

Summary of Evidence – Blair Jeffery Devlin 6/12/23

My name is Blair Devlin. I am a Senior Planner/Director at Vivian+Espie, a Queenstown based resource management and landscape planning consultancy. I have 22 years planning experience. I prepared the statement of evidence dated 20 October 2023 including my statement with regard to the Environment Court Code of Conduct for expert witnesses.

Since I prepared my planning evidence, I attended the planning expert conferencing on the Friday (only) and signed the Joint Witness Statement dated Friday 3 November 2023. I have also reviewed the rebuttal evidence of Mr Brown dated 10 November 2023, other expert rebuttal evidence for the Council, and the response to questions prepared by Ms Moginie (undated) and Mr Brown & Mr Giddens dated 24 November 2023.

Overview of Planning Opinion

At a high level I support the overall Council-led master plan led approach to the wider Ladies Mile area rather than having multiple individual landowners undertaking their own consent or plan changes processes. I support the plan variation including land south of the State Highway, which includes a mixture of land that has some development already approved for example Koko Ridge, or in progress such as Queenstown Country Club. This will help achieve the plan variation objectives including creating an integrated urban environment.

Koko Ridge Ltd (Submitter OS80)

The Koko Ridge land comprises flat terraces mostly below State Highway 6 and is well positioned to support a low to medium density housing development that is visually unobtrusive and sympathetic to the adjacent low density Shotover Country subdivision. It is already within the UGB and zoned for residential development, as the large Lot Residential zoning (LLR(A)) is already an urban residential zone, just one with a very low density.

The Koko Ridge subdivision consents enables 37 lots, or 4.5 units per hectare. My evidence noted that the *notified* density for the Koko Ridge land (Sub-Area H2) was 60 units or just 7.2 residential units per hectare, which was much lower than the other LDR Precincts H1 (12 units per hectare), I1 (13 units per hectare) and J1 (32 units per hectare).

In my opinion both the Koko subdivision density and the notified provisions are not an efficient use of scarce land suitable for urban development in the Wakatipu Basin. This has been recognised through amendments to the H2 Low Density Residential Precinct provisions, that have largely been agreed with Mr Brown for the Council.

I preferred a density of 13 units per hectares as this is more akin to a LDR Zone and more in alignment with the other LDR areas, including the adjoining Shotover Country Special Zone. Mr Brown in his rebuttal agrees with the requested increase in density to a maximum of 108 residential units along with 'grandfathering clauses' that recognise the existing Koko Ridge subdivision and seek to reconcile bulk and location controls for the existing lots of <2000m² with the new provisions that enable a denser form of development. The grand fathering clause would mean that owners of the existing lots of <2000m² that wish to retain their lot size and not further subdivide would be bound by the PDP LLR-A bulk and location controls, and not be affected by provisions such as the maximum parking ratios. This is a pragmatic approach that seeks to reconcile the approved Koko subdivisions with the new zone provisions.

I agree with Mr Brown¹ (and the rebuttal evidence of Mr Shields) that the land is in reasonable proximity to the future bus stops that are required to be established on the highway west of

¹ Paragraph 113, Rebuttal evidence of Mr Brown 10 November 2023

the Stalker Road intersection, with Sub Area H2 being required to provide a link to the active travel link to this bus stop. Additionally, bus priority on Stalker Road is included in the QLDC 'Minor Improvements Programme' and bus priority on SH6 is included in the NZUP programme and required by the TPLM transport staging triggers.

For the reasons set out in my evidence, I also support the reduction in the Building Restriction Area to 25m, the enabling of residential flats, the reduction in the minimum lot size to 300m² with a maximum of 108 residential units in total, and the deletion of H2 from the transport infrastructure staging requirement. Mr Brown is in agreement with these requested changes.

Corona Trust Submission (Submitter 99)

The joint witness statement records that Mr Giddens and I disagree on how the rezoning of the H2 area to a LDR Precinct and associated changes will affect the Corona Trust land located below the Koko Ridge land. We disagree over the extent of the boundary setback and height control required.

