providing Affordable Housing due to the location within a rural area with no existing community services or infrastructure necessitating a Greenfields approach to development. A Greenfields approach will also result in higher infrastructure costs, likely requiring input from Council.

3. AYRBURN RETIREMENT VILLAGE EOI

Generally

This second proposal is once again fanciful and misleading. There is no evidence that the development will be a retirement village as there is no discussion of management services for the residents specific to a retirement village and the developer has no track record of retirement village development. The adverse effects of this second proposal are the same as

the first. Changing the name of the development to "Retirement Village" does not reduce the effects. The adverse effects will in fact be worse as there are now 50 additional lots proposed.

It is ridiculous for the developer's planner and landscape architect to say that the adjacent rural residential area and Millbrook Resort are urban. The area to the south of the proposal is zoned Rural Residential and has a density appropriate for that zone. Millbrook Resort is a golf resort with very few permanent residents. Additionally, the proposal is located 2km from Arrowtown and is not within the Urban Growth Boundary. Existing infrastructure is therefore not adequate to provide any cost reduction to the proposed development. The proposed development is a Greenfields subdivision with all the maximum costs that accompany such a development and no advantage to be gained from existing community services.

The assessment of effects provided by the developer's consultant planner, John Edmonds discusses school buses for children and the assessment of effects provided by Baxter Design Group refers to 151 lots (the number of the previous application) not 201 lots as is proposed in this application. These are just 2 examples of the inaccurate and obviously hastily prepared EOI. Council cannot be at all confident that this developer has the ability to deliver on what they are promising.

The location is not an appropriate location for an SHA as it does not have infrastructure capacity, roading capacity, community services or public transport. The proposed medical centre and café/garden centre are fanciful without any secured provider for these services and will duplicate existing facilities in Arrowtown. Once again, the development will be unaffordable as soon as residents move in as the cost of living in a rural area is not affordable.

As the residents of the proposal will conveniently be retired the EOI does not address proximity to place of work or schooling but it is misguided not to consider these requirements as it is unlikely in my opinion that the end product of the proposal will in fact be a retirement village, so these factors are still relevant. The majority of the promotional photographs included in the EOI show that the developer does not intend for the development to be a retirement village unless the average age of a retired person has lowered by 30 years.

The site is not flat and sun filled as stated in the EOI. There is one flat paddock but the rest of the development area is located on south facing slopes and in a stream bed so half of the lots are potentially cold and damp.

The assessment of effects provided by the EOI are misleading and of little depth. It is stated that "Ayrburn Retirement Village will alleviate unmet demand at no cost to QLDC or any impact on the feel or aesthetic appeal of the surrounding area". That is complete rubbish. The addition of 201 houses and accompanying residents, vehicles and noise will be very obvious to all.

Houses will be visible while screen planting matures. It is unlikely that the screen planting proposed will provide successful screening of the subdivision.

Visibility

The Arrowtown Retirement Village now includes an additional 50 lots, many of which are located at a higher, more visible elevation, up the slope at the northern edge of the subdivision. Houses are also now located in a horse paddock to the south of the farm road where the manager's house was previously located. This is much closer than in the previous application. Buffers of tree planting are proposed all around the perimeter of the subdivision to screen the houses from neighbours, the Wakatipu Trail walkway and public roads but no species names are proposed. It is therefore unknown but doubtful that planting will be successful at establishing within the extreme microclimate of Speargrass Flat or how long it will take to grow to a sufficient height to provide screening. As a landscape architect and a resident with a garden I am very familiar with the difficulties of establishing trees in the Speargrass Flat area. Deciduous planting will be more likely to survive but is penetrable in winter allowing views through. Native evergreen species are unlikely to survive the harsh frosts and dry summer wind of the Speargrass Flat microclimate apart from some shrubs which would not reach a sufficient height to provide screening. This leaves only a few conifer species that are not wilding species. Dense planting of conifers around the perimeter of the subdivision will not be in keeping with the open pastoral character of the area. I note that all of the photographs in the EOI visual assessment have been taken in summer but the same photopoints in winter

allow views though to the proposal site, as I provided in my submission to the first Ayrburn SHA proposal.

