

**BEFORE THE HEARINGS PANEL APPOINTED
BY THE QUEENSTOWN LAKES DISTRICT COUNCIL**

UNDER

the Resource Management Act 1991

IN THE MATTER

of the Upper Clutha Landscape
Schedules variation to the Queenstown
Lakes Proposed District Plan

OPENING SYNOPSIS OF LEGAL SUBMISSIONS

Dated: 26 August 2026

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MAY IT PLEASE THE COMMISSIONERS:

Introduction

- [1] These opening legal submissions are a synopsis only, and intended to be further contextualised by counsel in the hearings.
- [2] These submissions are presented on behalf of the following submitters:
 - (a) Hawthenden Trust (Submitter 22 and 30),
 - (b) Devon Dairy (Submitter 29 and 60),
 - (c) Exclusive Developments Ltd (Submitter 45), and
 - (d) Mata Au Investments Ltd (Submitter 17).(together, the **Submitters**).
- [3] The majority of these submissions focus on the Variation insofar as it relates to the 'non-Priority Area (**PA**)' schedules, rather than the Mata-Au Clutha River Schedule (**Mata-Au Schedule**). The focus of these parts of the submissions support a position that the Variation relating to non-PAs should be withdrawn.
- [4] Specific comments are made in respect of the Submitters interested in the Mata-Au Schedule; however, those Submitters do not seek the withdrawal of that schedule from the Variation.

Executive Summary

- [5] If the Panel is not satisfied under s 32 of the Resource Management Act 1991 (**RMA**) that the Variation is the most efficient and effective way of achieving its objectives, the Panel may recommend that the Variation be withdrawn.
- [6] The Submitters seek the Panel recommend that the Variation (relating to the non-PA schedules) be withdrawn on the following basis:
 - (a) The Council has not provided sufficient evidence that the Variation will result in an efficient and effective outcome under s 32 of the RMA in terms of achieving the stated objectives within Chapters 3 and 6 of the Proposed District Plan (**PDP**).

- (b) There is no evidence provided to support a finding that the Priority Area Landscape Schedules (**PALS**) have achieved its stated intentions of efficiency and consistency in consenting decisions, and therefore there is no support for a position that the Variation would result in similar benefits to achieve objectives.
- (c) The Variation is not supported by the policy direction of Chapter 3 and 6, there is no policy gap to be filled, and does not serve to implement Environment Court decisions on the PDP.
- (d) The Variation is not supported by the Otago Regional Policy Statement (**ORPS**) and is inconsistent with Commissioner decisions on the same.
- (e) The Variation is inconsistent with policy direction signalled for resource management reform and decisions should either be placed on hold pending certainty on the same, or should heed clear stated policy direction that will apply to next generation planning instruments.

[7] In terms of Schedule text, outstanding matters of contention largely relate to landscape capacity ratings, particularly in enabling urban expansions and / or rural living within Schedule areas.

Background

- [8] A number of submitters have raised issue with the Council's progression of this Variation in light of:
- (a) the effect of amendments to the Resource Management Act 1991 (**RMA**) by the Resource Management (Consenting and Other System Changes) Amendment Act 2025 on Councils progressing plan changes (known as 'plan stop');
 - (b) impending resource management reform; and
 - (c) the direction from previous Environment Court decision on Topic 2 of Stage 1 of the PDP.

- [9] Commentary in respect of each of those matters is outlined below. Responses from the Panel to such requests from submitters (to halt the Variation process) to date have been declined. As noted above, the Panel has discretion to recommend withdrawal of the Variation. While the exercise of that discretion comes down to its consideration of section 32, it is submitted that these background matters add relevant context to that decision making.

'Plan stop,' the exemption request, and Minister decision

- [10] Minister Bishop's exemption decision, to allow the progression of the Variation despite the plan stop put in place by the Government, suggests a number of issues of possible misunderstanding or inaccuracies in respect of the determination. Many of these are set out in the letter of Federated Farmers in respect of this decision,¹ and the memorandum of Mr Cossens to this Panel.² However, some additional observations as follows are worth noting.

- [11] The Minister states that:

'[the] Variation will identify relevant landscape values and capacity for change without altering the existing rule framework, which will improve consistency and resolve current inefficiencies in the Proposed District Plan (PDP)'.

