#### **Comment on the Ayrburn Screen Hub**

	rganisation name (if levant)	N/A			
First name David					
Last name		Kidd			
Po	ostal address				
M	obile phone		Work phone	N/A	
Email					
2.	Wo will amail you dre	oft conditions of co	nsont for your	commont	
x		emails and my email address		T T	

#### **Executive Summary & Relief Sought**

I oppose the Ayrburn Screen Hub which the Applicant proposes to build and operate in a part of Ayrburn Farm which is in extremely close proximity to my home at \_\_\_\_\_\_. The proposal would cause enduring and more-than-minor adverse effects on the amenity of \_\_\_\_\_\_, including noise, lighting/glow, privacy loss, traffic and dust, security and a fundamental urbanising change to the rural character that I relied on when investing in and improving \_\_\_\_\_\_. The claimed benefits are contested in the expert evidence filed with and in support of my comments and are too uncertain to justify imposing on me and my family (and our neighbours and the community as a whole) such a major loss of amenity.

The Applicant's approach has been materially opaque and inconsistent with earlier assurances, giving rise to a reasonable apprehension of a lack of candour and undermining any suggestion that there has been fair, timely consultation with adjoining owners. The point is amply demonstrated by the volume and substance of opposition which has emerged since this application was made.

#### I therefore ask the Panel to decline the application.

If, despite my opposition, consent is granted, I request strict conditions to internalise effects on the Ayrburn site, including: (a) no night filming and no exterior lighting after 6:00pm (except emergency lighting), (b) engineered noise control (bund + solid acoustic barrier) designed and certified to meet internal dwelling night-time criteria at 's bedrooms with windows open, (c) prohibition on tonal/reversing alarms (use broadband "quackers"), (d) a construction environmental management plan with hour limits (no Saturdays/Sundays/public holidays, 8:30am–6:00pm otherwise), (e) at the Applicant's cost independent noise and light compliance monitoring with real-time public reporting and significant sanctions for breach, and (f) a binding vegetation and bank-stability plan replacing failing conifers with low-height natives while maintaining sightlines and bank stability.

#### **Definitions**

In these comments:

"means Speargrass Flat Road
"means Speargrass Flat Road

"means Speargrass Flat Road

"Accommodation" means the land and buildings on the Site on/in which the Applicant proposes to provide 201 accommodation units, a gym/wellness area and a VIP/Screening area (if permitted)

"Applicant" or "Winton" means Winton Land Limited, a publicly company listed on the New Zealand and Australian stock exchanges which has made the Application through a subsidiary, Waterfall Park Developments Limited

"Application" means Winton's application dated 28 August 2025 under the Fast-track Approvals Act 2024 for approval of the Proposal by the Panel, based on an application for referral which was granted on 13 May 2015

"Bank" means the fenced bank area between and and and the Site on which there are some conifers

"Film Studio" means the land and buildings on the Site on/in which the Applicant proposes to operate a film production business (if permitted)

"FTAA" means the Fast-track Approvals Act 2024

"Proposal" or "Project" means the proposal to construct and operate a screen production facility (film and television) on the Site known as the Ayrburn Screen Hub and including the Accommodation

"Site" means an area of land approximately 26.25 hectares in size, being lot DP 540788, part of Ayrburn Farm situated between Arrowtown and Lake Hayes, on which the Applicant proposes to construct and operate the Project

#### Introduction

1. My full name is David John Kidd. Since 2006 I have owned, where I reside for a substantial part of the year with my wife Sarah. We have three daughters and one grandchild. has been and continues to be a very happy family home enjoyed by our family and friends for its special qualities, not least its semi-rural location and relative peace, quiet and tranquility. The image below illustrates just how close our property is to the Site and the proposed development. When we are using the tennis court, we are only 40 metres from the proposed location of the nearest building in the Project.



2. I am aged 66 and continue to lead an active family and professional life, the latter including legal consulting, managing investments and working in leading roles with charities linked to education, sport and finding a cure for Parkinson's Disease. I was in full time legal practice

from 1982 (when I qualified with Simpson Grierson) to 2000 (when I retired as a senior partner of Linklaters in Hong Kong, specialising in finance, in particular distressed debt). I am currently a senior consultant with the Hong Kong office of Gibson Dunn, working on the creation of a charity (the Nina and Teddy Wang Charity) which will be the 8th largest charity in the world.

- 3. Before we purchased in 2006, we looked at many other properties, including houses in the Millbrook development. In deciding to purchase and make it our home, one of the principal considerations was the fact that adjoins what was farmland, which would afford us relative peace, quiet and tranquility as well as the special and spiritual view of the Crown Range and sense of space between and Arrowtown which is a feature of the beautiful Wakatipu Basin. In the almost 20 years we have lived in we have added substantial value to the property by installing a tennis court and a swimming pool; and in May 2025 we contracted builders to carry out substantial refurbishment and additions (at a cost of over \$1.5m). This substantial financial commitment was entered into in the belief that following a final judgment of the Environment Court there could only be, in the longer term, very low-density residential development on the Ayrburn land adjoining , which would not disturb the peace, quiet and tranquility which is so important to my family's enjoyment of
- 4. My belief that the Environment Court decision was final, after years of uncertainty, was reinforced by the Applicant's clear indication that, following the Environment Court decision, it accepted it was limited to (and intended to proceed to build) 3-4 high-value houses on the Site. I discussed with the Applicant the expectation that there would be no significant loss of amenity caused by such houses because those who bought them would also place a high value on peace, quiet and tranquility (as advertised in marketing materials for three other nearby high value houses which the Applicant is developing see paragraph 16-18 below). Indeed, the Applicant agreed that there would actually be an improvement to our amenity because the new property owners would want to see the spectacular view of the Remarkables, a view which could only be obtained by replacing the conifers on the Bank with native planting. The potential replacement of the conifers and replanting with natives has been discussed with the Applicant for years, the plan being that the native replacements would provide a lower but sufficient screen whilst restoring the view of the Crown Range which we enjoyed for some years after we purchased 529 in 2006.
- 5. On behalf of my family, who with me hope to enjoy the amenity offered by great for many years to come, I respectfully submit that for the reasons set out in:
  - this personal statement;
  - the expert statement of Natalie Hampson (who points to the lack of any assurance that the proposed film production business is viable and sustainable financially, will deliver the stated benefits, or is needed in this location, having regard to other developments

- including the consented Silverlight development in Wanaka and an existing film production facility in the Remarkables Park);
- the expert statement of Carey Vivian (who comments on the Screen Hub's inconsistency with the strategic direction and other higher order chapters of the District Plan);
- the statement of Sean Kelly (who comments on the need for accommodation to be attached to the Screen Hub, whether and how it would be utilised by those using the Screen Hub and the general practical realities that count against the viability and usability of a Screen Hub in the Wakatipu Basin);
- the statements of many other neighbours who, like us, strongly object to this Application; and
- legal submissions made on my behalf by Jayne Macdonald of Mactodd (and those by Phil Page/Simon Pierce on behalf of Mr Jan Andersson who also opposes the application) which among other things track the Ayrburn Farm planning history and the Applicant's numerous unsuccessful attempts to obtain approval for a 'like' high density urban development on the land which adjoins

#### the Panel should decline to approve the Proposal.

6. On a proper analysis, there is insufficient assurance of what the FTAA requires to be "regional or national benefits" that would be delivered by the Project, the need is highly dubious and the economic case is very questionable; and therefore the development falls a long way short of justifying the substantial adverse impact on our amenity and that of the Wakatipu Basin environment generally and the inappropriate urbanisation of a space which I believe to be of cultural significance to all who live in and use the Wakatipu Basin.

#### About Winton and the 'Screen Hub'

- 7. The Applicant is part of a group of companies owned by Winton, a company which since 2021 has been listed on the Australian and New Zealand Stock Exchanges. As its name (Winton Land) suggests, Winton's business is real estate. As Winton's marketing literature states:
  - "Winton is a publicly listed developer with many large-scale projects currently in progress in New Zealand and Australia. Winton specialises in developing masterplanned neighbourhoods and bespoke spaces, that are best by design, with absolutely superior building standards, and where no detail is overlooked."
- 8. Winton became a public company on 17 December 2021 when 90 million shares were sold to the public at a list price of \$3.887, raising \$350 million and valuing the company at \$1.15 billion, with the current Winton Chairman and CEO, Mr Chris Meehan, and family holding 55% post-listing, valued at \$632.5 million. Winton's annual accounts since the 2021 listing reveal that several key financial performance indicators are on a downward trend since the 2021 listing. Specifically:

- cash at the end of June 2022 Winton had cash on hand of \$205 million, whereas the 30 June 2025 the cash balance was \$20.3 million;
- revenue revenue was \$160 million for the year to 30 June 2022, rising to \$211 m to 30 June 2023 and since falling to \$174 m for the year to June 2024 and \$155.4m for the year to 2025 (26% down on its peak);
- profit the net profit for the year to 30 June 2023 was \$65m, reducing to \$15.7m to June 2024 and \$10.3m for the year to June 2025 (half of which was attributable to a revaluation gain of \$5.1m); and
- debt the Winton group, having had no debt as at 30 June 2022 and 30 June 2023, had debt of A\$78.5 by June 2024, increasing to NZ\$100.4m by June 2025.
- 9. Since listing Winton's shares have consistently traded well below the list price and on 16 December 2025 the closing price was NZ\$2.10, which is a rebound from a 52-week low of A\$1.61 in March 2025. The rebound may be explained in part by the decision to allow Winton to make the Screen Hub fast-track application. The Environment Court having refused consent for high-density housing on the Site, Winton's shareholders (including Chris Meehan whose family holding appears to remain at 55%) may believe that the Application provides an opportunity to develop, through the Accommodation, what the Court had declined to approve.
- 10. Although Winton's balance sheet remains sound, with net assets of \$515 million as at 30 June 2025, its cash position has deteriorated markedly (see paragraph 8 above). The estimated construction costs for the Project are said to be \$190 million by the end of 2027. Winton's ability to build and operate the Project is a key factor in an assessment of the potential benefits from the Project. Notably, there appears to be nothing in the documents supporting the Application to indicate how Winton, with \$20 million in the bank, five times that amount in debt and falling revenues and profit, proposes to fund the construction costs. It is also notable that the Application is silent regarding how Winton, which itself appears to claim no experience in developing or operating in the film industry, will create and sustain a viable film studio business. The Applicant's declining financial performance raises serious questions and the failure to provide any assurance of committed funding adds to the considerable uncertainty regarding the viability and sustainability of the Project. (I note also that in December 2025 Winton postponed a \$750 million retirement village and apartment project near Auckland's waterfront due to a softening construction market and high interest costs and that Winton suspended its fast-track application for the South Auckland 3,400home project in August 2025. It was reported in the NZ Herald on 26 August 2025 that Winton has indicated it is "making some hard decisions regarding the timing of projects and slowing some down until funding and building costs stabilize". The second of these seems less of a concern because the Cordell Construction Cost Index rose just 0.4% in the September 2025 quarter, down from 0.6% in Q2 and well below the 1% long-term average, which would indicate that Winton's real concern is funding.)

- The Applicant relies on a report prepared by Property Economics whose name suggests specialization in property assets and business and whose experience statement in paragraph 1.2 of the report contains no reference to any experience of film assets and businesses. That report provides no support for the financial viability of the Proposal. To the contrary it states: "This report has not considered the profitability of the proposed development's operations and relies on the motivation of the applicant to assume that the development is feasible." I respectfully submit that where the substantial loss of amenity which would be caused if the Project proceeds is so clear, the Panel should be wary of determining that it is proportionate without any evidence of profitability or assurance of sustainability. I also respectfully submit that it would be wholly wrong to rely on the Applicant's motivation when assessing the likelihood that the Film Facility can deliver the regional and/or national economic benefits which must exist if there is any justification to impose the substantial loss of amenity to which I refer later in these comments. The Applicant is a property player through and through and the Application has little if any analysis to show the Film Facility is sustainable; so in relation to motivation, therefore, it is difficult to view the Project as anything other than a property play. On any view, it does not appear to be an project of the sort for which the FTAA is designed
- Natalie Hampson's report also points out that it is far from clear that the Screen Hub business 12. is underpinned by a credible business model. Mr Sean Kelly, someone with substantial experience in the film industry, casts doubt on assumptions which underlie the Applicant's assertion that the Accommodation is a necessary part of the Project. Further, there is no assurance that the business would be profitable – although it is tempting to get carried away with the glitz and glamour of the film and TV subject matter, the reality is, as Mr Gibson frankly concedes, that it is difficult to estimate the additional spend in the region (i.e. regional benefit) resulting from the Project. The numbers on which the Property Economics impact assessment are based are said to be only achievable "if the Gods were on your side" (i.e. everything would have to be in Winton's favour), which is not a safe basis on which to assess whether significant benefits will result. In the current volatile financial and geopolitical world there would appear to be significant risk attached to the Project (especially if one excludes the financial benefits of making the Accommodation available to the general public, which appears primarily to be a benefit to the Winton shareholders and not the sort of regional benefit the fast-track process was intended to promote).
- 13. Winton seems to acknowledge such risks. In its most recent annual report, dated 22 October 2025, Winton says:

"In our view, given the current economic environment and property market, it is a prudent time to avoid taking risks and conserve our resources until the economy and market begin to turn around. We will continue to operate with discipline, in the near term, this means focusing primarily on Sunfield and Winton's South Island operations and developments, where the market has remained buoyant. We will be judicious in committing further capital to projects until we have conviction that the market has a positive outlook. We maintain our view that we don't expect this to occur until after unemployment has peaked."