I note that there is now no farm manager's house so it is unclear how the open paddocks adjacent to Lake Hayes Arrowtown Road will be managed as a working farm. There is now a large amount of screen planting proposed that will require irrigation if it is to survive. Water supply in the area is limited and controls over use and watering by residents already exists. I do not see how the additional requirements by this proposed subdivision for irrigation alone can be absorbed by existing infrastructure or minor upgrades as suggested in the EOI.

Neighbours amenity

The proposed subdivision is located in the rural zone very close to a number of neighbouring properties to both the south and north. The subdivision will change the character of the local area from rural to urban. Neighbours should have the opportunity to participate in this significant change in their amenity under the RMA, particularly given the District Plan is currently under review. There is no need to fast track a subdivision disguised as affordable housing and now disguised as a retirement village when the future zoning of the Ayrburn land can be determined in a timely fashion within the District Plan Review process.

Location in the Rural General Zone

The Ayrburn Retirement Village EOI is located in the Rural General Zone on land with a landscape classification of Visual Amenity Landscape (VAL) according to the Environment Court decisions of the early 2000's that were then included in the District Plan. The land is rural with a pastoral character and has high visual amenity.

This land has been previously protected by the Resource Management Act and the District Plan. The Queenstown landscapes are vitally important to the future of the District and have national importance to New Zealand. The Rural General Zone provisions that relate to landscape issues were formulated in a very careful and considered way via a long and expensive process through the Environment Court. For Council to approve Special Housing Areas in locations that are zoned Rural General via a fast track process with little consultation undermines the District Plan and has no regard for the extensive process by which Council has safeguarded our natural landscapes in the past.

In accordance with Council Lead Policy for Special Housing Areas, Council can maintain the integrity of its Plan and its important landscapes by not approving Special Housing Areas that are located in parts of the Rural General Zone where landscape and visual values are vulnerable to degradation, particularly those that are not within or adjacent to existing urban development such as the proposed Ayrburn Retirement Village SHA.

The EOI discusses the pattern of development within the Queenstown area and how suburban pockets have established including Jacks Point, Lake Hayes Estate and Shotover Country. It states that the Ayrburn Retirement Village will follow this pattern of development. I consider that this ad hoc, uncohesive pattern of development has resulted in many problems for the district and should not continue to be followed. Unconnected residential subdivisions have developed within rural areas resulting in heavy reliance on private vehicles for transport to school, shops, work and existing community facilities resulting in inefficient traffic circulation and poor urban design outcomes. This pattern of development has also lowered the amenity values for residents and the experience of visitors to Queenstown. To continue with this development pattern would be a very poor outcome for the future of Queenstown. The District Plan Review is a valuable and timely opportunity to address this. If the Ayrburn Retirement Village SHA is recommended to the Minister this opportunity will be lost.

Council Lead Policy

The Ayrburn Retirement Village EOI still does not comply with the Council Lead Policy for Special Housing Areas. All of the reasons provided for the first Ayrburn SHA still apply and are repeated below with specific examples as follows;

2. Principles

4. The Council will expect innovative approaches to ensure the delivery of houses for Community Housing purposes

The EOI proposes 10 houses rent free for staff or as community housing. I do not consider that the sacrifice of a large area of rural landscape, significant infrastructure costs to Council and destruction of the character of the area and neighbours amenity for the development of 191 houses that are not affordable and will become an area of holiday houses without a sense of community is worth the gain of 10 community houses. The proposal is using the SHA legislation to avoid the RMA process and obtain the right to develop a subdivision that will do nothing to alleviate the lack of affordable housing in Queenstown.

5. Land within any special housing area and a qualifying development should be appropriately serviced to urban standards and not have an unforeseen or adverse financial effect on the Council or other infrastructure providers.

