

**BEFORE THE QUEENSTOWN LAKES
DISTRICT COUNCIL**

IN THE MATTER of the Resource Management
Act 1991

AND

IN THE MATTER of Plan Change 44 of the
Queenstown Lakes District
Plan

**OPENING SUBMISSIONS OF COUNSEL FOR HENLEY DOWNS FARM
HOLDINGS LIMITED, HENLEY DOWNS LAND HOLDINGS LIMITED AND
HENLEY DOWN FARM LIMITED
30 JUNE 2015**

**ANDERSON LLOYD
LAWYERS
QUEENSTOWN**

Solicitor: M Baker-Galloway
(maree.baker-galloway@andersonlloyd.co.nz)

Level 2,
13 Camp Street,
PO Box 201,
QUEENSTOWN 9348
DX ZP95010
Tel 03 450 0700
Fax 03 450 0799

Introduction

- 1 These legal submissions are on behalf of Henley Downs Farm Holdings Limited, Henley Downs Land Holdings Limited and Henley Downs Farm Limited (Henley Downs).
- 2 Henley Downs owns the majority of the land subject to Plan Change 44 (PC 44), as shown in attachment 7 to Mr Tyler's evidence.
- 3 Henley Downs has been working with the PC 44 applicant, RCL Queenstown Pty Ltd (RCL) with the objective of agreed on a set of provisions for the area covered by PC 44. That agreement has been reached and what is before you now is a set of changes to PC 44 that address our clients' submissions and other submissions, integrate the plan change provisions with the wider Jacks Point zone, which we understand is the Council's preference, and remove use of Outline Development Plans as a result of the Court's ruling that their use in the manner currently in the District Plan is ultra vires (*Queenstown Airport Corporation v Queenstown Lakes District Council* [2014] NZEnvC 93).
- 4 The initial result of that agreement was set out in the "June 2015 – Revised Provisions from Applicant". Then as a result of considering further the recommendations in the section 42A report, additional changes were agreed and made, which are now encapsulated in Appendix 2 of Mr Ferguson's evidence (planner for Henley Downs).
- 5 The Structure Plan for PC 44 looks different to that as notified which is the result of addressing submissions and otherwise ensuring a fully integrated approach is taken to achieve the sustainable management of Jacks Point Resort Zone. In the operative plan Henley Downs is part of the Jacks Point Resort Zone. PC 44 proposed the plan change area be severed, and proposed a new separate zone. RCL took on feedback from submissions and PC 44 as now proposed is reintegrated into the Jacks Point Zone. As a result of further considerations, feedback and changes in the law relating to the use of Outline Development Plans, there are further structural changes to the plan provisions.
- 6 It is important to understand these structural differences and how they work. But equally important is understanding what outcome PC 44 as now agreed is likely to produce, both so that the merits of it can be

assessed, and so that there is confidence there is scope for the proposed provisions. The provisions have been redrafted and refined. Importantly the effects that will result in terms of scale of development, quality of development and management of expectations and effects are similar if not "better" and more certain than PC 44 as notified. Opportunity for development has been narrowed and more tightly controlled in the provisions now agreed, compared to the provisions as notified.

- 7 Particularly since taking on the feedback from the section 42A report, it is submitted the controls imposed in PC 44, and the discretion reserved to Council, will result in outcomes across the plan change area that:
- (a) Are sensitive to the receiving environment and located in areas that have the ability to absorb development;
 - (b) Protect areas that should remain open space and natural;
 - (c) Provide a range of residential opportunities from medium density through to large Farm Preserve lots;
 - (d) Enables an overall yield of residential lots that is less than that as notified (down from 2571 as notified to 2467).
 - (e) Discourages development in sensitive areas such as the Peninsula Hill Landscape Protection Area and the OSL, and allows for less intensive development in other areas so that the scale is appropriate to the areas' ability to absorb development (such as FP-1, previously development areas J and K)
 - (f) Narrows the opportunity for development in what was originally notified as the ACRAA¹ in which any development was discretionary.
 - (g) Provides certainty as to where and at what scale commercial, community and education facilities may be located.

