

**BEFORE INDEPENDENT HEARING COMMISSIONERS APPOINTED BY WAIPA
DISTRICT COUNCIL**

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

AND

IN THE MATTER of an application for resource consent under section 88
of the Act for the establishment and operation of a sand
quarry and cleanfill operation located at 928 Kaipaki
Road, Cambridge

BETWEEN **SHAW'S PROPERTY HOLDINGS LIMITED**

Applicant

AND **WAIPA DISTRICT COUNCIL**

Consent Authority

STATEMENT OF EVIDENCE OF STEPHEN MARSH FOR THE APPLICANT

(Equine)

Dated: 6 November 2020

INTRODUCTION

1. My full name is Stephen Marsh.
2. I am currently the director and founder of a horse training business Marsh Racing based at Abergaldie Way in Cambridge. I am involved in the day to day running of the business, and train horses and riders myself. Being the son of master trainer and Melbourne Cup winning jockey Bruce Marsh, I have been associated with, and involved in, the equine industry my whole life.
3. I gained a Public Trainers Licence in the 2002-2003 season and began my training career in partnership with my Father. This partnership produced outstanding Group 1 victories with "Russian Pearl" in the Bayer Classic and "Hail" in the Zabeel Classic.
4. In 2005, my father relocated to Singapore where I branched out on my own as a horse trainer and had immediate success with multiple Group and Listed winners "Chettak" and "The Auld Hussie".
5. I moved to Cambridge in 2008 where I have established my horse training business (Marsh Racing) and have enjoyed further success as a trainer with a steady stream of winners in various races. I was privileged to finish in the top 10 trainers on the premiership the past four seasons producing Group 1 winners "Ugo Foscolo" in the 2000 Guineas, "Ruud Awakening" in the 2YO Diamond Stakes, "Thee Auld Floozie" in the Thorndon Mile and a breakthrough Group 1 win in Australia with "Sofia Rosa" in the AJC Oaks. Most recently I trained the 2019 New Zealand Derby winner in "Crown Prosecutor".
6. Given my involvement with horses from a young age, and my career as a horse trainer, I consider myself to be an expert in horse behaviour and horse/rider training safety risks. As a horse trainer (and director of a horse training business) horse and rider safety is a top priority for me and I would not wish to put any horse or rider into a situation where I thought

there were safety risks above those inherent with horse riding more generally.

7. I have been engaged by Shaw's Property Holdings Limited ("Shaw's") to prepare a statement of evidence in support of its application for resource consent approval from Waipa District Council to establish and operate a proposed Sand Quarry and Cleanfill operation, located at 928 Kaipaki Road, Leamington, Cambridge ("Quarry"). In particular, my evidence responds to the concerns expressed by Amanda and Keith Walker that trucks associated with the Quarry will cause adverse effects on their horses.
8. I am familiar with the application site at 928 Kaipaki Road having visited it on 3 November 2020. At this visit I observed the location and alignment of the Walker's canter track in relation to the proposed Quarry site entrance and the local roading, traffic and vegetation within the environment.
9. In preparing this evidence I have reviewed Shaw's resource consent applications dated 26 April 2020. I have also reviewed Amanda and Keith Walker's Submission on the application.

Equine Related Concerns Raised by the Walker's

10. Mr and Mrs Walker outline in their submission that they undertake a wide range of equine related activities on their property, including:
 - (a) Training of their own team of sports horses, which they buy at 3 years old and produce them up the levels for competition;
 - (b) Converting young sports horses and race horses off the track to on-sell for other riding disciplines; and
 - (c) Using their canter track every day to train their competition horses, young horses and rehabilitate horses.

11. Mr and Mrs Walker are concerned that if the Quarry proceeds as proposed that they will need to relocate their canter track approximately 100m further inside their property (away from Kaipaki Road) because the road widening needed to service the Quarry entrance will result in the road edge coming 2.5m closer to the canter track's current location.
12. I understand that Mr and Mrs Walker consider that their canter track needs to be moved because they consider that their young horses will be scared or spooked by sudden and unexpected noise(s) and/or unexpected visual appearance(s) of trucks as they accelerate and decelerate into and out of the Quarry's entrance off Kaipaki Road. I understand that the Walker's key concern is that the risk of the horses becoming spooked or scared poses an unacceptable risk to the safety of their horses and riders when traversing the canter track.

Horse Behaviour

13. In my experience horses can become spooked by noise or by objects appearing in their vision unexpectedly. This can occur in a multitude of outdoor scenarios (e.g. birds flying out from nearby grass etc) and are not specifically linked to being in close proximity to roads and traffic. Because of this, it is important for trainers to consider ways of desensitizing horses to these sorts of circumstances, particularly in respect of sports horses, so that on competition day, where noise sources and general activity and movement is increased, they remain calm and focussed. To this extent, it is common practice to expose sports and race horses to a range of environmental factors, such as sudden noise and unexpected objects during training. While I appreciate that this is not a justification for allowing activities that may scare or spook horses, I make this comment as an observation that sports and race horses are typically trained so that they do not spook or frighten easily.