All of the shortcomings and inaccuracies with regard to infrastructure remain the same as for the first SHA proposal. The technical reports do not support the EOI's position that there will be no infrastructure cost to QLDC. In fact, this assumption is even more misleading as the reports have not been reviewed to include the additional 50 lots proposed in the Retirement Village and the greater area of development. It is just assumed by the developer and consultants that there will only be 1 or 2 people in each dwelling as it is a retirement village so the technical reports remain the same. This is a huge assumption and does not take into consideration the obvious eventuality that the subdivision is not a retirement village but a standard subdivision.

7. Priority will be given to establishing Special Housing areas within existing Urban Areas, or areas that are anticipated to fall within urban growth boundaries in the District Plan review

The Ayrburn Retirement Village SHA is not located within an existing Urban Area or within an Urban Growth Boundary. Two resort zones are located to the south of the proposed SHA, Millbrook Resort and Waterfall Park. Millbrook Resort is not an urban area, it is a golf resort that includes some houses that are predominantly holiday homes. Waterfall Park is undeveloped and not likely to be as it is steep, south facing and cold. Neither of these Resort Zones are existing urban areas and will not become so in the future. These areas are not like Jacks Point as the EOI suggests as one has very few permanent residents and house prices are considerably more than at Jacks Point and the other has no development and no promise of any in the future. The land to the west and east of the proposal is zoned Rural General and the land to the south is zoned Rural Residential. None of these zones are existing urban areas or likely to become so.

The Arrowtown Urban Growth boundary is currently 2km away from the SHA location. To enlarge it to accommodate this proposal would not be logical as it would include Rural land and the two resort zones as well. This would destroy the small village character of Arrowtown that council and residents have long sought to maintain.

8. Consideration may be given to a limited number of Greenfield locations for SHA's, where they are located adjacent to existing urban areas and services.

The land located to the south of the proposed SHA is zoned Rural Residential not urban as the developer's consultants seem to be trying to imply. Infrastructure, particularly water supply, is already under pressure by the existing residential dwellings. It is ridiculous for the developer's planner and landscape architect to say that the adjacent Rural Residential area is urban. It is zoned Rural Residential and has the density of that zone. Existing infrastructure is therefore not adequate to provide any cost reduction to the proposed development. The proposed development is a Greenfields subdivision with all the maximum costs that accompany such a development.

This Greenfield location can gain no advantage from existing services as the surrounding area is Rural or Rural Residential and has limited capacity to accommodate further residential development in the existing infrastructure without significant upgrade, cost and negative environmental impact on Mill Stream and Lake Hayes.

5.2 Criteria for recommending a Special Housing Area to Government
...location is considered to be a vitally important consideration for Council

The Ayrburn Retirement Village location does not represent sound resource management planning practice as required by the Council Lead Policy.

5.2.1 Location

The proposed area shall be located within or adjacent to existing urban areas. Areas located in rural areas remote from existing urban areas and services will generally not be viewed favourably.

The Ayrburn Retirement Village EOI is located in a rural area remote from existing urban areas so it should not be viewed favourably.

5.2.3 Demand for a Qualifying Development

In 5.2.3 the Council Lead Policy states that the SHA will ***deliver in a timely manner***. I note that the developer has no history in delivering residential housing to the market and certainly no track record of retirement village development.

5.2.5 Affordability

The Council Lead Policy states that integrated urban growth management should be considered. The Ayrburn Retirement Village SHA is located poorly to meet this consideration.

Appendix B – Residential Development Quality Expectations

Appendix B of the Council Lead Policy outlines Residential Development Quality Expectations. The Ayrburn Retirement Village EOI includes many fanciful elements within the concept plan in order to comply with this Appendix. The scheme relies heavily on the existing amenities of the area including the existing walkway from Millbrook to Speargrass Flat Road. It offers a connection along Mill Creek but does not consider the narrow 6m easement and the fast flowing steep sided creek or the dangerous exit onto Speargrass Flat Road at the narrow one lane bridge. A further connection is offered along Mill Creek past many private properties where the esplanade strip width is not detailed. A walkway is also offered through Waterfall Park, which is extremely steep and also private land. The proposal makes much of the retention of the historic farm buildings but these buildings do not require a 201 house subdivision in order to be retained. There is no evidence that the community needs another medical centre or another garden centre and there is no commercial agreement included with any providers for these facilities.

