

## Statement of Evidence of Kevin and Andrea Marsh

### Mike Maassen's response to the statement of evidence from Kevin and Andrea Marsh

Kevin and Andrea Marsh have a vision of expanding the existing rural settlement of Arawa Road and creating a small more urban like village , Pencarrow Estate , as their way of leaving a legacy in Pongakawa and they have had this vision apparently for many years .

The reality is , it is not a vision shared by many others in Pongakawa and submissions show there is widespread opposition from Pongakawa residents to their plans to bring this vision to fruition . This was graphically displayed at the consultation meeting for submitters organised by the planners and applicants on the 21<sup>st</sup> March 2024 . Only one person spoke in favour of the PPC95 plans and I suspect that was from an interest in growing business in the Te Puke area . Business interests that simply want more houses anywhere at any cost . Not a sound planning strategy .

Kevin and Andrea Marsh suggest in their statement of evidence that they have some support for their vision of an urban like village in Pongakawa from the WBOPDC and the BOPRC . From all the anecdotal evidence I have seen quite the reverse is true . The various local authorities are in fact rather cold on the idea and are far from convinced that a urban type development at Pongakawa has any merits at all .

The vision for Pongakawa held by the vast majority of people living in Pongakawa is for Pongakawa to retain it's quiet rural character and for development to happen in existing urban areas .

The vision for development held by the various local bodies is for development to also happen in existing urban areas , not the creating of new urban areas .

The purpose of the National Policy Statement for Urban Development (NPS UD) is to enable intensification and development in urban areas .

The rural settlement of Pongakawa is not an urban area and is not part of an existing urban area despite the long winded attempts of the applicants and their planners to claim otherwise .

Creating new urban areas comes with huge extra financial cost , environmental degradation and huge risk which is why development needs to be consolidated in and around existing urban areas .

The vision for Pongakawa held by Kevin and Andrea Marsh is not a vision shared by many others . Quite the opposite in fact .

Thank you for the opportunity to reply ,  
Mike Maassen .

Statement of Evidence Richard Coles and Vincent Murphy , Planners , on behalf of  
Kevin and Andrea Marsh

Mike Maassen's response to the statement of evidence from  
Richard Coles and Vincent Murphy , Planners .

I have never been through a plan change process before so this all new to me but my observation of the process is that you pay a whole lot of people a whole lot of money to say a whole lot of stuff you want them to say in support of your PPC . A strategy that is designed to overwhelm a whole lot of people , make their eyes glaze over , throw their hands up in the air and say this is going to happen anyway and there is nothing I can say that will make the slightest bit of difference . A strategy that is very successful and deters a whole lot of people from engaging in the process . Many people do not have the skills , tools , time or knowledge of the process to engage and their voices go unheard . I must admit that has been my reaction as well at times and I have been tempted to throw my hands up in the air as well and leave the decisions up to more 'learned people'.

But I have had to put that aside and commit to engaging in the process so as to ensure the best possible outcome for the residents and the future of Pongakawa .

The statements of evidence from Richard Coles and Vincent Murphy are an excellent example of this strategy . Richards 28 pages and Vince's marathon of 52 pages certainly had my eyes glazing over . I mean where do you begin to start in reply? .

Perhaps we can start at their assessment of submitters concerns .

Apparently at the top of their list is submitters concerns over rates rises . That belittles all the very high quality submissions opposing the PPC . Rates rises concerns are mentioned only twice in all the submissions for a total of just two lines . Not sure then why they put rate rises at the top of their list of submitters concerns . However while we are on this topic we might as well discuss it .

I have read many times in the PPC documents from the planners , the applicants and their expert advisers that the existing residents of the Arawa Road settlement could be connected at some future time to the proposed waste water scheme . Not hard to see how some future report could be produced to justify this .

Residents of Arawa Rd/Penelope Pl do not pay waste water charges . Currently residents of Arawa Road have their septic tanks cleaned every 3-5 years depending on the size of the household at a cost of about \$400 . Around \$100 a year . If in the future we have to hook up to the waste water scheme this will mean a large increase in rates . The current standard waste water charge for WBOPDC residents is over \$1200 dollars . This is a huge increase in rates and current residents , many on fixed incomes , should be justifiably concerned .