- [12] While the evidence for the Council suggests that creating Schedules which describe values and capacity for particular areas creates efficiencies and consistent decision making, there is no direct evidence supporting this outcome being realised. In particular, the PALS process sought to achieve similar outcomes in the achievement of the same PDP objectives and policies in Chapters 3 and 6 of the PDP.

- [13] Decision on the PALS were issued on 21 June 2024 and were then subject to an Environment Court appeals process. The PALS were originally notified on 30 June 2022. Therefore, the concept of landscape schedules (of values and related capacity descriptions) have been in

¹ Accessed here: <https://www.fedfarm.org.nz/Web/Policy/Ministers-Letters/2026/QLDC-Upper-Clutha-Landscape-Schedules-Variation.aspx>

² Accessed here: <https://www.qldc.govt.nz/media/uwsd5ixt/minute-6-response-to-dr-john-cossens-26-may-2026.pdf>

existence for consideration in consenting decisions for over four years, with all having legal effect for over two years and, with many PALS not subject to appeal, some having operative effect for longer.

[14] Despite this, very limited evidence has been put forward in this Variation process by Council that identifies what value the PALS have provided to consenting processes in terms of “improving consistency and resolving current inefficiencies in the PDP.” One would have reasonably expected that the Council would have taken the opportunity to:

- (a) Provide expert comment on the value of the PALS in consenting processes to date; and
- (b) Provide any monitoring or evaluation report on decisions which have referred to the PALS and the extent to which that has resulted in consistencies in administration of the PDP or more efficient outcomes.

[15] The Council has not done so. There is simply no available evidence to support a finding that ‘on the ground’ the PALS have created the outcomes originally intended (and therefore provide supporting evidence that this Variation will equally have those outcomes intended).

[16] Ms Frew’s rebuttal evidence cites one recent consenting example in respect of efficiency gains from PALS.³ Counsel was also counsel acting for the Applicant in that case cited (RM241112, by Little Morven Trust). Ms Frew cites that the capacity ratings in that case provided a starting point helping determine that public notification would be appropriate, given likely visibility from public viewpoints. Ms Frew notes that, as such, this avoided need for assessment as to notification and the application could progress more quickly to assessment.⁴

[17] This conceptualisation of the PALS in Ms Frew’s rebuttal evidence is somewhat misleading. Counsel notes that:

- (a) The Applicant in that case volunteered public notification from the outset. Counsel’s experience is also that it would be highly unusual

³ Rebuttal evidence of Ms Frew, at [7.4]-[7.5].

⁴ Rebuttal evidence of Ms Frew, at [7.4].

for any proposal for new residential living in an ONFL to proceed non-notified.

- (b) The example cited by Ms Frew does not provide any analysis as to the actual efficiencies saved in terms of time or cost in the processing of that application by reference to total consenting costs (borne by Applicant or Council) or total processing time compared to other consent applications.
- (c) The example cited by Ms Frew makes an assumption that just because the Applicant's landscape architect referred to and assessed the PALS at hand (as required to do so by related policy direction) this created an efficiency outcome. There is no analysis of the resulting decision, the disagreement between Council and Applicant landscape architects as to the interpretation of the PALS for that particular site, and the interpretation of capacity with respect to this particular application.

[18] It follows that this isolated example does not support Council's case for the Variation being the most appropriate way to achieve objectives in terms of s 32 of the RMA in anyway. To provide supporting evidence for the claim that the Schedules create efficiency or consistency outcomes in consenting decisions, the Council could have provided:

- (a) Clearer monitoring outcomes on consenting decisions issued since the PALS process – including comparative costs of the processing of those consents;
- (b) Monitoring outcomes in terms of the way in which consenting decisions have consistently treated or applied the PALS (or not);
- (c) Any feedback from Applicants and their consultants engaged in the consenting processes as to whether there are any efficiency or consistency outcomes gained since introduction of PALS.

[19] Reference to one isolated consenting example without reference to any facts or figures in terms of efficiency or consistency gains, is not sufficient evidence to support the Variation as being a most appropriate

way to achieve the administration of strategic Chapter 3 and 6 objectives of the PDP in terms of s 32 of the RMA.