¹ Agricultural, Conservation, Recreation Activity Area.

- 8 PC 44 as now agreed provides more certainty in respect of the matters listed above than PC 44 as notified did, which was quite open.

Summary of Henley Downs' case

- 9 Richard Tyler, Landscape Architect and Master Planner at Darby Partners, describes in his evidence the outcomes Henley Downs is trying to achieve through PC 44, from a master planning perspective. Attachment 6 of his evidence is the Structure Plan. Attachment 7 shows the activity area classification under the Structure Plan of the land that is Henley Downs'. Mr Ferguson also describes in more detail and in planning terms, the plan provisions that will drive the outcomes in each Henley Downs activity area:

- (a) RD (HD-SH) 1 and 2
- (b) RD (HD) F and G
- (c) RD (HD) E (small portion only)
- (d) FP-1 and FP-2

- 10 Low density residential is proposed for RD (HD-SH) 1 and 2, RD (HD) F and G. The proposed low density takes into account both ability of the sites to absorb development, and the need to soften the rural edge to provide a transition to the rural area.

- 11 FP-1 provides for small farm preserve lots, with controls put in place through the requirement of a Spatial Layout Plan to ensure development is located in areas with absorption capacity. Both Mr Tyler and Ms Pfluger confirm there are sites within FP-1 that are appropriate for development in this regard, and that the Spatial Layout Process will be sufficient to identify those sites, and ensure protection of important open space and landscape values.

- 12 FP-2 now allows for two large farm blocks and 2 identified homesite areas where a dwelling and associated land uses are contemplated. The restricted discretionary status will ensure protection of amenity and landscape values. In addition it is proposed that building within the Peninsula Hill Landscape Protection Area be non-complying. These constraints are dictated by the important landscape and open space values over this area of land, and expert evidence confirms that

the package of controls will ensure those open space and landscape values are protected.

- 13 The Education Innovation Campus (EIC) is proposed adjacent to the residential area, as a very specific and constrained location for development of facilities such as a school, technology campus, community activities along with related commercial and retail opportunities. The provisions are tighter than the plan change as notified regarding commercial activity over the plan change area. Site coverage proposed is very low, in order of 20% and height restricted to 10m. At this intensity, it is intended the EIC will also act as a transition in built form from the dense residential centre out to rural. The rules tightly constrain development with restricted discretionary as the bottom line, and provides much more certainty about what might happen on this site than the blanket discretionary status notified originally.
- 14 All development that is along the state highway will be subject to rigorous screening requirements of the same quality and character as those currently established at Jacks Point.
- 15 In summary the proposal as a whole provides more certainty about where development might occur, provides for a range of residential uses and a dedicated non-residential area and places a great deal of control over that development. As a whole it complements the RCL land and the wider Jacks Point area, and will enable and control quality development at Jacks Point in line with the growth of the community currently taking place.
- 16 PC 44 as now agreed, in terms of the anticipated place, nature and scale of development and the measure of discretion given to council to control that development, for Henley Downs land, is very similar in nature and scale compared to what could have been the outcome from the plan change as notified. In my submission the expert evidence establishes that the outcomes from the plan change, on the ground, are improved from that compared to the plan change as notified, and equally or perhaps more importantly when considered on their merits are:

- (a) Entirely consistent with and complementary to the wider Jacks Point Zone;
 - (b) Consistent with and give effect to relevant district plan objectives and policies;
 - (c) Complementary to the proposed Regional Policy Statement which addresses urban development in some detail;
 - (d) Likely to result in protection of all necessary landscape and open space values;
 - (e) Result in a full range of additional residential opportunities for the Queenstown District;
 - (f) Provide for a well-designed dedicated education and commercially focused technology and innovation campus.
- 17 The plan provisions themselves, and the structure of it, are very different to that as notified. Once you have gotten over the hurdle of understanding those structural differences, the more important task for you is assessing the merits of what these provisions will achieve. Most importantly total yield is slightly less than as notified, residential areas are the same place with a couple of small deviations of boundaries, development outside of the residential areas is more refined and certain than as notified (which was just blanket open discretionary) and important landscape and open space areas are protected.