In my opinion a minimum 4m setback from the escarpment *edge* (rather than the cadastral boundary), and the normal height limit of 8m to be appropriate for an urban environment, recognising that a private covenant restricts building heights to 5.5m in any event.

I note that the cadastral boundary does not align with the top of the escarpment, so in practice a 4m setback from the escarpment *edge* could result in buildings on or close to the property boundary. From a plan administration perspective I consider a setback from the cadastral boundary will be easier to implement and agree with Mr Compton-Moen that a 2m setback from the cadastral boundary (as per the proposed LDR Precinct) will be indiscernible from the 4m setback that applies to the approved building platforms, and is appropriate². This will achieve a minimum setback from the top of the escarpment of between 3.5m and 8m for Lots 27 – 30.

I do not consider the LDR provisions need to impose a 5.5m height limit to align with the private covenant, as private covenants are a private matter between the parties. There are a huge number of private covenants in place covering diverse matters such as fence types and the location of washing lines that do not get replicated through District Plan provisions. I am therefore happy with the standard 8m height limit applied to the LDR Precinct, and to let the private covenant remain as a private matter between the parties.

Mr Compton-Moen and I know the interface between the Koko and Corona land very well as we prepared the subdivision application for Stage 2 of Koko Ridge, which included Lots 27-30 of RM211276, which Mr Giddens, Mr Brown and I agreed in the JWS is the area of land in contention with regard to the effects of built form. Any provisions relating to setbacks from terrace edges needs to focus on this location and not the entire terrace escarpment.

My opinion is that a large setback from the cadastral boundary or top of the escarpment is not an efficient use of land, and reflects an unreasonable expectation of how amenity values are to be managed for an area that is already an urban zone located within the urban growth boundary.

² I note Mr Compton-Moen's position was incorrectly recorded in the Planning JWS as seeking a 4m setback from the cadastral boundary, in fact he stated that the reduction of the rear setback from 4m (as per the LLR-A and building platforms) to 2m (as per the LDR Precinct) will be indiscernible.

I prefer the evidence of Mr Compton-Moen (2m setback from cadastral boundary, and recognition of 5.5. private covenant height³) and Mr Skelton for the Council (4m setback from the escarpment and 5.5m height⁴) over that of Ms Moginie (20m setback from the escarpment and 5.5m height⁵) because her evidence:

- Did not recognise both sites are within an urban zone and the UGB, and completed a landscape and visual effects assessment as if it were a Rural zone building platform application,
- Did not recognise that the cadastral boundary is not located on the top of the escarpment
- Incorrectly stated there was a 10m setback requirement in the Koko Ridge subdivision consent
- Did not recognise the receiving environment as approved by RM211276
- Did not recognise that the Koko Ridge platforms on Lots 27-30 of RM211276 only required further assessment due to the 75m Building Restriction Area (BRA), which was a control in relation to visual amenity from the State highway, not adjoining properties.
- Did not recognise that the terrace escarpments in the Shotover Country and Lake Hayes Estate areas are privately owned and are not designated recreational reserves
- Stated that 15 residential units could be located on the terrace edge overlooking the Corona land without explaining how that could occur.

I consider Ms Moginie and Mr Giddens have unrealistic expectations with regard to the amenity values for the Corona Trust land, given the existing urban zoning / location within the UGB, receiving environment including approved Koko Ridge building platforms, and the policy direction of the NPS-UD (Policy 6) which recognises that planned urban built form may involve significant changes that may detract from amenity values appreciated by Corona Trust but improve amenity values for future occupiers of this urban zone, and that those changes are not of themselves an adverse effect.

I do not agree with Mr Brown or Mr Lowe that a minimum lot width requirement of 20 – 25m is required. The stage 2 Koko Ridge subdivision has already been completed and there are four lots (27-30) along the boundary with the Corona Trust land as shown on the plan attached. Three of the lots are 24.9m, 29.0m and 36.0m so would be impossible to divide further, seemingly contradicting the intent of the LDR Precinct. Lot 30 is wider but heavily constrained by the BRA and so would be practically un-subdividable as well.

I am happy to take questions.

