

BEFORE THE HEARING PANEL OF 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 clean fill operation located at 928 Kaipaki
Road, Cambridge

BETWEEN SHAW'S PROPERTY HOLDINGS LIMITED

Applicant

AND WAIPA DISTRICT COUNCIL

Consent Authority

STATEMENT OF SUBMITTER: AMANDA AND KEITH WALKER

Dated 20 November 2020

INTRODUCTION

- 1 Our full names are Keith Bryan Walker and Amanda Jane Furby-Walker.
- 2 Our only residence is Rivermonte Park, 899 Kaipaki Road, Cambridge, New Zealand
- 3 After a 15-year search we purchased the property in January 2015 with the intention of emigrating permanently to New Zealand. Our search criteria were quite specific:
 - a. the property should have water views;
 - b. not be overlooked;
 - c. no road noise;
 - d. and have equine facilities.
- 4 The property was previously owned by Sir Mark Todd (the internationally acclaimed equestrian) who had designed and constructed the equestrian facilities that we were looking for so that Amanda could continue her passion for producing and competing sports horses (mainly event horses and dressage horses). Sir Mark Todd was known to us from the UK and European eventing circuit. The property fitted well with our needs, the equestrian facilities for Amanda and the refurbishment works for Keith.
- 5 Amanda emigrated to New Zealand in August 2017 and Keith followed in March 2018 after handing our UK business to our long serving staff.
- 6 Keith Walker is a retired businessman who has a Bachelor of Science with Honours in Mechanical Engineering, from Loughborough University. Amanda is a retired accountant with interests in riding, breeding and training horses.

- 7 Prior to emigrating we lived in the UK where, over the last 30 years, we built a successful business manufacturing steel buildings, storage systems, and undertaking construction works - initially for the timber and builders' merchants in the UK. As our business and knowledge grew, we were asked to take on more and more building works which included obtaining planning permissions on green and brownfield sites. This work included:
- a. Designing the building(s) (externally and internally), the shop layouts, the yards, parking areas, loading/off-loading areas, entrances and exits, including all traffic management to meet the client's operational needs efficiently and all UK codes.
 - b. Applying for and obtaining all necessary planning and building control consents.
 - c. We also undertook a great many large refurbishment works in retail units typically between 2000m² - 5000m² with all associated car entrance and exists, car parking, pedestrian ways, HCV entrance and exits, loading and unloading bays.
- 8 On receipt of the application for resource consent for the sand quarry at 928 Kaipaki Road we put forward a submission as a notified party that we are not against the quarrying of the sand but have reservations about the quality of some of the elements of the proposal. Our primary concerns being:
- 1 The road traffic and associated safety issues; and
 - 2 The effects on the Health & Safety of our equine activities.

Our secondary concerns being:

- 1 Noise
- 2 Dust
- 3 Visual amenity

- 4 Archaeological
- 5 Amenity

Primary submission concerns

Traffic and safety:

- 9 Our principal concern is about safety. Safety for us, our horses and other users of our track and the safety of Kaipaki Road users. If those 2 safety concerns can be properly fixed we have no problem with the quarry going ahead.
- 10 Kaipaki Road is a busy fast road. We have experience of driving HCVs along this portion of the road after exiting our property and have witnessed unsafe overtaking and driving from people who are impatient with the speed that large trucks move at when laden.
- 11 Whilst living in the UK we had the misfortune to be first on scene at 4 fatal accidents on the main road near our home. Three happened within 21 days with 4 fatalities and 1 happened approximately 18 months later with 1 fatality. The first 3 accidents all involved an impatient driver overtaking a slower moving HCV resulting in head on collisions. The last one involved a HCV swerving to miss an accident with the HCV ending up in a ditch and the passenger being killed. We never want to witness such tragedies again and were concerned that there was a lack of provision for separation of turning trucks and other traffic on Kaipaki Road.
- 12 In our submission we asked for:
 - i A right turn bay for traffic turning into the Site.
 - ii A reduced speed limit along that section of Kaipaki Road extending 500m to the east and 1200m to the west.

- iii Double yellow no overtaking lines along Kaipaki Road extending along the area of reduced speed as above.
- iv An acceleration and deceleration lane for heavy vehicles to the Site;
- v A redesign of the entry to the Site to provide a safer access and reduce conflict with other traffic.
- vi The Site gates moved 100m further into the Site to ensure there is sufficient parking for trucks that arrive earlier than the opening time.
- vii No parking signs along Kaipaki Road for at least 500m in each direction.

