

BEFORE THE AUCKLAND INDEPENDENT HEARINGS PANEL

IN THE MATTER of the Resource Management Act 1991 (**RMA**)

AND

IN THE MATTER of Intensification Planning Instrument (**IPI**)
Proposed Plan Change 78: Intensification to
Auckland Unitary Plan Operative in Part (**AUP**)

AND

IN THE MATTER of Hearing Topic 001A Plan making and
procedural – Consultation and Engagement

AND

IN THE MATTER Further Submission 171 by BA Trustees Ltd

**STATEMENT OF EVIDENCE OF COLIN GRANT HARDACRE
ON BEHALF OF BA TRUSTEES LTD**

20 MARCH 2023

1 SUMMARY

- 1.1 The Further Submitter's position is set out in its Further Submission 171.
- 1.2 The Further Submitter stands by that evidence.
- 1.3 The Further Submitter acknowledges and accepts that the Council's legal power to proceed with Plan Change 78 as directed by the Government under Its National Policy Statement on Urban Development.
- 1.4 The Further Submitter accepts some of the Council's position, in particular the Primary Statement of evidence of Ross Lindsay Moffat behalf of Auckland Council.
- 1.5 Notwithstanding that, the Further Submitter has serious concerns that the Council's Plan Change 78 will promote Urban Intensification in Business zones that it is legally required to do under this Plan Change and the National Policy Statement.
- 1.6 Further evidence will be presented by the Further Submitter and Submitter in support of their position before the Independent Hearings Panel later on in the year.
- 1.7 Whilst it is acknowledged that the Council may have had limited resources to undertake proper Consultation and Engagement, if it had done so, issues such as Height in the Business Zones, a Minimum of 6 levels of development potential being available in those Business Zones as opposed to the Council's proposed 5 levels of development and the like would have been easily negotiated and resolved.
- 1.8 The current Plan Change's Business Zone's zoning and development standards affecting the Further Submitter and Submitter's properties in Parnell and Grey Lynn will lead to Low Quality Planning and Low Quality Environmental Outcomes unless significant changes are undertaken to the Plan Change.

2 INTRODUCTION

2.1 My name is **Colin Grant Hardacre**. I hold the position of Director and Owner of Hardacre Planning Ltd. I have held that position since September 2003.

2.2 I hold the qualification of Bachelor of Regional Planning (Massey University) and I am a full member of the New Zealand Planning Institute. I have 40 years experience in the planning field. For the convenience of the Independent Hearing Panel Commissioners Council, a more detailed summary of my qualifications and experience is attached to this statement at Attachment A.

3 CODE OF CONDUCT

3.1 I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note / Te Koti Taiao o Aotearoa 2023 by the Chief Environment Court Judge. I agree to comply with it. I confirm that I have considered all material facts of which I'm aware that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I'm relying on the evidence of another person.

3.2 I also confirm that I have not used Artificial Intelligence in the preparation of this evidence. I use a voice recognition dictation system for all of my planning work.

4. SCOPE

4.1 I appear in support of the Further Submission 171 by BA Trustees Ltd.

5. CONSULTATION AND ENGAGEMENT UNDERTAKEN BY THE AUCKLAND COUNCIL

5.1 I have read the evidence of Ross Lindsay Moffat on behalf of the Auckland Council in relation to this Consultation and Engagement Topic.

- 5.2 The Council has acknowledged the challenges and difficulties that it had with consultation and engagement as evidenced by paragraphs 6.8, 6.16, 6.17 and other parts of Mr Moffat's evidence.
- 5.3 Whilst it is acknowledged that the Council may have had limited resources to undertake proper Consultation and Engagement, if it had done so, issues such as Height in the Business Zones, the defining of appropriate "Walkable Catchments", "Walkable Catchments" in support of public transport, infrastructure and "Live, Work and Play" policies of the Council, a Minimum of 6 levels of development potential being available in those Business Zones, as opposed to the Council's proposed by default / mistake / unintentional error / unintentional consequence 5 levels of development opportunities, proper urban intensification along Regional and Regional Arterial Roads in support of public transport and infrastructure, and adequate and appropriate Centres Based Approach, the use of land economic principles such as Christaller and the like would have been easily negotiated and resolved.
- 5.3 This has led, in the opinion of the Further Submitter, to unintended consequences, Low Quality Planning and will lead to poor environmental outcomes.
- 5.4 The current proposed Business Zones zoning and development standards of the plan change affecting the Further Submitter, and Submitter's properties in Parnell and Grey Lynn will lead to Low Quality Planning and Low Quality Environmental Outcomes unless significant changes are undertaken to the Plan Change.
- 5.5 The Further Submissions position is that the Plan Change in its current form is contrary to the National Policy Statement on Urban Development, AUP, RPS and Part 2 of the Act.
- 5.6 The applicant will provide real-world examples of this in further evidence in support of their positions as part of the PC 78 Hearings at a later date.