- 14. From reading Winton's literature, it is difficult to escape the impression that a significant part of Winton's Ayrburn strategy in the forseeable future is 'sweating' (i.e. maximizing revenue from) its existing hospitality assets by "visitor growth, gaining further efficiencies from the multivenue site, continuing to build the event pipeline; and continuing to deliver the high end Ayrburn experience to every person that visits." It follows that Winton's primary focus in relation to the wider Ayrburn Farm development appears to be to increase footfall. In seeking approval for the Project, Winton's primary objective appears to be to gain approval for the high-density Accommodation attached to the Project, with a focus on generating additional footfall for its hospitality business (Winton having been refused permission for high-density accommodation on the same site by the Environment Court).
- 15. In any event, there is little or no credible evidence that the 241 bed, 201 unit accommodation facility with gym and spa is a necessary part of the Proposal, either because it is a necessary part of the regional benefit alongside the film production facilities or because it is a generator of revenue which is needed to subsidise a film production business which has dubious profitability. On any view the number of beds seems to exceed what is reasonably necessary for the film production business. A domestic production is said to require only 80 beds and even an international production is said to require around 200 beds. Even if the Project is a viable business (which is doubtful see Nathalie Hampson's report), if Winton was truly proposing the project for regional benefit, logically it would want to encourage the employment of locals for whom no accommodation would be needed. Furthermore, as Sean Kelly explains, even if accommodation was to be necessary, those working in the Film Facility would likely want to be housed in a more affordable location. In Winton's Chairman's own words in his address to Winton's shareholders on 22 October 2025 when describing what he called the "Ayrburn masterplan":

"The Ayrburn masterplan is coming together well. Ayrburn is situated on the best part of the most expensive street in New Zealand and is a key long-term asset for Winton. We intend to continue to maximise the value from the entire masterplan for shareholders." (Mr Meehan remains a 55% shareholder.)

16. It was revealed earlier this year that the 'Ayrburn Masterplan' includes a relatively small number of high value residential properties called 'Ayr Residences', which I understand from Winton are planned in two phases. The first phase is described in a brochure published by Winton in October 2025 (attached as Annexure A) to market three lots located between the Lake Hayes/Arrowtown road and the Site. These properties were released under cover of a letter dated 16 October 2025 from Mr Meehan to members of Ayrburn's VIP club, as follows:

"As one of our most valued Vintner Members, I wanted to personally share something truly special now unfolding within Ayrburn. Ayrburn is unlike anything else in Queenstown, and we're now opening the door to the only opportunity to own a part of it.

Just three residential land parcels are being released. These landmark offerings that capture the very essence of this remarkable place. They are not just parcels of land - they're canvases for legacy. Whether you design and build your own home, or choose one of our architecturally significant homes, this is your chance to create a unique lifestyle asset for your family.

Each site offers privacy, scale, and direct access to the best of Ayrburn - from world-class dining to the vineyard and beyond. It's where lifestyle meets landscape, created for you to enjoy in total privacy.

Available Offerings

#### Land Parcels:

- Lot 6 | approx. 9,680sqm
- *Lot* 7 | *approx*. 8,560sqm
- Lot 8 | approx. 11,760sqm

#### Residences:

Our residences offer a complete turnkey package, designed and delivered to the highest standard. Each home is complemented by extensive outdoor entertaining areas including a swimming pool set within thoughtfully designed landscaped grounds. Your own private expression of Ayrburn at home.

- Lot 6: Crown Peak Residence | 9 bedrooms, 9.5 bathrooms, 3-car garage | 844sqm interior
- Lot 7: Mt Soho Residence | 8 bedrooms, 8.5 bathrooms, underground bar & theatre, 3-car garage | 905sqm interior
- Lot 8: Coronet Residence | 8 bedrooms, 9.5 bathrooms, underground bar & theatre, 3-car garage | 916sqm interior

This is a once-in-a-generation opportunity to claim your place within one of Queenstown's most coveted landscapes. For further details, please refer to the attached brochure or or contact John Bayley on 021 926 910 for more information. If you'd like to explore what's available or would like to arrange a private conversation, I would of course be delighted to, and am always available on 021 744 483.

Best regards,

#### Chris Meehan"

- 17. The Avr Residences brochure makes no mention of the addition of the Screen Hub to the Ayrburn Masterplan. Instead, the covering letter refers to the Ayrburn Farm as "one of Queenstown's most coveted assets" and "this remarkable place"; and the brochure describes these properties as "adjacent to Ayrburn, nestled between Arrowtown and Lake Hayes and framed by the natural vernacular of the enveloping majestic vistas"; "Home is where the heart belongs, in the mountains and embraced by nature's wild grace"; and the brochure states that "the architecture of the Ayr Residences responds to the New Zealand vernacular with a deep understanding of the region's cultural, historical and environmental context. Arrowtown has a strong goldmining heritage with farming influences and a distinct alpine setting. Incorporating these elements into the architectural design creates a sense of connection with the landscape, history and tradition." Whatever 'the natural vernacular of the enveloping majestic vistas' may be, it sounds an implausible bedfellow of an industrial venture like the Film Studio. In my respectful submission the Panel should consider whether the failure to mention in the Ayr Residences brochure the possibility of a Film Studio in the neighbourhood and the lack of any meaningful attempt to show that the Film Studio can be funded and managed in such a way as to be sustainable belie the possibility that the Applicant may construct and run the Accommodation as a hotel but never get around to constructing the Film Studio.
- 18. The qualities envisioned by Winton and used as selling points for the Ayr Residences part of the Ayrburn 'masterplan' are impossible to reconcile with adding to that 'masterplan' the Proposal to locate an urban and industrial development on the doorstep of these three exclusively marketed new properties. The FTAA presented an opportunity for Winton, as part of the Proposal, to reopen the question of whether high-density accommodation could be developed on the Site, that question having previously been finally resolved by the Environment Court. Until then (and as Winton was still telling me up to early May 2025) it was Winton's intention to add a second phase of the Ayr Residences, much more befitting their desire to market Ayrburn as the "best part of the most expensive street in New Zealand", than the Proposal; and in keeping with the District Plan in accordance with the final decision of the Environmental Court.

#### **Dealings with Ayrburn Farm and Winton**

19. When we bought in 2006 Ayrburn Farm was run by a farm manager. The land which directly abuts is fenced off and mostly consists of a largely neglected and unusable steep bank on which a disorderly and unattractive bank of conifers have grown randomly. From the time we moved into we wanted to replace the conifers with native and suitable exotic trees and plants as vastly preferable alternatives to conifers. (QLDC is taking steps to phase out conifers and based on that plan I would expect the Council to have no problem with replacing the conifers on the bank.). The current state of the trees, which regularly lose branches in high winds such as occurred on 15 December 2025, is illustrated by the photos below:







20. The plan/photo below was provided by Winton in relation to a consent application to give the impression the trees on the Bank are a substantial source of comfort for those who live in the neighbouring properties.



21. The conditions for the consent shown below make it clear that the trees can be removed at any time with the consent of the relevant owner. In fact, as a site visit would quickly show, the trees are a motley assortment of conifers which provide inconsistent and dubious "protection" from anything.

34

#### Maintenance of existing vegetation

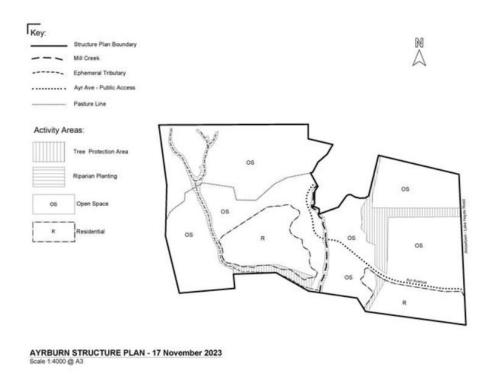
- This condition applies to the trees and all other vegetation over 2m in height ("Trees") located within the Tree Protection Areas A, B and C ("TPA") shown on approved Plan Q6388-16-6 Revision A dated 24/04/2018 entitled "Waterfall Park Access Road – Adjacent Parcel Information and Tree Protection Area".
  - The Trees must be maintained, and cannot be removed or trimmed, except as authorised under (b), (c) or (d) below.
  - b) The consent holder may remove some or all Trees provided that:
    - the consent holder has first planted replacement Trees which will achieve the same or similar visual screening effect when viewed from the three properties south of and adjoining the TPA; and
    - (ii) the replacement Trees are evergreen; and
    - (iii) the replacement Trees have reached a height of 4m above ground level measured at that point on the northern boundary of the TPA which is directly north of the replacement Trees.
  - c) Trees may be removed or trimmed if the consent holder first obtains the written consent to such removal or trimming from the relevant adjoining landowner to the south. For the purpose of this subclause the 'relevant adjoining landowner' is:
    - (i) in respect of TPA-A, the owner of Lot 1 DP336908;
    - (ii) in respect of TPA-B, the owner of Lot 3 DP336908;
    - (iii) in respect of the TPA-C, the owner of Lot 4 DP336908.
  - d) This condition does not apply to, or restrict the trimming of:
    - (i) branches of Trees within the TPA which extend beyond the boundaries of the TPA:
    - (ii) Trees which, in the opinion of an experienced arborist, need to be removed or trimmed for safety reasons.
- 22. I note also in relation to the trees on which the Applicant places such reliance that the QLDC said the following in its feedback to the Applicant on the referral application:

#### Ecological Effects

The conifer hedge is shown as being retained as per the Ayrburn structure plan. Invasive wilding species across the development can be problematic in terms of wilding tree spread. This includes mature tree species such as Crack Willow, Sycamore, Douglas Fir etc. Therefore consideration should be given to the removal of the conifer hedge and replacement with non wilding or native species.

23. For ease of reference the Ayrburn Structure Plan referred to in paragraph 23 above is as follows:





- 24. Despite the feedback from QLDC that the Applicant should consider replacing the conifers, the Application contains no proposals to comply with QLDC's suggestion by removing the trees from the Bank and replacing them with natives (as I first requested six years ago), presumably because leaving the trees on the Bank is thought to support an argument that the trees provide some sort of protection from loss of amenity. As appears from my comments below and those of several of the other neighbours directly and substantially affected, including Mr Peter Goulston (owner of and Mr Geoff van Deusen) (owner of protection), the conifers provide little if any real protection.
- 25. It is not clear whether the conifers were placed on the Bank as part of a deliberate plan. Perhaps it was meant as a windbreak; and there may be something in the Applicant's theory that the purpose was to create a screen, but in my respectful submission it is just as likely that the predominant if not sole reason for the planting was to stabilise the Bank and prevent erosion at the time, given that the land on which are situated was formerly a quarry (a fact relevant to the issue of potential construction disruption because the rock quarried from our next door property is likely to require lengthier and noisier excavation for foundations than normal).

26. As illustrated by the photo below, taken in about 2006-7, there was then a large gap in the trees (which was created by the Ayrburn Farm manager at the request of the then owner of and there was a substantial view of the Crown Range above the tree line.



27. The photo below, provided by the Applicant, also illustrates that the trees on the Bank are unevenly distributed and, in my respectful submission, cannot reasonably be regarded as adequate (or any) protection against anything, save perhaps for erosion.





- 29. In 2015 Winton sought approval to build 150 houses on Ayrburn Farm (including the area occupied by the Site). I opposed that application on the basis that such high-density accommodation was completely inappropriate. A sample of the letter I wrote to QLDC councilors is included at annexure B.
- 30. Winton's application to QLDC for approval of a high-density housing development next door to was unsuccessful and Winton then applied to the Environment Court for such approval (by way of change in zoning as discussed further in Mr Vivian's evidence, and in the comprehensive summary provided in legal submission for Mr Andersson). During the Environment Court proceedings Winton abandoned its high-density application and

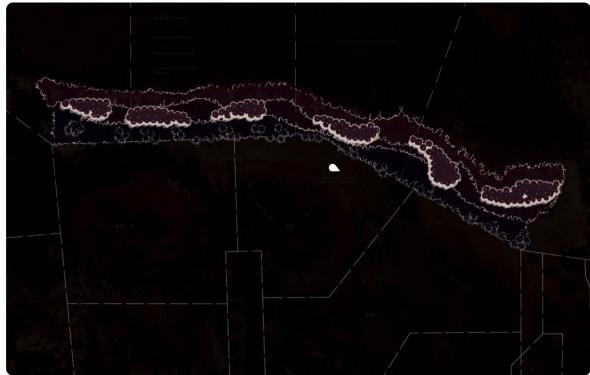
- thereafter the question to be decided by the Court was whether Winton should have approval for a rural low-density zoning which would allow 3-4 lots on the Site.
- 31. Whilst the planning proceedings were running their course through first the Council and then the Environmental Court, I was attempting to discuss the options for dealing with the Bank following an introduction in March 2019 to George Watts, who is employed by Winton as a landscape architect and is involved in the "master planning and design of Winton's projects" (as stated on Winton's website). George Watts has been centrally involved in the Ayrburn masterplan, including the addition of the Screen Hub during 2024/25. On at least two occasions George Watts has shown me (and on the second occasion my wife Sarah also) around the Ayrburn site, proudly describing Winton's plans and clearly recognising that we have a very strong interest in those plans due to our close proximity to possible development sites. In neither of these tours nor in the many conversations and exchanges of emails I had with George Watts over the years, right up to April 2025, was there the slightest indication that Winton believed that a film production facility on Ayrburn Farm would have regional and/or national benefits and was contemplated as part of the Ayrburn masterplan.
- 32. Whilst I was interested in Winton's plans for its hospitality hub, retirement village and hotel, my focus in all of my discussions with George Watts was how Winton planned to deal with the Bank. My communications with Mr Watts were extensive and I have included these in **Annexure C** to illustrate the way in which Winton has dealt with us, leading us to believe in recent years that low-density housing (3-4 houses) was the limit of their expectations, whilst concealing the intention to seek through the fast-track process the sort of consent for high-density accommodation on the Site that the Environment Court denied them.
- 33. Those communications show, in summary, that since March 2019 I have repeatedly sought to work with Winton on a long-term solution for the conifer-strewn Bank. After initially failing to respond, Winton engaged in 2021, met on site to discuss options and delivered draft terms that contemplated removing/replacing the trees and preventing structures/tracks on the bank. Winton made it clear, however, that implementation of any terms would be conditional on rezoning to the Wakatipu Basin Lifestyle Precinct (or similar). Below is a copy of the plans that George Watts gave to me at this time, which clearly contemplate up to 4 lots on the Site (see the wording "Indicative future lot boundaries").