There are no nearby parks or shops but the SHA proposes a commercial café and garden centre which is fanciful in this location as commercial success would be unlikely. There are also limited work places nearby but conveniently for the developer retirees do not work and there is very limited public transport. There is a bus service but it has a limited schedule and is not affordable at \$15 one way to Queenstown. Private car will therefore be necessary for residents adding further congestion to traffic travelling towards Queenstown along Ladies Mile.

The SHA relies on smaller lot size to create affordability. This will not result in affordability in this location but speculation increasing property prices further as there are no retirement village management company details so houses could be sold to anyone.

4. WIDER ISSUES TO CONSIDER

District Plan Review

Ayrburn Farm Limited has filed a submission to the District Plan Review requesting a number of different options for zone changes to the land at the location of the proposed SHA. These include incorporating the land within the Waterfall Park zone or the Rural Residential zone or making an individual Ayrburn zone. All of these options would facilitate residential development of varying degrees of density. The developer also filed a second submission requesting that the Arrowtown Urban Boundary be extended to include its land. I note that the EOI states that there will be no need to extend the Arrowtown Urban Boundary. This is

contradictory to the District Plan Review submission. The developer is clearly intent on developing this land and will say and do anything along the way including contradicting its opinions and jumping on every and any bandwagon such as the retirement village farce to gain development rights. In my opinion the developer has no intent to develop a retirement village but is using the SHA legislation as just another option to gain development rights.

There is no evidence that the developer intends to create a retirement village. There is no evidence that a retirement village is even required in this location, particularly now that another retirement village is proceeding nearby at Arrow Junction. Another retirement village is certainly not required under a fast track SHA process. It would be statutorily irresponsible for Councillors to allow a fast track SHA development on this land when the developer has submitted on the District Plan and is a part of that process.

5. SUMMARY

The Ayrburn Retirement Village SHA should not be approved for the following reasons;

1. It will not create affordable housing.
2. It does not comply with the Council Lead Policy for SHA's.
3. It is not necessary to fast track another retirement village in this location.
4. The zoning and development options for this land should be considered within the District Plan review not a fast track SHA process.

I respectfully request that Councillors carefully consider this submission and **do not** approve the Ayrburn Retirement Village SHA.

Could you please keep me informed of progress and decisions.

Yours faithfully

Rebecca Lucas

To Anita Vanstone
QLDC

This letter is in support of Ayrburn Farm Developments Limited's Expression Of Interest : Special Housing Area for a Retirement Village at Ayrburn Farm.

Wakatipu Pony Club currently has 51 members and operates from grounds on the corner of Lower Shotover and Speargrass Flat roads. We have an informal relationship with the Robertson Family who own the land to run our rallies and events throughout the year . We have a shed on site where jumps and other equipment are stored. There is a cross country course on the farm that Pony Club built some years ago . What we have here enables us to run normal Pony Club activities .

We do not have any lease and the farm is currently for sale. The Pony Club does not have the financial means to purchase its own land in the Wakatipu Basin.

It came to our attention recently of the proposed plans for Ayrburn Farm and the subsequent offer to the Pony Club of some land. We feel the front paddocks that have been offered to Pony Club would make a great location to run normal Pony Club activities.

Hide original message

The Pony Club feels that a Retirement Village and its associated businesses would work well in association with our club. As far as we understand, one of the cornerstones of contemporary elder care is to be active and engaged in the community. We feel there would be mutual enjoyment between the Pony Club and its families and young members and the residents in the Retirement Village.

The offer to Pony Club and any restrictions placed are yet to be considered and this would need to be done once a decision on the Retirement Village is made.

We are happy for a representative to attend the QLDC meeting on the 1st of March.

Yours sincerely

Wakatipu Pony Club