

From: [REDACTED]
To: [District Plan](#)
Subject: Re: Plan Change 95 - Pencarrow Estate - Memorandum 26 March 2025 - Gardon Trust v Auckland Council [2025] NZEnvC 58
Date: Friday, 28 March 2025 2:10:17 pm

Kai ora Lauren

As an initial submitter and the fact I have been invited I assume I am entitled to comment on the decision of the Environment Court forwarded to me with a request for comments.

I wish to make the following comments. I am assuming an email response satisfies the in writing requirement.

The matters that distinguish *Gordon Trust v Auckland Council [2025] NZEnvC 58* from Plan Change 95 - Pencarrow Estate support why Plan Change 95 should not be approved.

The Waiuku Private Plan Change 73 (PPC73) relates to an area of land proximate to an urban population of 10,000 people with close access to a wide range of health, social and community services and infrastructure. It is not located within an operative dairy farm 15 kilometres from a similar level of community services and infrastructure. Plan Change 95 does not provide for "a compact and well functioning urban extension to" a township of 10,000 people. The site is not close to key facilities including schools, health, social services and shopping centres, which are within a range of approximately 1 kilometre. The applicants may claim that it is close to Pongakawa School, however due to it being on the other side of busy SH 2 children are unable to cycle to Pongakawa School and the 2 kilometre walk still requires crossing SH 2.

The applicants have put forward a proposal to provide a commercial centre which will provide infrastructure for commercial, health and social services. The population of the proposed subdivision however makes it highly unlikely to support the proposed commercial and social services and any buildings will become vacant targets of vandalism and graffiti. Health and social service practitioners must travel to the area regardless of whether a physical base exists. It makes sense to provide the services in the client or patients home rather than incur the unnecessary costs of maintaining a physical base. A number of alternative health providers are already operating successfully from their homes and do not need to incur unnecessary operational costs. It is improbable that the population within Private Plan change 95 will be sufficient to sustain a convenience store or dairy. The availability of online shopping and delivery and existing convenience services at the BP garage, Pukehina Beach and Paeangaroa make it highly unlikely that the commercial area proposed will attract any tenants.

PPC 73 is largely serviced with three waters infrastructure, apart from some resolvable issues around wastewater and stormwater. Plan Change 95 relies on the development of unidentified mechanisms for the disposal of wastewater. All that is known is that it will rely on groundwater disposal into an area with a reasonably high water table. The degree of pathogen and nutrient reduction and treatment of sludge, and whether economically achievable to required standards for the proposed population will not be known until the resource consent process I would have thought there should be confidence that that it is economically feasible to meet the required standards for ground disposal of wastewater rather than merely being satisfied that the ground will absorb it.

PPC 73 appears to have a high level of community support. Plan Change 95 is not

supported by the immediate Arawa Road and Penelope Place community. It is my understanding that the two "residents" that provided oral submissions in support of the proposal no longer live in the Arawa Road Penelope Place precinct. The two resident submissions by Rebecca and Cameron Black and Mike Maassen were strongly opposed to the proposal. I am satisfied that those submitters represent the views of the residents of Arawa Road and Penelope Place, who are opposed or ambivalent to the proposal.

I am a current resident of Penelope Place, who moved here to be close to family due to failing health. I am 68 years old and had a 45 year career as a public health practitioner in communicable disease and environmental health. This included experience at operational, policy and funding areas in New Zealand and Australia. I have followed this process driven substantially from my interest in communicable disease and environmental health. My interest until reading the Environment Court was rather passive. On reading that decision it crystallised everything that is wrong with the Plan Change 95 proposal. Placing a concave of houses in a dairy farm 15 kilometres from health, social and community services and infrastructure can only be a recipe for social and environmental disaster. The proposed commercial development is not sustainable within the proposed population and will become a vandalised and graffied eyesore. The children in the absence of ready access to sports and social activity will resort to finding their own unsupervised 'fun'. We have only recently had a young boy from Arawa Road set a fire in the Penelope Place stormwater reserve damaging residents' fences and the reinforcing wall. I am unaware of anywhere where small scale wastewater treatment has been successful on a long term basis. This will in time become a burden on the local authority, who will be required to pick up a failing system and resultant environmental damage - with the developers long gone with their profits.

Kind regards

Graeme Gillespie
PGDipPH, LLB