

**Before the Hearings Panel for the Proposed  
Queenstown Lakes District Plan**

**IN THE MATTER OF**                      The Resource  
Management Act 1991

**IN THE MATTER OF**                      a Submission by  
Hawthenden Limited (Submitter 776)

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**AFFIDAVIT OF ERIC ARTHUR HOPGOOD**  
Dated this    day of                      2017

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Farry & Co Law  
Solicitors  
Dunedin

I **ERIC ARTHUR HOPGOOD**, of Wanaka, Farmer, swear that;

1. I am the Director and Authorised Officer of Hawthenden Limited the Submitter referred to in this matter.
2. The farm property was established in about 1878 by one Robert Studholme and the Studholme Family Farm until the 1990's when it was purchased by our abovenamed Company. The farm was titled around 1890 and the Studholme Family farmed the land intensively having developed same from virgin land comprising native bush, scrub, and intensive rockfall formations throughout the paddocks. They had put in a basic form of irrigation system by way of a pipe line which we upgraded to enable intensive irrigation after our purchase in 1994.
3. The upper and lower terraces of the farm were originally ploughed, cropped and pasture seeded with farm tracks being formed. They planted a number of trees and shelter belts and built some of the farm sheds including an historic dairy shed thought to have been constructed around 1890 when the original water race was constructed and its licence has existed since 1897.
4. Since our Company has owned the property we have quite intensively farmed the property with grazing of deer, sheep and cattle and have had various crops on various parts of the property and mainly on the terraces. We currently run approximately 500 deer, 800 sheep and have other crops grazing and trees including walnut groves and a plantation of pine trees.
5. The property has two fully approved residential dwellings as well as a number of farm buildings, a wool shed, implement shed and the historic dairy shed and associated shelter structure which was obviously used for a small dairying operation by the previous owners. There is now extensive deer fencing, formed gravelled access roads as well as the pine plantation referred to.

6. There are many specimen trees, shelter belts and plantings undertaken by the former owners and ourselves as well as one listed heritage tree a Wellingtonian which was planted some 100 years ago.
7. There are significant pipes throughout the farm for the irrigation system which have been installed as required over the years.
8. In 1997 there was a burn off which was apparently approved by QLDC on the adjoining property. This caused significant damage to grass and the water pipes for the irrigation system on our property. This fire became an uncontrolled fire and extended above parts of the area beyond what is now above the ONL and as a result there was virtually no vegetation cover left in the area of the fire. When the 1999 flood occurred the damage to the pipes resulting from that fire caused significant flooding to that end of the property.
9. It is also a matter of record that the former owners as well as our Company have undertaken significant earthworks on the property the most obvious and critical one is the fact that the road that the Studholmes in their operation of the farm undertook major earthworks to level out various areas including gullies and plateaus in the days when appropriate consents were not required.
10. During our ownership there have been at least two significant flooding events emanating from Stony Creek and in 1999 and 2004 these floods occurred when Stony Creek burst its banks and caused extensive damage to various residential properties below the subject property. We have been involved in ongoing negotiations with ORC and QLDC regarding proposed mitigation plans which have stalled because of liability concerns and issues. Otago Regional Council's plan to put in a dam on our property have not been able to proceed because they refuse to indemnify us in respect of this proposed dam which has been the subject of engineer's advice as to the inherent dangers regarding same. The floods referred to caused very significant damage to our property scouring out a culvert, crossing and fencing. We have always been at pains to rectify and mitigate any such damage as best as possible.

11. Council and Otago Regional Council have both requested that we retain the pine plantations as a mitigation measure to assist with future flooding events. We have always agreed to same but we do not agree to the construction of a dam on our property without appropriate legal indemnity and protection.
12. We have always been at pains whenever possible to be very accommodating to the communities needs with regard to access across the farm for walkers and cyclists and have always tried to engage with Council and the community as we are very conscious that the farm is the closest working farm to the town centre.
13. Of significant concern to us is that when the ONL line was proposed to traverse the farm property, we were never consulted and to the best of our knowledge and belief no party on behalf of Council ever visited the farm or even set foot on the farm.
14. To compound the problem we had instructed a Wanaka Solicitor to appear for us in the Environment Court to oppose the placement of the ONL Line and to our great regret and consternation the Solicitor failed to appear at the hearing and has subsequently acknowledged that failure.
15. It is a matter of record that the Environment Court decision which determined that the ONL Line was placed in a situation that it bisected the farm along the bottom of the Mt Alpha Fan terrace face notwithstanding the fact that the Court at the time considered that this decision to place the ONL Line in the existing location was "*a finely balanced decision*".
16. It is also quite significant that Council has approved subdivisions either fully residential or rural residential to properties which effectively encircle our farm. There are in fact a number of building platforms which have been approved on the land above the Line and behind our property.
17. It is a matter of record that I have made various personal approaches to QLDC on various occasions with a view to negotiating an arrangement whereby the Line would be moved voluntarily as it was always

understood from the concluding remarks of the Environment Court that the Line was not in a definitive place and could be the subject of change should the matter be challenged.