[20] It is difficult to understand how the Variation will resolve such inefficiencies in the administration of consenting decisions when:

- (a) The preamble text for the Variation explicitly anticipates that the Schedules do not replace a requirement for site-specific landscape assessment, and these assessments will still need to be carried out in consenting proposals;⁵ and
- (b) That such site-specific assessments may result in differently identified values or capacity.⁶

[21] Therefore, it follows that there are no steps in the consenting process that are removed or replaced by the introduction of the Variation. To what end it resolves inefficiencies (or creates efficiencies) is not made out by sufficient supporting evidence an analysis as to the costs and benefits.

Impending RMA reform

[22] The Council's case is that the Variation should be assessed by the Panel as it exists at the time of its recommendations. That does not particularly assist from a practical perspective. It is submitted that it would be most efficient for the Council and for submitters, if the Panel were to await making recommendations until the anticipated replacement RMA regime has passed into law, or otherwise heed the known current policy direction that will apply to future planning instruments to be made under a replacement resource management system (which signals a deregulation of non-ONFL landscape effects).

[23] As noted in Council's opening submissions, it is anticipated that final resource management reform will be known only one month away from the date of writing these submissions. The Planning and Natural Environment Bill are expected to be debated by the House this week.

⁵ See: s42A Appendix 1: Recommended Preamble, at 4.4, 5.1, 5.2; Rebuttal evidence of Ms Frew, Appendix 1B, at 4.4, 5.1, 5.2.

⁶ See: s42A Appendix 1: Recommended Preamble, at 5.2; Rebuttal evidence of Ms Frew, Appendix 1B, at 5.2.

- [24] There would be no value or benefit in the Panel expediting decision-making before the passing of these Bills were to occur. It could result in potentially the Variation being issued that is immediately out of date or inconsistent with new legislation.
- [25] The clear policy direction of the Planning Bill is to de-regulate certain effects. Under the current version of clause 14(1):
- a person exercising or performing a function, duty, or power under this Act who is considering the effects of an activity must disregard... (h) the effect on landscape if the landscape is (i) not outstanding or (ii) not an area of high natural character.
- [26] While the transitional consenting period may have a narrower reduction in de-regulated effects (under the current drafting) it is entirely possible that litigation will ensue as to how to reconcile clause 14 of the Planning Bill as against the transitional period of consenting regime.
- [27] For efficiency, it makes sense for the Variation to heed the direction of change as it will apply to future policy and plan making under the Planning Bill stemming from clause 14, rather than the transitional consenting regime. Given the Council's Planning and Development Team resourcing will be directed towards the making of new planning instruments that re-regulate landscape effects (currently, s 7 amenity landscapes) after enactment of the Planning Bill, there would be limited utility in continuing to administer a newly minted Variation which achieves the opposite in the meantime. Furthermore, the possibility of another two-year Environment Court appeal period (if the history of the PALS processes is repeated) would mean Council resourcing continues to be spent on defence of appeals against the Variation which may run contrary to replacement legislation policy direction.
- [28] It is appreciated that these considerations are broader than the strict statutory considerations of s 32 under the RMA; however, Submitters are calling for some common sense in the Panel's recommendations on this matter, and which could readily be achieved by at least awaiting the outcomes of reform, and otherwise by withdrawing the Variation in line with long term policy direction that will apply to next generation planning

instruments. In other words, it would not reflect reality to ignore strategic national direction being introduced.

Environment Court history

- [29] The Council's opening submissions acknowledge that this Variation does not open the door for Submitters to relitigate Environment Court findings. That is accepted; however, what is less clear, is how the Council has made out a case to suggest the Variation actually is the result of Environment Court findings.
- [30] The Environment Court findings from Topic 2 of Stage 1 of the PDP resulted in clear strategic policy direction to the Council to initiate a variation to include Priority Area Schedules into the PDP. That process (the PALS) has duly been completed. There is no corresponding policy direction resulting from the Environment Court decisions that obligate a similar process in respect of non-PAs (or the definitions of where such would be).
- [31] Importantly, the absence of any such clear policy direction as to non-PA signals that the areas subject to this Variation are not either subject to greater importance for protection, nor subject to more immediate or greater growth and development pressure. It begs the question therefore as to what efficiency gain can be created by singling out selected Rural Character Landscape (**RCL**) non-PA landscapes, only.
- [32] The PALS process was directed by a series of decisions from the Environment Court in relation to the Stage 1 appeals on the PDP.
- [33] The Topic 2.2 interim decision,⁷ directed Council to:
- (a) identify Priority Area ONF, ONL, and RCL within the District⁸; and
 - (b) prepare schedules for each of the priority areas that describe the landscape values that need to be protected or managed and the landscape capacity of the area.⁹

⁷ [2019] NZEnvC 205.