Ayrbum Bank - Proposed Tree Removal Plan 14 April 2021



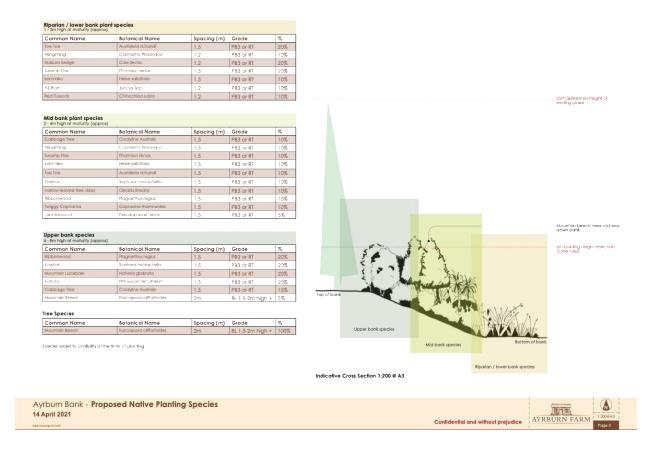




Ayrburn Bank - **Proposed Native Planting Plan** 14 April 2021







- 34. Through 2022–2023 Winton maintained that tree replacement would be addressed once the Environment Court outcome was known; topping the trees was discussed as an interim step but not pursued because replacement and replanting appeared to remain a real prospect in the not-too-distant future. In mid-2024 the Applicant obtained consent for a cycle track through the same trees and then installed the track without any consultation with us, notwithstanding our years of dialogue about their removal/replanting. After the Environment Court's decision in late-2024, Winton sent us the judgments and confirmed an intention to develop 3–4 rural lifestyle lots in the next door paddock and, in discussions through to April 2025, indicated these would be high-end homes.
- 35. The last time I met with George Watts was on Wednesday 30 April 2025 on our property, attended also by Geoff van Deursen. After exchanging pleasantries during which I believe I would have mentioned we would be having a lot of work done on the house over the winter, the focus of our discussion was again on a replanting of the trees on the Bank and Winton's willingness in the meantime to allow the removal of two trees so as to improve part of our view of the Crown Range. During the meeting George Watts was still speaking as if the Winton plan was to do what the Environment Court permitted them to do, being to place 3-4 residential blocks on the land adjoining our properties, the other side of the trees. George Watts said the plan was to offer very high-end properties on the Site in due course, but only after 3 similarly high-end properties off Ayr Avenue had been marketed and hopefully sold.

(I believe this was a reference to the properties referred to in paragraphs 16-18 above.) I asked for plans to show where the 3-4 properties adjoining our properties would be located, to which George said that they did not want to release anything about these properties at this stage because that might affect the marketability of the first three. George Watts clearly indicated, however, that the 3-4 properties were definitely in the master plan. We discussed the common interest that the owners of these properties would have in wanting the trees to be replaced by a lower planting so the Remarkables could be seen from their properties. I was left in no doubt that the 3-4 properties would be offered in due course; and I was encouraged to believe that at long last we had a situation in which there would be consensus that the trees would be replaced.

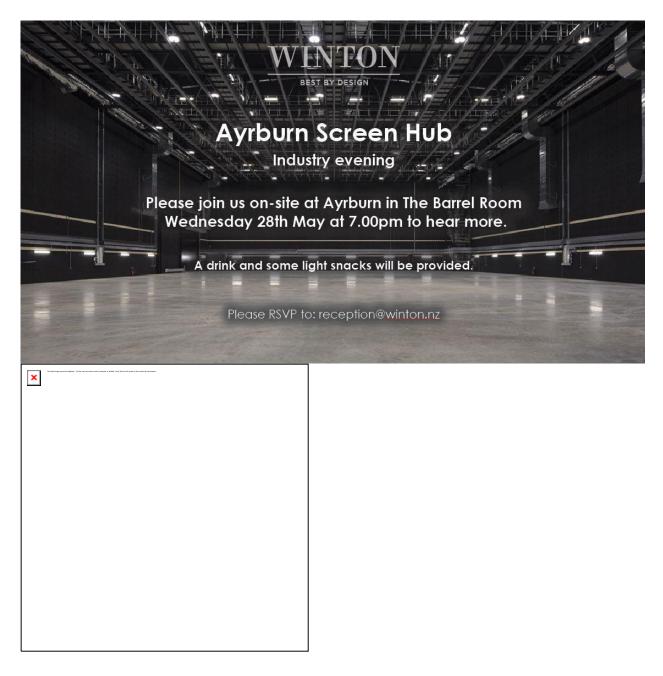
- 36. These communications may or may not amount to a legally binding agreement between neighbours, in relation to which I reserve my position, but in any event for present purposes what can be taken from all the exchanges between us at the very least is that Winton repeatedly acknowledged that dealing with the Bank/trees was a shared issue to be solved collaboratively; that wholesale replacement by lower native planting (with ongoing maintenance) was not merely speculative but was a real prospect for which Winton had drawn up detailed plans, albeit that such plans were tied (by Winton) to rezoning; that no structures or public tracks on the bank were contemplated in the discussed covenant framework; and that **once rural lifestyle lots were confirmed**, the trees were unlikely to be a permanent screen because lower planting would better suit those dwellings as well as our amenity. Against that backdrop, it would be reasonable for us to have expected timely consultation on any works affecting the Bank or our privacy/outlook; transparency about master-planning next to our boundary; and implementation of a durable planting/maintenance solution rather than reliance on deteriorating conifers for ad-hoc works that increase noise, light or overlooking. We had no such consultation.
- 37. On 5 May 2025 I contracted with builders (Modbox) to carry out extensive refurbishment and extension work on 529 at a cost of approximately \$1.5 million. I did so in the belief that there had been a final resolution of the planning questions which had existed for years regarding the Site. As an experienced lawyer, I am aware of the fundamental importance of finality in our justice system to promote stability and certainty. I was aware that the long-awaited decision of the Environment Court could not be appealed and I believed that we could invest further in our home at 529 safe in the knowledge that the Court had finally determined that the land was zoned for 3-4 lifestyle properties and that there would not be the sort of high-density urbanisation that Winton had previously hoped for.
- 38. The importance of finality in our legal system is explained in more detail in Ms Macdonald's legal submissions. It is essential for stability and certainty in society, which is why as a general rule where a Court has delivered a decision from which there is no right of appeal, that decision and its consequences may be treated as final and incapable of being overturned. A party affected by the decision is entitled to proceed on the basis that the decision will not

be changed to the detriment of that party. I appreciate, of course, that the Government may legislate to change the law, but in my respectful submission where someone potentially affected by the change has relied upon finality and a change is proposed which could have a substantial detrimental impact on that person, the evidence of benefits and the justification for imposing the adverse impact and reversing the finality must be clear and be supported by evidence that shows a high likelihood the benefits will occur. And where, as here, the party seeking to take advantage of the reversal of the finality has failed to act with candour and in good faith, the adverse impact should only be imposed where the applicant has established beyond reasonable doubt that benefits will occur which are so substantial as to achieve clear proportionality.

- 39. As a general point regarding benefits, I observe that the Applicant asserts that the Project can, in order to deliver regional and national benefits, attract international business. It is well known that international investors will be loath to invest in a country which lacks stability. Thus, if the Panel approves the Proposal and effectively reverses what had been a final decision, in part because it is hoped the Project will attract international business, it is likely the very decision to approve will undermine international investor confidence and defeat to an extent the objective of obtaining such business, so reducing the likelihood of the benefit.
- 40. Despite our regular communications and having developed what seemed a reasonably good and professional relationship with George Watts, a senior representative of Winton who had been working on the Proposal since October 2024 or earlier, there has been **no consultation** whatsoever with me as an immediately adjoining owner prior to the Applicant lodging this application. Winton appears to have (a) deliberately concealed its intention to apply under a proposed fast-track process to take advantage of a legislative power to approve where the QLDC and the Environment Court had finally decided to reject as inconsistent with a valid District Plan; and (b) led me to believe that it had every intention of developing the Site in accordance with the final Environment Court decision. Winton cannot with any credibility claim to have acted in good faith. In my submission, this behaviour should weigh heavily in the balance against approving the Project which should not be approved in the absence of the strongest possible case that there are economic benefits that are so certain and so compelling as to justify imposing on my family a substantial loss of amenity having (by deliberately misleading us) deprived us the opportunity to ascertain the outcome of this Application before committing to our renovations and expansion.
- 41. Despite paying lip service in his email dated 5 June 2025 (see end of Annexure C) to some form of feedback on the Proposal ("Please take some time to look over and let me know"), he did not follow up. He cannot have been serious about consultation with me as one of the closest neighbours, especially when he says he did not mention the Proposal to me when we met on 30 April 2025 because "it was a super busy time pulling the application together, it was unknown how the project would be received and if it would get through the gateway

(referral application) to the substantive stage". This is most disingenuous. The truth is that George Watts had every opportunity to inform me of the referral application but didn't because he knew full well that we would oppose (not least because I had made it clear to him that my wife and I were fed up with the noise caused by the constant coming and going of trucks carting materials just the other side of the trees, which had mercifully recently stopped) and he obviously did not want anything to derail the referral application.

42. In contrast, members of the film industry were consulted widely before the referral application and, in contrast to the lukewarm invitation to me (and other neighbours directly affected), in some style after the referral decision, when they were feted at an event hosted in The Barrel Room at Ayrburn (see invitation below).



43. The apparently favourable letters of support from the film industry should be put in this context. Having been given presumably excellent hospitality at Winton's expense and told Winton's story regarding the Proposal (it is unlikely the adverse impacts were mentioned), the large number attending were asked to say something nice about the Proposal in an email from George Watts dated 30 May 2025 (see below) in which he asked the guests of the previous evening a number of leading questions, concluding with a plea to "come up with something creative":

"Thank you for coming on Wednesday night and taking the time to be involved. It was great to see such a large turnout and share the project with the local industry. The fast-track process is split into two stages, the referral stage and the substantive stage. We have made it through the first stage and have been invited to lodge our substantive application.

This process requires more detail and as Chris said, we are going to need all the help we can get to be able to see this thing through. With that being said, as the end user of the Screen Hub, you have an important voice and are well-positioned to comment on and support the application.

What we are asking for is an email or a letter of support from yourself that might simply be confirmation of your support in your own words or a more detailed response that could cover some of the below points that are relevant to you. Anything is appreciated!

- 1. A little about yourself, including your time and role in the industry.
- 2. Local industry challenges or opportunities you think the Ayrburn Screen Hub could address here are some ideas to get the juices flowing, but this is totally up to you and anything is great.
  - Perhaps jobs that have come and gone that would have benefited from the appropriate studio facilities
  - Jobs that never came because there were no studios
  - The lengths productions have gone to build temporary structures to: film in, store vehicles, use as weather cover, and workshops
  - The current lack of facilities
  - Struggles of finding suitable accommodation
  - The increased duration of work
  - The quality of the workforce in the region but skilled Crew and friends having to leave town to find work as that's where the studios are (I know I can think of many)
  - The consistency of work that studios bring
  - That it will be impossible to grow the industry without providing the facilities
  - How the screen hub facilities are appropriate
  - The varied scale and type of work in the region calls for a flexible facility

I would also love it if you could include the one aspect you think is the most compelling and/or exciting.

I'm sure you will come up with something creative and there will likely be many more reasons that we have not considered."

#### Loss of Amenity — Noise & Vibration

- 44. The character of noise expected from a film production campus such as that proposed here is fundamentally different from the environment we currently enjoy. There is no other way to describe it than <u>industrial</u>. It can be expected to emit intermittent but intrusive low-frequency noise from plant (HVAC/extracts), tonal alarms, forklifts, truck movements and after-hours activity associated with set changes and general logistics. These are obviously not typical rural sounds and cannot be "naturalized" by distance alone. In any event, in this case proximity is a critical factor. As indicated in paragraph 1 above, my property is less than 50 metres from the Site and about 100 metres from the closest collection of buildings.
- 45. One does not have to be an acoustic engineer, and it is commonly known in any event, that low frequency sound travels and is poorly attenuated by vegetation. During construction, the duration (stated to be approximately three years) compounds the effect—particularly heavy vehicles, compactors, and impulse noise. At , most of our bedrooms and outdoor living areas face the Site; and we use these spaces into the evening, frequently dining outside in warmer months. Noise at those times is acutely adverse to our use and enjoyment. Over a sustained and ongoing period the impacts on our amenity will be significant and unable to be mitigated to any satisfactory degree.
- 46. I endorse and respectfully adopt the submission of my immediate neighbour, Geoff van Deursen ( ), and other neighbours who have commented on the critical deficiencies in the applicant's noise assessment. The Marshall Day report fails to provide a complete picture of the acoustic environment we will face at this proximity. It omits modelling for the cumulative noise of 201 accommodation units, the constant activity around the central lobby and carparks, and the specific noise from patrons, over which we would have no control.
- 47. Furthermore, the assessment fails to account for the specific 'character' of the noise. Because the noise sources here—amplified voices on the backlot, machinery, and door slams—have special audible characteristics, a standard 5dBA penalty must be applied to the modelling to reflect their intrusive nature. The absence of an Lmax (maximum noise level) control for night-time noise is also a glaring omission. Without an Lmax limit, we have no protection against sleep disturbance from sudden, loud noises.
- 48. We also cannot view this proposal in isolation. As noted by my neighbours, Ayrburn's existing operations already "creep" onto our acoustic environment. We already experience noise from consented 'temporary' events and general hospitality operations are having an ongoing and increasing impact. Adding a 24/7 industrial and commercial hub on top of this existing baseline would create a cumulative effect (a hubbub in the truest sense) that will be significant and unable to be mitigated to any satisfactory degree.

49. Finally, regarding construction, the duration (stated to be approximately three years) compounds the effect—particularly heavy vehicles, compactors, and impulse noise. For a resident, three years is not "temporary"; it is a significant portion of our lives.