13 After having a meeting with the applicant's agent, it became very clear, that the applicant did not want to change the entrance or address safety concerns on Kaipaki Road. We therefore approached Mark Apeldoorn of Stantec Limited to give us independent traffic and safety advice in relation to the application. Mark Apeldoorn was chosen because of his New Zealand recognized expertise and his in-depth knowledge of traffic and transportation matter relating to quarry operations in the area.

14 It was very gratifying to see that once the applicant had received Mr Apeldoorn's report and the Council's peer review report undertaken by Bloxam Burnett and Olliver (**BBO**), they have taken on board a substantial number of the points raised and amended the application accordingly. We understand that there are few items that have not yet been resolved including:

- A) The new quarry access road has not been designed to be perpendicular to Kaipaki Road.
- B) Inadequate safety provision for cars waiting to enter the applicant's home.
- C) The type of warning signage of HCVs turning into the new quarry entrance.

D) The compulsory use of truck and trailer covers on HCVs entering the site with clean fill.

- 15 Apart from the issues raised in Mr Apeldoorn's evidence and some wording changes to the conditions (see below), we are now satisfied that traffic into and out of the quarry site can be managed safely.

Equine Primary Concerns

- 16 We asked for the section of the canter track which runs close to and parallel to the road to be moved further away because of the increased risk to horses and riders. That increased risk is caused entirely by 2 factors:
- a. the requirement for Kaipaki Road to be relocated to within 2.5m of our canter track; and
 - b. the construction of the quarry entrance directly opposite this end section of the canter track.

An aerial photograph showing the location of the canter track in relation to the proposed quarry entrance is attached as Appendix 1.

- 17 The increased risk imposed on us by the new roading will preclude us from using this section of our canter track, denying us our legal right to use this part of our property that we currently enjoy and rely on, on a daily basis.
- 18 Unfortunately, there has been no progress towards addressing any of our equine concerns which have been minimised by the applicant's witnesses.
- 19 We are adamantly opposed to the quarry as proposed if our canter track is not going to be moved. We are willing to provide the applicant that opportunity but if the road widening and entrance

location stay as proposed then we will be unable to use the track and that is one of the primary reasons that we bought our property.

SECONDARY SUBMISSION CONCERNS

- 20 Again, it is gratifying to see that the applicant has taken on board many of the recommendations made from ourselves and other parties.