⁸ Ibid, see [262].

⁹ NZEnvC158 at [83].

[34] The Topic 2.5 decision confirmed the mapping of the ONF and ONL Priority Areas. The RCL mapped areas confirmed in the Topic 2.7 Decision are:

(a) Upper Clutha RCL Priority Areas:

- (i) Cardrona River/Mt Barker Road
- (ii) Halliday Road/Corbridge
- (iii) West of Hāwea River
- (iv) Church Road/Shortcut Road, and
- (v) Maungawera Valley.

[35] While those policies reference the Court directed areas of PAs, there is no reference to non-PA schedules being promulgated. There is no reference in the Environment Court decision as to this approach, other than as noted in Council's opening submissions, the Court leaving any future plan changes entirely to Council's discretion.

[36] It follows, that the Council's case that the Variation is an effective and efficient means to achieve objectives of the PDP, is simply not made out. There is a clear policy gap at the strategic level supporting the Variation, and which would be beyond scope to fill. The Court's Topic 2 decisions leaving open Council discretion to future schedules being introduced by subsequent variations does not demonstrate there is strategic policy support for a 'non-PA schedules' variation.

[37] The Council's legal submissions cite portions of the Environment Court Topic 2 decisions to support the Variation;¹⁰ however, those comments cited are clearly in respect of the deficiency of the PDP in terms of PA landscapes only. It cannot be taken from these extracts, that there is similar Court direction (or policy 'gap' in the PDP) regarding non-PA landscapes. For example:

¹⁰ At p. 28.

- (a) Council's legal submissions provide extracts from para [140] of the Topic 2.2 Court decision referencing deficiencies of the PDP in respect of identification of landscape values and related capacity. Those Court references are, however, in respect of ONF/Ls or Upper Clutha RCLs "in proximity to ONFs and ONLs," only. The outcome of these comments has already been reflected in the PALS process and does not lend support for this non-PA Variation relating to RCL landscapes elsewhere and which are not in proximity to ONF and ONLs.
- (b) The same can be said in respect of the references to para [140] of the Court's decision, where comments are made in respect of the agreed PAs within the Upper Clutha RCLs, pertaining to those areas most at risk of degradation through the intrusion of rural living and other types of residential development. There is no related evidence supporting this Variation that the selected non-PA landscapes are subject to such pressures compared to other s 7 landscapes not included.

[38] While the Council may have a discretion to decide whether to schedule the values within any non-PA landscapes, the Court decisions from Topic 2 certainly do not lend clear policy support for any such process, nor do Chapters 3 and 6 of the PDP necessarily lend policy support that such a process would be the "most appropriate" way (per s 32(1)(b) of the RMA) to achieve the landscape objectives of the PDP.

Otago Regional Policy Statement 2021

[39] Little reference has been made to the Otago Regional Policy Statement 2021 (**ORPS**)¹¹ process that was recently the subject of review.

[40] The Independent Hearings Panel made recommendations on the ORPS to remove s 7 amenity landscapes from regulation under the instrument. In its decision on the same, the hearing panel report noted:

[2.1.1] The NFL provisions of the pORPS not only address the obligation of local authorities under section 6(b) of the Act to protect outstanding examples of natural features and landscapes, but they also provide a

¹¹ Made operative as of 9 July 2026.

mandatory direction in relation to other features that do not meet the threshold for 'outstanding' but are considered 'highly valued' (referred to as 'HVNFL' here). The notified Objective NFL-O1 requires these areas and their values to be identified. Policy NFL-P3 then requires their maintenance or enhancement, as follows:

NFL-P3 – Maintenance of highly valued natural features and landscapes

Maintain or enhance highly valued natural features and landscapes by:

(1) avoiding significant adverse effects on the values of the natural feature or landscape, and

(2) avoiding, remedying or mitigating other adverse effects.

...

The submission of Meridian and Rayonier Matariki Forests highlighted the fact that there is no directive in the RMA to identify and manage highly valued natural features and landscapes and sought the deletion of the provisions. Similarly, Network Waitaki, Contact, PowerNet, and Oceana Gold requested deletion of the relevant provisions on the basis that the policy NFL-P3 goes beyond the requirements of Part 2 of the RMA and they asserted the pORPS does little to distinguish between HVNFLs and ONFs/ONLs. Port Otago raised similar concerns. Several other submitters requested removal of HVNFL's as those provisions are unlikely to be required in the replacement RMA legislation.