#### Loss of Amenity — Lighting & Skyglow

50. The proposal has the potential to introduce high-intensity, mast-mounted lighting, façade spill, and vehicle lighting into what is presently a dark-sky rural edge. Light spill into habitable rooms at night disrupts sleep and domestic routines; glare and skyglow erode the rural ambiance that drew us to this location. Vegetation does not prevent upward or off-site light scatter; only fully shielded luminaires, low mounting heights, curfews and measured lux limits at the boundary and at our windows can do that. Again, the effects are significant to my property as one of the closest neighbours.

#### **Vegetation Screening is Inadequate**

- 51. Vegetation has limited acoustic performance, especially for low-frequency sources and irregular/exceedance noise (reversing alarms, metal impacts and the like). To achieve even modest attenuation, you would need tens of metres of dense, year-round foliage—which the Bank that separates us from the application site cannot provide without exacerbating shade, pest harbourage, and instability. Even such dense foliage does not control skyglow or glare; light scatters above and through the canopy. The existing conifers were likely established for bank stabilisation, not as an acoustic/light barrier. An effective package would require engineered measures (earth bunds integrated with continuous solid barriers, no gaps); certified CCT ≤ 3000K, IES full cutoff fixtures; a strict curfew; and adaptive lighting tied to actual activity). Anything less leaves material residual adverse effects on ■■.
- 52. The Applicant shows a relative disregard for the interests of those who are among the most directly affected. Not only has there been no real effort to consult openly and constructively, the Landscape Assessment promises an assessment of neighbours to the south, yet there has been no such assessment and as a consequence no mitigation planting is proposed by way of the conditions despite planting on the Bank and the effect of this on views to the Crown range have been a matter consistently discussed with Winton over many years.
- 53. I support the submission of \_\_\_\_\_\_ regarding the heavy reliance on behavioural controls in management plans which as filed with the application are incomplete. Deferring key controls to a document written after consent is granted provides us with no certainty and places an unfair burden of compliance on neighbours. We have no faith in the Council's current reactive enforcement model. Conditions must be strict,

unambiguous, and binary (i.e., an activity is either happening or it is not), rather than based on "best endeavours" in a management plan.

- 54. I am advised that it is appropriate to provide conditions, without in any way being seen to concede the force of my submissions that this Application should be refused. The conditions I would request if the Panel was minded to grant consent to the Project despite the opposition include those listed below, which I have compared in table form to those proposed by the Applicant, in the hope that this might be of assistance to the Panel.
  - Hours: No exterior filming or outdoor set activity after 6:00pm; no construction Saturdays/Sundays/public holidays.
  - Noise: Site-boundary and at-receiver limits; no tonal characteristics; broadband alarms only; post-construction certification and quarterly monitoring at \_\_\_\_\_.
  - Acoustic works: Bund + continuous solid barrier to a certified design before any noisy activity.
  - Lighting: Full cutoff, ≤3000K, curfew 9:00pm-7:00am (motion-sensing for safety only); vertical lux limits at 529; pre- and post-installation measurements.
  - Traffic/Heavy vehicles: Haul routes avoiding SFR frontage during evenings; construction traffic management plan; dust suppression.
  - Vegetation & bank: Replace failing conifers with low-height native planting under a Bank Stability & Pest Management Plan (no net increase in height; maintain viewshafts; independent maintenance regime).
  - Complaints & enforcement: Independent monitoring, public dashboard, and an enforcement bond to secure performance.

#### Comparison between Ayrburn Screen Hub Draft Consent Conditions and what David Kidd requests

Ayrburn Screen Hub – Proposed	David Kidd's requested	How the proposed draft
draft consent conditions	conditions	conditions compare to what
		David Kidd has requested
Hours of operation	David would like the hours of	The key point of difference is
	operation for the Screen hub	that he doesn't want the Screen
For general operational noise	to be strictly limited.	Hub to operate beyond 6pm,
compliance (condition 37):	Specifically, he requests:	whereas the condition currently
- 0800 to 2000 hours: 50 dB LAeq		proposed would have operation
(15 min)	No exterior filming or	go as late as 8pm.
- 2000 to 0800 hours: 40 dB LAeq	outdoor set activity after	
(15 min)	6:00pm.	Further, he requests engineered
	He emphasises that evening	barriers and stricter alarm
For construction activities	hours are the most peaceful	requirements, which go beyond
(Condition 31 and 41):	time for neighbours and	the proposed conditions, as well
	should not be interrupted by	as independent, ongoing
- Monday to Saturday (inclusive):	filming activity next door.	monitoring and public reporting,
0730 – 1800 hrs	No construction on Saturdays,	not just council certification.
- Sundays and Public Holidays: No	Sundays or public holidays.	D
activity	For construction, hours	Post-construction he'd like
- No heavy vehicles or machinery to	should be limited to 8:30am—	quarterly monitoring at his house.
start up or operate earlier than 0730 hrs, and all construction	6:00pm on other days. Specifically relating to noise	nouse.
activity must cease by 1800 hrs.	levels, David would like:	
activity must cease by 1800 ms.	levels, David would like.	
For earthmoving/rock excavation	- Engineered noise control:	
equipment (Condition 41):	Requires a bund and solid	
equipment (condition 11).	acoustic barrier, designed	
- Limited to Monday to Saturday,	and certified to meet	
0730 – 1800 hrs	internal night-time noise	
- No time restraints for subsequent	criteria at his home's	
construction work related to set	bedrooms with windows	
production activities, provided	open.	
noise limits are met.	- Prohibition on	
	tonal/reversing alarms:	
Advice Note: The noise limits	Only broadband "quacker"	
specified above are consistent with the	alarms.	
applicable rules in the Queenstown	- David wants independent	
Lakes Proposed District Plan and	noise and light compliance	
would apply irrespective of this	monitoring and ongoing	
consent. They are included here for	monitoring and public	
clarity and ease of reference.	reporting, not just council	
Troffic	certification.  David's preferences for	The Appendix 6 conditions
Traffic	traffic management are	provide for standard
Proposed Traffic Conditions	more restrictive and	construction traffic
(conditions 38 to 45):	neighbour-focused:	management, access
	- Haul Routes: Heavy	requirements, and ongoing
Construction Traffic:	vehicle haul routes should	monitoring with potential
- No construction vehicles	avoid the Speargrass Flat	intersection upgrades if traffic
(including staff vehicles) may park	Road frontage during	volumes warrant it.
(meruding starr venicles) may park	Koau nomage during	volumes warrant it.

- on public roads, berms, footpaths, or road shoulders; all parking must be within the site or on authorised private land.
- Measures must be taken to prevent debris from being deposited on surrounding roads by vehicles moving to and from the site. Any material deposited must be cleaned up immediately at the consent holder's expense.
- Construction hours for heavy vehicles and machinery are limited to 7:30am–6:00pm, Monday to Saturday. No activity on Sundays or public holidays.
- A Construction Traffic Management Plan is required.

#### **Access and Parking:**

- Two accessways from Ayr Avenue, each at least 6 metres wide and sealed.
- All vehicle manoeuvring and car parking areas must meet Council standards.
- Provision of five mobility spaces and pedestrian accesses.
- A public bus stop must be provided on Arrowtown–Lake Hayes Road.

#### Traffic Monitoring and Upgrades:

- Within three months of the consent being given effect, traffic surveys must be conducted at key intersections during peak hours.
- If traffic volumes exceed specified thresholds (287 vehicles in the morning peak hour or 196 in the evening), an independent traffic engineer must review the data and advise if a right-turn bay is warranted.
- If warranted, a right-turn bay must be designed and constructed.
- Ongoing annual surveys are required until the right-turn bay is built, with additional surveys possible at Council request.

- evenings to minimise disturbance to residents.
- Construction Traffic Management: A robust Construction Traffic Management Plan is required, with specific attention to minimising impacts on neighbouring properties.
- Dust Suppression: Active dust suppression measures should be implemented to prevent dust nuisance from construction traffic.
- General Principle: All effects of traffic (including noise, dust, and safety) should be internalised as much as possible within the development site.

David seeks stricter controls focused on minimising impacts on Speargrass Flat Road residents—specifically by rerouting heavy vehicles during evenings, requiring explicit dust suppression, and ensuring that all adverse effects are internalised within the site.

David's requests go beyond the standard conditions by seeking neighbour-specific protections and more proactive mitigation of construction-related impacts.

#### Lighting

# The proposed conditions for lighting are as follows (condition 60):

Any external lighting must not create light spill of more than 3 lux (horizontal and vertical) onto any other site, measured at any point within the boundary of the other site. All exterior lighting fixed to buildings must be installed no higher than 3 metres above finished ground level and must be:

Low intensity, indirect light sources; and

Incandescent, halogen, or other white light (not sodium vapour or other types of light).

These conditions are designed to minimise light spill and glare onto neighbouring properties and ensure that exterior lighting is both low in intensity and of a specific type.

### David Kidd's Requested Lighting Conditions:

- No light spill at all onto neighbouring properties, especially bedrooms.
- All exterior lighting should be shielded and directed downwards.
- No use of floodlights or high-intensity lights at any time.
- Independent monitoring of light levels at his property boundary, with real-time public reporting.
- Post-construction certification and quarterly monitoring at his property.

David emphasises that any light spill into his home, particularly bedrooms, would be unacceptable and requests robust physical mitigation and ongoing independent monitoring.

David's requested lighting conditions are more restrictive and specific than those proposed conditions. He seeks zero light spill (especially into bedrooms), physical shielding and direction lights, prohibition and independent floodlights, ongoing monitoring—whereas the proposed conditions allow up to 3 lux of light spill and do not require independent monitoring or specific shielding.

#### Vegetation and bank stability

#### Proposed Vegetation and Bank Stability Conditions (conditions 55-59, 82-85 & 19-30):

- All earthworked areas must be topsoiled and revegetated or otherwise permanently stabilised after completion of works.
- Detailed landscaping plans must be certified by QLDC, prepared by a qualified landscape architect, and implemented within 12 months of development completion. These plans must include all trees, shrubs, grassed areas, native species, and retention of existing vegetation as identified.
- All exposed earth must be re-sown in grass, planted as per certified plans, or covered in leaf litter within woodland areas within three months of earthworks completion.

#### David Kidd's Requested Vegetation and Bank Stability Conditions:

- Replace all conifers on the bank with low-height native planting under a Bank Stability & Pest Management Plan.
- No net increase in height of vegetation (to maintain viewshafts).
- Maintain sightlines to the Crown Range and other key views.
- Independent maintenance regime for the bank and vegetation (not reliant on ad-hoc or owner-neglected works).
- Ongoing pest management (especially rabbits and weeds).

The Appendix 6 conditions do not address the bank and existing conifers. These are simply identified as existing areas to be retained on the relevant plans.

David requests specific conditions with respect to the existing bank, namely lowheight native planting maintain views, an independent maintenance regime, explicit prohibition of structures/tracks on the bank, and ongoing pest focused management on rabbits/weeds. He also seeks timely consultation and independent monitoring.

As noted elsewhere, there is a consent condition that requires all owners to agree with tree removal/replanting of the conifers.

- Any plant or tree that dies or becomes diseased must be replaced within 12 months.
- Regenerative native planting (minimum 3.1ha) including riparian planting is required, with fencing to exclude stock and maintenance to achieve a closed canopy. Plant losses in excess of 10% must be replaced in the next planting season.
- Predator trapping is required in regenerative planting areas for the life of the consent.
- For visible bank stabilisation, only natural materials such as local stone may be used.
- No exotic species are permitted within 10m of water; planting patterns must be natural.
- Riparian planting must overhang Mill Creek to provide habitat for native fauna.
- Pest management is required to minimise the spread of pest plants and aquatic weeds.
- Erosion and sediment control measures must be implemented and monitored by a suitably qualified person, with regular reporting to OLDC.
- Any disturbance of riverbank/bed must be rehabilitated to at least its prior condition, with photographic evidence submitted to ORC.

- No structures or public tracks on the bank or within the planting area.
- Durable planting/maintenance solution rather than reliance on deteriorating conifers or ad-hoc works that increase noise, light, or overlooking.
- Timely consultation on any works affecting the bank or privacy/outlook.

#### Proposed Complaints and Enforcement Conditions (conditions 14 & 16)

- Complaints Register: The consent holder must maintain a record of any complaints received in relation to the exercise of this consent. The register must include:
  - Date, time, location, and nature of the complaint
  - Name, phone number, and address of the complainant (unless they choose not to provide it)
  - Action taken by the consent holder to remedy the situation

## David Kidd requests stricter and more transparent measures:

- Independent Monitoring:
  He seeks independent
  compliance monitoring
  (not just council
  monitoring), with results
  made available via a public
  dashboard.
- Enforcement Bond: He requests an enforcement bond to secure performance of consent conditions.

The Appendix 6 conditions require a complaints register and allow council/ORC to monitor compliance and enforce conditions under standard RMA processes.

David seeks more robust, independent oversight: independent monitoring, real-time public reporting, and an enforcement bond to ensure performance.

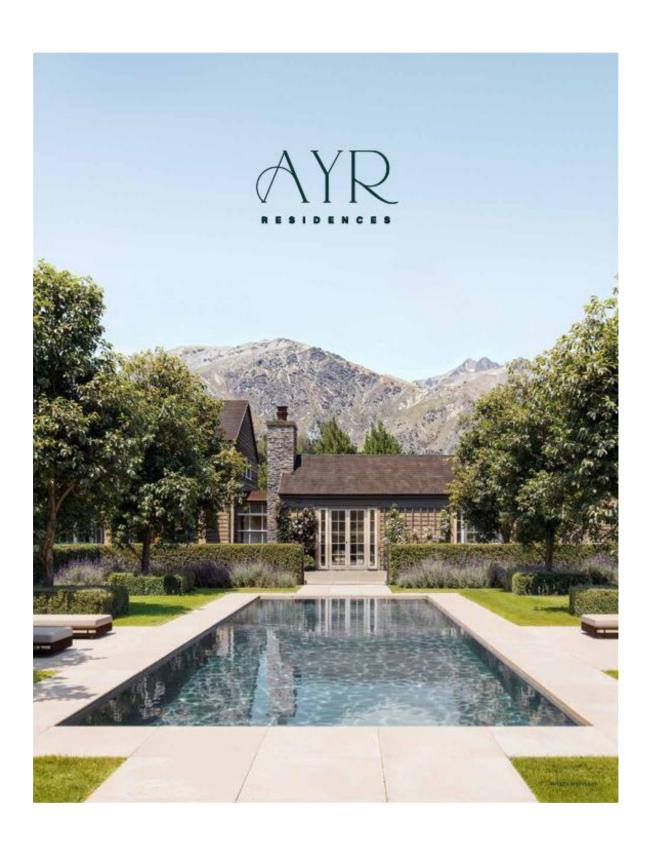
The main differences are David's emphasis on

- and any policies or methods put in place to avoid or mitigate the problem occurring again
- The complaints register must be submitted to the Queenstown Lakes District Council (QLDC) at any time upon request.
- For Otago Regional Council (ORC) consents, a similar register is required, with annual reporting by 1 October each year and availability for inspection at other times upon request.
- **Monitoring:** The consent holder is liable for costs associated with monitoring of the resource consent by QLDC.
- Enforcement: There are standard provisions for review, monitoring, and potential enforcement by QLDC or ORC under the Resource Management Act, but no specific mention of independent monitoring or enforcement bonds.