REMAINING CONCERNS

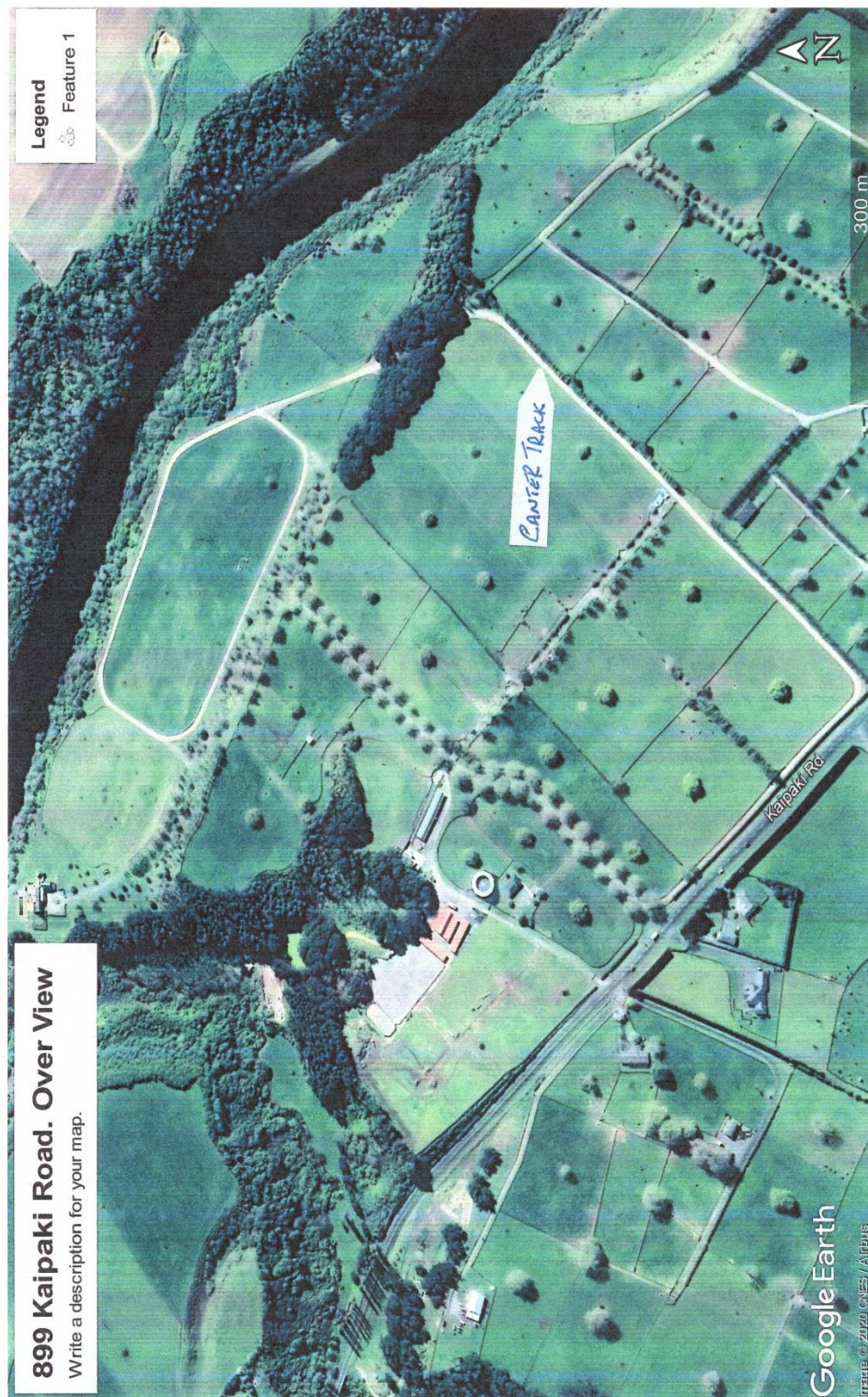
- 21 The gate onto our canter track from Kaipaki Road must be retained with at least the same level of access as it currently enjoys. We are worried about how the changes to Kaipaki Road will impact on our gateway.
- 22 Even if there is agreement to move our canter track, there will be disruption to how we use our property.
- 23 The construction phase of the modifications to Kaipaki Road and the forming of the new quarry entrance. In addition to the increased risk to the health and safety of riders and horses (discussed next) there is an even higher risk to the horses and riders during the construction of alterations to Kaipaki Road and the formation of the new quarry entrance:
- a) From our construction experience, this phase of the quarry enabling works will create substantial health and safety risks to both horse and riders using the canter track alongside Kaipaki Road. As all the widening work is happening on the north side of Kaipaki Road there will be heavy plant and machinery operating against our boundary. These machines are large, they have reversing sounders, flashing lights, are noisy and create sudden loud sounds. This along with the very nature of

construction works will create a situation where horses will be constantly subjected to conditions that will trigger their flight mode. It must be remembered that these machines will be within 1m of the horses, unless the track is moved before the widening happens. Moving the track is the outcome we want.

- b) No consideration has been given by the applicant to how the above can be mitigated. Our proposal is that our track is moved before the quarry works begin, including work on widening Kaipaki Road or forming the new entranceway.
- c) Keith asked if he could attend the construction phase pre-start meeting and was told that he would not be permitted to do so. We will therefore have no idea about what, if any mitigation is being proposed and how it will affect ourselves, bearing in mind that we would wish to have continued use of our property in the way we currently enjoy. It is not fair that we should have to stop using a part of our property because of a situation not of our making.

24 The relocation of the portion of our canter track that is adjacent to Kaipaki Road.

- a) The canter track originally started on 899 Kaipaki Road and ran on to 951 Kaipaki Road and was constructed by Sir Mark Todd when he owned the property. Later when Sir Mark Todd sold 951 Kaipaki Road he realigned the canter track into its present position as shown below.



- b) The track starts on the lowest of 3 terraces that form the general contours on this property. The 800m oval track on the bottom terrace is approximately level, the uphill section that leads off it rises quite steeply from 22m above sea level to 55m above sea level where it meets Kaipaki Road and then levels

out for the final 230m along Kaipaki Road. We are not aware of any other all-weather uphill canter track in the Waipa area. This uphill section is critical to the way we train our sports horses. This was an important factor when we made our decision to purchase the property.

