

Keep Whangaparāoa's Green Spaces.

Healthy Communities Need Space

To Whom It May Concern

We are writing to you because you may be a potential buyer of some or all of the Gulf Harbour Country Club (GHCC) land or be involved in trying to sell this land.

Keep Whangaparāoa's Green Spaces Incorporated Society (KWGS) is the organisation representing the Gulf Harbour and Whangaparaoa community in its fight to ensure the land comprising the GHCC retains its "Open Space – Sport and Active Recreation zoning". KWGS was formed in 2021, within months of Greg Olliver purchasing the shares in Long River Investments Corporation.

We are now a formidable organisation with resources and capability to fight to keep the golf course land zoned Open Space and to ensure Auckland Council (AC) upholds the 999-year Encumbrance on the golf course land in favour of the community.

We have strong support from the Whangaparāoa community including several influential industry leaders. We have lobbied AC over the last two years and have obtained expressions of support from local councillors. This lobbying will be ramped up if any party seeks a Private Plan change or attempts to vary or remove the encumbrance.

We have appointed barristers and have obtained and will continue to obtain opinions on all relevant matters and all attempts to change the status quo will be resisted in court proceedings.

You should be aware that passions run deep about maintaining the original conceptual framework of Gulf Harbour which was clearly set out in earlier Rodney District Council plans.

From the beginning Gulf Harbour was a planned integrated community revolving around a world-class Marina and a world-class golf course. The concept was enshrined in Rodney District Council (RDC) Plan Change 26 in 1995. PC26 stated: "There will be no development in Gulf Harbour until such time as the golf course land is protected by a covenant".

"The remainder of the land, much of which is interwoven with the golf course will be developed for 'Golf Residential' at high intensity, designed to be in harmony with amenity values generated by the golf course". "Increases in the intensity of residential development in the marine village and abutting the golf course are offset by the retention of the golf course (91Ha) as Open Space in perpetuity".

"The land which is developed as a golf course, clubhouse and practice facilities will be placed in a separate title and made subject to a covenant or agreement between the developer and the Council which ensures that the land continues to be Open Space and used for a golf course".

The 999-year Encumbrance was signed in 2006. AC is the Encumbrancee and in upholding the Encumbrance requires the land to be used solely for golf course and country club purposes. This Encumbrance "runs with the land" so all subsequent purchasers of the land are bound by its terms.

In addition to the Encumbrance, the 400 homeowners adjoining the golf course land were required to sign a covenant in favour of the GHCC. The restrictions placed on adjoining homeowners were all for the benefit of retaining the amenity value of the golf course.

Not only the 400 homeowners adjoining the golf course, but the thousands of residents in Gulf Harbour, relied on the Encumbrance when they purchased their properties. AC is aware of their responsibilities to these thousands of residents who will suffer if the golf course land was ever developed.

You should also be aware that in 2016 when an Independent Panel reviewing precincts for the newly formed AC stated the Gulf Harbour Precinct was no longer required, the reason stated was: "The majority of the precinct is now developed or has resource consents for development and the development cap and associated standards are no longer required".

In other words, at the time the Unitary Plan was implemented it was very clear AC viewed the golf course land as Open Space in perpetuity.

The development cap was linked to a lack of transport and wastewater infrastructure. With around 1000 consented dwellings yet to be built in Gulf Harbour and no prospect of the one road in and out of Gulf Harbour ever being improved, there is no justification for AC to increase the number of dwellings beyond those already allowed under the Unitary Plan.

KWGS has researched the history of the Gulf Harbour development and understands how reserve contributions were intertwined with the retention of the golf course land as Open Space in perpetuity.

It is clear from the decision to discontinue the Gulf Harbour precinct in 2016, that AC understood the importance of the golf course land as Open Space and their role as Encumbrancee to the 999-year encumbrance protecting the land from development.

Any attempts by developers to obtain a change to the zoning of the golf course land will meet fierce opposition from KWGS and the Whangaparaoa community.

No one in the Gulf Harbour or wider Whangaparāoa community wants houses or retirement villages on the golf course land.

We can only imagine the damage to your corporate reputation if approval for development is sought by any developers including Private Plan changes or attempted removal of the Open Space Encumbrance.

We would be willing to meet with you and address any of the issues raised here.

Yours faithfully

KWGS

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