- **Transparency:** He wants real-time public reporting of compliance data.
- General Principle: He seeks robust mechanisms to ensure that any breaches are quickly identified, transparently reported, and effectively enforced—not just through council processes but with independent oversight.

independent monitoring, proactive transparency, and financial security for enforcement—none of which are specifically provided for in the proposed conditions.

### Annexure A – Ayr Residences Brochure





a DEEPLY TREASURED place



HOME IS WHERE the HEART BELONGS, in the MOUNTAINS and EMBRACED by NATURES WILD GRACE



## AYR RESIDENCES



LOT 8 COR9NET LOT 7 MT SOHO LOT 6 CROWN PEAK ENCIRCLING

a MANICURED GARDEN

filled with SOUNDS OF

TRICKLING WATER

and CRACKLING FIRES



E



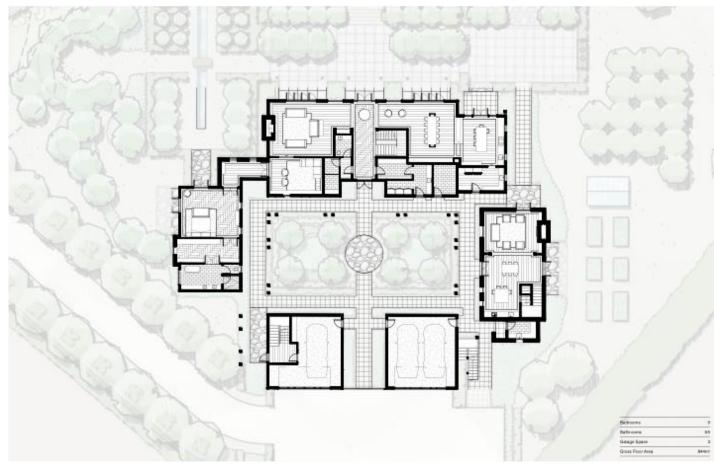
## LOT 6 - CROWN PEAK

- Driveway Estranou Stone Walls, Mounds, Gates Asswal Countywol Patrary Residence Gueet Pasidence Garage and Groundskeeper Cottage
- Pool Formal Lawn Terreos Paved-Court Terrace Outdoor Fire & 89Q

P



CROWN PEAK - Lot 6 Floor Plan



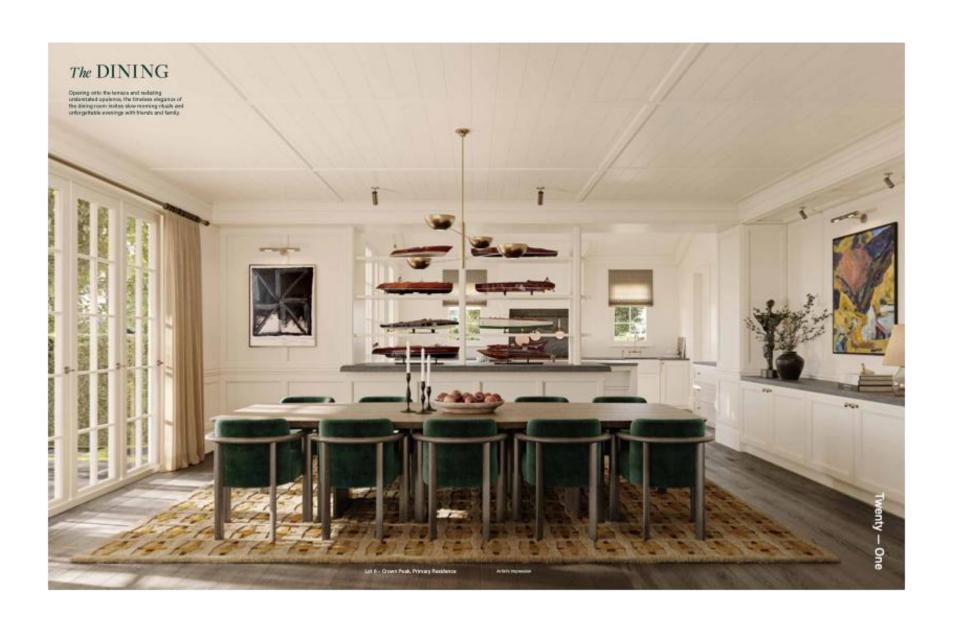


This plan has been prepared for marketing purposes only. All temesty-laws, throughout, depictions, and other details in first plan-rang and before seals and may very to first oversered or built.

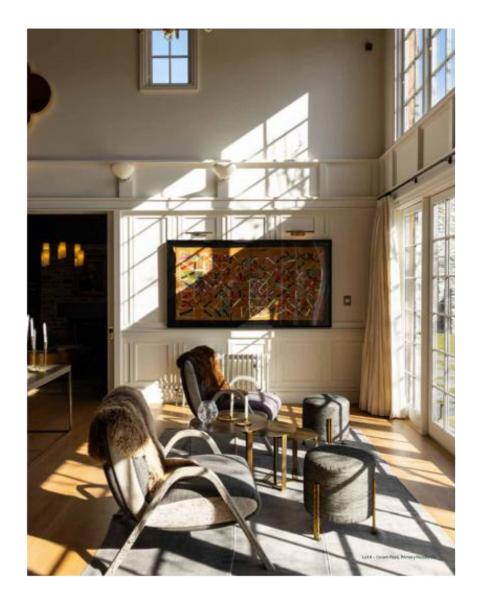








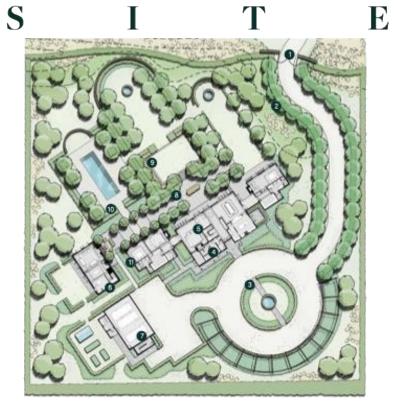






The VIEW of MOUNTAINS BEYOND draws YOU through YOUR GRAND ENTRY FOYER



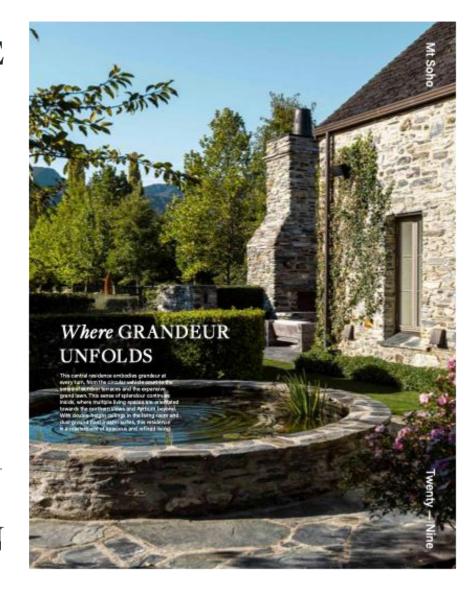


## LOT 7 - MT SOHO

- Driveway-Entrance Stone Walls, Mounds, Gates Central Residence Prinnery Residence Entertaining Tensor Guest Residence

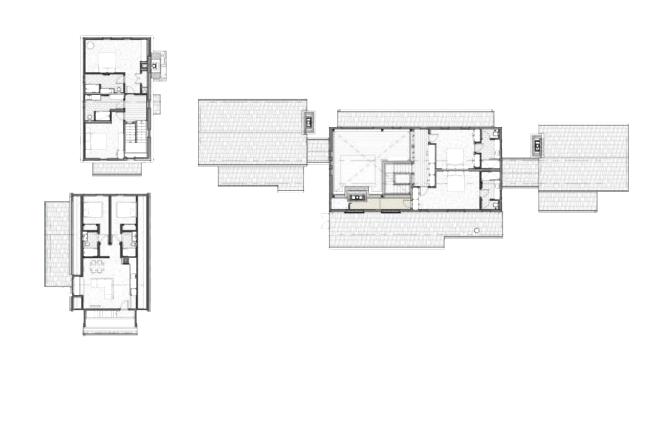
- Garage + Groundskeeper Cottage Croquet Lawn The Grand Lawn Garden Poel Outdoor Firepiace

P





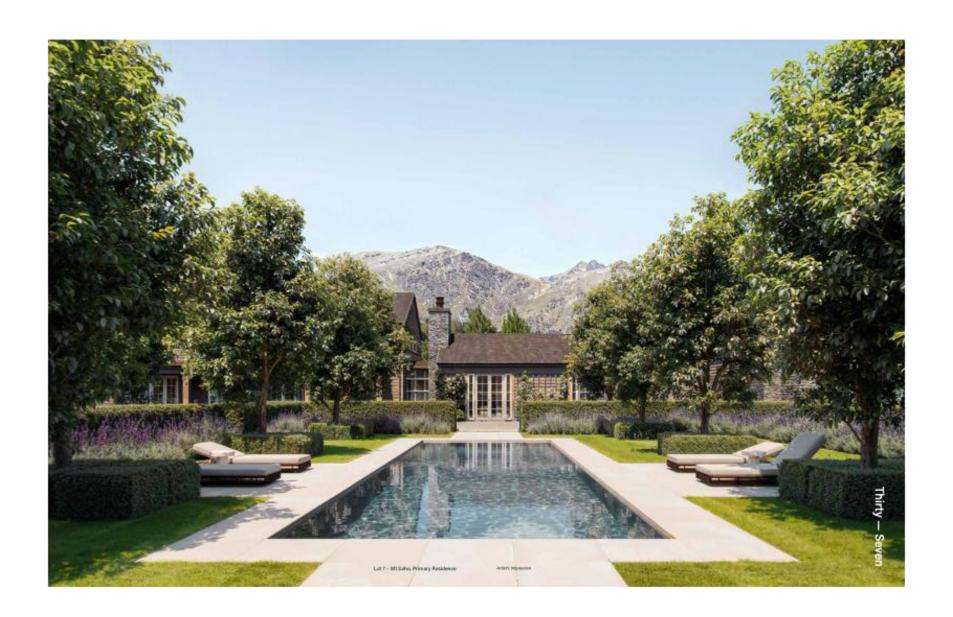
in plan has lover prepared for marketing purposes only descriptions, dimensions, depictions, and other details in the et may set be to-scale and may very to find sensested or trul Thirty — One



Distribution from property by methologoperposes only. All discontinue, developing, department, and other details or fining terminal multiple to easily and may vary to find connected or built.

