



10 April 2026

Sarah Shaw
Chair, Independent Hearing Panel for PC120 to the AUP
c/o IHP Panel Secretariat
135 Albert Street
AUCKLAND 1010

Email: pc120hearings@aucklandcouncil.govt.nz

Dear Sarah

PLAN CHANGE 120 TO THE PARTLY OPERATIVE AUCKLAND UNITARY PLAN – REMOVAL OF PANEL MEMBER STUART DONOVAN

1. On behalf of the trustees of The Rosanne Trust (“Trust”), we write further to our letter of 11 March 2026 and the Panel’s Minute 5 of 1 April 2026 in response. Our letter, and the Panel’s response, concerned the appropriateness of Dr Stuart Donovan’s appointment to the Panel, given his known support for upzoning and the fact he continues to express his views in that regard widely, including via social media.
2. The Panel’s Minute (at paragraph 1.5) advises that:
 - (a) The Panel Chair does not have any power to appoint or remove Panel members; and
 - (b) As Dr Donovan was appointed by the Ministers Responsible for RMA Reform and Conservation (“Ministers”), any issues with that appointment is a matter for those Ministers.
3. The Trustees are fully aware of, and understand, the legal process for Dr Donovan’s appointment and removal. That is why our letter did not request that you remove him from the Panel personally, as Chair. Rather, the Trustees requested that as Chair (and one of two lawyers on the Panel, therefore with particular knowledge and obligations regarding natural justice issues), you take the necessary steps to ensure he is removed from the Panel as soon as possible.
4. The Trustees’ position remains that Dr Donovan should be removed from the Panel immediately and you should work with the Ministers as necessary, to ensure that occurs. However, if the Ministers fail to remove him from the Panel, as Chair and a lawyer, you must then take all steps necessary to ensure his predetermination and bias is not allowed to infiltrate or impact on the Panel’s recommendations in any way. Such steps could (and should) include, for example, not allowing him to participate in hearing or deliberating on certain hearing topics or submissions.
5. As noted in our earlier letter, economic issues (and the evaluation of competing economic evidence) will be central to determining exactly how much plan-enabled capacity should be provided for via PC120 and where it should be located. As well as considering whether providing excess development capacity will achieve more affordable housing, as the Trust understands is the ultimate intent behind PC120. If he is to remain on the Panel, there is accordingly likely to

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be a very limited range of hearing topics/submissions that do not touch on economic matters, which Dr Donovan could appropriately be involved in.

6. Finally, and for the avoidance of doubt, we are instructed that the Trust will consider taking legal proceedings to challenge any of the Panel's recommendations (or Auckland Council decisions made on the basis of those recommendations), which it considers have not been made in accordance with natural justice, if Dr Donovan remains on the Panel and his involvement in the Panel's decision making has not been appropriately constrained. The Trust has also instructed that this correspondence can, and should, be made publicly available via the Panel's website.

Yours faithfully

Helen Andrews

Director

The Environmental Lawyers

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Cc: Chris Bishop, Minister Responsible for RMA Reform
Tama Potaka, Minister of Conservation