

**Proposed Plan Change 7 to the Canterbury Land and Water Regional Plan and Proposed Plan
Change 2 to the Waimakariri River Regional Plan**

MEMORANDUM TO THE HEARING COMMISSIONERS
FROM SUBMITTER PC7-220, DR DOUGLAS RANKIN

On a possible conflict of interest of one of the Hearing Commissioners

INTRODUCTION

1. In Minute 1 notifying parties of the directions and preparations for the hearing of submissions the hearing panel was announced. As a submitter on PC7 I noted that Raewyn Solomon is one of the Hearing Commissioners.
2. However, I am concerned that Commissioner Solomon may have a conflict of interest that may mean it is inappropriate for her to remain on the hearing panel.
3. I therefore wish to draw the Hearing Commissioners' attention to this issue in this Minute so that the matter can be appropriately considered and action taken if considered necessary.

POSSIBLE CONFLICT OF INTEREST FOR COMMISSIONER SOLOMON

4. As far as I am aware, Commissioner Solomon appeared as a witness for Ngāi Tahu Forest Estates (NTFE) at a Canterbury Regional Council Hearing, the Balmoral Hearing.
5. The Balmoral Hearing considered applications for consents for water abstraction from the Waiau River, additional nutrient discharge/leaching entitlements to land, and land use changes in order to permit large scale intensive dairy farming by Ngāi Tahu at Balmoral Forest on the Amuri Plains.
6. I appeared at that hearing as a submitter on behalf of Whitewater NZ (Inc) and presented evidence to that hearing.
7. If I understood matters correctly, Ms Solomon stated her Ngāi Tahu Kaikoura runanga supported the NTFE application. NTFE stated that Ms Solomon's evidence provided evidence of local community support.
8. I met Ms Solomon and spoke with her during one tea break about the Ngāi Tahu proposals. She explained that Ngāi Tahu were interested in making the best use of the land at Balmoral Forest, which was part of the Ngāi Tahu settlement, for their people.
9. However, I said that data in their application showed that their proposals would seriously exceed their already negotiated entitlement to nitrate discharge limits in the catchment and exceed nitrate load limits in the catchment, contrary to recently granted consents and adopted plans. Further degradation would also occur in the already degraded Hurunui River, which was also contrary to what the kaitiaki for the river, Ngāi Tahu at Tuahiwi Marae, wanted.
10. Given this publically stated support and position presented by Ms Solomon at the Balmoral Hearing I am concerned that it may not be appropriate for Commissioner Solomon to be on the PC7 hearing panel.
11. This is particularly so, as aspects of the PC7 hearing are dealing with additional nitrogen discharge entitlements for Ngāi Tahu to intensively dairy farm at Eyrewell Forest. This

location is on the plains north of the Waimakariri River in a nitrate priority area, which is an area from which nutrient discharges already impact on the quality of Christchurch's groundwater. These matters will be considered and dealt with as part of the PC7 hearing.

12. I do not have any idea what view, if any, Commissioner Solomon holds on Ngāi Tahu's interest in PC7. However, I am concerned that Commissioner Solomon has a perceived or real conflict of interest in her current role as a Commissioner on the PC7/PC2 Hearings panel.

OUTCOME OF A RELATED MATTER

13. You may or not be aware that at the Balmoral Hearing Yvette Couch-Lewis, from Ngāi Tahu (Rapaki Marae), was also initially a Hearing Commissioner. Commissioners Paul Rodgers (Chair) and Emma Christmas made up the rest of the Hearing panel. I was a submitter on behalf of Whitewater NZ to that process and appeared at the Hearing.
14. An issue of real or perceived conflict of interest was raised by a submitter near the beginning but part way through the Hearing. Commissioner Couch-Lewis introduced herself at the beginning of the Hearing as being of Ngāi Tahu extraction. Other submitters voiced similar concerns once this matter was raised.
15. Before withdrawing to consider this query, the Hearing panel asked other participants at the Hearing to consider their positions and views, and bring those views to the reconvened Hearing.
16. After the Hearing was re-convened, the Chair of the Hearing panel stated that Commissioner Couch-Lewis could be involved appropriately at the Hearing, even though she was of Ngai Tahu origin. Commissioner Rodgers acknowledged that Commissioner Couch-Lewis had not (rightly) expressed any particular view on the matter.
17. However, the Hearing Panel acknowledged that there could be a publically perceived conflict of interest in Commissioner Couch-Lewis remaining on the Hearing panel and adjudicating on the case.
18. As a result commissioner Couch-Lewis voluntarily stood down from the Hearing Panel.
19. Commissioners Rodgers and Christmas continued to hear evidence and reach their decision on that case.

REQUEST

20. I hope my raising this matter is not inappropriate, and if it is then I apologise for this.
21. May I ask that the Hearing panel consider this matter and announce the outcome of its deliberations to all submitters and parties involved in the Hearing.

Dr Douglas A Rankin

17 April 2020