Thirty — Three

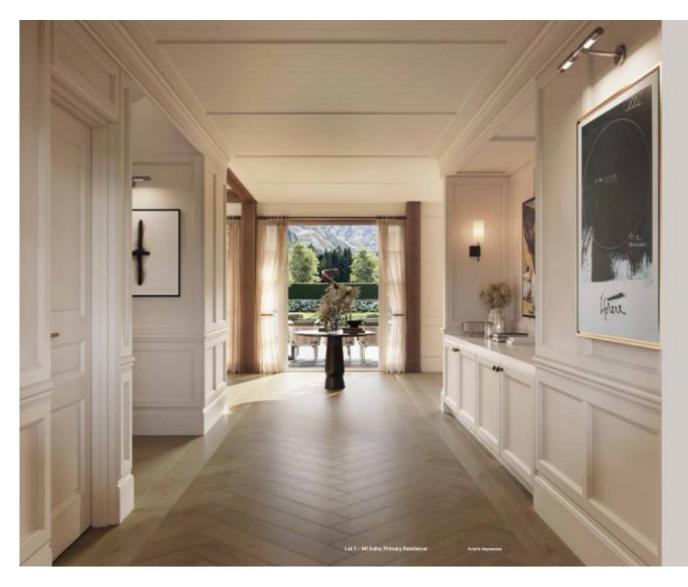






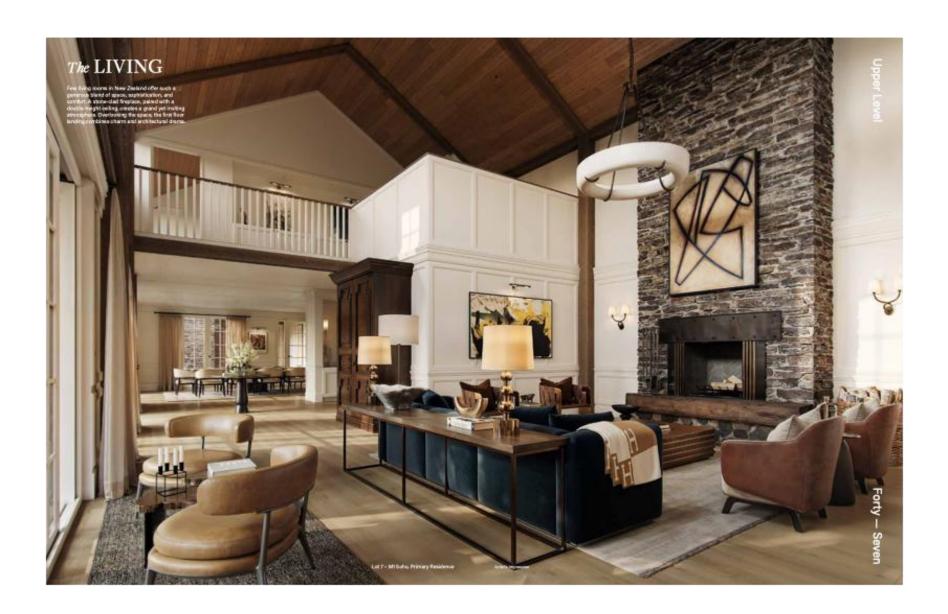


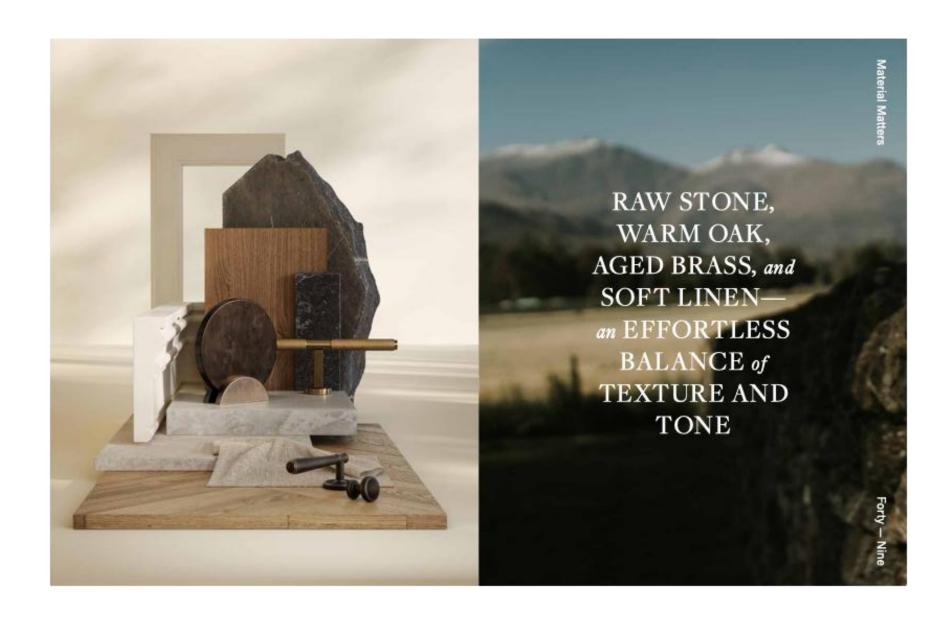




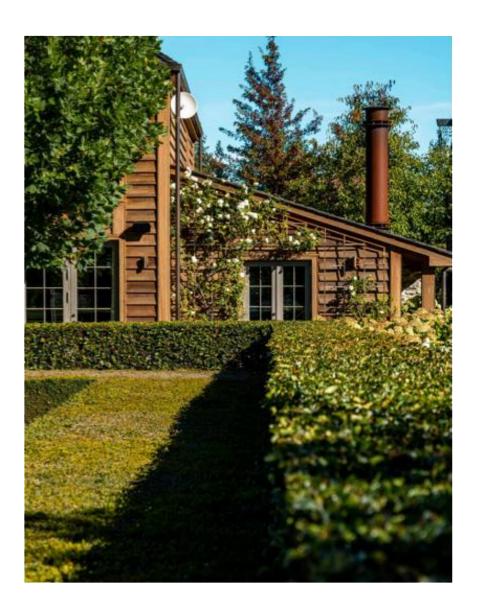
## The ENTRANCE

Emple stagette shirtness and make proadition to the control of the control of the design and a fact that the control of the















A COLLECTION of STONE BUILDINGS, LAID OUT IN a FASHION REMINISCENT of an OLD VILLAGE



 $\mathbf{E}$ S

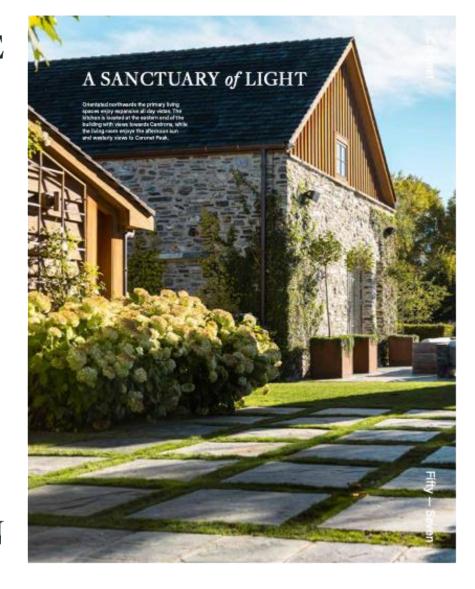


LOT 8 - CORPNET

- Oxformery Enthance Stone Walls, Mounds, Gates Guest parking Primary Residence Guest Residence Gurage + Groundskeepens Cirtage

- Gerden Pool Grand Lawn Entertaining Terrace Outdoor Finglace Tennis Court Reflection Fond

The plantins been prepared for marketing purposes only. All descriptions, dimensions, depictions, and other includes in the plan may notive to senter and may sary to find consented at built.



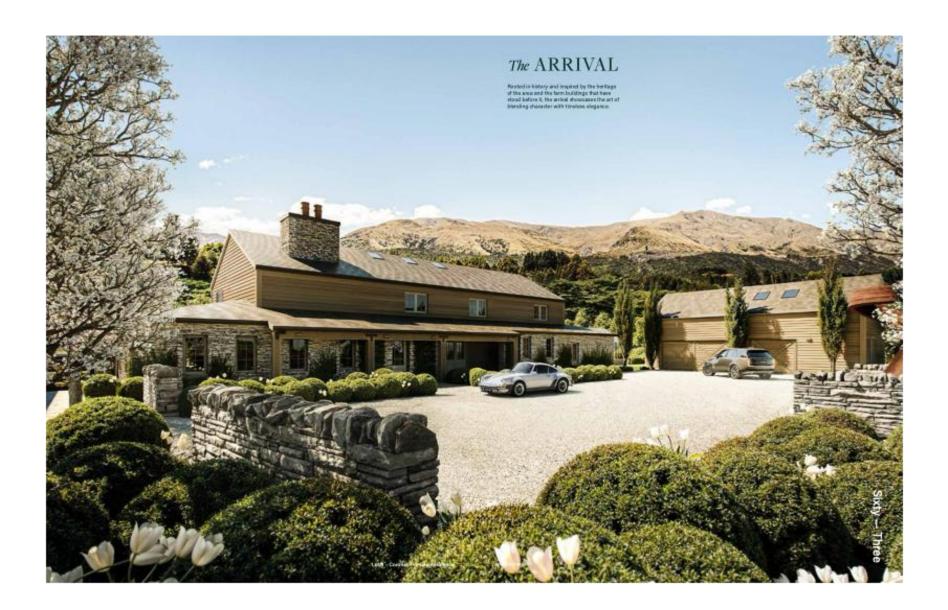


This planshas have propered by marketing purposes only. All descriptions, dimensions, depositors, and other details in this plan may set be to consented or built.





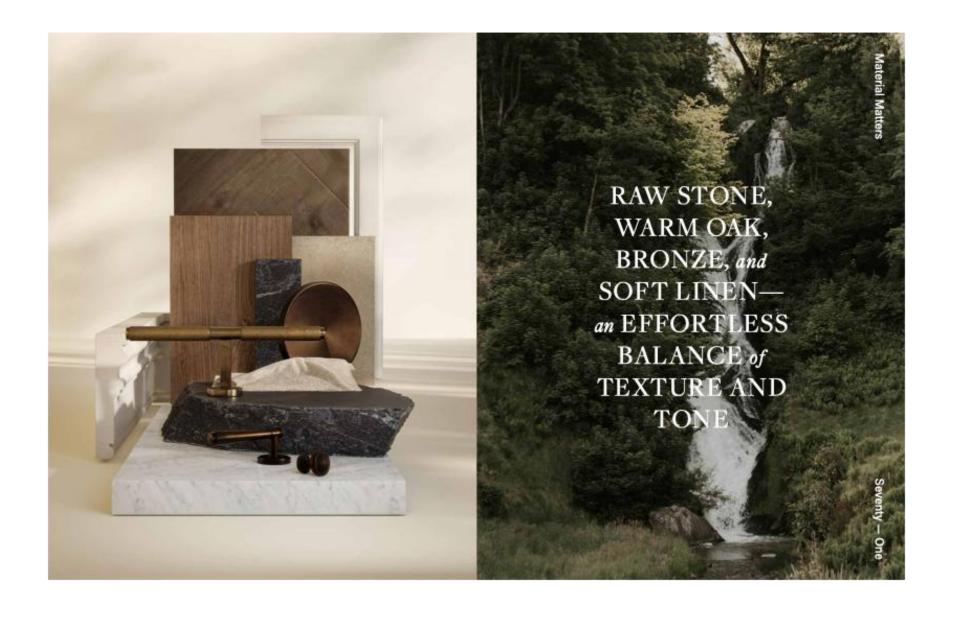
This plans have propered by marketing purposes only. All discontinues, directions, depositions, and other details or finiples may set be to assile and may vary to that concented or built. 4 1 2 5 4 5



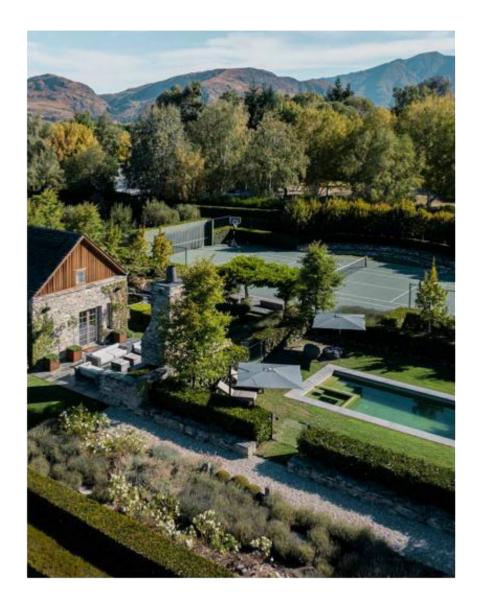














IMAGINE BEING
AMONGST the MOUNTAINS,
SURROUNDED by
ABSOLUTE BEAUTY,
and YOU NEVER HAD TO
LEAVE



Millibrook Resort and Golf Club

Lakes Hayes Cycle Trail Lake Hayes The Hills Golf Club

The Hills Golf Club
Arrowtoen Gelf Club
Hoppins Gelfy Golf Course
Arsow Riber
Tobins Track
Arsowtoen Farmers Market
Doestly Browns Assostoen Cinema
Art Galleria
Buckingham Street Retail

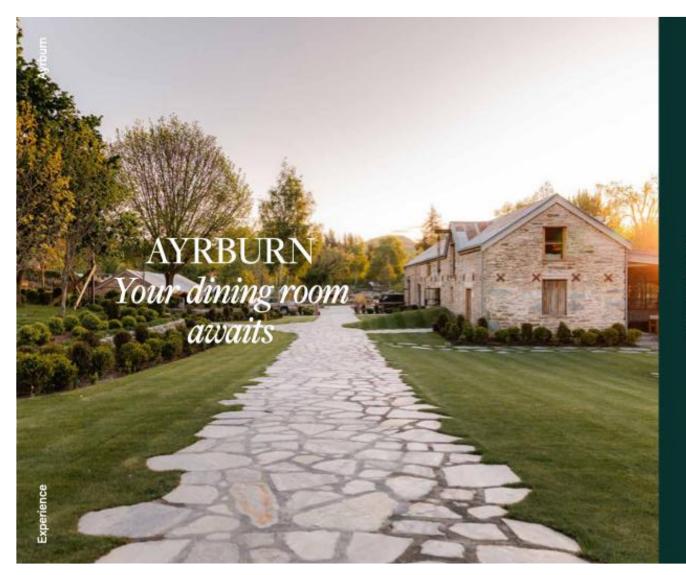
Ayrbum The Wooished The Baleshouse The Dell

Billy's
The Burr Bar
The Manure Room
The Barrel Room
The Dairy

Ayrbum Cycle Trails







# A new mecca for FOOD & WINE LOVERS

Unbelleasity a short sholl from your residence is Aprium. The made Sential sential sential sential sential sential sential sentials that has became the talk of the South Set on a 160-year-old farm. The bailifecy, and prouch have been lovely transformed into a diverse cultinary and recreational protects. Exceptionally sential sential sential sential positions. Applicant is experiently sentially Applicant in experiently sential sentence in a sential sentence in a sential sentence in a sential sentence in a sentence sentence sentence in a sentence sentence in a sentence sentence in a sentence s











A destination you will remember hydron offers the sen deput also of culmary choice. There's the Woolshed, with a second meso beingred or cond the bestwart bry effects the region has to offic. The once unificenced deriving quarters of laye gone by the Marsian Rome, now serves locally prediscod hydrons when, cockstalls, and alread glates for some-things used, or the Durins a delightful lice for some-thing used, or the Durins a delightful lice crears perior and a dream destination for children.