- c) The total length of the track including 1 lap of the oval at the bottom is approximately 1700m.
- d) The canter track is used for a minimum of 6 days a week. The track is used for a variety of purposes including:
 - i) Racehorses for fast work to improve fitness;
 - ii) Rehabilitation horses for slow steady work;
 - iii) Sports horses for distance fitness work;
 - iv) Sports horses slow work to include schooling; and
 - v) For hacking on light workdays e.g. for a few days after a competition.
- e) The track as it is and its surroundings provide a safe environment for all of the above activities.
- f) We bought the property because of its excellent equine facilities including the canter track. In the three years Amanda has been using the whole length of the canter track on an almost daily basis without any issues from through traffic on Kaipaki Road.
- g) The purposed quarry entrance and the alterations to Kaipaki Road will completely change the safe environment that we currently enjoy along the last 250m of our track for the following reasons.
 - i) Kaipaki Road will be re-aligned to within 2.5m of our canter track. At the moment the closest part of the seal

is 7.5m from the track, and about 7m away from the existing Barbery hedge.

- ii) This will bring all the through traffic travelling towards Cambridge much closer to the horses. This will increase the volume of traffic noise and increase the visibility of the vehicles. Some vehicles may have to slow down to accommodate HCVs exiting the quarry which will create braking and acceleration noises (air brakes engine braking, engine tones changing as the vehicles go up through the gears etc).
- iii) There is nowhere in the Waikato where a canter track is just 2.5m away from any road, let alone a busy 100kph road – there is a good reason for this – it is too dangerous.
- iv) A new quarry entrance is to be formed directly opposite our gateway off our canter track and on to Kaipaki Road.
- v) When the HCVs brake to turn into the quarry they will create loud intermittent noises with either air braking or engine braking, the empty truck and trailer bodies will bang as well as the trailer hitch.
- vi) When HCVs turn out of the quarry there will be engine noise as they accelerate hard away to get up to a safe operating speed. A HCV turning right out of the quarry entrance would appear to a horse as a large solid object coming directly towards it. At the point the truck turns it might only be 3 or 4 metres away from where the horse is on the track.

vii) Horses are flight animals, and their flight mode is frequently triggered by sudden noises, objects that they see that they were not expecting to see (eg. if someone put a rubbish bag in the middle of the canter track that would be enough to create a flight reaction in most horses) and unexpected movements.

viii) Flight reactions in horses can be triggered by natural situations like a bird flying out of the grass, or by human activities. We always endeavour to minimize all triggers (eg we mow all the grass around the tracks and arenas to stop animals popping out of long grass). However, the situations created by the above human activities are in addition to those we currently experience, and some will cause horses to go into flight mode. A horse in flight mode may do one or a combination of the following: stop dead; spin; bolt; rear (stand up on its hind legs). Any of these reactions can cause a rider to be thrown off the horse. With these reactions comes a high risk of injury to the rider and the horse.

EXPERT WITNESSES

25 From our research there appears to be no formal qualification or clear path for a New Zealand Sports Horse Trainer unlike the United Kingdom where there are several forms of educational training schemes from Nation Vocational Qualifications up to level 5, to the British Horse Society which offers a career path from Stage 1 to 5 and then a Fellowship (there are only 55 Fellows in the World). We have identified a number of training schemes for the New Zealand Thoroughbred/Racing Industry but on the whole they are not relevant to the Sports Horse Training we undertake.

As a result, we have looked for experts that:

- 1) Know the property and the equine facilities, in particular the canter track.
- 2) Have or do use our canter track and have trained horses on it.
- 3) Have sport horse training and riding expertise (a few of these people also have thoroughbred racing expertise).
- 4) Have many years of working within the equine industry and therefore understand and have experience in horse behaviour.

26 Our research identified the following expert witnesses:

- 1) **Clarke Johnstone** – Clarke has ridden all his life. He has evented at the World's highest level (5 Star), the Olympics and the World Equestrian Games. He has also show jumped at World Cup level. He works full time in the equine industry, he owns his own yard where he produces sports horses. Clarke also coaches some of the up and coming eventers and teaches. Clarke is a frequent visitor to 899 Kaipaki Road where he uses our canter track as part of his horses' fitness programme.
- 2) **Judy Bradwell** – Judy is recognized as a world class coach teaching all over the World. She is an international List 1 dressage judge (if she was not a team selector for Team New Zealand she could judge the eventing dressage at the Olympics and the World Equestrian Games). Judy frequently travels to New Zealand and stays with us. She gives clinics and is familiar with our canter track.
- 3) **Rachel Masters** – Rachel has ridden and worked with horses all her life. She owns her own yard where she trains Thoroughbred racehorses and produces sports horses for eventing. Rachel rode trackwork for us on our canter track when we were pre-training racehorses. Rachel brings horses to use our canter track to help with their fitness regime.

