

## Southland Regional Council (Environment Southland)

### Proposed Southland Water and Land Plan

#### DECISION OF HEARING COMMISSIONERS

##### Decision 4

#### 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 Councillor Lloyd McCallum, Councillor Nicol Horrell, Councillor Maurice Rodway, and Rob van Voorthuysen as the hearing commissioners to hear and make recommendations to the Council on submissions made on the proposed Southland Water and Land Plan (**Proposed Plan**).
2. At its meeting on 14 September 2016 the Council, under section 34 of the Act, appointed Edward Ellison as a hearing commissioner to hear and make recommendations to the Council on submissions made on the Proposed Plan.
3. At its meeting on 14 December 2016 the Council, under section 34 of the Act, appointed Councillor Roy to replace Councillor Horrell as a hearing commissioner to hear and make recommendations to the Council on submissions made on the Proposed Plan.
4. The Council delegated to the hearing panel all the powers, functions and duties of the Council to hear submissions on the Proposed 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. The Council authorised me, as Chair acting alone, to exercise those powers, functions and duties.

#### HEARING PANEL MEMBERS

5. A submitter has questioned Councillor Rodway's appointment to the hearing panel. Two factors have been raised:
  - a. Councillor Rodway's prior employment with Fish and Game which ceased in January 2016; and
  - b. His son who is currently employed at Environment Southland in the science team.
6. Councillor Rodway has also advised that he is currently an appointed member of the Southland Conservation Board.
7. Fish and Game and the Southland Conservation Board have both submitted extensively on the Proposed Water and Land Plan.
8. Councillor Rodway confirms that:

- a. he had no input into Fish and Game's submission; and
  - b. he had no input into, and has not been otherwise involved with, the Southland Conservation Board's submission.
9. Council staff have confirmed that Councillor Rodway's son, while employed by Environment Southland, has contributed indirectly to science information during the plan development process but will have no direct involvement with the hearing.
  10. The Panel has carefully considered these issues. Councillor Rodway considers, and the other members of the hearing panel agree, that the three factors outlined in paragraphs [4] and [5] above are insufficient to exert influence over Councillor Rodway so as to render him partial to a particular position during the hearing process.
  11. However, out of an abundance of caution, and given Councillor Rodway is currently a member of the Southland Conservation Board, Councillor Rodway will abstain from asking questions of the witnesses called in support of the Southland Conservation Board's submission, and he will abstain from participating in deliberations in respect of that submission.
  12. For the reasons set out above, Councillor Rodway considers that he is not conflicted in his role on the hearing panel, and does not need to recuse himself from the hearing. The other members of the hearing panel agree.
  13. No submitter has raised the issue of Councillors McCallum and Roy's role as farmers. However for completeness and out of an abundance of caution, we address the issue in this minute.
  14. 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.
  15. For the above reasons, Councillors McCallum and Roy do not consider themselves conflicted in their role as hearing panel members. The other members of the hearing panel agree.



Rob van Voorthuysen (Chair)

07 March 2017