...

[2.1.3] As a number of submitters note, there is no directive in the Act that HVNFLs be identified in order to 'have particular regard to' the features referred to in s.7(c) and (f) of the Act.

While the Panel acknowledges that HVNFLs may assist in local authorities addressing s.7 matters, we are not convinced that a mandatory regional direction is appropriate or necessary in relation to an issue that sits more comfortably with local communities to determine. Such a mandatory requirement cannot be justified merely on the basis that many local authorities may do this already. The Panel is aware of

many that do not, including the Clutha District Council, in the Otago region.

The maintenance and enhancement of amenity values and environmental quality encompasses values wider than just landscape quality and can be achieved by a range of methods. Such measures include controls on density, building design and location, and nuisance type emissions including noise, odour and glare. In many rural districts (or rural zones), the landscape element of these values is often addressed by policy provisions that seek to maintain or enhance rural character and open space values.

While some Councils do use amenity landscape overlays, we are conscious of the fact that this approach tends to impact on rural communities the most. In Otago many of these communities already operate in s.6 landscapes, within the restrictions that imposes. We heard significant evidence from representatives of many of those rural communities on the large number of challenges they currently face. Section 7 landscape restrictions come at a cost, which benefits the wider community, not the landowner.

...

It is our experience that the values that lead to the identification of s.6 outstanding landscapes and features are generally commonly held. However, the values below this threshold are generally more subjective as is the understanding of what maintenance means in this context. It is the experience of the Panel members that many of these HVNFL landscapes essentially get treated the same as s.6 landscapes when it comes to the resource consent process. We do not consider this appropriate or warranted.

In our view, the costs of this planning restriction outweigh the benefits at a regional level. We believe it is more appropriate for local communities to determine how they have regard to s.7(c) and (f) in their planning documents. That may include identifying landscape overlays like those proposed here but it need not be mandatory at the regional level.

...

As a consequence, we recommend the removal of all references to HVNFLs from the pORPS.

- [41] Following the decision on the ORPS to remove s 7 amenity landscapes (HVNLS) from regional policy direction, the Council filed an appeal on the matter, seeking their reintroduction.
- [42] As a result of mediations, HVNLS have now been added back into the ORPS; however, the resulting policy framework is significantly different from the ORPS as initially notified. Including:
- (a) NFL-P1 as initially notified required the identification of areas and values of s7 amenity landscapes in accordance with TTaM guidelines. That is now replaced with a discretionary policy direction in NFL-M1(1) that territorial authorities 'may identify HVNLS.'
 - (b) NFL-P1 as initially notified also included a requirement to identify capacity of s 7 landscapes to accommodate use or development while protecting the values that contribute to a landscape being considered highly valued. That policy direction has also not been reincluded in the mediated outcome.
- [43] What results now in the ORPS is NFL-M1 as shown below:

Methods

NFL-M1 – Identification

Territorial authorities:

- (1) may identify *highly valued natural features and landscapes*, and
- (2) must:
 - (a) include in their *district plans* a map or maps and a statement of the values of the areas of outstanding natural features and landscapes in accordance with NFL-P1,
 - (b) in areas likely to face development or growth pressure, include in their *district plans* a statement of the capacity of outstanding natural features and landscapes to accommodate use or development while protecting from inappropriate use and development the values that contribute to the natural feature and landscape being considered outstanding,
 - (c) collaborate with Kāi Tahu to identify the areas, values, and capacity of natural features and landscapes of significance for Kāi Tahu in accordance with tikaka, and record and apply appropriate management responses as determined by Kāi Tahu,
 - (d) recognise that natural features and landscapes and any identifying *highly valued natural features and landscapes* may span jurisdictional boundaries and work together, including with the Regional Council and adjoining Regional Councils, to identify areas under (1) and (2)(a) to ensure that the identification of outstanding natural features and landscapes are treated uniformly across district boundaries and, where appropriate, regional boundaries, and
 - (e) prioritise identification under (2(a)) in areas that are likely to contain outstanding natural features or landscapes and are likely to face development or growth pressure over the life of this RPS, and

- (f) ensure the requirements of MW-M1(4) are met, and
- (g) if identifying *highly valued natural features and landscapes* under (1):
 - (i) implement (2)(c) and (f) above, and
 - (ii) include in their *district plans* a map or maps.