By far the greatest concerns of submitters is to do with safety concerns over the SH2 intersection , the loss of the Arawa Road rural settlement's quiet rural character that urbanisation will bring , concerns over the viability of a waste water scheme at this location , and that this PPC is ad hoc , unplanned , haphazard , unguided , reactive , unanticipated , out of sequence and contrary to the many policy statements and growth planning initiatives that local authorities have to work with to ensure growth happens in suitable locations .

I have covered concerns around safety of the SH2 intersection and concerns about the viability of a waste water scheme at this location in depth elsewhere in my submissions .

One of the main reasons the Arawa Road rural settlement's residents enjoy living here is because of it's quiet rural character . We have to travel longer distances to access employment , commercial and social infrastructure but it is worth it for the quiet rural character and lifestyle . There is no demand for commercial and social infrastructure here . The lack of these facilities adds to the charm and quiet rural character .

We have the walkway on the paper road at the end of Arawa Road which is well utilised and the Arawa Road recreation plan will hopefully see a play ground constructed some time soon. It is quiet because there is no through traffic and nothing to attract visitors from outside the settlement . Just how we like it . Our children play safely here and in fact we all feel quite safe here .

The big concern of residents is that with urbanisation we will lose much of the quiet rural character that we value so much and the attraction of living here will be lost . In fact many residents are considering other options for their futures should this PPC be successful . The applicants and planners claim urbanisation will positively benefit the existing residents . Well actually that is not what I am hearing from the residents . Quite the opposite in fact .

The various local authorities have been trying to tell the applicants and their planners for two and a half years or more that this PPC is ad hoc , unplanned , haphazard , unguided , reactive , unanticipated , out of sequence and contrary to the many policy statements and growth planning initiatives that local authorities have to work with to ensure growth happens in suitable locations .

The applicants and their planners do not seem to be able to accept this and continue to disagree with the local authorities position . The planners keep coming up with arguments to justify why their position is the correct one . The 28 and 52 page statements of evidence from Richard Coles and Vincent Murphy are a good example of this .

Mike Maassen's response to the statement of evidence from  
Richard Coles and Vincent Murphy , Planners . Pg 3

Much of their argument for justifying this PPC is that this PPC is addressing perceived housing supply shortfall in the eastern corridor of the WBOP and to alleviate some of this shortfall local authorities need to ignore good sound planning practice .

Basically what the applicants and their planners are saying is that we need houses for the sake of houses and this PPC in the middle of Pongakawa addresses that .

The various local authority planners and staff are well aware of the housing shortfall and the need to address that but they are more importantly also charged with ensuring that growth is coordinated and planned and underpinned by the connected centres philosophy. In other words, we don't want growth just for growths sake. It needs to be appropriately planned .

The Urban Form and Transport Initiative (UFTI) was a collaborative project led by SmartGrowth and NZTA and involved WBOP District Council , Tauranga City Council , BOP Regional Council , Iwi and community leaders . They committed to a coordinated and aligned approach to housing , transport and urban development in the Western Bay of Plenty and the final report was completed in 2020 .

The UFTI identified areas for and ways to increase housing supply with a Connected Centres programme and to avoid ad hoc plan changes and developments that are 'haphazard , unguided and reactive' .

The consequences of uncoordinated growth are additional costs to ratepayers for infrastructure and services , congestion and environmental degradation . By planning and delivering for the longer term , the SmartGrowth partners will avoid many of the negative consequences associated with growth .

The site of this PPC is not recognised in the Urban Form and Transport Initiative as a growth location and NZTA consider it to be unanticipated and out of sequence . In fact it would appear this PPC is exactly the sort of 'ad hoc' development that the UFTI project was set up for to avoid .

It would seem to me that all the hard work , planning and cooperation by the various partners that went into developing the Urban Form and Transport Initiative over several years would have been in vain if a PPC such as this was successful .

