

7 April 2026

To: Lachlan Muldowney, Barrister
(providing independent legal advice to the Panel)
Letter sent to Lachlan via the Secretariat

PC120 Panel: Identification of interests and potential conflicts

Tēnā koe Lachlan

Introduction

1. The Independent Hearings Panel (**the Panel**) has been appointed to make recommendations on Proposed Plan Change 120 – Housing Intensification and Resilience (**PC120**) to the Auckland Unitary Plan Operative in Part (**AUP**).
2. The Panel seeks your advice with respect to the appropriate methodology for identification and disclosure of Panel member interests and potential actual or perceived conflicts of interest.
3. The Panel intends to publish this request for advice and your response on the PC120 website.

The Panel

4. The Panel comprises nine members. The Chair and four Panel members were appointed by the Auckland Council (**the Council**). Four Panel members were appointed by the Minister for RMA Reform and the Minister for Conservation (**the Ministers**).
5. All Panel members are certified independent hearing commissioners. None of the Panel members is a local authority councillor. Seven Panel members reside within the Auckland region, and two reside outside the region.

Steps taken to identify interests and conflicts

6. Prior to appointment by the Council or the Ministers, respectively, each prospective Panel member was required to complete a disclosure of interests /conflicts of interest form relating to PC120. Following the appointment, all of the appointment disclosures have been provided to the Chair.

7. Subsequent to appointment, each Panel member has provided to the Chair a disclosure of any property interests within the areas affected by PC120 and any personal or professional connection to PC120. Those disclosures are being compiled by the Panel's Secretariat (**the Secretariat**) into a Register of Interests.
8. Subsequent to these initial disclosures, following a direction from the Panel to the Council on 11 February 2026¹, in advance of notifying the Summary of Decisions Requested, the Council provided all original submissions to the Panel. The Panel has published those original submissions on the PC120 website².
9. Each Panel member has reviewed the list of approximately 10,500 original submitters and has provided the Chair with a disclosure of any potential actual or perceived conflicts of interest associated with original submitters. Those disclosures are being compiled by the Secretariat into a *Register of Relationships with Submitter Parties*.
10. The Panel proposes to:
 - 10.1. Publish each Register on the PC120 website; and
 - 10.2. Treat each Register as a “living document”, updating each as and when necessary (for example, once the lists of further submitters and additional submitters (enabled by the amendment to the RMA) are known, and when the legal representatives and witnesses for submitters are identified).

Advice sought

11. The Panel seeks your advice as to:
 - 11.1. Whether, in light of actions to date, there are any further procedural steps you would recommend that the Panel take to ensure interests/potential conflicts are identified and appropriately disclosed.
 - 11.2. What factors should the Panel consider in consistently evaluating and characterising Panel members' interests and potential actual or perceived conflicts of interest.

¹ Hearing Direction 1 from the Independent Hearings Panel dated 11 February 2026. 11 February 2026. <https://www.aucklandcouncil.govt.nz/content/dam/ac/docs/have-your-say/hearing-direction-1-independent-hearings-panel.pdf>

² PC120: Housing Intensification and Resilience hearings, Independent Hearings Panel. 7 April 2026. <https://www.aucklandcouncil.govt.nz/en/have-your-say/hearings/types-of-hearings/pc120-housing-intensification-resilience-hearings.html>

11.3. The extent to which any of the following would provide a useful framework for the Panel in assessing and managing potential actual or perceived conflicts of interest:

- The District Court’s recusal guidelines.³
- The Auditor- General’s public sector conflict of interest guidelines.⁴
- Any relevant caselaw, including that relating to hearing commissioner conflict of interest or judicial recusal, and the circumstances in which recusal has/has not been found to be appropriate.

11.4. Any other relevant matters bearing upon natural justice and conflict management considerations.



Sarah Shaw
Chair
Independent Hearings Panel – PC120

Date: 7 April 2026

³ District Court of New Zealand. November 2024. [District-Court-Recusal-Guidelines-November-2024.pdf](#)

⁴ Office of the Auditor-General, Wellington, NZ. June 2020. [Managing conflicts of interest: A guide for the public sector](#)