Issues

Landscape, natural character and open space values

- 18 As part of the contemporaneous District Plan review the Coneburn Resource Study has been updated. The role and detail of the original 2002 Study findings, and the updates, is detailed by Mr Tyler and then forms part of Ms Pfluger's expert evaluation of landscape effects.
- 19 Of key relevance to this hearing is the Study's findings on capacity of areas to absorb development, and the updated Study looks at how this ability has changed over the last 13 years, as a result of planting and earthworks, and other changes on the site.

20 In reliance on the Study's findings, and her own independent expert assessment, Ms Pfluger concludes that for each of the activity areas owned by Henley Downs, the following:

- (a) R (HD- SH) 1 and 2 (page 10 onwards). Current landform will screen the majority of 1. Screening will be established for 2. Visibility from a distance will be inconsequential. Sites are not visible from the Lake. In conclusion visual effects can be effectively managed.
- (b) R (HD) F and G. (page 12 onwards). These two areas provide for low density rural residential development. Areas of higher sensitivity (e.g. rocky slopes) have been avoided. Views from Jacks Point will be dominated by the urbanised foreground, and F and G will provide a transition in the distance out to rural. Wider ONL values will not be affected.
- (c) FP-1. (page 15 onwards) The landform is suited to absorb low density development. Due to the sensitivity of the area the use of Spatial Layout Plans is now proposed, which will enable fine-tuned assessment at the time of subdivision for appropriate building sites. The proposed density of 34 lots over the whole FP-1, rather than the notified 104 buildings for the part of FP-1 that was notified as areas J and K, is a vast improvement, much more appropriate to that as notified and will result in effects that can be absorbed and mitigated to a level that protect landscape and open space values.²
- (d) FP-2 (page 16 onwards). In order to protect the amenity and ONL values, development is now directed towards two areas that have the ability to absorb development without adverse effects.
- (e) EIC (page 19 onwards). The proposed EIC is in an area of low sensitivity landscape character. Proposed development will act as a transition between farm and residential and the proposed mitigation screening will be a consistent and effective

² Addresses concerns raised by Clowes

continuation of the Jacks Point zone highway mitigation screening. There is at least 600m between the EIC and the highway that will maintain openness and rural character in this area.

- (f) Ms Pfluger also carefully assesses whether there would be cumulative adverse effects within the site, and beyond the sites, and concludes there will not be cumulative degradation.

- 21 These findings address a range of concerns raised by submitters, particularly those who were concerned with the PC 44 as notified, and the apparently liberal and open ACRAA³, which had fully discretionary status over the entire area. In response to those concerns of both submitters and the section 42A report writer, the policies and rules that will shape what happens in the EIC, FP-1 and FP-2 in particular are much more specific about where development should occur, and where it shouldn't. And where development is anticipated, controls are more focused and fit for purpose.
- 22 In respect of landscape and visual effects, and even reverse sensitivity concerns expressed by submitters adjacent to the state highway,⁴ the rigorous requirements for mitigation mounding and planting will address those potential effects. Risk of reverse sensitivity is reduced even further by the very low density proposed for R (HD-SH) 2 at 1.4 dwellings per hectare.
- 23 In respect of submitters located on the Tablelands⁵, the much more tightly controlled development and planning processes put in place for FP-1 and 2 significantly reduces risks of *ad hoc* unsuitable development in the plan change area, which was to respond to and address the concerns raised by submissions that there should be more clarity and precision about what takes place within the plan change area.⁶

³ Scope Resources Ltd, Pure 1, Henseman, Delta Investments Ltd, Triumph Trust

⁴ Scope Resources Ltd, Pure 1 and Henseman

⁵ Schranz, Fong Tablelands

⁶ Remarkables Park Limited and Shotover Park Limited.

Reverse Sensitivity

- 24 Submitters Scope Resources Limited, Henseman and Pure 1 that have various construction and quarry operations in the vicinity of the Woolshed Road intersection raise concerns of reverse sensitivity. As noted above however, the activities closest to the state highway will be tucked behind characteristic Jacks Point mounding and planting and the likelihood of reverse sensitivity being an issue is minimal.