The applicants are trying to justify why their plans should ignore the principles and guidelines of the UFTI project but as I have elaborated elsewhere in this submission I believe their claims are unfounded and misleading .

The various local authorities need to follow the guidelines they diligently developed together and not deviate or this will open the door to other inappropriate plan changes .

Thank you for the opportunity to reply ,  
Mike Maassen .

Statement of Evidence Bruce Harrison on behalf of Kevin and Andrea Marsh

Mike Maassen's response to the statement of evidence from Bruce Harrison

With due respect to Bruce , Bruce does not live here and does not have to negotiate the SH2 intersection on a daily basis . I have lived here since 1986.

The biggest concern with residents even then was with safety of the SH2 intersection . Traffic volumes on SH2 have increased dramatically since 1986 and great care is needed to negotiate the intersection safely with today's traffic volumes . Some would say with the current population of the Arawa Rd Community that the SH2 intersection is adequate . However with the proposed urbanization of the Arawa Rd settlement with 130 sections and a commercial area servicing the wider Pongakawa/Pukehina region this changes this dramatically .

For the PPC95 planners and the applicants to suggest that this urbanization with only a very minor upgrade to the SH2 intersection will improve safety and that somehow we should be grateful for this beggars belief . In fact the residents of this settlement are dreading what a development such as this proposal will have on their safety at the intersection .

I say this is a very minor upgrade and that is exactly what it is . There is already a de facto left turning lane and the only upgrade proposed is to extend this a bit and seal it . That's it! . And that is supposed to make us feel safer and grateful , "Come on?" .

The only submitters suggesting the upgrade will make the intersection safer are the planners and the applicants .

At the consultation meeting for submitters one resident described that sitting in the right turning bay waiting to turn right into Arawa Road with traffic coming towards you at 100kmph over the narrow bridge/culvert and traffic coming from behind at 100kmph , much of that traffic heavy trucks , was like looking down the barrel of a loaded shotgun hoping like hell the gun doesn't go off .

This PPC will triple the number of residences accessing the intersection and the commercial enterprises servicing the wider Pongakawa and Pukehina region proposed for the commercial area in the PPC is going to bring a dramatic increase in vehicle movements through the intersection .

The growing list of business enterprises and services for the commercial area now includes childcare centre , convenience store , health hub , dental service , café and if Paengaroa is the example we should aspire to you can add bottle store and vape shop to that list .

I reckon with the 130 extra homes and the busy commercial area this increase in vehicle movements through the SH 2 intersection will be up to or more than 500% .

Bruce Harrison states that with the proposed upgrade of the intersection of SH2 and Arawa Road, the intersection is expected to operate efficiently with low delays, minimal queues, and a high level of service, with no need for drivers to take risks when turning in and out of Arawa Road . Bruce's assessment is not the expectation of the submitters and the residents off Arawa Road .

The PPC applicants have a vision of expanding the rural settlement of Arawa Road into a small urban like village where the residents can live in a "strong, safe, serviced and sustainable way".

To achieve Bruce Harrison's assessment and to make the applicants vision a reality nothing short of a major upgrade of the intersection is required . This needs to be widening of both sides of the narrow Puanene bridge/culvert to allow for a left turning deceleration lane of at least 100metres in length , a merging lane for vehicles exiting Arawa Road and turning right and to allow for greater separation of vehicles for vehicles waiting to turn right into Arawa Road

Anything less than that is completely unacceptable to the residents of Arawa Road and Penelope Place .

Bruce states in his statement of evidence Pg 15 that 60% of people living in Pongakawa work in Pongakawa . This probably is correct given that 60% of people in the greater Pongakawa region are farmers living and working on their farms . However I can assure you that the majority of Arawa Rd settlement residents work well away from Pongakawa in the urban localities of Te Puke , Papamoa , Mt Maunganui , Tauranga , Rotorua and Whakatane . There is no evidence to support the claims of Bruce , the Planners and the applicants that future residents of this PPC development will source employment in Pongakawa .

