

Southland Regional Council (Environment Southland)

Proposed Southland Water and Land Plan

DECISION OF HEARING COMMISSIONERS

Decision 20

INTRODUCTION

1. At its meeting on 3 August 2016 the Southland Regional Council (Council) under section 34A of the Resource Management Act 1991 (Act) appointed me, Rob van Voorthuysen, as Chair of the hearing panel on the proposed Southland Water and Land Plan.
2. The Council delegated to the hearing panel all the powers, functions and duties of the Council to hear submissions on the proposed Southland Water and Land Plan, and to make recommendations to the Council on the submissions, including requiring and receiving reports in terms of section 42A of the Act, and exercising powers conferred by sections 41B and 41C of the Act and Clause 8AA of Schedule 1 of the Act.
3. The Council authorised me, as Chair acting alone, to exercise any powers, functions and duties delegated in respect of the conduct of the hearing, including those conferred by sections 41 to 42A, and Clause 8AA of Schedule 1 of the Act.

ALLEGED CONFLICT OF INTEREST

4. At our hearing of submissions on Monday 14 August 2017 a submitter, Wendy Holder, alleged that Commissioner McCallum had a conflict of interest because in her view, as an existing dairy farmer, he enjoyed the advantage of 'higher productivity' and higher land values than other farmers who had yet to convert to dairy.
5. In our Decision 4 dated 7 March 2017 we advised, based on legal advice received:

Councillors McCallum and Roy's interest as farmers does not constitute a direct pecuniary interest in the outcome of the Proposed Plan. While there are proposed rules which, if approved, may change the statutory framework by which farming activities are regulated, the rules do not confer an expectation of financial gain or loss. The Panel considers Councillors McCallum and Roy's interest in the Proposed Plan to be representative of farmers generally in Southland.

6. Having examined the transcript of the submitter's verbal evidence to the hearing, I find that nothing she said leads me to depart from our 7 March 2017 decision. On behalf of the hearing panel, I therefore reject the submitter's claims that Commissioner McCallum has a conflict of interest.



Rob van Voorthuysen (Chair)

18 August 2017

RECORD OF MINUTES ISSUED

Minute Number	Date Issued	Purpose
1	10 October 2016	Late submissions
2	15 December 2016	Transpower waiver application
3	16 February 2017	Late further submissions
4	10 March 2017	Hearing panel conflict of interest
5	28 March 2017	Response to memorandum of Counsel for Ngāi Tahu about cultural evidence
6	6 April 2017	Notice of hearing and procedural matters
7	13 April 2017	Decision on extension request from Fish & Game
8	13 April 2017	Decision on extension request from Ngāi Tahu
9	13 April 2017	Decision on extension request from Beef + Lamb
10	13 April 2017	Decision on extension for all submitters
11	27 April 2017	Decision on extension request from Federated Farmers
12	3 May 2017	Decision on extension request from Chris Hansen
13	10 May 2017	Decision on extension request from B and A Hunt
14	11 May 2017	Decision on request for additional speaking time from Councils
15	11 May 2017	Decision on second extension request from Fish and Game
16	12 May 2017	Decision on extension request from DairyNZ
17	12 May 2017	Decision on extension request to be heard and evidence Invercargill Airport Ltd
18	25 May 2017	Decision on hearing confirmation request from Federated Farmers
19	25 May 2017	Submitter responses to further Section 42A recommendations
20	18 August 2017	Decision on conflict of interest Cr McCallum