

Tuesday, 24 July 2018

Submission of Mark McGuinness, Trustee of the Trust which owns 493 Speargrass Flat Rd.

I am trustee for the Trust which owns 493 Speargrass Flat Rd.

I am also the Managing Director of Willis Bond & Co, A property development company which I founded 30 years ago.

We have underway approx. \$1.3b of projects being developed in Auckland, Tauranga and Wellington. I have observed during the course of my career what constitutes good development and what does not.

I submit that the developments proposed by Waterfall Park Developments 2388, X-Ray Trust and Avenue Trust 2619 do not constitute good developments.

These developments are out of context and significantly diminish the rural 'capital' of Wakatipu Basin, so therefore I oppose them.

I support a number of submitters who wish to retain the rural character of the Wakatipu Basin such as: Wendy Clark 2234, Jay Anderson 2167, shaping our future 2511, Jillian and Simon Beadle 2430. In particular I support the submission of Rebecca Hadley dated 13 June 2018.

I oppose the proposed change to zoning over Ayrburn Farm. In this regard I support the submission of Rebecca Hadley which outlines the arguments against this new zoning. I will focus the rest of my submission on the X-Ray Trust and Avenue Trust proposals.

I also oppose the Precinct zone proposed to the north of Speargrass Flat Rd, both on the flats and plateau.

I planned to appoint Ben Espie of Vivian Espie to act as an expert in this hearing on my behalf once I become aware of the detail of the X-Ray Trust and Avenue Trust Proposal. (as outlined in Phillip Blakely's report of 13 June 2018.) Unfortunately, this was precluded by the rules of the PDP process.

My Key arguments against the proposals of X-Ray Trust and Avenue Trust are:

1. The PDP of Wakatipu Basin is based on the principle of locating rural living activity in inconspicuous locations away from through roads. The X-Ray Trust and Avenue Trust proposals do not do this.
2. This approach maintains the general, rural countryside character of the Basin in general terms. This approach is endorsed by the Wakatipu Basin Land Use Study and adopted in the PDP process.
3. To abandon this approach for X-Ray, Avenue and Ayrburn creates anomalies and incoherence in the planning approach.
4. Areas such as Speargrass Flat are vital in maintaining what is left of the Wakatipu Basin's rural character.

I note for commissioners that the fact that X-Ray and Avenue Trusts expert evidence was only available in the past month, has had a number of unfortunate outcomes in terms of what could be considered natural justice.

A lot of concern has been created in the local community as a result of X-Ray and Avenue Trust's proposals.

Unfortunately, the nature of the PDP process has meant that it was too late for anyone who had not already submitted and for anyone who objected to the scale and detail of what is now proposed, to oppose the proposal.

Secondly it effectively precluded those who had submitted earlier from presenting evidence from qualified experts to rebut the rebuttal evidence. I understand that this is the nature of the process.

I would now like to refer you to the evidence of Mr. Blakely (attached) a landscape architect employed by X-Ray and Avenue Trust to support their proposals as part of the Executive Summary:

I note the first point in 3.1 of Mr. Blakely's Executive Summary on **Page 3** of his evidence:

"The Plateau Area of LCU6 that includes X-Ray Trust, Avenue Trust and the Donaldson Block has significant and important landscape characteristics that need to be safeguarded."

I agree with this statement. I further submit that this statement applies even more to the Speargrass Flats Area which provides the public with significant visual amenity and which is at the heart of the rural character of the Wakatipu Basin.

In section 3.4 of his Executive Summary Mr. Blakely states: ***"Carefully located and comprehensively designed cluster style development on the Flat Area within contained nodes of development and large Building Restricted Areas, while retaining rural views will result in a better landscape outcome than Precinct Zoning of the elevated Plateau Area."***

The point here is that Mr. Blakely is not saying is that development on the Flats is a good thing - He is saying it's less bad than the alternative of developing on the Plateau. A position that is at odds with the Wakatipu Basin Land Use Study and common sense. The Flats are far more important to the retention of the rural integrity of the area than the Plateau. That said, my position is that neither should be developed any more intensively than is currently permitted.

Mr. Blakely simply has not, and I would suggest cannot, say that development on the Flats is a good thing.

I would like to refer to the photographs **appended to Mr. Blakely's report.**

Photo 8 shows a photo from Hogans Gully Rd to the Plateau – ostensibly showing the visual importance and impact of Precinct development on the plateau.

In photo 7 he has one from Tobins Track.

In no place does he have a photograph from Speargrass Flat Rd itself looking North to where the applicant wishes to develop on the Flats. It is obvious why not.

I refer you to the **attached photograph marked 'Speargrass Flat Rd'** It shows a simple, unique and un sullied rural view all the way to Coronet, Cardrona and other peaks. This untarnished outlook is simply unique in the Wakatipu Basin.

In **Appendix 2** of his evidence Mr. Blakely shows where houses would go along Speargrass Flat Rd.

No money has been invested by the applicant showing what the proposed houses would do to the view from Speargrass Flat Rd. This is understandable, no render could make the proposal look acceptable.

I would like to take you to one last matter. Please refer to the **photograph marked 471- 2018**.

Unconsented works in the guise of rural track maintenance were carried out by X-Ray / Avenue Trust at 471 Speargrass in June and July this year to significantly widen the track from the Flats to the Plateau, before I understand, the arrival of the commissioners to inspect the property. Normally a contractor would never carry out such works in the middle of winter to a south facing slope.

These works were unconsented. Council has now issued a stop work notice for these illegal works. No doubt the owner's philosophy was that it's easier to plead for forgiveness than ask permission. Permission that they would not have received.

I refer you to **photo 471-2015** to show what the hill in question looked like before these unconsented works.

I would now like to refer you back to Mr. Blakely's report where he notes in **5.5.1**
"The effects of earthworks and access roads on both Hillside and Plateau areas as well as the combined and cumulative effects of subdivision and development on the Plateau area will inevitably change the character and landscape of the eastern end of the Whahanui Hills".

As Mr. Blakely was writing this in early June 2018 he was confident in his view regarding hillside degradation as his client was illegally bringing such a thing to pass. Such behaviour should not be rewarded.

The remaining rural outlooks along Lake Hayes to Arrowtown road and particularly Speargrass Flat Rd are a valuable asset to the people of Wakatipu and New Zealand.

To argue that because some rural amenity has already been lost in other nearby areas means that it's acceptable to lose more, is an inherently flawed argument.

There will be enough new sections available in the near term in the Basin, without destroying these last remaining green spaces.

The rural pockets that still exist should be treated with the respect they deserve for the benefit of future generations.

Thank you

Mark McGuinness