- 4) **Sir Mark Todd** – Mark is a previous owner of 899 Kaipaki Road. He designed and constructed the original equestrian facilities that on the whole are still here today including the canter track. Mark last visited us in November 2019. Mark was knighted for services to equestrian sports. He is a:
- a) Four times winner of Badminton 5* International Horse Trials
 - b) Five times winner of Burghley 5* International Horse Trials
 - c) Olympics - 2 Gold Medals, 2 Silver Medals and 3 Bronze Medals
 - d) World Equestrian Games – 2 Gold Medals, 1 Silver Medal and 1 Bronze Medal
 - e) Voted Rider of the 20th Century by the FEI (the international governing body of equestrian sports)
 - f) Trainer of 2 Group 1 winners in New Zealand

STEPHEN MARSH'S EVIDENCE

The item numbers correspond with those used by Stephen Marsh

- 27 Items 1 – 7 - in Mr Marsh's Statement of Evidence are statements of fact, and there is no denying Stephen Marsh is an excellent trainer of racehorses as is his record on NZ Racing shows, but racehorses are not sports horses.
- 28 Mr Marsh does not make it clear how much experience he has of riding and producing sports horses to top level.
- 29 I have also been told that Mr Marsh does not ride and if so, comment that it would be difficult for him to understand the feeling of a horse spinning and moving sideways whilst going from 0 to 50kph (faster than Ferrari can go from 0 to 50kph).

- 30 Item 8 - Whilst Mr Marsh is familiar with 926 Kaipaki Road, he does not know 899 Kaipaki Road well. He has only visited once, very briefly and has not observed any horses actually working on our track nor has he sent any horses to work here within the last 3 years since we have owned the property.
- 31 Items 9 and 10 are statements of fact.
- 32 Item 11 – I think that Mr Marsh has misunderstood the new roading drawing. The new road will come to within 2.5m of our canter track and 1.5m of our boundary hedge. He states that the road will come 2.5m closer to the canter track, this is clearly wrong.
- 33 Item 12 - is again a statement of fact.
- 34 Item 13 - I totally agree with Mr Marsh's comments about some of the things that might spook a horse. For this reason we already keep the grass round the tracks and arena mowed so that birds/rabbits etc do not have anywhere to pop out from, we have trees and banners around the arena to help desensitize the horses in a safe environment, and we train all the horses to cope with large farm machinery such as tractors, trailers, mowers, telehandler, digger and so on. Unfortunately, I am at a loss as to how I train the horses to understand that the big lorries coming straight towards them only a few metres away are not going to hurt them. I also do not know how I train the horses that sudden sounds of air brakes or engines brakes or the loud sharp sound of an of empty truck and trailer's rear doors banging or the towing hitch clattering on a road only 2.5m away from them are not going to harm them. Again, horses are flight animals who take off if they think there may be a predator in the area.

- 35 Item 14 – Mr Marsh uses the Cambridge track which is 25m off State Highway 1. There is a large earth bund that is planted out between the road and Cambridge track, so the horses do not see anything, all they hear is the constant noise of the traffic as it passes by. The traffic on this stretch of State Highway 1 does not come to a halt or move off, and so the noise associated with these movements is not created. It is relatively easy to train a horse to cope with the noise created by continuously moving traffic.
- 36 Item 15 – Twenty metres is considerably further away from the road than 2.5m is, and in fact when the construction work to alter the roading is being implemented the plant and machinery will be right up against our hedge, just 1m from our canter track.
- 37 Item 16 – Again, the noise from State Highway 1 is normally constant, the noise levels and intensity outside our property will always be changing as lorries are slowing down, stopping (using air brakes/engine braking) and then accelerate away into or from the entrance to the quarry with all the clattering and banging of empty trucks and trailers.
- 38 Item 17 a – I totally agree with Mr Marsh's statement that Sir Mark Todd built the track and that he is considered New Zealand's most successful Olympic rider. In fact, Sir Mark was voted Rider of the 20th Century by the FEI. However, I think Mr Marsh is also trying to imply that because Sir Mark built the track along Kaipaki Road it must be safe. I have spoken to Sir Mark and he strongly recommends that we stop using the canter track along Kaipaki Road as there is an increased risk of a serious accident. (See **Appendix 2** – Email from Sir Mark Todd).
- 39 Item 17 b - The Cambridge tracks on Racecourse Road are at the closest point 6m away from Racecourse Road; the road is not classed as a minor arteria road as Kaipaki Road is; it has a speed

limit of 80kph; and the nearest T junction is 35m away. Abergaldie Way is a no exit road with a speed limit of 80kph, at its closest point the track is 10m away from the road and the nearest T junction is 81m away. The other end of Cambridge track runs along the side of Peak Road. Again, this is not a minor arterial road; it has a speed limit of 80kph; the track is a minimum of 12m away from the road; and the nearest T junction is 65m away. Finally, Windsor Park's track is 11m off the road and has no T junction anywhere near it.