The Regional Council in their submissions also state that there is no evidence of demand for local employment based housing in Pongakawa and the Housing and Business Capacity Assessment 2022 (HBA) does not assess or identify Pongakawa as having a demand for additional development capacity .

For Bruce to suggest this PPC will deliver a reduction in Vehicle Kilometers Travelled (VKT) because 60% of residents of this PPC development will work in Pongakawa obviously does not stand up to scrutiny . In fact the reverse is patently obvious .

Any residents of a car centric development here will require very high VKT indeed .

As an example my neighbor is selling and moving to town as with 3 teenage children and work in town she is having to travel into Te Puke two sometimes three times a day and some days feels like a taxi always on the road .

This PPC and the plans for the SH2 intersections very minor upgrade greatly increases the risk of serious injury or death for residents . Lets be clear , a smash here in a 100kph zone on SH2 is going to be catastrophic .

This is totally unacceptable and should be rejected outright

Thankyou for this opportunity to reply ,  
Mike Maassen .

## Statement of Evidence Craig Haggo on Behalf of Kevin and Andrea Marsh

Mike Maassen's response to the statement of evidence of Craig Haggo .

With due respect to Craig Haggo , the principal of Pongakawa school it's always been my observation that country schools up and down New Zealand have fluctuating rolls and are always seeking ways to increase their rolls . This a challenge all country schools are faced with . Therefore Craigs support of PPC95 comes as no surprise . Increases in rolls brings more funding and resources for schools so it is understandable that Craig is backing this PPC . Any country school Principal would . However I do not see that as a compelling justification of a residential development at this location .

Thankyou for this opportunity to reply ,  
Mike Maassen .

## Statement of Evidence David Hamilton on Behalf of Kevin and Andrea Marsh

### Mike Maassen's response to the statement of evidence from David Hamilton

David Hamilton's development at Penelope Place appeared to me to be the relocation of 5 older homes in various states of repair to a property with one existing home . These relocated homes sat derelict for what seemed like 12 months before being tidied up and eventually offered for sale .

Penelope Place residents I have spoken to were very less than impressed with the development citing a total lack of communication and " For a long time , the surrounding areas were unkempt , the grass left overgrown and the rubbish left lying about ".

David Hamilton cites a concern at the lack of reserves , playgrounds etc . This is something I have advocated for on behalf of this community for many years and has resulted in the pumicing of the walking path , and seating constructed , on the paper road at the end of Arawa Road and the WBOPDC adopting the Arawa Road Recreation Plan which is planned to deliver a playground and reserve at the end of Arawa Road and in the future link with the planned Pukehina Cycleway .

Initiatives which I must add have all been vigorously opposed by the PPC applicants .

Thankyou for this opportunity to reply ,  
Mike Maassen .



## Statement of Evidence Kirstin Brown on Behalf of Kevin and Andrea Marsh

### Mike Maassen's response to the statement of evidence from Kirstin Brown

I believe Kirstin Brown's statement of evidence is deeply flawed . I do not see this as a criticism of Kirstin herself rather a criticism of the data she has been given to make her assessments with and her lack of local knowledge of the hydrology of this land at Pongakawa . Also the threat of sea level rise and the affect that will have on water tables at Pongakawa has been omitted from all assessment's .

There have been 2 water table level test bores done at the PPC site . One done in January 2022 described by the Regional Council as " being in the middle of a dry summer following a year of low flows " and a second in August 2024 in a dry winter . I say a dry winter because the Regional Council's weather station at Marshall's Farm Te Puke (Not far from Pongakawa and at a similar elevation) recorded only 75% of normal rainfall for August 2024 and the year to date as at October 31<sup>st</sup> 2024 is only 67% of normal . So a very dry winter indeed . This is a stark contrast to 2023 when rainfall was considerably higher than normal . Interestingly or perhaps not surprisingly there were no water table level bores done in 2023 . Making an educated assessment of the viability and risk of a waste water treatment and disposal system at this location using this flawed data is impossible .