[44] There is, therefore, a clear policy distinction between identification of values and capacity for ONFLs subject to growth pressure, as compared to s 7 landscapes. If councils elect to identify s 7 landscapes (noting that is a discretionary election to do so), then the identification requirements are limited to collaboration with Kāi Tahu in that process, and the sharing of information relevant to Kāi Tahu interests (MW-M1(4)).

[45] It follows that there is clear policy direction in the ORPS now that a values identification approach to s 7 landscapes is not necessary or warranted. While the Council mediated to include s 7 landscapes back into the ORPS in general terms, the resulting outcome does not provide policy direction as to the identification of values and capacity for the same. The omission of this requirement, as distinct from ONFLs subject to growth pressure, should be read as an intentional policy direction that means the PDP cannot be regarded as having a 'policy gap' for its RCL landscapes absent scheduled values and capacity.

[46] The commentary from the Independent Hearing Panel on the ORPS cited above remains particularly relevant, and many of the themes in terms of the costs of values identification for RCL landscapes to the community are relevant to consider in this Variation process.

[47] There is very limited analysis from Council's planning evidence as to how the Variation actually gives effect to the ORPS policy direction.

Submitter specific comments

[48] The following provides a general summary of Submitters' submissions and outstanding issues between experts, to be further addressed at the hearing:

Devon Dairy Holdings Ltd (as successor to Submitter 29 and Further Submitter 60)

[49] Devon Dairy has significant landholdings within the Upper Clutha Basin and elements of that land is subject to several Schedules:

- (a) 21.22.25 Mata-Au;
- (b) 21.23.13 Kane Road and Luggate-Tarras Highway;
- (c) 21.23.14 Hāwea Moraine; and
- (d) 21.23.15 Hāwea Basin.

[50] In summary, the Devon Dairy submission opposed the Variation and its application to the Devon Dairy land and sought amendments to the Schedule text to recognise and provide for existing uses, varying degrees of character, and values and attributes of the Devon Dairy land.

[51] Outstanding matters include:

- (a) Retention of references to private views; and
- (b) Landscape capacity ratings / descriptions, and enablement of activities within the Schedule area, including urban expansions and rural living.

[52] Much of the Devon Dairy land has been subject to previous Environment Court decisions, with decisions considering that the Hawea Flats were 'Other Rural Landscapes,' being areas that do not necessarily equate to landscapes to which s 7(c) applies.¹² Given the overarching policy direction of the ORPS outlined earlier in these submissions, and more specifically for the Devon Dairy land, there is no need for values identification and Schedules to be attached to these landscapes.

Exclusive Developments Ltd (Submitter 45)

[53] In summary, the submission of Exclusive Developments Ltd (**Exclusive**) sought amendments to 21.22.25 Mata-Au Schedule to reflect the

¹² Evidence of Mr Espite, at [62].

existence of wilding pine plantations within the PA and its proximity to the Urban Growth Boundary (**UGB**).

[54] The text amendment relief sought by Exclusive to the Mata-Au Schedule has generally been adopted by the Council.¹³

[55] Outstanding matters include:

- (a) Landscape capacity ratings / descriptions for urban expansion and the rationale for inclusion of such in the Mata-Au Schedule;¹⁴ and
- (b) Clarity around the application of the capacity rating given the close proximity of the Exclusive land to the UGB.

Mata Au Investments Ltd (Submitter 17).

[56] In summary, the submission of Mata Au Investments Ltd (**Mata Au Investments**) sought amendments to 21.22.25 Mata-Au Schedule to reflect the current land use patterns / features and to adjust landscape capacity ratings related to visitor accommodation and tourism related activities and transport infrastructure.

[57] The text amendment relief sought by Mata Au Investments to the Mata-Au Schedule has generally been adopted by the Council. Outstanding matters include:

- (a) Landscape capacity ratings / descriptions.

[58] These Submitter specific points will be further addressed at the hearing.

Dated: 26 August 2026

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R E Hill
Counsel for the Submitters

¹³ Evidence of Mr Edgar, at [64].

¹⁴ Evidence of Mr Espie, at [22] and [23]; and Evidence of Mr Edgar, at [66]-[67].