Traffic

- 25 Parties are in agreement that the intersection of the highway and Woolshed Road will require upgrading prior to 500 residences (or activity that generates the equivalent of 500 residence) being in place. The expert evidence of Tim Kelly confirms this is appropriate, and this is endorsed by Henley Downs. The trigger recommended in the section 42A report is accepted, namely:

12.2.5.1 Site Standards

iv Access (Jacks Point Resort Zone)

No more than 500 residential units, or non-residential activity that is projected to generate the equivalent traffic volumes, may be built within the ~~R(HD) and R(SH-HD) Activity Areas~~ Hanley Downs area of the Jacks Point Resort Zone ~~without~~ prior to the Woolshed Road intersection being completed and available for use.

- 26 In addition, the pending upgrade of the Kowarau Falls Bridge will address the congestion issues raised by several submitters.⁷

Stormwater

- 27 The expert evidence of both Gary Dent for RCL and Ken Gousmett for Henley Downs confirms there are viable options for stormwater management that will contain stormwater generation and ensure water quality at the point of discharge. However the submission of ORC seeks an insertion in the district plan that goes to a level of detail, addressing rate of discharge and water quality, that is beyond the

⁷ Horwoods, Lakeside Estate Homes Ltd,

district council's jurisdiction, and that sits more fairly within the ORC's jurisdiction. The district council has no function under section 31 to control the use of land for the purpose of protecting water quality or flows. That is clearly a regional council function and therefore regional plan function under section 30 (1) (c). Henley Downs therefore oppose the relief sought by ORC.

- 28 The district council does have a specific function however in respect of natural hazards under section 31, and that is addressed next.

Natural Hazards

- 29 Gary Dent for RCL has provided an expert assessment of the potential natural hazard arising from alluvial fan flooding. Mr Gousmett for Henley Downs endorses Mr Dent's recommendations, based on his expertise and familiarity with the site. In conclusion the two experts are comfortable the natural hazard risk can be mitigated.
- 30 The planning provisions ensure that the council retains discretion over risk associated with natural hazards, both at the time of subdivision, or in the absence of a subdivision to consent a building.

Integration with Jacks Point

- 31 Henley Downs agree that it is important to ensure the plan change will ensure good integration with the Jacks Point zone, and this has been a primary focus of the work undertaken over the previous 5 months developing the set of agreed changes to the plan provisions. As will be described by both Mr Gousmett and Mr Tyler in particular, Jacks Point is being developed pursuant to very carefully considered controls and philosophies in order to consciously achieve a particular outcome. The emerging results of those controls are evident – it is a beautiful well thought out living environment and is self-sufficient in terms of infrastructure. To maintain the value of the existing resource and existing environment that is Jacks Point ("resource" and "environment" being used in the section 5 context⁸) it is important to well integrate the

⁸ 5 (1) The purpose of this Act is to promote the sustainable management of natural and physical resources.

plan change area with the part of Jacks Point that is developing/developed. The Henley Downs experts confirm the provisions as now agreed achieve good integration. This addresses concerns about integration and Jacks Point character raised by submitters.⁹

Infrastructure

- 32 For development such as this, you need to have confidence that infrastructure can be provided efficiently and is viable. Some submitters (Jacks Point residents) have noted their concern that development enabled by the plan change should not have an impact on what they currently contribute for infrastructure, which is all privately owned.
- 33 In respect of water supply, Mr Dent confirms the plan change area will receive water from the existing Jacks Point area water supply network and Mr Gousmett confirms the Coneburn Water Supply can be extended to serve the full zone as proposed. The concerns of submitters in respect of negative impacts on water supply are unfounded.¹⁰
- 34 In respect of waste water treatment Mr Potts confirms there are both on site options, and the option of pumping to QLDC infrastructure. Mr Gousmett confirms the options for treating waste water are available

Legal tests

- 35 In terms of the relevant legal tests and processes relevant to this private plan change, I support the submissions of Mr Holm and will not

(2) In this Act, sustainable management means managing the use, development, and protection of natural and **physical resources** in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—
 (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
 (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
 (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

⁹ JPROA

¹⁰ Submitters such as Horwoods

repeat those legal submissions. Therefore the key legal issue I will address you on is scope.