- 40 Most track work starts between 5am and 6am and is completed by 11am at the latest. We do not as a rule start working our horses until 8.30am but because of the time we spend working each horse we are often still working horses at 4.00pm.
- 41 Item 17 c - Yes the traffic currently travels along Kaipaki Road at 100kph, but once the quarry goes in there will be an extra 132 truck movements on busy days and each of these movements will be slowing down, stopping, turning in and coming out of the quarry and accelerating away directly opposite our canter track gate. These traffic movements will have a major effect on the noise levels with the banging of the truck tailgate, trailer hitch, the engine braking, air brakes and engine noise as the trucks accelerate away. Other vehicles using Kaipaki Road may have to slow down and accelerate again to avoid the trucks coming and going from the quarry.
- 42 Item 17 d – I am sorry, but I believe Mr Marsh's math is not quite correct. The increase in trucks movements will be from 416 trucks per day to 548 this is a 31.7% increase in truck movements not 2.5% as he stated.
- 43 Item 17 e – It is true that 90% of our canter track that runs along Kaipaki Road is located to the west of the quarry entrance

(approximate length of our track on Kaipaki Road is 230m), however the road is moving to within 2.5m from the edge of our canter track which will intensify the noise level. As previously discussed the increased levels of noise will have an adverse effect on horse and rider safety.

- 44 Item 17 f - This is true, but the hedge offers no noise suppression and in places has small gaps in it. As alluded to by Mr Marsh in Item 13 horses are spooked by noises and/or by objects appearing in their vision unexpectedly.
- 45 Item 18 –I am very sorry, but I do not understand how Mr Marsh can make these statements. He doesn't train horses within 3m of any road and he certainly doesn't have trucks driving directly towards his horses and within 5m of them. I agree that the quarry won't cause safety concerns for the horses. It is the quarry traffic that will cause those safety concerns.
- 46 Item 19 – This paragraph directly contradicts item 13 of Mr Marsh's statement. If the trucks are approaching the quarry at a steady speed how are they going to stop to turn in? Drivers tend to use their air brakes and downward shift of gears to slow the vehicle down or their engines. This does not create a constant tone and volume, and it is these changes that often lead to horses being spooked as they cannot understand where the noise is coming from.
- 47 Item 20 – The applicant and his expert witness state there is no guarantee that the Council will permit such a sign and if they do it is only advisory and cannot be enforced. We have experienced on many occasions the effect on young sports horses when subjected to the adverse effects of the noise of engine braking HCVs as they slow down before they head down into Walker's Gully. It would be a good result if the applicant managed to persuade the Council to

install a “No Engine Braking” sign on the East side of the quarry entrance. However we consider that we also surely need one from the West, because the trucks coming from the West will also have to slow down in order to enter the quarry.

- 48 Item 21 – This is a total contradiction of a number of previous points made in Mr Marsh’s statement. Absolutely no one we have talked to or corresponded with has agreed with this statement. I would like to reiterate that the road will only be 2.5m from the edge of the canter track, and with a quarry entrance directly opposite our gate.
- 49 I have talked to Sir Mark Todd and he has told me it will not be safe to use the track with a widened road and a quarry entrance, and, as already stated by Mr Marsh, he is probably the best person to comment on this situation. Sir Mark isn’t available to attend the hearing but has provided an email that explains his concerns and that is attached to our statement as **Appendix 2**.
- 50 Finally, please note that Mr Marsh trains racehorses, not sports horses as we do and the training regimes are totally different. Thoroughbreds are trained to gallop usually in small groups and as a result of their herd instinct frequently do not notice distractions. Thoroughbreds compete in a group. Sports horses are trained to think and most of their training on the canter track is done at a much slower speed (for building up long distance fitness) and on their own, which increases the risk of distraction and adverse reaction. Sports horses compete on their own. Sports horses do not sprint. They compete over much longer distances at a slower target speed with as many as 40 jumping efforts, many of which are off tight turns so their speed has to vary considerably. We also use the canter track time for obedience/suppleness and dressage training (frequently referred to as horse dancing). It is often said

that most competent riders can ride trackwork, but unfortunately very few track work riders can produce sport horses correctly.

MITIGATION CANTER TRACK

51 PLEASE SEE AERIAL PHOTOGRAPHS 899 KAIPAKI ROAD OPTIONS 1, 2 AND 3

We have considered 3 alternatives for the relocation of the end our canter track.

