

IN THE MATTER OF Resource Management Act 1991

AND

IN THE MATTER OF Proposed Plan Change 14 Housing and
Business Choice pursuant to Part 5, subpart
5A and Part 6 of Schedule 1 of the Resource
Management Act 1991

**MINUTE 8: RESPONSE TO QUESTION FROM SUBMITTER #599
REGARDING CONFLICTS OF INTEREST**

- [1] This is the eighth procedural Minute to be issued by the Independent Hearings Panel (IHP) established by the Christchurch City Council (the Council) to conduct the hearing of submissions on proposed Plan Change 14 Housing and Business Choice (PC 14) notified by the Council and to make recommendations to the Council, after the hearing of submissions is concluded, pursuant to Part 5, subpart 5A and Part 6 of Schedule 1, of the Resource Management Act 1991 (RMA).
- [2] This minute is issued by the Deputy Chairperson of the IHP in accordance with paragraph [23] of the hearing procedures¹ to respond to an email received from David Townshend, submitter #599² regarding the management of perceived conflicts of interest in relation to residential property ownership by two IHP Commissioners.

Background

- [3] The IHP Commissioners have disclosed a number of interests and recorded these in a register published on the IHP website: chch2023.ihp.govt.nz
- [4] At the pre-hearing meeting held on 1 August 2023, the IHP Chair Commissioner Robinson and IHP Member Commissioner Matheson disclosed that they both owned residential property in Christchurch. Both commissioners' properties are located in the medium density residential zone and are subject to the proposed sunlight access qualifying matter in PC 14. Both commissioners' properties comprise single dwellings that are their respective family homes. For completeness, I also disclosed an interest in relation to a commercial property located in central Christchurch.

Response to Mr Townshend

- [5] The approach taken by the IHP and now confirmed by me in response to Mr Townshend's email is that it is appropriate that the disclosures made by Commissioner Robinson and Commissioner Matheson are noted and that no further action is required.
- [6] That is because although property ownership amounts to a pecuniary interest that raises a potential issue of bias, in the context of these plan change proceedings where the IHP has been delegated a quasi-judicial role under the RMA, it is reasonable to apply the

¹ [IHP PC 14 Hearing Procedures](#)

² Email from David Townshend to info@chch2023.ihp.govt.nz sent 11 August 2023

test of whether the disclosed interests affect an IHP Member in a different way to most people (i.e. the general public).

[7] Therefore, I have determined that:

(a) PC 14 is a widespread plan change affecting large areas of land within Christchurch. Commissioner Robinson's and Commissioner Matheson's properties are in areas affected by the plan change, however they share interests (advantages or disadvantages) with the public at large in the same zone.

(b) I am satisfied that there are no specific provisions in PC 14 that would advantage or disadvantage Commissioner Robinson or Commissioner Matheson which would or could give rise to a conflict, or at least the perception of conflict.

[8] The position is analogous to elected members who are subject to section 6(1) of the Local Authorities (Members' Interest) Act 1968 where an interest that is in common with the public is not a financial interest that prevents a member of a local authority or committee from discussing or voting on a matter.

[9] All IHP members will remain vigilant to potential conflicts throughout the hearing process and will review matters again once submitter evidence is filed and before each hearing topic.

[10] To assist with clarity, I have recommended to Commissioner Robinson and Commissioner Matheson that the entries in the register of interests be updated to provide additional detail around property ownership. The register of interest with these changes is attached as Appendix 1. Again, and for completeness, I have also updated the entry in relation to an interest I have previously disclosed in respect to a commercial property located in central Christchurch.

Dated 1 September 2023



DJ McMahon
Deputy Chair
for Independent Hearings Panel

Appendix 1

Commissioner Interest Register as at 1 September 2023

Commissioner	Potential Conflict	Discussion	Mitigation/Outcome
Cindy Robinson	Christchurch property owner	Commissioner Robinson owns residential property in Christchurch. It is a single dwelling family home and is located in the Medium Density Residential Zone and subject to the sunlight access qualifying matter.	Interest noted – no further action required
Cindy Robinson	Submitter: Kāinga Ora – Homes and Communities #834	Commissioner Robinson's residential property adjoins a residential property owned by Kāinga Ora.	Commissioner Robinson will recuse herself from hearing, deliberating on and making recommendations on the specific to the adjoining land.
Cindy Robinson	Submitter: Te Tāhuhu o te Mātaranga (Ministry of Education) #806	Commissioner Robinson's residential property adjoins land owned by Te Tāhuhu o te Mātaranga.	Commissioner Robinson will recuse herself from hearing, deliberating on and making recommendations on the specific to the adjoining land.