Scope

- 36 The Simpson Grierson advice of 26 May, which was very general, did not address in detail the relief sought in submissions and did not address the specific provision changes as at 26 May (that had been provided to Council in draft). Furthermore it is even less relevant and helpful now that changes (some significant) have been made to address points raised in the section 42A report, both with respect to merit, and scope. Those limitations significantly limit the relevance and utility of the analysis to your decision.
- 37 I agree with the Mr Holm's submissions on scope in relation to RCL's land and will not address the residential plan provisions further. Except to say that the changes to the residential provisions do not increase the scale of development as notified (the overall enabled number of residential units has in fact decreased slightly from 2571 as notified to 2467), and with the restricted discretionary status for subdivision, is now the same status for residential development as notified. In an **attached** table I set out in relation to the Henley Downs owned land the specific changes and assess them against the relevant legal test and submissions summarised below, which is the level of analysis necessary when determining whether there is scope.
- 38 There is also scope for the agreed changes that relate to land controlled by Henley Downs. PC 44 directly affects Henley Downs' land, and as notified imposed new classifications (primarily the ACRAA) and a new set of controls over it (a blanket discretionary regime. Changes sought by Henley Downs refine and tighten up the classification and controls so that rather than it being possible anything could happen anywhere (as notified), it is now put forward on the basis that only certain activities, of a certain scale, could happen in certain locations. The combination of directive specific policies and detailed rules narrow the areas within which development is anticipated and narrow the type and scale of development that is anticipated from that

as notified. The scope of activities that can take place in the ACRAA is now much reduced.

The Law

- 39 The relevant case law requires that 3 general questions be addressed when determining whether there is scope for making a change to a plan:
- (a) Is the submission "on" the plan change spatially? It is no longer acceptable to include "fair and reasonable extensions".¹¹ If the plan change is not on or adjoining the land the subject of a submission, then it is unlikely the submission is "on" the plan change.¹²
 - (b) Does the plan change provision the subject of the submission change the status quo from the operative plan i.e., is it "on" the plan change in terms of provisions that are notified as being "in play"?
 - (c) Is there a real risk that persons potentially affected by such a change have been denied an effective opportunity to participate in the plan change process. This goes to how clearly a submission spells out changes it is seeking.¹³ This is a question of degree.

¹¹ *Motor Machinists Ltd v Palmerston North CC* [2012] NZEnvC 231 overturn *Naturally Best NZ Ltd v Queenstown Lakes DC* C049/04. While incidental or consequential extensions of zoning changes proposed in the plan change were permissible, this came with the proviso that such changes did not raise matters which should be addressed in a further evaluation under s 32, to inform affected persons and to ensure that they were not "left out in the cold". See [45]–[46], [69]–[83], [88]–[89] and [91], *Palmerston North CC v Motor Machinists Ltd* [2013] NZHC 1290.

¹² *Re Palmerston North Industrial and Residential Developments Ltd* [2014] NZEnvC 17

¹³ Schedule 1, cl 10 - For an assessment of the degree to which a proposal may be amended "the paramount test applied was whether or not the amendments are ones which are raised by and within the ambit of the submissions". It will usually be a question of degree to be judged by the terms of the proposed change and of the content of the submissions. See *Countdown Properties (Northlands) Ltd v Dunedin CC* (1994) 1B ELRNZ 150, [1994] NZRMA 145. Schedule 1, cl 10 - As part of the ultimate question as to whether an amendment to a proposed plan is fairly and reasonably within the submissions filed, the local authority must consider whether interested parties would reasonably have appreciated that such an amendment could have resulted from the decisions sought by the submitter summarised by the local authority. See [15], *Christchurch International Airport Ltd v Christchurch CC* C077/99.