18. The negotiations with Council have included a proposal by Council to build a water reservoir on the farm on the elevated terraces to assist with providing a consistent water pressure to the Wanaka town supply. We were prepared to negotiate such an arrangement on the basis that the Line would be moved to a more realistic position at the boundary of our farm but no agreement was ever reached with regard to the position of the proposed reservoir. We subsequently learned that the reservoir was no longer regarded as a Council requirement as they made other arrangements.
19. Of significance at the time this matter was being discussed the Council representative that we met on site did not consider that the ONL was a hindrance to the location of the reservoir if it was considered appropriate for it to be located above the line.
20. As outlined in the evidence of our landscape architect Hannah Ayres there have been significant complaints from the adjoining residential and rural residential developments as a result of our ongoing farming operation. These include spray drift from the area fertilising and noise of roaring stags which have required us to move our animals away from the urban areas that were the basis of the complaints. We believe that we have done everything that we can to mitigate the reversed sensitivity issues that have made farming the land more difficult and less profitable.
21. To us it appears to be a complete anomaly for the Outstanding Natural Landscape Line to be in its current location. The land as indicated has for more than 125 years been impacted on by the farming operation and clearly cannot be regarded to be Outstanding Natural Landscape in any common sense way. There is hardly any part of that land that could accurately be described as natural. There is very little ability to consider from a common sense point of view that the Line encompasses what is in its ordinary meaning a natural landscape area let alone an outstanding natural landscape area.

22. As indicated our concern is that the placement of this Line which occurred without consultation or due consideration at the time of its placement in 2002, has and will continue to inhibit not only the farming operation referred to but any future development that we may consider appropriate having regard to our needs and the needs of the community to provide further rural residential developments.
23. The most significant concern to us which has resulted from the placement of the ONL through our farm has been the serious level of uncertainty as to what is permitted beyond the ONL. In that regard our farm manager constantly raises concerns regarding proposed fences, tracks, farm buildings, cropping or tree planting. We constantly have to refer these enquiries to our legal advisors or QLDC for clarification. I am obliged to say that we have considerable difficulty ever getting clear answers from QLDC to these enquiries and it is my belief that the planners and Council staff have some difficulty themselves in determining what is permissible and what is not. This has made the farming operation clearly difficult with such uncertainty.
24. As a result of the uncertainties as to what can be legally carried out beyond the ONL and the difficulties we foresee for any future development of the land, we have been very anxious and stressed and always concerned as to whether our farming operation would be curbed or curtailed because of the lack of clarity with regard to these issues.
25. Of further concern to us is that the new Proposed District Plan has provisions which are intended to be even more stringent in respect of ONL's, with further limits on the size of new farm buildings and requirements for further Resource Consents required in respect of buildings exceeding 100m<sup>2</sup> or 4 metres in height. It is proposed also that subdivision and development is inappropriate in almost all locations and to be successful an application will have to be exceptional. This would seriously curtail any future development plans we may hope for in the future.

26. We have had various approaches over the years to consider subdivisions to enable lifestyle blocks to be subdivided off the property but clearly at the moment that is extremely unlikely.
27. With regard to the second submission made by our Company namely the rezoning of the areas identified as Area A, B and C in the evidence of Hannah Ayres, I can confirm that these areas will be very suitable in our opinion for such a zoning change.
28. These areas are situated on the south eastern slopes of the farm property, as identified on the plans provided. These areas are close to the adjoining residential and rural residential properties that border the farm.
29. Specifically Area A is adjacent to the proposed urban zoning and is immediately adjoining the proposed Wanaka Urban Growth Boundary. The proposed District Plan indicates an intention to include both Large Lot Residential and Low Density Residential Zones along this boundary.
30. In this area there are already a number of buildings within view, including the existing farm house, the woolshed and the implement shed and buildings.
31. Area B again adjoins the proposed Wanaka Urban Growth Boundary and is also very appropriate for future development because of its accessibility from Studholme Road and its easy contours, making it easy to connect up to existing and proposed infrastructure and services.
32. Area C is situated on the south eastern corner of the farm and is largely flat land comprising several large paddocks with a driveway leading to one of the dwellings on the property. This area is also very accessible to Studholme Road and would be relatively easy to subdivide and develop. This land adjoins land that has already been subdivided with similar density to that proposed.
33. I do not believe that any of these areas if rezoned would significantly affect the character and amenity of the property especially from public

view. Area C is in fact virtually hidden from view except from Owen Hopgood's house and a few neighbours to the south.

34. I am very conscious of the demand for Rural Residential and lifestyle properties in Wanaka and as indicated we have been approached in a number of occasions from interested purchasers.
35. The proposed rezoning is in my view appropriate and practical and in the interests of the community to provide and allow for further land for such development in a way that will not have adverse effects of the amenity value of the property or the community generally.

**SWORN** at Dunedin )  
by **ERIC ARTHUR HOPGOOD** )  
on this day of 2017 )  
before me:

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A Solicitor of the High Court of New Zealand