

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of the Queenstown Lakes
Proposed District Plan

AND

IN THE MATTER of Hearing Stream 12-
Upper Clutha Mapping

MINUTE CONCERNING HAWTHENDEN LIMITED EVIDENCE

1. In our Seventh Procedural Minute dated 25 January 2017, we directed that all submitter evidence responding to the Section 42A Reports be lodged on 4 April 2017. That direction was repeated in our Eighth Procedural Minute dated 28 March 2017.
2. In a number of minutes issued both before and after our Eighth Procedural Minute, we varied those directions in response to applications from individual submitters, but in the absence of further directions, that remained the requirement for submitters participating in the hearing.
3. Hawthenden Limited filed a suite of technical evidence in compliance with our directions as above.
4. We were therefore surprised, to say the least, to receive a further brief of evidence (in the form of an unsworn affidavit) from Mr Hopgood, the director of Hawthenden Limited, a little before 5pm on 23 May 2017, when the submitter was due to be heard at 10am the following day.
5. At the opening of Hawthenden Limited's appearance on 24 May, we raised the issue with Mr Withnall QC and Mr Nidd, Counsel for Hawthenden Limited, inquiring how this situation had come to pass. They explained that they had understood that our pre-lodgement directions related only to expert evidence. They had not reviewed the directions

themselves and were relying on advice from others in this regard. They apologised for the failure to follow the Panel's directions.

6. Clearly the position was unsatisfactory, as counsel for Hawthenden accepted. However, and perhaps fortunately, Mr Hopgood's evidence was in the nature of a personal statement, providing historic background to farming operations on the property the subject of submission and a lay perspective on the relief sought.
7. Presumably for these reasons, Mr Barr confirmed that the position of the Council was that it did not oppose our hearing Mr Hopgood, as the matters raised in his evidence could be satisfactorily addressed in reply.
8. Similarly, notwithstanding the extremely late receipt of Mr Hopgood's evidence, the Panel had had the opportunity to pre-read it and we felt that we could accommodate the failure to comply with our directions without undue prejudice to the conduct of the hearing. Accordingly, the Chair directed that Mr Hopgood's evidence would be received and the failure to comply with our hearing directions waived.
9. This Minute is accordingly a record of the circumstances surrounding and the reasons for that verbal direction.

For the Upper Clutha Mapping Hearing Panel

A handwritten signature in blue ink, appearing to read 'T. Robinson', with a large, stylized flourish extending upwards and to the left.

Trevor Robinson (Chair)

25 May 2017