

9 March 2026

The Hon Chris Bishop  
The Minister Responsible for RMA Reform  
WELLINGTON

By email: [C.Bishop@ministers.govt.nz](mailto:C.Bishop@ministers.govt.nz)

The Hon Tama Potaka  
The Minister of Conservation  
WELLINGTON

By email: [T.Potaka@ministers.govt.nz](mailto:T.Potaka@ministers.govt.nz)

Cc Dr Stuart Donovan  
[REDACTED]

Cc Sarah Shaw  
The Chair  
Independent Hearings Panel for Auckland Council PC120  
[REDACTED]  
[REDACTED]  
[REDACTED]

## STREAMLINED PLANNING PROCESS PANEL – AUCKLAND COUNCIL PLAN CHANGE 120

1. We write on behalf of the Character Coalition, Auckland in relation to your appointments to the Streamlined Planning Process Panel (**SPP Panel**) made by you in relation to Auckland Council's Proposed Plan Change 120 (**PC 120**). This panel has been convened pursuant to a direction made by you under cl 78 of Schedule 1 of the Resource Management Act 1991 (**RMA**), following a notice given to you by Auckland Council under cl 5(1) of Schedule 3C of the RMA. The Character Coalition has made submissions on PC 120.
2. You have appointed the following members to the SPP Panel:
  - (a) Vicki Morrison-Shaw;
  - (b) Matthew Prasad;
  - (c) Malcom McCracken; and
  - (d) Dr Stuart Donovan.

## Accreditation as independent commissioners

3. Pursuant to the requirements of s 80B of the RMA, each SPP Panel member must be an independent commissioner accredited under s39 of the RMA.
4. We are not aware that Messrs Prasad and McCracken or Dr Donovan are accredited independent commissioners. If they are not, then it seems their appointments are invalid. We would be grateful if you could confirm by return whether those members are in fact accredited and, if so, let us have evidence of the dates of accreditation for each.

## Dr Donovan

5. In relation to the appointment of Dr Stuart Donovan, the Character Coalition holds a further concern affecting his appointment and his ability to sit on the SPP Panel. The concern is that Dr Donovan is disqualified under the principles relating to pre-determination or bias.
6. The specific concern relates to the issue of whether zoning for housing development capacity that exceeds demand has, or will, result in more housing being built and will lower the cost of housing, compared to not zoning for that excess capacity.
7. It would have been anticipated that this contestable issue of economics would feature prominently in resolving contested issues in relation to PC 120, and it will. For example, the Character Coalition submits that the character overlays have been reduced too far in PC 120, compared to the operative Auckland Unitary Plan (**AUP**), including in areas that are mandated for intensification under Policy 3 of the National Policy Statement – Urban Design (**NPS-UD**). We understand that other parties have submitted that the character overlays ought to be further reduced to provide for more housing, especially around transport hubs.
8. Resolution of the competing submissions about overlays in these mandated zones involves assessing whether the proposed overlay unduly restrains development and the impact that the character overlay will have on the level of development in those zones. This directly engages the economics issue of the effect of zoning for excess capacity.
9. This economics issue has been the subject of debate among scholars. An aspect to this debate has been a study published by Greenaway-McGrevy and Phillips in 2023, concluding that data from Auckland's experience of up-zoning through the AUP supports the propositions that zoning for excess capacity will deliver more houses at lower cost. This study and its conclusions have been the subject of significant challenge, including by economists Tim Helm and Cameron Murray. That challenge includes expert witness testimony given at hearings in relation to planning instruments. This evidence has been accepted, for example, by the Wellington hearing panel.
10. It could be reasonably contemplated that groups like the Character Coalition would consult experts such as Messrs Helm and Murray and that they are likely to be asked to give expert evidence on this question of economics.
11. Since the Wellington hearings, Dr Donovan, a known supporter of upzoning, has co-authored a paper: Stuart Donovan and Matthew Maltman *Dispelling myths: Reviewing the evidence on zoning reforms in Auckland* (2025) 131 Land Use Policy 107498. The Donovan and Maltman paper can properly be described as an excoriation of Helm and Murray. Not only does the paper lend unwavering support for the conclusions of the Greenaway-McGrevy study, it challenges the competence and scientific independence of Helm and Murray, suggesting even that guidelines ought to be introduced to discipline witnesses giving expert testimony, a suggestion made in response to the Wellington evidence referred to above. This paper is in addition to the hundreds of informal posts made by Dr Donovan on social media and internet blogs, most of which have been taken down since his appointment to the SPP Panel.
12. Although it is to be expected that members of tribunals in the planning context will come to their task with views and opinions formed through experience, it is an essential requirement that members come to their task with an open mind. It is the Character Coalition's view that this cannot be said of Dr Donovan in relation to these issues. It is apparent from his writings that Dr Donovan's views on this subject would apply to anyone challenging the perspective and conclusions he adheres to.
13. The Character Coalition's concern about Dr Donovan's appointment extends to the apparent expectations of him from his appointors. This concern has been fortified by the recent speech of the Minister for RMA Reform delivered on 19 February 2026 which suggests that Dr Donovan is not even

expected to have an open mind on this issue. In this respect we refer to the following passage from the Minister's speech:

Ryan Greenway McGrevy (2023) found that upzoning from the AUP led to an additional 43,500 consents within six years – precipitating a boom in housing construction.

Further work from Ryan and Yun So in 2024 found that the AUP made housing more affordable. Aucklanders are paying around 30% less in rent than they otherwise would have if the city had not upzoned.

These studies were later peer-reviewed by Stuart Donovan and Matthew Maltman where they concluded that:

*"There is remarkably robust evidence that zoning reforms increased housing supply and reduced rents in Auckland."*

So, you don't have to take my word for it –

Thanks to these fantastic kiwi academics, and those who paved the way for them (like Edward Glaeser and Joseph Gyorko), there is now a mountain of empirical evidence that the AUP worked.

14. Accordingly, the Character Coalition invites the Ministers to revoke their appointment of Dr Donovan. In case the Ministers think they are unable to revoke a decision already made, we are copying this letter to Dr Donovan, inviting him to stand down voluntarily. We have also copied this letter to the Chair of the SPP as a courtesy in the event these issues may impact the immediate work of the SPP Panel, if any.
15. If neither of these suggestions are taken up, and there is no satisfactory response to this letter by 16 March 2026, the Character Coalition intends to bring proceedings in the High Court to resolve the matter urgently.

Yours faithfully



**Helen Edwards**  
**Director**

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