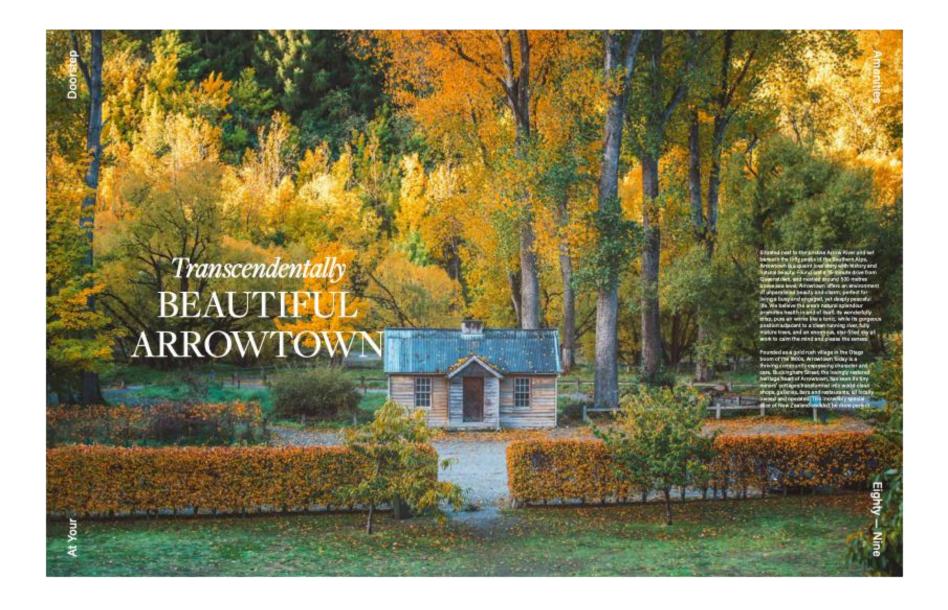
ATTHE Based Floors you self first guided usine tradings and the perfect enchanting space for your sciential consists. Or chilght in a few ciccidual in the fametopuse than Bigs, set in one of the region's oldest buildings and system's original homested. Hide with opations and character, Bigly of the fire disting eloganos with a best. The wood-fired pizzas of the Based-man are hand to resid, as set the desicious delights to onyoy at home from R.M. Prime Produce.

The Dell is a megical outdoor area made for famous markets, valdoor concerts, and other extentiowers events. All at your develops so bring your fillows and family, or come by yourself, and stays while.

To work up an appetite, Ayrbarn effers gargeous, landscaped grounds with cycle traits and eatlowers, including the walk along MIII Creek, to the staining waterfall at the head-off the relations to the incelly addressed by the collections.







Best By Design













Winton in a publicly linked developer with many large rocks analysis currently in program in New Zestand and Australia. Winton specialized in developing manifesplanned majifecomboods and bespoles spaces, that are best by design, with absolution specimic busings granufarch, and where no detail in overlooked.



### Contact

Sarena Glass Jimmy Allen

Discisioner: This document has been prepared with all resecrable care and thought, however Winton Land Limited and its related companies, employees and agents (Winton) do not wereast the accuracy of any infernation included and do not accept liability for negligence, any error or discrepancy or otherwise in the items described. The material in this decument is for information purposes only. That information has been prepared and provided pitch to construction, obtaining, and fruiting the AP Residence infrastructure. As such assumptions and projections have been employed which may are may not prove correct, and all operates of the emissioned development described are subject to change without neptics. The document in and the emission of the purposes provided purposes and projects of the emission of the Ayr Residences. Neither Winton nor its related companies, employees or agents are faither from your arising from unsufficient our contribution.

# Annexure B

Letter to QLDC Councilors opposing Winton's 2015 development plans

# Arrowtown

email:

21 May 2015

TO: Cr Scott Stevens

Dear Cr Stevens.

# Objection to Ayrburn Farm Expression of Interest (Special Housing Area) - Arrowtown-Lake Haves Road

We am writing to register our family's strong objection to the proposed development of 150 houses on Ayrburn Farm, which immediately adjoins our home located off Speargrass Flat Road. We have only very recently learnt of this proposal through the media and contact from neighbours. Given the extent of development proposed we are astounded that the developer has not even shown the courtesy of communicating, still less consulting with us in respect of its plans.

We understand that the Queenstown-Lakes District Council has been asked to give its initial approval of this development under legislation (the Housing Accords and Special Housing Areas Act 2013) which provides a fast track procedure where there is a need for affordable housing. In our view no such need exists which can possibly justify the use of this procedure for the proposed development in this location. It is doubtful in any event whether the scheme contemplates or can actually achieve the sort of affordable housing which the Act was designed to provide for. Rather, this appears to be an opportunistic attempt to circumvent and/or abuse the proper planning system and create a development which would be extremely damaging and wholly inappropriate in this location for a number of reasons. We respectfully submit that it must not be allowed by Council to proceed to the next stage of the approval process.

The site on which the scheme is proposed is in an area of natural beauty which has been identified by Council's own consultants as being unsuitable for this form of development. There are hundreds of undeveloped suitably zoned sites and substantial building potential in other areas throughout the District which are already zoned residential. The proposed scheme threatens seriously to diminish the amenity and character of the Arrowtown-Lake Hayes Road and Speargrass Flat Road basin area.

There appears to have been little if any credible assessment of the environmental impact of the scheme. The proposed site will have a material adverse effect on Mill Stream, Lake Hayes, bird migratory routes and views, all of which would be irreparably damaged. The scheme would also result in unacceptable noise levels and light pollution. The proposed scheme will put a strain on the local infrastructure which will result not only in environmental consequences but also a considerable loss of amenity for neighbouring properties and other users in the area.

The Council will presumably also want to consider the potential cumulative effects of allowing this development pursuant to this special legislation. If allowed, it will be very difficult for Council to decline

A19880401

# Arrowtown

email:

similar types of proposals in the immediate or similar locations in the future simply on the basis of the fact this development should have been considered under different legislation.

There are a number of matters referred to in the Expression of Interest dated February 2015 which are either incorrect or speculative. There appears to be have been shallow if any consideration of the true impact of this development, with liquefaction, stormwater runoff and flood risk lightly dismissed and the impact on the area, the environment and neighbouring residents cynically down played.

We also question the suitability of this area for affordable housing. Our concerns appear to be supported by the fact that the developer, when faced with the uprising of concern as to its development from the community, has belatedly offered to "sweeten the deal" by proposing to build 15 low cost housing units and donate the same to the local Housing Trust. It is telling that the developer has not committed to build these within the Ayrburn Farm development but within 10km of the same. Such an offer would appear to reflect reservations about the suitability of the development for affordable housing. We trust the terms of this offer would cause you not to allow the application to progress without seeking to ascertain in detail what safeguards and controls would exist (if any) to ensure the ongoing affordability of what is being proposed

We look forward either to hearing that the scheme will not be approved by Council to proceed or, in the unfortunate event that it is, that we will be afforded the opportunity to participate in the process. We urge the Councillors to vote against the scheme after due consideration and trust that if the Council was to consider allowing it to proceed, that it would implement a fair, transparent and careful process before making any decision on the proposed development.

Yours sincerely

David and Sarah Kidd

#### Annexure C

# Narrative and Correspondence with representatives of Winton 2019 to 2024

• 7 March 2019 I wrote as follows:

"Dear George,

You met my wife Sarah last week at Ed Cruickshank's place and kindly gave her your card so we could contact you regarding the above.

For all sorts of reasons we would like to tackle the sloped area on which the pine trees are planted between our boundary and the fenced farm paddock. Quite apart from the policy that such trees should be replaced, the area is infested with rabbits and weeds. It appears to have received no attention from the farm manager in the 13 years we have lived in 529 despite several communications to point out the highly unsatisfactory state of the land.

We have considered trying to take remedial action ourselves but we do not want to presume any permission to do so and in any event it is not our land and we would be reluctant to invest time and effort into fixing a problem we cannot control.

Do you know whether the owner of Ayrburn Farm would be willing and able to sell the strip of land for a reasonable price that reflects the state it is in and that it cannot be used for any purpose?

I would be happy to discuss.

Regards David Kidd"

- I received no response to my email of 7 March 2019 (apart from a short holding response in which George Watts said he would "pass this on") and after more than six months had elapsed, I followed up on 29 September 2019 under the heading "Ayrburn Farm boundary with "and asking: "Is there any chance we can progress this or at least discuss what the options are?" This time I had a prompt response saying: "At this point in time we are not interested. We have however carried out a comprehensive rabbit control program over the winter and our pest controller is regularly topping up bait stations. We would urge Neighbours to do the same so we can really make a dent in the population!"
- It was then almost 18 months before I heard from George Watts again. On 25 February 2021 he wrote:

"Hi David and Sarah.

Apologies for the long time elapsed re the bank. Would you be available to meet on site to discuss options for landscaping and/or maintenance of the trees in question? It would be great to get the other neighbours involved also but I don't have their contacts. "

We arranged to meet on the Bank on 1 March 2021 and we discussed matters at length, with the meeting concluding that I would canvass the views of our neighbours and revert with a common position. George Watts was concerned that the trees on the bank were subject to a covenant which provided that removal required consent. After our meeting we had the following exchange of emails:

#### • 2 March 2021:

"Hi George, Thanks for coming by yesterday and discussing how we can resolve what needs to be done to the bank strip. I will take soundings from our neighbours and hopefully be able to revert with a common position later this week."

#### • 2 March 2021:

"Thanks David, Nice to chat with you two and I'm sure we will find a good common ground." and "I would say only yourselves and the other two neighbours south of the conifers would need to comment."

#### • 18 March 2021:

"Hi George, I hope you are well. Sorry for the delay. I have now spoken to all our neighbours who are ok with me to discuss with you options for replacement of the trees on the bank in the right circumstances. There is interest in knowing not only what steps may be taken but also how we can be assured of effective implementation and maintenance of any solution and what the intentions may be for development on Ayrburn Farm which may affect what should happen to the trees. I am happy to drop by your office next week to discuss further."

#### • 25 March 2021:

"Hi George, I hope all is well. Just following up to see whether we can continue the discussion commenced a few weeks ago. Happy to come to your office to meet.

• I visited Winton's offices on 31 March 2021 to discuss options for the bank further with George Watts and one of his colleagues. In a report of that meeting I said: "Winton remains unwilling to transfer because they maintain that any prospective buyers of property adjoining the bank would want to control it and anyway more sq m would make the sections more valuable. I thought that they would not want the responsibility of a space they could not use."

• After a further detailed exchange of correspondence, George Watts sent me the attached indicating "potential future lot boundaries" for 4 lots and the 'Area of trees to be removed" (being all the trees on the Bank).



# • George Watts commented as follows:

"Thanks for your email and coming together on this one. I am cautiously confident that we will come to a solution to the bank.

We have discussed the proposition of a boundary adjustment internally and at this stage we are unable to offer this and feel that the boundary I the bottom of the valley is the logical spot."

I have roughed out what the terms of an agreement could look like and would like to get your comment, again this is all on a without prejudice and confidential basis."

These terms were detailed and included a potential covenant that there would be "no development of structures or tracks on the bank or within the planting area." Importantly, George Watts stated that any agreement would have to be conditional on the rezoning of the relevant land as Wakatipu Basin Lifestyle Precinct Zone or other rural residential living zone. This zoning appeared to be the limit of Windon's expectations as to density of any development on the land in question.

• On 16 April 2021 I wrote to George Watts:

"Hi George,

Your email below finishes by stating that any agreement is to be conditional on the WPDL land being re-zoned Lifestyle Precinct or other rural residential living zone. Do you mean by this that if we succeed in agreeing terms for what is to happen to the bank, that will all be for nothing and the bank stays as it is if such rezoning is not achieved?

We should agree to replace the trees against WPDL's covenant (which should run with the land) not to develop the land to a density greater than that permitted by the current Precinct Lifestyle zoning and I expected WPDL to want us to agree not to object to such zoning. But the zoning is beyond our control and the agreed terms should be implemented as soon as practicable and whether or not such zoning is granted. Do you agree?"

• On 19 April 2021 he replied:

"Thanks David. Correct the agreement will be conditional on the lifestyle precinct zoning or similar being achieved. We will know the answer to this hopefully in the month or two.

Should such zoning not be achieved we will have to reassess what both of our desired outcome for the bank would be, as there will be a different land use on the other side that we will both need to consider the effects of."

• On 9 July 2021, George Watts wrote:

"Hi David. Hope all is well,

Our pest controller has dropped poison carrots over the weekend on our property and around the conifer trees. Dogs shouldn't eat them but best to be safe. if you or any of your neighbours have pets It would be good to make sure they don't eat any dead rabbits too.

Our guys are going to be fencing the boundary to so hopefully this will solve some rabbit issues for you.

We were unsuccessful on our zoning mediation so we need to keep the trees in the interim but we are still keen"

• On 19 October 2021 I asked George Watts to let me know the timetable for Winton's latest application for a change in zoning and he replied: "It's looking like we have an environment court hearing in the first or second quarter of next year."

In early 2022 Chris Meehan indicated through one of our neighbours that he was willing to discuss options to deal with the bank. Nothing came of that contact because Winton wanted to do nothing

until they received the Environment Court decision which was expected by mid-July 2022. George Watts and I exchanged the following emails. On 4 January 2022 I wrote:

"Dear George,

Happy New Year. I hope you are well.

It has been some time since we corresponded regarding the strip of land between our property in Speargrass Flat Road and Ayrburn Farm. I have previously explored with you whether we could obtain control of that land to replant it and eradicate the rabbit population which exists on the bank. You have indicated that Winton is unwilling to discuss any solution for the bak pending a resolution of the planning issues for Ayrburn Farm which is in litigation. Are you able to provide me with an update on that litigation?

You will recall that we have discussed the serious rabbit problem on a number of occasions. You indicated that poisoning would be carried out in the winter - I am unaware whether this was done. Your other proposed action to deal with the problem was to instal rabbit-proof fencing, although it appears that you have installed such fencing at the top of the bank, which has just made the problem worse for our property.

We have recently repayed our terrace. You will see below the damage which rabbits have caused to the grass around the new paying next to the house, which indicates that the rabbit problem is as bad as ever and urgently needs addressing.

We are back in NZ at the end of January and I would appreciate the chance to meet again to discuss the situation. Meanwhile, I would be interested in any thoughts you may have.

Many thanks and best regards David"

• On 18 Jan 2022 from George Watts:

"Hi David,

Happy new year to you also.

We had the entire property pindoned, have bait stations set up and are having our pest controller night shooting.

We offered to plant the bank in natives if all then southern neighbours agreed to remove the pines but that never got any traction. Let me know if this has changed.

The planning process is ongoing now, but defiantly happy to discuss options once we have an outcome.

In terms of parting with the bank. That is not an option at this stage, We will be sure to let you know if our position changes.

Perhaps you could erect a rabbit fence on the boundary of your property to stop the rabbits entering?

Cheers, George"

On 22 January 2022 I responded:

"Hi George from Rotorua quarantine,

Thanks for your email.

