

**BEFORE AN INDEPENDENT HEARING PANEL  
APPOINTED BY QUEENSTOWN LAKES DISTRICT COUNCIL**

**UNDER THE** Resource Management Act 1991

**IN THE MATTER** of a Variation to the proposed Queenstown Lakes District Plan (Te Pūtahi Ladies Mile) in accordance with Part 5 of Schedule 1 to the Resource Management Act 1991

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**MEMORANDUM OF COUNSEL ON BEHALF OF THE ANNA HUTCHINSON FAMILY  
TRUST SEEKING LEAVE TO SUBSTITUTE EVIDENCE OF CALLUM WOOD FOR  
EVIDENCE OF RICHARD REGAN**

**DATED: 15 NOVEMBER 2023**

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**Counsel acting:**  
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## **MAY IT PLEASE THE HEARING PANEL**

1. This memorandum is filed on behalf of the Anna Hutchinson Family Trust (**Trust**), a submitter on the Variation, and seeks leave to substitute a statement of evidence prepared by Callum Kenneth Wood, for the statement of evidence of Richard Regan previously filed on behalf of the Trust.
2. The subject matter of the evidence relates to civil engineering matters, in particular drinking water supply and wastewater servicing. Mr Wood's proposed statement of evidence for the Trust accompanies this memorandum.
3. While it is appreciated that the request on behalf of the Trust is unusual, it is respectfully submitted that granting the leave sought will not prejudice any party to the Variation, and is likely to materially assist the Hearing Panel with its evaluation and determination of the relief sought by the Trust. Mr Wood is already giving evidence for another submitter in this process and his evidence does not seek to cut across any of the conclusions of other experts that have been recorded in Joint Witness Statements.
4. Mr Wood was originally identified as providing evidence on civil engineering matters for the Trust but, due to his unavailability on overseas travel, Mr Regan gave this evidence instead.
5. After filing Mr Regan's evidence, it was brought to counsel's attention that his involvement in the Variation could raise a perceived conflict of interest, in that the partner of a member of the Hearing Panel is a shareholder in Mr Regan's employer, namely McKenzie & Co Limited. No such issues arise with the involvement of Mr Wood.
6. Counsel apologises for this oversight. It is the Trust's preference that there is no basis for any perceptions of conflicts of interest to arise, and that all members of the Hearing Panel can participate without reservation in hearing and determination of the matters before them.

7. For these reasons, it is submitted that it would be appropriate, efficient, and in the interests of procedural fairness for the Panel to grant leave for Mr Regan's evidence to be withdrawn and replaced with the evidence of Mr Wood.

**DATED** this 15th day of November 2023



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James Winchester  
Counsel for the Trust