SCOPE FROM SUBMISSIONS

Henley Downs Farm Limited

- 40 The submission sought refinement of the Structure Plan to enable the most efficient use of land and resource and to ensure consistency with the Coneburn Resource Area Study 2002 and refinement studies undertaken. The Coneburn Study and updates to that study since 2002 provides general guidance as to potential for areas to absorb development including suitable areas within FP-1 and FP-2.
- 41 The relief sought in the submission was: *"refinement of structure plan to better achieve efficient use and development of the land resource for the range of activities anticipated by PC44."*
- 42 General scope is provided for changes to the Structure Plan consistent with Coneburn Resource Area Study 2002. Affected parties were, therefore, on notice of those proposed changes.

Henley Downs Farm Holdings Ltd (HDFH)

- 43 This submission stated:
- "The ACRAA comprises a significant land resource. There are specific areas within the ACRAA which could be developed and/or used for a range of activities without adversely affecting the landscape and other environmental values of the proposed Henley Downs zone. Enabling such activities would constitute efficient use and development of natural and physical resources."*
- 44 The relief sought was:
- "That the objective, policies and rules relevant to the ACRAA are amended to enable education, rural based tourism, community, visitor accommodation and service activities (all including buildings) in areas where such activities and buildings can reasonably be located without significantly adversely affecting the landscape and environmental values of the ACRAA, while ensuring that the majority of the ACRAA retains its current open space values."*
- "That the provisions of the ACRAA are amended to clarify that buildings supportive of agriculture include a residential dwelling to provide accommodation for the farm owner."*
- 45 Scope is provided for a planning regime from objectives through to rules specifically enabling education, rural based tourism, community,

visitor accommodation and service activities, in areas that can absorb effects and farm owner accommodation.

JPROA

- 46 This submission sought relief that *"recognises and provides for further amendments to the proposed plan provisions and if necessary the plan provisions applicable to the balance of Jacks Point zone, that achieve a "whole zone" integration, and consistency between the proposed Henley Downs zone and the balance Jacks Point zone, having regard to the Coneburn Resource Study (or any refinement thereof)..."*
- 47 This submission primarily provides scope for the slight amendment to the boundaries of the zone, which still remains on Henley Downs land.

Shotover Park and Remarkables Park

- 48 This submission supported increasing the range of permissible residential activities, and sought that the plan change *"should more clearly provide for increased residential, service and industrial activities and expressly limit non-residential activity"*
- 49 Jacks Point Management Ltd lodged a further submission in support of part of the submission that supports clearly identified and appropriate provision for non-residential activities including service activities.
- 50 Scope is provided for more certain provisions in respect of non-residential activities and for increasing the range of permissible residential activities.
- 51 Submitters in opposition provide scope also, particularly to the change from ACRAA to much more stringent, certain and specific activities in restricted areas.¹⁴

¹⁴ Triumph Trust, Pure 1, Henseman, Remarkables Park and Shotover Park

Conclusion

52 In conclusion it is submitted the provisions in respect the Henley Downs land will ensure the quality, sustainable management of the wider Jacks Point area, enabling people to take advantage of a wide range of residential opportunities, and providing certainty of where quality commercial, community and education activities may be focused. Important landscape and open space values will continue to be protected both from within and outside of the zone. Development will integrate well with the wider Jacks Point Zone.

Witnesses

- 53 Richard Tyler – Landscape Architect and Master Planner (Darby Partners)
- 54 Yvonne Pfluger – Landscape Architect (Boffa Miskell)
- 55 Ken Gousmett of Construction Management Services
- 56 Chris Ferguson – Planner (Boffa Miskell)