- 1) Option 1: See aerial photograph (**Appendix 3**). The canter track moves approximately 10m to the north away from Kaipaki Road. A 3m high planted earth bund is built over the old canter track location. The estimated budget cost for this option is \$94,000.00. We have discounted this option because we felt that the noise from the HCVs entering and exiting the quarry could still be an issue. It would also be visually unacceptable to us and out of place on Kaipaki Road.
- 2) Option 2: See aerial photograph (**Appendix 4**). The final leg of the canter track is moved 95m away from Kaipaki Road to run through 2 paddocks before turning right in the last of the 2 paddocks. The estimated budget cost for this option is \$83,000. Although we like the length as it matches that of the existing track we felt that it isolated the 2 paddocks between it and Kaipaki Road. Day to day access to these paddocks would be from the old canter track adjacent to Kaipaki Road (to be grassed over) whilst machinery would have to access them from the north by crossing over the relocated canter. The day to day access option was considered far too dangerous being next to Kaipaki Road and the quarry entrance and so this option was discarded.

3) Option 3: See aerial photograph (**Appendix 5**). The original track is stopped short of Kaipaki Road by 95m. The track then turns through one existing paddock for approximately 100m before terminating. An existing grass track would be upgraded to a gravel return road, which would also service access to the 2 paddocks adjacent to Kaipaki Road. The redundant part of the canter track would be grassed over to give access for maintenance and hedge trimming. The estimated budget cost of this option is \$38000. The overall length of the canter track is reduced by approximately 220m which some of our customers are not happy about, but the general consensus was that it was acceptable. This is now our preferred option as the gravel track allows good access back to the start of the canter track (an event horse going to a 4 or 5 start competition will go up the track 3 times every 4 days to be fit enough to compete for up to 11 minutes on the cross country course). The access for pedestrians and machinery to the 2 paddocks by Kaipaki Road is also good and safe.

- 52 We asked the applicant to fund option 3 but to date we have had no response.
- 53 None of the 3 options are as good as our existing canter track, and they are all a compromise imposed by the increased risk levels created by the proposed quarry.
- 54 We do not understand why we should fund the changes essential to maintain the safe operation of our canter track when the only reason for the changes is because of the applicant's desire to open a sand quarry that will significantly increase the risk of rider and horse injury along the existing canter track adjacent to Kaipaki Road. We ask that the applicant funds the relocation of the canter track to option 3 and pay our reasonable costs incurred of

approximately \$10,000. We believe we have been more than fair by opting for the least expensive option.

- 55 I note that in Mr Chrisp's Statement of Evidence (Section 86) states that 'there is no guarantee that the applicant's proposed quarry will not result in some level of increased horse and rider risk'. He goes on to say that 'I do not consider any additional mitigation is warranted nor fair'. We accept the first comment which is in direct contradiction to Mr Marsh's evidence. We cannot accept that the applicant should not pay for the relocation of the end of our canter track in order that we may continue to use it in the safe manner that we currently enjoy. The only reason the canter track needs to be relocated is because of the alterations to Kaipaki Road and the new quarry entrance, both required to allow the sand quarry operation to proceed.

CONSENT CONDITIONS

- 56 We seek the following amendments to the applicant's consent conditions (assuming that the canter track is moved in which case the quarry is acceptable to us):

- 1) Condition 6 – Keith be allowed to attend the Construction Phase Pre-Start Meeting or have another opportunity to have a meeting with the roading contractors before the work starts. We need to know what is going to happen and when so that we can plan our equine activities to best avoid problems during construction.
- 2) Condition 22 – The hours of work on Saturday to be changed back to 7am to 12 noon. This is because we can schedule any particularly sensitive horses to use the track on Saturday afternoon.

- 3) Condition 34 - The maximum number of heavy vehicle movements **(including any type of agricultural vehicle when used to transport sand or cleanfill)** generated by the activity shall not exceed:
- a. Daily maximum of 132 HCV movements/day; and
 - b. Daily average of 106 HCV movements/day (calculated over a one-month period).

We have heard that on the local grapevine that the applicant is going to use agricultural vehicles to cart sand along Kaipaki Road as a way to get around the Heavy vehicle limits. The wording we propose would close off that possibility and provide certainty.