Commissioner	Potential Conflict	Discussion	Mitigation/Outcome
David McMahon	Christchurch property owner	Commissioner McMahon owns a commercial property in Christchurch. It is in the central city zone and is a lease hold property with an excess of 50 individual owners. It is administered by a body corporate. The Body Corporate is not a submitter to PC 14. It is a heritage building and is already listed in the operative plan as well as PC 14.	Interest noted – no further action required
David McMahon	Christchurch City Council	Commissioner McMahon has provided services to Christchurch City Council on matters unrelated to PC 14.	Interest noted – no further action required
David McMahon	Submitter: Christchurch International Airport Limited (CIAL) #852 Airport noise contours	Commission McMahon has declared previous involvement by his company (RMG) with CIAL and airport noise contours. Commissioner McMahon has had no involvement this submission.	Commissioner McMahon will recuse himself from hearing, deliberating on or making recommendations on the CIAL submission and submissions relating to airport noise contours.
David McMahon	Submitter: Orion New Zealand Limited (Orion) #854	Commissioner McMahon has declared a previous involvement by his company (RMG) with Orion New Zealand Limited. Commissioner McMahon has had no involvement in this submission	Commissioner McMahon will recuse himself from hearing, deliberating on or making recommendations on the Orion submission.

Commissioner	Potential Conflict	Discussion	Mitigation/Outcome
David McMahon	Submitter: Holly Lea Village Limited #49	RMG Group Christchurch office has assisted in preparation of the Holly Lea Village Limited submission. Commissioner McMahon is a Director of RMG and based in Wellington, and has had no involvement in this submission.	Commissioner McMahon will recuse himself from hearing, deliberating on or making recommendations on the Holly Lea Village Limited submission.
David McMahon	Various submitters: <ul style="list-style-type: none"> • Ngāi Tahu Property Limited #4 • Foodstuffs #705 • Kāinga Ora – Homes and Communities #834 	Commissioner McMahon has previously provided services to various submitters for projects in and outside of Christchurch unrelated to PC 14.	Interests noted – no further action required
Karen Coutts	Submitter: Ngāi Tahu Property Limited #4	Commissioner Coutts is a registered member of Te Rununga o Ngāi Tahu which owns Ngāi Tahu Property Limited.	Commissioner Coutts will recuse herself for hearing, deliberating on or making recommendations on the Ngāi Tahu Property Limited submission.
Alan Matheson	Christchurch property owner	Commissioner Matheson owns residential property in Christchurch. It is a single dwelling family home and is located in the Medium Density Residential Zone and subject to the sunlight access qualifying matter.	Interest noted – no further action required

Commissioner	Potential Conflict	Discussion	Mitigation/Outcome
Alan Matheson	Christchurch City Council	<p>Commissioner Matheson was employed by Christchurch City Council to lead the development of the Replacement District Plan from late 2012 to early 2017.</p> <p>Commissioner Matheson has provided commissioner services to Christchurch City Council on matters unrelated to PC 14.</p>	Interest noted – no further action required
Alan Matheson	Airport noise contours	Commissioner Matheson has declared previous involvement with airport noise contours consideration.	Commissioner Matheson will recuse himself from hearing, deliberating on or making recommendations on submissions relating to airport noise contours.
Alan Matheson	<p>Submitter: Retirement Villages Association New Zealand #811</p> <p>Various submitters seeking retirement villages/residential in commercial zones</p>	Commissioner Matheson was a Commissioner on Christchurch City Council Plan Change 5, which included Plan Change 5B Commercial.	Interest noted – no further action required
Alan Matheson	Submitter: Holly Lea Village Limited #49	Commissioner Matheson provided planning advice to the Office for Seniors with respect to the Holly Lea Village COVID-19 Recovery Fast Track application to construct two three-storey apartment buildings.	Commissioner Matheson will recuse himself from hearing, deliberating on or making recommendations on submissions relating to Holly Lea Village Limited.

Commissioner	Potential Conflict	Discussion	Mitigation/Outcome
Alan Matheson	Submitter: Cameron Matthews #121 and #1048	Commissioner Matheson has been a work associate of the submitters father and is a friend of the submitter and his family.	Commissioner Matheson will recuse himself from hearing, deliberating on or making recommendations on submissions from Cameron Matthews.
Ian Munro	Christchurch City Council	Commissioner Munro has provided services to Christchurch City Council on matters unrelated to PC 14.	Interest noted – no further action required
Ian Munro	Various submitters: <ul style="list-style-type: none"> • Foodstuffs #705 • Kāinga Ora – Homes and Communities #834 • Summerset Group Holdings Ltd #443 • Waka Kotahi #805 • Winton Land Ltd #556 • Wolfbrook #798 	Commissioner Munro has provided services to various submitters for projects outside of Christchurch and unrelated to PC 14.	Interests noted – no further action required