

QUEENSTOWN LAKES DISTRICT COUNCIL – PROPOSED DISTRICT PLAN
UPPER CLUTHA LANDSCAPE SCHEDULES VARIATION

MINUTE 11 OF THE COMMISSION

RESPONSE TO LETTER RECEIVED ON 14 AUGUST 2026 FROM GERRARD ECKHOFF

24 AUGUST 2026

Introduction

1. The Queenstown Lakes District Council (the Council) has appointed a Hearing Panel, which comprises Commissioners Peter Kensington, Richard Blakey and Quentin Smith (the Hearing Panel / Commission), to hear all submissions and, after it has heard the submissions, to make recommendations on the Variation to the Proposed District Plan: Upper Clutha Landscape Schedules, as to whether to accept or reject the submissions received and any amendments to the provisions of the Schedules. The Council is then required to decide whether to accept or reject the Hearing Panel's recommendations.
2. In facilitating the hearing process, the Council has passed delegated authority to the Hearing Panel to make determinations regarding any procedural matters that arise.

Letter from Gerrard Eckhoff received 14 August 2026

3. Gerrard Eckhoff is a submitter to the Upper Clutha Landscape Schedules Variation. A letter from Mr Eckhoff to the Council, which was attached to an email from Mr Eckhoff to the Hearings Administrator dated 14 August 2026, has been provided to the Hearing Panel. In this letter, Mr Eckhoff highlights a concern over the appointment of Mr Smith to the Hearing Panel because he considers that Mr Smith has a perceived conflict of interest, given his role as an elected Councillor and Deputy Mayor.

Response

4. As acknowledged by Mr Eckhoff and recorded in Minute 3 dated 21 July 2025, the Hearing Panel has previously considered and addressed whether Mr Smith has a conflict of interest. At that time, it was concluded that no conflict of interest was apparent. Mr Eckhoff's recent letter raises nothing new in relation to this matter which would cause the Hearing Panel to reconsider this earlier judgement.
5. Should any party have any queries in relation to this Minute or require any clarification in relation to the process for this hearing, please contact the Hearings Administrator by email at dp.hearings@qldc.govt.nz.



Peter Kensington

For the Commission

24 August 2026

The Queenstown Lakes District council

To whom it may concern

Re Upper Clutha Landscape schedules

NZ appears to take a totally random approach to conflicts of interest within Local Government. NZ Governments allow a councillor to sit on a hearing panel even after the matter has been discussed by council and staff at council meetings . The council appointee to the panel, then makes a recommendation to his/her own council which is in turn, rarely turned down. This; after internal council reports and debate and despite having been involved in the decision to take the matter into public consultation.

A Queenstown Lakes Council staff member appointed Cr Quentin Smith (who is also deputy mayor) to the hearing panel. I submit that confidence in a completely independent assessment of the issue will therefore be difficult to accept.

Nemo iudex in causa sua

No one should be a judge in their own case .

I fully accept that Cr Smith has no personal stake, no financial or direct interest in this hearing / dispute along with no direct stake in the outcome. Yet. Where does a potential “constituency benefit” of Cr Smith rest.

The rules exists to make sure the public trusts the final choice [or recommendation]

I now draw the panels attention to an Otago Daily Times article

“Bishop ticked off over omission” ODT 15 July 2026

It seems there was a constituency interest or conflict over whether Government funding of 27 million dollars should be used for housing or a walk cycle bridge for the Riverlink project in Minister Bishops constituency of Lower Hutt.

It was considered prudent for Minister Bishop to have informed the Cabinet office and declared an “ interest “

Quote : “Advice on the variation was produced at pace and did not universally support the variation”

Quote : Transferring such to another minister “will often be prudent”

Auditor general :

“Overall we saw that the minister and the cabinet office had taken care to identify and manage the constituency interest . However, in our view more could have been done to manage the **perception** risks involved”

Is there more the council could have done over the issue of unconscious bias of a current sitting Councillor - I emphasize perception -not actual bias

In the 1930s the Lord Chief Justice Hewett delivered one of the UKs most famous judgment that has come down the age – that no one can sit in judgement in their own cause due to a perceived conflict of interest. In that particular case, a clerk from a law firm involved in the case assisted the court with the paperwork only

An appeal was lodged and heard before the Lord Chief Justice Hewett. The original case was then thrown out because of **perception** of the clerk’s role may have influenced the judges; and has come down the age - nearly 100 years later.

We now have Cr Smith, who is a respected, long serving senior Councillor and deputy mayor sitting on the hearing panel. It would seem reasonable to assume he knows staff well who are presenting on this issue.

I assume that there will be legal and subjective opinion offered in this matter. Cr Smith will Im sure understand the complexity, validity and consequences of the recommendations. This is why - in my view it is absolutely essential that the complete independence of all panelists hearing this issue – is beyond any question.

Is it widely known that up to 95% of hearing panel recommendations are accepted by council?

I certainly do not accuse Cr Smith of any deliberate predetermination but the Justice Hewett judgement remains

Perception vs reality and is very real

Pinochet case is well known

In NZ - Justice Bill Wilson and KC Alan Galbraith : Saxon vs the Wool Board. I understand the judge was deemed to be conflicted.

I wish to draw my personal concerns to the council and the hearing panels attention to this matter

Sincerely

Gerrard Eckhoff

Submitter to the Upper Clutha landscape variation schedules