- 4) Condition 36 – (as agreed at the Council’s meeting on 18 May 2020) The new surfacing on Kaipaki Road be sealed with SMA. It has a longer life, a higher level of friction in both wet and dry weather and is quieter.
- 5) Condition 38 – The condition to cover in the advice note: consideration must be given to the health and safety of riders and their horses arriving at and using the track at 899 Kaipaki Road due to the high risk of the works creating an adverse horse reaction. Consideration must be given to mitigate this risk and be put in place before construction works commence.

57 We seek the following new conditions:

- 1) All HCVs and their trailers leaving the quarry with extracted material and all HCVs and their trailers arriving with clean fill must be covered. (This is only partially covered in the Council’s Conditions of Consent).
- 2) The gate from the canter track to Kaipaki Road at 899 Kaipaki Road must be retained with the same level of access as

currently enjoyed (This is in Mark Apeldoorn's evidence and we support that his other conditions are included).

- 3) The consent holder must provide for relocation of the canter track on the property at 899 Kaipaki Road before the initial construction phase of the Application begins, so that the canter track is in accordance with Option 3 outlined at paragraph 51(3) of the Statement of Evidence of Amanda and Keith Walker (20 November 2020). The advice note to this condition should state that if this condition is not complied with, then the adverse effects of the consent cannot be considered as sufficiently avoided, remedied or mitigated.



- 58 We are concerned that the quarry has to be run efficiently in order for the mitigation conditions to be effective. It is unclear what experience Mr Roderick has in operating a sand quarry and land fill operation.
- 59 We ask that the Hearing Panel comes to our property and drives along the track to get a feel for what the horse and rider will experience if the entrance to the quarry is approved and our canter track is not moved.

Conclusion

- 60 We are reasonable people and we want to be reasonable regarding this proposed quarry. In return we think the applicant also has to be reasonable.
- 61 We are not opposed to the sand quarry if adverse effects can be sufficiently avoided, remedied or mitigated and we are glad that both the Council and the applicant are now proposing more conditions to make traffic use safe.
- 62 Our canter track is a big reason for buying Rivermonte Park and we use the track almost every day. We want to continue doing so with safety and that won't happen if the road is widened to accommodate a new industrial activity entrance directly opposite.
- 63 We are willing to move the canter track, even though that may result in us having a shorter track that will be less suitable for thoroughbred use.
- 64 We don't believe we should have to pay to make changes to the use of our property in order for the applicant to carry out a new business. Those changes together with our reasonable costs should be covered by the applicant.
- 65 If there is no willingness to pay for relocation of the canter track and for our reasonable costs then we say that the effects of the proposal on us, on our land and our horses, are too great and the application should be declined.

Amanda and Keith Walker.

20 November 2020

AREA OF CONCERN

Write a description for your map.

Legend
Feature 1

Kapaki Rd

QUARRY ENTRANCE

GARFIELD HEDGE

CAVING TRAIL



Appendix 1 – Statement of Keith and Amanda Walker

From: Mark Todd [REDACTED]
Sent: 12 November 2020 03:11
To: Amanda Walker <amanda.walker500@outlook.com>
Subject: Proposed Quarry

Hi Amanda

Following on from our telephone conversation on Friday night, I would confirm that if the widening of Kaipaki Road to within 2.5m of your canter track and the new entrance to the proposed quarry goes in at 928 Kaipaki Road, I would strongly recommend that you stop using the part of the canter track that runs along Kaipaki Road. There is an increased risk of a serious accident being caused by the traffic movements so close to the canter track and the heavy trucks entering and exiting the quarry entrance. I think your idea of moving the track away from Kaipaki Road would be the only sensible solution to your situation.

Hope you are having a good season.

Regards

Mark


Sir Mark James Todd KNZM for services to equestrian sports.

4 times winner of Badminton 5* International Horse Trials
5 times winner of Burghley 5* International Horse Trails
Olympics - 2 Gold Medals, 2 Silver Medals and 3 Bronze Medals
World Equestrian Games – 2 Gold Medals, 1 Silver Medal and 1 Bronze Medal
Voted Rider of the 20th Century by the FEI (the international governing body of equestrian sports)
Trainer of 2 Group 1 winners in New Zealand

899 Kaipaki Road. Option 1

Write a description for your map.

Legend

 Feature 1



Kaipaki Rd

EARTH BUND

Relocated Outer Track

EARTH BUND


100 m

N

899 Kaipaki Road. Option 2

Write a description for your map.

Legend

 Feature 1

RELOCATED GRAVEL TRACK

100 m



899 Kaipaki Road. Option 3

Legend

Feature 1

NEW GRAVEL RETURN ROAD

RELOCATED CENTER TRACK

Kaipaki Rd

Google Earth

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100 m