Colin Grant Hardacre

COLIN GRANT HARDACRE
20 March 2023

**ATTACHMENT A
QUALIFICATIONS AND EXPERIENCE**

COLIN GRANT HARDACRE
B.RP (Massey), MNZPI

Qualifications and Experience: Colin Grant Hardacre

Qualifications

Bachelor of Regional Planning (Massey)
Full Member of the New Zealand Planning Institute

Experience

My 40 years of experience include 26 years in the private sector and the remainder with local authorities. I have extensive experience in obtaining resource consents from Councils throughout New Zealand.

September 2003 – present	Director /Owner of Hardacre Planning Ltd
October 1994 – August 2003	Senior Planning Consultant Planning Network Services Ltd
October 1987 – October 1994	Senior Planner Auckland City Council
May 1984 – October 1987	Borough Planner Pukekohe Borough Council
June 1981 – May 1984	Assistant Planner Gisborne District Council

Projects have included:

- new bulk retail outlets for The Warehouse Ltd
- new supermarkets for Foodstuffs (Pak'n Save)
- new petrol stations for Gull Petroleum Ltd
- large industrial developments
- terraced houses, apartment buildings and individual houses
- mixed use developments
- restaurants
- child care centres
- High rise tower developments in Auckland's CBD

I have prepared and assisted in planning report such as the Cawthron Technical Group's Socio Economic Impact Statement for the proposed Luggate Hydroelectric Dam, Central Otago for the Ministry of Works and Development and the NZ Government under the "Think Big" Industrial Projects, the Nelson Pine Forest Ltd Medium Density Fibreboard Plant and updating the Nelson Harbour Board's Business and Economic Research Ltd's "Nelson Harbour Plan" and relating that to future Port tonnages, land use requirements et cetera.

I have obtained planning permits and extension of time permits for planning projects in Melbourne, Victoria, Australia.

I have prepared submissions and further submissions, attended consultation and mediation meetings and presented Expert Planning Witness evidence to the Auckland Council's Auckland Unitary Plan Review.

I have appeared before the:

- **Planning Tribunal** – e.g. Decision A63/96 Cooke and Others versus Auckland City Council and Goldfinch;

- **Environment Court** - e.g. Wiltshire Homes Ltd versus Auckland City Council – unreported and Faro and Field Ltd vs. Auckland City Council and Victoria Park Market Ltd - unreported;

- **District Court**;

- **Liquor License Commission**;

- **Liquor License Authority**;

- **High Court** – e.g. M330 – PL02, 88 The Strand Ltd versus the Auckland City Council and Rawson 2000 Ltd;

- **High Court** – e.g. CIV – 2019 – 404 – 706 (2021) NZHC 3564 Luo, KC Brothers, Ang Yip and Manfei Company Ltd versus Xiaoling (Annie) Shiu, R and G Phoenix Ltd and CSR Pokeno Ltd;

- **Court of Appeal** - e.g. CA 269/94 Goldfinch and Auckland City Council and G and A Cooke and Others, CA411/2017 (2019) NZCA 100; and

- **Court of Appeal** – e.g. Vipassana Foundation Charitable Trust Board versus Auckland Council, O'Brien, Pichler and Auckland Shooting Club Inc. CIV – 2019 – 404 – 706 (2021) NZHC 3564; and

- **High Court – Injunction** – Gordon Martin Ross Bailey and XXX Consulting Ltd Versus Auckland Council and John Barry Boland and Justin Mark James Wyborn – CIV – 2022 – 404 – 001801 (2022) NZHC 2632

as an Expert Planning Witness.