The water table of this low land , being so close to the coast , is directly related to the sea level Which is why there is very little fluctuation in the water table even in dry summers or for that matter dry winters . However in extended wet weather there is no ability for the land to absorb water , the water table simply rises . The land at the PPC site drains into the Wharere stream , out to the Waihi Estuary and out to sea . However in periods of extended wet weather and high rainfall the Wharere Stream water level rises considerably and water from the PPC site simply can not flow away until the Wharere Stream levels drop sufficiently to allow this to happen . Much of the farmland further down Wharere Road have large pump stations that can pump high volumes of water out of their drains into the Wharere Stream to control water levels . The land draining from the PPC site has no such pump stations .

We locals have witnessed on numerous occasions the low land of the proposed waste water disposal area virtually under water with the drains full for days even weeks which suggests a very high water table indeed . In fact in 2023 the drains were full to ground level and the land almost under water for not just weeks but months .

The low land of Pongakawa is a water receiving environment from all the land back almost to the Rotorua lakes . In wet weather and periods of high rainfall this water has to come down through the Pongakawa lowlands and out to sea . This water comes down via the overland flow paths but it also comes down via the groundwater . The ground water higher up the catchment (Inland) is directly connected to the groundwater of the lowland and sea levels . So high rainfall anywhere in this catchment will affect water table levels in the low lands .

The impact of future sea level rise and the impact this may have on the viability of a development at this location has not been examined in any of the PPC documents from the planners, the applicants or the expert evidence. This surprises me, I would have thought this would be requirement of all sound modern planning practice. Possibly an oversight although not too sure about that.

The Intergovernmental Panel on Climate Change (IPCC)'s Sixth Assessment Report (AR6) 2021 reports that by the year 2100 under the lowest global warming emissions scenario, sea level would rise by 28-55cm, under an intermediate emissions scenario sea level rise of 44-76cm and under the highest emissions scenario sea level would rise by an astounding 63-101cm. There is consensus among climate scientists that anthropogenic caused global warming will continue and with it will come sea level rise.

Given that Pongakawa's water table height is governed by the sea level any potential rise in sea level needs to be factored into the viability or otherwise of a waste water disposal field at this PPC Location. This has not been done and is a glaring flaw in the assessments of the waste water schemes viability.

The water level test bores that were done in the middle of a dry winter and a dry summer show a water table level at 1.2 - 2.0m below existing ground level. Many of the test bores done in January 2022 according to Kirstin were done on the higher developable ground and less than half were done within the proposed waste water area although there is no map to indicate the test bores exact location. That brings into doubt the suitability of these figures.

Were there any test bores done on the lower areas of the proposed waste water area?

We don't know and where was the location of the test bores done in August of 2024?

I think we can safely disregard as irrelevant the test bore results that indicate a greater separation of ground water and existing ground level and focus on the lower figures when evaluating risk of failure of this waste water disposal plan. Although because there is no indication of their location I have serious doubts as to their usefulness.

I have just walked down there today armed with Kirstin's map and it shows that in fact almost the entire disposal field is located over flood plain, I was quite dismayed. This location is quite inappropriate given how elevated the water table can be here in periods of high rainfall and just raises further doubt as to how any disposal field could work here.

I note in the submission of BOPRC they have asked for a 50% additional reserve waste water disposal field location at the PPC in the advent of unanticipated problems or system failure. I note the map in Kirstin's statement of evidence shows that the reserve disposal field location is also located on the flood plain. I doubt if this reserve will alleviate any problems of system failure caused by water table rise. But the fact that the BOPRC have asked for this additional reserve shows they have real concerns as to the integrity of the waste water disposal plans.

There is no assessment of what effect extended periods of high rainfall or sea level rise might have in raising the water table at this location . It seems pretty obvious to me that these factors will have a big impact on the water table levels here and I have great concern that this will lead to a complete failure of the planned waste water disposal field .

According to Kistin's statement the waste water disposal field appears to be over peat soils . This rings alarm bells for me .