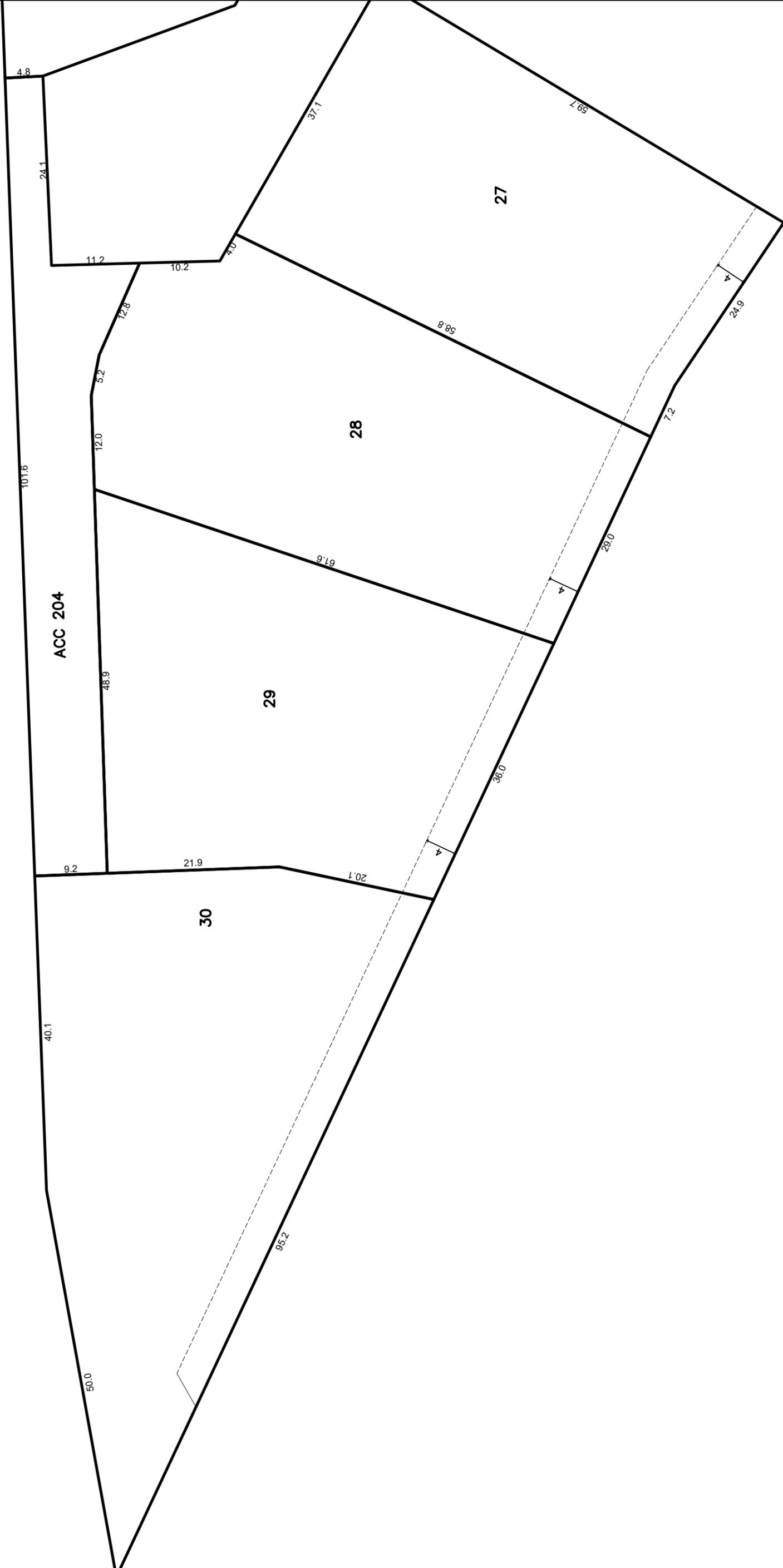
Blair Devlin

Attachment – CFMA plan showing Lots 27-30 of RM211276 with lot widths

³ Page 13 Landscape joint witness statement

⁴ Paragraph 29-30 – rebuttal evidence of Steve Skelton

⁵ Page 13 Landscape joint witness statement



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