I note the rabbit management measures you refer to. All I can say is that they seem to have made no difference and the reality is that until the bank environment in which they seem to thrive is transformed by the proposed replanting,

I think your recollection that your offer gained no traction is not accurate. We were in the midst of detailed discussions regarding what could be done and I had told you I thought the relevant Speargrass owners would come along with any reasonable resolution. On 19 April you made it clear for the first time that nothing could be done unless there was a resolution of your planning claims. I understood that mediation was unsuccessful and that it would take some time for litigation to produce an outcome. In these circumstances, there seemed to be little point in continuing discussions which were effectively suspended pending the planning outcome. I am very happy to continue discussions if we can resolve this without having to await completion of the planning process.

Are you able to let me know where the litigation has got to and when you expect there to be a resolution of your planning claims?

Best regards David"

- I contacted George Watts again in July 2022 and he told me that the Environment Court decision was not expected for a further year or so.
- On 22 August 2022 I wrote to George Watts as follows:

"I hope all is well. I gather from the press that it was conceded that the planning sought for Ayrburn Farm is lifestyle blocks and not a retirement village.

You are aware that we want to plant the bank with natives after the trees are removed and agree terms which include an assurance that the panting will be well maintained not only by Winton as current owner of Ayrburn Farm but also by any successors in title. Because future owners cannot see the bank we are very concerned that the future owners would neglect the area (just as have owners of Ayrburn Farm to date).

As I said in my email of 22 January 2022 below, there is every prospect of getting consensus from the Speargrass owners how border the bank if the terms are right."

• On 27 September 2022 George Watts replied to my request for an update as follows:

"Hi David

We still have a bit of uncertainty surrounding the Judge's decision for a lifestyle precinct or similar zoning or no zoning at all.

Given this uncertainty, we would not like to remove the trees until we know what is happening in the paddocks. For example, if this remains farming or horticulture land this is a valuable shelterbelt.

Pending the judge's decision and us having a clear path forward we will keep the trees in place.

The only other option to expediate the process would be to agree a non-object covenant, but assume this is not preferable for the south neighbours?"

- I understood George Watts to be indicating that if the land was zoned lifestyle precinct rather than farming or horticulture, as it was at that stage, then Winton would be willing to contemplate replacing the trees.
- On 17 December 2022 I emailed George Watts and said:

"We returned yesterday for the first time since April and I saw your letter dated 12 July 2022 and also observed that there has been activity just across the boundary. I thought it would be helpful to drop you a line regarding the issue of planting generally on the bank which abuts our property and 531 and 533 Speargrass Flat Road. This is the area which is marked Areas 'A', 'B' and 'C', which are Tree Protection Areas for the benefit of our properties.

Whilst I speak only for our property (529), I am in close touch with the owners of 531 and 533. Perhaps we can advance discussion regarding Area C. If we can reach agreement, perhaps that could help to resolve Areas A and B also.

Would you be available for a chat this week?"

I followed up again a month later and said:

"Are you available tomorrow or early next week to discuss what is to be done with the bank and the prospect of replanting?

We have finally decided to put in a rabbit fence at the foot of the bank (on our boundary) to prevent the rabbits which inhabit the bank, which have reached plague proportions, from wreaking the havoc which they have been doing on our properties. We are also planning to gas the burrows and take other steps to eradicate the rabbits from the bank.

I look forward to discussing with you whether there are mutually acceptable solutions which can replace the conifers on the bank with suitable native planting."

# • On 23 January 2023 George Watts responded:

"I have had a talk about this with management.

Before we can give you a better steer on the future of the bank, we would like to wait until we have an outcome how our zoning hearing. Fingers crossed this comes out soon but the environment court is pretty slow at the moment...",

to which I responded:

"OK George, understood."

There is obviously a lot of work going on next door. Is the current zoning rural and if so what is the rationale for all the work?

In any event, please do let me know when you are willing to discuss after the decision on your zoning appeal has been delivered."

George Watts replied on 23 January saying: "Thanks David,

Yep, let's talk after the zoning decision.

The activity in the paddocks is related to the civil and construction works happening on the wider site, rather than anything permanent for the paddocks."

• I was shown around by George Watts on 26 January 2023 and then sent him this email:

"Thankful showing me around this afternoon. Really interesting and impressive what is being done. I am looking forward to seeing the project develop and good luck with it all.

You mentioned that there may be a willingness to top the trees on the bank as at least an interim measure to restore some view and light. To that end, it would be good if you could visit us during the week of 6 February to look at what can be done. I will email you nearer that date to arrange a time."

- On 13 February 2023 I met George Watts on the bank to discuss options further. He indicated that Winton would agree to the trees being topped at our expense. We contacted arborists but decided not to proceed with the topping as there appeared still to be a real prospect that Winton would agree to a wholesale replacement of the trees.
- I next followed up with George Watts on 2 September 2023 when I emailed him:

"Can you please update me on the status of the planning proceedings related to Ayrburn Farm. I recall you were expecting judgment some time ago."

### • George Watts replied:

"Sorry, drowning and I have just seen this.

The court is a brick wall on giving us dates for the Ayrburn zoning appeal. But hopefully it is imminent."

• On 28 November I contacted George Watts again saying:

"Hi George, I hope all is well. This must be an exciting time for you and your colleagues as you launch the Waterfall Park development. I am looking forward to seeing it in January. I understand that the planning appeal judgment has been delivered and that Winton May build five houses on Ayrburn Farm. Are you able to send me a copy of the judgment? What are Winton's intentions now regarding the replanting of the bank? I look forward to resuming our discussions regarding the bank early in the New Year, although I am also keen to have a call before Christmas if you are available."

• George Watts replied:

"Its pretty hectic up until opening this Saturday.

I haven seen the judgement myself yet so will send it through when I get it from Warwick.

Definitely looking forward to catching up."

And on 6 January 2024:

"A very Happy New Year to you. I hope you had a good Christmas."

I look forward to catching up to discuss the planning situation (do you have a copy of the judgment yet?) and what's to be done with the bank and the conifers.

I am also looking forward to seeing how the Ayrburn Farm development has progressed.

When would you be available to meet up?"

and then on 10 January 2024:

"I have been hearing some great feedback on the Ayrburn, especially your great work on the landscaping, which reflects your drive for quality.

I very much hope that the same sort of quality can be applied to the replanting of the bank. Please let me know when we can meet to discuss."

# • On 16 January 2024 George Watts wrote:

hope you have had a nice festive season and happy new year. I know I am sounding like a stuck record here but believe it or not, we are waiting on the environment courts decision for a process that started in 2017 these rezoning appeals involved. certainly are not fast, which frustrating all The indication given in an interim judgement is that we will get 3 - 4 rural lifestyle properties large paddock Infront of Once the decision is issued I will create a masterplan that will include our long term approach for the bank. I think it will be mutually beneficial to the parties to collaborate on this as there are a few moving parts to consider, but I am confident we will get a solution that works for everyone."

# • I replied:

"Hi George,

Thanks for your email.

Please do let me know as soon as you have a final judgment. I am very keen to collaborate on transforming the bank and very much look forward to working with you on it."

## • George Watts responded:

"Will do.

Thanks Mate".

• Not having heard anything further, on 18 March 2024 I emailed George Watts:

"Hi George, hope you are well.

*Is there any update?* 

I am now back in the UK and return to Speargrass in late July. It would be great to receive details of your plan by then so we can meet to discuss.

Copying my neighbour Geoff van Duersen, with whom I understand you have also spoken. Like me, Geoff is very interested in what can be done regarding the bank. We both hope that the time is right for something to be done and we are all for exploring a mutually beneficial solution."

• George Watts replied:

"Hi Guys,

Still nothing from the court which is pretty crazy considering the time elapsed. Our legal team in chasing them as and when appropriate.

Thanks for your patience..."

• Meanwhile, it became apparent that Winton planned to place a cycle track in the trees that had been the subject of so much discussion spanning years. Even if there was no strict legal requirement to notify us of the application for consent, in view of the nature and extent of our discussions concerning the fate of the Bank, I was very surprised that Winton did not involve us in any discussion of what was planned. I emailed George Watts on 6 June 2024:

"Dear George,

I hope all is well.

I have read the Decision to allow the track linking the Christine's Hill track (the Countryside Trail) with the track on Ayrburn Farm (marked in pink on p 3 of the Decision). The new track will be Grade 3 and will go through the trees in the Tree Protection Areas which border our properties. These are the trees which I thought you had agreed in principle (subject to agreement of the relevant property owners the Environmental Court decision not resulting in a need to keep the trees) to remove the trees and replant with native planting. It appears from the Decision (e.g. p 8) that you now intend to keep the trees. Is that right? If so, why have you decided not to replace the trees (which in my view are an eyesore on both sides of our boundary? What effect will the track have on the maintenance of the bank and In particular the rabbits and weeds.

George, given the decision not to provide us with notice of the application for permission, I hope you will be able to provide us with a more detailed plan which shows exactly where the track will be located. Will the track overlook our properties?

I can see the attraction of a link to the track from our properties. Is that something you would be willing to help with?

I will be in Speargrass the first half of August. It would be really helpful to meet then to get a clearer understanding of what is involved. Can we schedule a time?

Do you have any more clarity about when you intend to commence work?"

 On 6 August 2024 we met George Watts to discuss how the loss of privacy caused by the track which had been installed without any consultation, could be mitigated. We discussed the zoning issues and George Watts reported that the Environment Court's final decision had been delivered and he promised to send copies, which he did the following day. On 8 August 2024 I emailed George Watts:

Dear George,

Thanks for taking the time to meet with Geoff and me on Monday afternoon. To confirm:

- 1. You will arrange for silver birches to be planted beside the sections of the track adjacent to the Goulstons' and Geoff's houses. You kindly agreed to send a plan of the track showing the proposed planting.
- 2. You will consider what options can be agreed in relation to the fir trees, from the following;
- o Remove all trees now and replace with native planting and suitable screening 'hedge', on the basis that this will improve everyone's outlook and the trees are of an age that will see them die and/or fall soon.
- o Top and/or thin trees, as a temporary solution.
- o Control weeds and rabbits.
- 3. You will create a grass track and area by the Mill Creek beneath the new track and keep it maintained; and you will provide Speargrass residents with an easement right of access.

Thanks for sending the judgments, which I will look at.

It would be helpful to meet again early next week after you have considered what Winton's intentions are. When would you be available?

Best David

In response to the first point in 2 above George Watts emailed back:

- o As discussed, we need to gain all consents necessary for us to develop the land to the north before we can agree to anything here. We did discuss the option of a restrictive covenant over the south neighbours Lots, however would need to seek expert landscape / planning advice as to weather the existing shelterbelt mitigates views into the site beyond your properties.
- In October 2024 Chris Meehan arranged a call with Vicki Onions ( ), Geoff van Deusen ( ) and me ( ) to discuss Winton's "current council application for events to be held in The Dell at Ayrburn". On the call, which took place on 21 October, we raised the question of what Winton planned to do with the trees on the Bank now that the Environment Court had allowed 3-4 houses on the field next to our properties. After the call I wrote to George Watts as follows:

"Hi George,

Vicki, Geoff and I just had a call with Chris. He was sympathetic to our wish to have a long term solution to the tree issues on the bank and said that he would be happy to fund a

replacement of the firs with something appropriate (he suggested a beech forest) if there was consensus support for this from the owners of the ten or so properties (including the Speargrass estate) between the creek and the cycle trail.

Can you please confirm which properties you would want to have included in any consensus. It would also be helpful to have names of the owners if you have them and an indication of which you have been in touch with about the trees and any who have indicated opposition to removing the trees, This information will allow us to speak with the relevant owners and try to get a consensus on the way forward.

Chris, thanks for taking the time to speak with us this morning. We will as suggested work with George to explore options."

• I received no response to my email of 21 October 2024 and followed up with George Watts on 3 February 2025:

"Hi George,

We have just arrived back at Speargrass and are here until Easter. I hope all is well with you.

I would appreciate you response to the request for details of the land owners who would have to be involved in any arrangements to remove/replace the firs on the bank.

We remain keen to explore a long term solution to the bank's rabbit and weed issues and the safety concerns related to trees which have reached the end of their natural life and will fall if not replaced. We would like to think that Meehan would want a solution which matched in quality all the great work which has been done on the Ayrburn Farm development generally."

• On 5 June 2025 I received an email from George Watts saying:

"Hi Guys,

Hope all is well.

We are going out to our neighbours to consult on the Ayrburn Screen Hub we are proposing in our west paddocks. I would expect questions suggestions and queries.

Happy to meet individually or as a group.

Please see cover letter and info pack attached.

Let me know, Cheers, George"

# • I immediately responded:

"Hi George,

In our recent discussions with you regarding Winton's plans for the area next to our properties, you mentioned 3-4 high value residential properties set back from our boundary. You did not mention that Winton proposed what is a very different (essentially an industrial) use with 201 accommodation units very close to our boundary. Please explain why you told us that a few residential properties were planned but did not mention the very different 'screen hub' plans, which have obviously been in preparation for many months. Meanwhile we are making a substantial further investment in our property in the belief that we would only ever be next to a low density residential development. Please explain why you did not mention the 'screen hub' plans before now.

At this stage, I expect that we will want to be involved to the fullest possible extent in the approval process. Please give us some time to consider how best to deal with the questions, suggestions and queries you expect from us.

Can you please send us the full 30 page Ayrburn Design Report referred to in your letter.

Best regards David

George Watts responded the same day saying:

"Hi David.

Apologies for not making aware of the plans earlier. It was a super busy time pulling the application together. It was unknown how the project would be received and if it would get through the gateway (referral application) to the substantive stage, so we held off on consultation until now. The project seems to have been received extremely well and has gained quite a bit of support. Now that this has been accepted, and we are diving more into the detail in preparing our substantive application it seems like a good time to consult with the adjoining neighbours.

Please see the full design report attached. We are expecting a full architectural pack due soon. The architect Jessie is the same person we have used at Ayrburn, so same look and feel. The renders should give you an idea also.

Please take some time to look over and let me know.

Thanks, GW"