Peat soil , known as one of the most problematic soils in the fields of civil and environmental engineering, is formed by the accumulation and decomposition of organic materials (derived from plant remains) under a waterlogged environment where there is a lack of oxygen .

Being a waterlogged environment particularly in periods of high rainfall it is hard to see how a disposal field can possibly function here .

I am no expert but I would have thought a disposal field should over porous soils not peat soils that can be waterlogged for extended periods .

The submission of Allan and Patricia Birley who are Kiwifruit orchardists at the end of and to the right of Arawa Road have asked for a guarantee that the ground water they use in their orchards operation for irrigation , frost protection and crop spraying will not be contaminated by the planned waste water disposal system .

Given all of the above it is hard to see how such a guarantee can be given .

The submissions of the various Tangata Whenua have a common theme . That is the planning for waste water and storm water disposal has to be very robust to eliminate any risk of environmental contamination downstream of the PPC location and on to the mahinga kai locations of the Waihi estuary and the mussel and kina beds of Okurei .

My observation is that planning has been far from robust , rather it has been reckless and the proposal carries with it a very high risk indeed of contamination of the downstream mahinga kai locations . This would be abhorrent to Maori given their sensitivity to any form of human effluent , treated or otherwise entering waterways and kaimoana gathering sites .

I shudder to think of what the environmental and financial ramifications of a failure of the proposed waste water scheme at this location will result in and there appear to be no options to rectifying any such future failures .

Environmental and financial ramifications that will be born by the WBOPDC and it's rate payers

It is pretty obvious to me that no waste water disposal facility could operate safely here and a compelling reason why the commissioners should reject this PPC .

Thankyou for this opportunity to reply ,  
Mike Maassen

## Statement of Evidence Kirsty Garrett on Behalf of Kevin and Andrea Marsh

Mike Maassen's response to the statement of evidence given by Kirstey Garrett in support of PPC95

I thank Kirsty for referencing the Pukehina Cycleway . The link from Arawa Road to the planned Pukehina cycleway is something I championed for when I instigated the Arawa Rd Recreational Plan idea with WBOPDC staff and a plan which was subsequently adopted by Council .

Kirstey might be interested to know that the applicants of PPC95 have for many years going back to 2013 been vigorous opponents of Arawa Rd residents plans/desires to develop recreational opportunities on the paper road areas at the end of Arawa Rd and always had self interest in these matters to the fore . That opposition has continued with the Arawa Rd Recreation Plan and the applicants tried pretty hard to stop the plan being adopted

I agree the planned cycleway is a great initiative but it is not reliant on the success of PPC95 . It is reliant on Council support and funding and unfortunately in todays tight fiscal environment and the cost of living crisis there is no Council funding for projects such as these 'nice to have' cycleways .

The consultation with the Arawa Rd settlement residents on the Arawa Rd Recreation Plan was that the cycleway was to provide a link with Arawa Rd for Arawa Rd residents not be a destination for the cycleway .

I would be more than happy to talk with Kirstey regarding the Pukehina cycleway plans and perhaps help to maybe see the plan come to fruition .

Thankyou for this opportunity to reply ,  
Mike Maassen .

## Statement of Evidence Sue Mathews on Behalf of Kevin and Andrea Marsh

Mike Maassen's response to the statement of evidence provided by Sue Mathews in support of PPC95

With due respect to Sue Mathews , the Chair of the Paengaroa Community Association, you cannot compare the Arawa Rd rural settlement with Paengaroa. Paengaroa has always been recognised by the various local authorities as being a suitable/desirable location for residential expansion/development .

Pongakawa has never been considered as a suitable location for an urban style development

Paengaroa has the connectivity and infrastructure in place to support development and none of the environmental hazards of flood risk , groundwater contamination risk , mahinga kai location contamination risk or sea level rise risk that Pongakawa has .

Paengaroa has possibly benefited from residential development and it is locations such as Paengaroa where planners should be concentrate their efforts to address perceived shortfalls of housing stock , not Pongakawa .

Thankyou for this opportunity to reply ,  
Mike Maassen .