Relevant Example

14. I have personally experienced a situation, with my horse training business on Abergaldie Way, where the adjacent traffic environment was altered in an abrupt and significant way. Figure 1 below shows the location of the track where my riders train horses. This is adjacent to the new Cambridge section of the Waikato Expressway. The construction and opening of this section of expressway in my opinion altered the traffic noise environment far more than would be the case for the Quarry.
15. For example, during the construction phase of this expressway our training areas were located as little as 20m away from the operation of large and heavy earth moving machinery. This construction activity created a significant change to the noise environment for the horses, however, during this phase, our training programme was unaffected. Horses became used to this new environment in a matter of minutes.
16. I am also pleased to confirm that since the commencement of the construction of this expressway, including its opening and subsequent use by public traffic travelling at the 110 km/hr speed limit, neither myself nor my trainers have noticed any change in horse behaviour or safety incident occurrences. I would simply not allow horses or riders to train in a situation where I thought there were safety risks above those inherent with horse riding more generally.

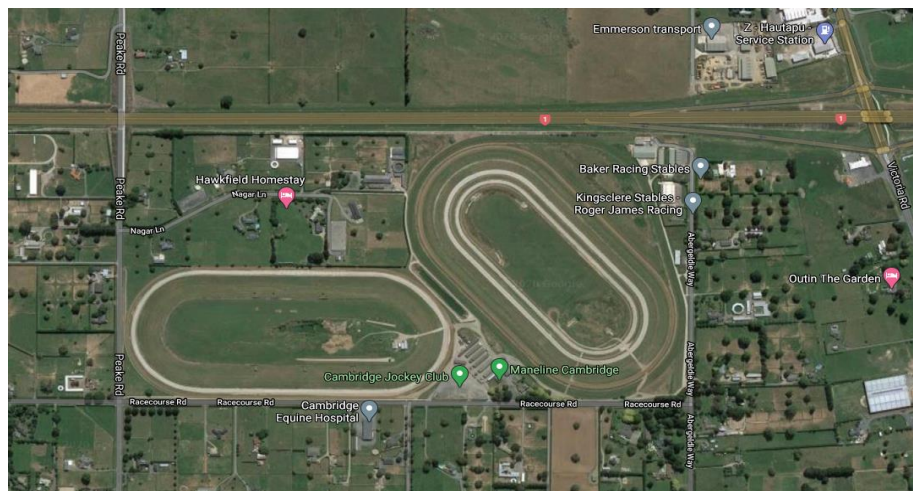


Figure 1: Horse Training Track and Adjacent Cambridge Section of the Waikato Expressway

Other Relevant Observations

17. In respect of the Walker's concerns I note the following observations that I consider provide relevant context:
- (a) It is my understanding that Sir Mark Todd was the previous owner of the Walker's property and that he constructed the canter track in its current location alongside Kaipaki Road. Mark Todd is considered New Zealand's most successful Olympic equestrian rider;
 - (b) There are other examples of training tracks located in close proximity to roads (e.g. Tracks on Racecourse and Abergaldie Way (Figure 1), and Windsor Park (1030 Kaipaki Road));
 - (c) When I visited the site I observed relatively steady traffic travelling at around 100 km/hour on Kaipaki Road;
 - (d) I have been advised by Mr Black, the traffic engineer for the Applicant, that around 13% of the current traffic along Kaipaki Road is already made up of heavy vehicles and that the Quarry will increase this by only 2.5%. I rely on Mr Black's expert opinion in that regard;
 - (e) The steep road coming from the gully located to the west will mean trucks approaching the site from this direction are not likely to use engine breaking to enter the site. I note that around 90% of the canter track leg sitting alongside Kaipaki Road is located to the west of the Quarry entrance; and
 - (f) There is an existing hedge row between the canter track and Kaipaki Road that provides some level of visual screening for the horses.

Assessment of Potential Effects

18. Having observed the location of the proposed Quarry entrance in relation to the Walker's canter track, and based on my extensive experience training horses, and specifically experiencing first-hand the absence of any additional safety risk(s) caused by changes to adjacent traffic movements, I consider that the occurrence of trucks entering or exiting the Quarry site will create no safety concerns over and above the current risks inherent within the riders' existing environment. I also do not consider the Quarry will create safety concerns over or above any inherent risks associated with outdoor horse training more generally. I certainly do not consider that there would be any health and safety reasons to warrant a relocation of the canter track if the Quarry as proposed proceeds.
19. In terms of sudden truck noise or sudden appearance of trucks scaring or spooking the horses on the Walker's canter track, I do not consider that this will be an issue experienced by the Walker's. In my opinion, truck engine noise will provide some warning of the truck's presence for the horses, and I am advised that trucks will predominantly be approaching the Quarry site steadily, thus generating a constant noise rather than any sudden noise. The occurrence of sudden noises and/or sudden appearance of trucks are more likely to result from other trucks travelling at higher speeds on Kaipaki Road (i.e. trucks associated with the current environment).
20. Notwithstanding my views expressed above, I consider that minimising the use of engine breaking would be a good mitigation measure. In this respect, I have been advised that the Applicant is proposing to place an advisory "No Engine Breaking" sign within the road reserve to the east of the Quarry entrance. I support that initiative.

CONCLUSION

21. Overall, I do not consider the proposed Quarry activity will increase the safety risk(s) to horses or riders above those inherent with horse riding generally. In my view, safety risks related to the proposed traffic entering or existing the proposed Quarry site will be imperceptible at most.

Dated this 6th day of November 2020



Stephen Marsh