

QLDC Proposed District Plan

Jeff Brown – summary statement to primary and rebuttal evidence

ZJV (NZ) Limited

11 September 2017

1. This is a summary statement to my primary and rebuttal evidence dated 9 June and 7 July respectively. My evidence opposes Skyline's proposed *Commercial Tourism and Recreation Sub-zone (CTRSZ)* for the land at Ben Lomond.
2. The CTRSZ area is significantly greater than the total footprint area for the upper terminal building upgrade in Skyline's current resource consent application, and notwithstanding the CTRSZ's 35% building coverage rule, the CTRSZ anticipates a very large area and volume of potential built development.
3. The effects on the environment of this potential scale of development have only been lightly examined by Skyline. For the liberalness of the CTRSZ provisions, I consider that far more examination of the impacts of the CTRSZ – including on the reserve's amenity values, traffic effects, and direct effects on other reserve users – is necessary.
4. Greater assessment is necessary also to understand whether the CTRSZ enables development that accords with the Reserve Management Plan (RMP) for Ben Lomond. The RMP has various objectives, including for example the "*protection of the reserve's natural and quiet values*" and the "*provision for recreation and tourism activities that do not adversely impact on the landscape, recreation and natural values of the reserve*". The "Vision Statement" is "*To protect and enhance the natural values of Ben Lomond Reserve and provide opportunity for compatible recreation activities*". There is difficulty in reconciling the CTRSZ with the RMP because of the potential scale of the development anticipated by the CTRSZ that is not anticipated by the RMP. This difficulty is exacerbated by the paucity of evidence.
5. In my view, the CTRSZ would enable development that is inconsistent with the RMP provisions. Inefficiencies and planning difficulties would arise if the CTRSZ is not consistent with the RMP because, in addition to the duplication of processes, it could well be that one instrument may be enabling of a proposal but the other instrument may be disabling of the same proposal. This puts the Council and the other interested parties (neighbours) in a potentially conflicting position.
6. I agree in principle with the concept of an updated, improved approach for managing the Ben Lomond area. One method may be a comprehensive review of the RMP, which is outdated. Another method may be a bespoke zoning, which would need to encapsulate and properly deal with the RMP and all of the other relevant issues before it could be adopted into the PDP.

7. A proper s32 evaluation is necessary. A range of reasonably practicable options should be identified (such as: the status quo; or the CTRSZ or similar; or updating the RMP; or a hybrid of the CTRSZ that is crafted with more cognisance of the RMP; or a policy approach as suggested by Ms Evans). These would need to be evaluated as to their effectiveness, efficiency, costs, benefits, risks and so on – in line with the s32 duties.
8. The evaluation might identify that the most appropriate method is a bespoke zone that is based on a structure plan that delineates certain activity areas with corresponding development standards, and addresses related matters such as parking.
9. I am aware that the Council is currently formulating Stage 2 of the PDP, to be notified later this year. A chapter for open space and recreation has already been drafted and the Council planners have consulted with interested parties (including myself, around a fortnight ago). The chapter deals with the Council's reserves, including for the Ben Lomond reserve. In my view this comprehensive approach to addressing the zoning of and provisions for reserves is more appropriate than the *ad hoc* nature of Skyline's approach, because all of the valid issues can be incorporated and evaluated, and an integrated management outcome is more likely.
10. Having said that, the draft chapter I have seen does not yet adequately address the particular (and unique) circumstances at Ben Lomond – Ben Lomond is different to all other recreation reserves in that it has substantial development and greater intensity of activity. The chapter would need to recognise the existing environment and promote provisions for successfully managing the effects of activities within that environment, for all users. In my view it should at least address the matters I listed in paragraph 2.6 of my primary statement, including how it co-ordinates and integrates with the RMP, adjoining land uses and the town centre (in particular potential traffic issues).
11. I therefore maintain my view that Skyline's current CTRSZ is not an appropriate planning method. A wider s32 evaluation is necessary, and I support the Council's approach to dealing with reserves in a specific PDP chapter to be promulgated in Stage 2 of the process.

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