

**BEFORE THE HEARINGS PANEL  
FOR THE QUEENSTOWN LAKES PROPOSED DISTRICT PLAN**

**IN THE MATTER** of the Resource  
Management  
Act 1991

**AND**

**IN THE MATTER** of Hearing Stream 12  
– Upper Clutha  
Mapping

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**MEMORANDUM OF COUNSEL FOR QUEENSTOWN LAKES DISTRICT  
COUNCIL REGARDING MR ERIC HOPGOOD'S AFFIDAVIT FOR  
HAWTHENDEN LIMITED (776)**

**24 May 2017**

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 **Simpson Grierson**  
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**MAY IT PLEASE THE PANEL:**

1. This memorandum is filed on behalf of the Queenstown Lakes District Council (**Council**). Late on 23 May 2017, Hawthenden Farm (776) filed legal submissions and an (unsworn) affidavit under the name of Mr Hopgood.
2. The Hearings Panel has been very clear in setting a timetable for the filing of evidence, which required submitter evidence to be filed on 4 April 2017. This timetable included an opportunity for Council to file rebuttal evidence. The Council's evidence in chief and rebuttal, were heard by the Panel at the opening week of the hearing.
3. Although this evidence has been received out of time and has not been subject to the ability of the Council to respond through rebuttal evidence, in this instance the Council does not object to the late filing of Mr Eric Hopgood's (unsigned) affidavit as it does not appear to provide any new factual information that is not already before the Panel.
4. The Council also notes that the affidavit is not sworn. It is unclear whether Mr Hopgood will be appearing at the hearing but if he does not, the Council respectfully considers that the affidavit should be given little weight in the Panel's recommendations.

**DATED** this 24<sup>th</sup> day of May 2017



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S J Scott / C J McCallum  
Counsel for Queenstown Lakes District Council