1 July 2015

Maree Baker-Galloway

Counsel for Henley Downs

Scope for provisions and Structure Plan in respect of Henley Downs

As Notified (October 2011)	As Agreed (29 June 2015)	On Plan Change (spatially)	On Plan Change (provision "in play")	Submission/Scope
Development Areas	Residential Activity Areas			
Council retains discretion to notify subdivision applications (operative plan provision on notification unchanged)	No change – Council retains discretion to notify subdivision applications (operative plan provision on notification unchanged)	n/a	n/a	Ability to notify subdivision unchanged by plan change or agreed changes.
Restricted Discretionary activities not to be notified (including ODPs)	Listed activities not to be notified.	Yes	Yes	Non notification provision as notified applied widely. Submissions listed above seeking more permissive regime also provide scope.
Development Areas boundaries specified.	Development Areas renamed "Residential" Activity Areas, and boundaries amended: Shape/footprint of R(HD-SH)2 amended compared to whole Development Area A Shape/footprint of R(HD) F amended compared to F Shape/footprint of R(HD) G amended compared to I	Yes	Yes	Amendments do not alter overall yield or density. Scope is found generally for these residential activity areas in submissions from HDF, HDFH, JPROA, Shotover Park/Remarkables Park, and the references to Coneburn Resource Study

ACRAA				
<p>(EIC portion)</p> <p>Non-residential activities in ACRAA are Restricted Discretionary(12.30.2.2.iii) in a location approved by an ODP (also restricted discretionary)</p> <p>Buildings in ACRAA are discretionary (12.30.2.3 (vi))</p>	<p>Part now named EIC</p> <p>Education, innovation and technology activities are Restricted discretionary (12.2.3.3) So no change in status for the activity.</p> <p>Matters of discretion above include wide range of matters relating to the building (e.g. location, scale, external appearance)</p>	Yes	Yes	<p>The activities of education, innovation and technology facilities stay restricted discretionary, and associated buildings are subject to wide range of matters of discretion.</p> <p>Henley Downs Farm Holdings Limited sought a more permissive planning regime from objectives through to rules enabling education, rural based tourism, community, visitor accommodation and service activities, in areas that can absorb effects.</p>
Commercial buildings in commercial precinct approved by ODP - Site standard 10m	<p>Commercial buildings in residential activity areas and EIC – Restricted Discretionary (scale included as matter of discretion)</p> <p>Zone standards for heights – specific to the activity area, not the purpose for the building.</p>	Yes	Yes	<p>Height of commercial buildings is still controlled by the wide range of matters over which discretion is retained, (including scale), and the height limits set in the zone standards.</p> <p>Henley Downs Farm Holdings Limited sought a more permissive planning regime from objectives through to rules enabling education, rural based tourism, community, visitor accommodation and service activities, in areas that can absorb effects.</p>

				Shotover Park and Remarkables Park, Henley Downs Farm Holdings Limited sought more permissive regime.
Site Standard maximum net floor area for retail 200m ²	In the EIC site standard maximum net floor area 200m ²	Yes	Yes	No change in outcome. No issue as to scope.
(FP-1 portion) <i>Part Development Areas I, J, K</i> ODP Restricted Discretionary and subsequent compliant development permitted. <i>Part ACRAA</i> Buildings discretionary <i>Subdivision</i> Controlled	FP-1 Subdivision restricted discretionary and requires use of Spatial Layout Plan	Yes	Yes	Scope comes from: Primarily the plan change as notified, and then: HDFH's submission which sought: "...buildings supportive of agriculture include a residential dwelling to provide accommodation for the farm owner." in combination with HDF and its reliance on the Coneburn Study and any updates to that study and Shotover Park/Remarkables Park's submission for "increased residential activities".
(FP-2 portion) Subdivision controlled Buildings discretionary	FP-2 Restricted discretionary for 2 sites only. Beyond that discretionary.	Yes	Yes	Primarily from PC as notified
(FP- 1 and 2 – Visitor accommodation) Discretionary	Visitor accommodation Restricted Discretionary	Yes	Yes	Activity status similar, with agreed version now providing clearer and wide matters of discretion.

	(wide discretion)			Additional scope derived from Henley Downs Farm Holdings Limited sought a more permissive planning regime from objectives through to rules enabling education, rural based tourism, community, visitor accommodation and service activities, in areas that can absorb effects.
Balance of ACRAA	Balance that is not reclassified by agreement to FP, EIC or R is classified as OSL	Yes	Yes	Integrates with wider Jacks Point zone, as per QLDC submission and JPROA submission.