

IN THE MATTER OF the Resource Management Act 1991
AND

IN THE MATTER OF an application by T I Bawden to Waikato District Council under section 88 of the Resource Management Act 1991 to undertake earthworks and filling adjacent to the Waikato Expressway, which exceed the permitted area, volume and depth thresholds, and involves a temporary increase in traffic movements to River Road in the Rural Zone, at 2324 River Road, Horsham (being Lot 3 DP 507442, CFR 770917).

Decision following the hearing of an application by T I Bawden to Waikato District Council for a discretionary activity land use (Rural Zone) resource consent under the Resource Management Act 1991.

Proposal (as notified)

To undertake earthworks and filling (170,000m³ of cut and 280,000m³ of fill over approximately 13.4ha) adjacent to the Waikato Expressway, which exceed the permitted area, volume and depth thresholds, and involves a temporary increase in traffic movements to River Road in the Rural Zone, at 2324 River Road, Horsham (being Lot 3 DP 507442, CFR 770917). Council reference LUC0148/17.

The application was heard at Ngaruawahia on 23 August 2018.

The resource consent sought is **GRANTED**. The reasons are set out below.

Hearing Commissioners:	Mr David Hill (Chair) and Councillor Dynes Fulton
Application numbers:	LUC0104/18
Applicant:	T I Bawden
Site addresses:	2324 River Road, Horsham Downs
Legal descriptions:	Lot 3 DP 507442, CFR 770917 ¹
Site area:	24.185ha
Zoning:	Rural Zone within Waikato River Catchment Policy Area and Designation J16 – Gas line

¹ This was Section 72 SO 474326, CFR 687923 at lodgement

Lodgement:	28 September 2016
Application returned:	4 January 2017
Revised application:	24 August 2017
S92 Request:	6 September 2017
S92 information:	30 January 2018
Limited notification:	24 May 2018
Submissions closed:	26 June 2018
Hearing commenced:	23 August 2018
Hearing closed:	1 November 2018
Appearances:	<p><u>The Applicant:</u></p> <p>Mr Todd Bawden (Applicant) Mr Stephen Goodwin - Planner (MG Solutions Ltd) Ms Naomi McMinn – Civil / Transportation Engineer (Gray Matter Ltd)</p> <p><u>Submitter:</u></p> <p>Horotiu Properties Ltd (Rob and Andrea Simpson) Dr Joan Forret – Counsel (Harkness Henry) Ms Alexandria Till – Counsel (Harkness Henry) Mr Norman Robins – Transportation Engineer (AECOM NZ Ltd)</p> <p><u>Council:</u></p> <p>Ms Bridget Parham (Counsel) Ms Sara Brown (Consultant - Reporting Planner) Ms Ella Makin (Consents Team Leader – East) Mr David Bastion (Team Leader - Land Development Engineering) Ms Wanda Wright (Committee Secretary)</p>

Summary Decision:

1. Pursuant to section 104 and 104B of the Resource Management Act 1991, the discretionary activity subdivision consent application is granted.

Introduction

2. This decision is made on behalf of the Waikato District Council (Council) by Independent Hearing Commissioner Mr David Hill (Chair) and Council RMA Commissioner Dynes Fulton, appointed and acting under delegated authority under sections 34 and 34A of the Resource Management Act 1991 (the RMA).
3. This decision contains the findings from our deliberation on the application for resource consent and has been prepared in accordance with section 113 of the RMA.
4. The application was limited notified to 2 identified owners/occupiers of adjacent properties on 24 May 2017, with submissions closing on 26 June 2017. Two

submissions were received in time – both in opposition – and both submitters wished to be heard.

5. No late submissions and no s104(3)(a)(ii) RMA written approvals were received
6. Consent is required because of non-compliant aspects of the proposal (as lodged) relating to the maximum permitted earthworks volumes, maximum permitted filling, and traffic movements.
7. The s42A RMA hearing report was prepared for Council by Ms Sara Brown, consultant planner with BCD Group Ltd, and made available to parties on or about 1 August 2018. Ms Brown's overall recommendation was to decline the land use consent sought as she considered (in summary) that, in the absence of appropriate visual mitigation, the effect on the environment of allowing the activity was inconsistent with the District Plan and Waikato Regional Policy Statement in regards to rural character and amenity. Her report was informed by technical reviews from Mr James Templeton (Land Development Engineer), Mr Gareth Bellamy (Roading Safety Engineer) and Mr Joe Kee (Environmental Health Officer) who indicated conditional support for granting consent subject to a range of proposed conditions.
8. The matter was heard in Ngaruawahia on 23 August 2018, and closed on 1 November 2018 following the issuing of several Directions and Minutes as discussed below.

Site description

9. As described in the s42A report²:
 - The subject site is located to the west of State Highway 1 (SH1), to the north-east of River Road and to the south-east of Lake Road. The property is located adjacent to Country Living zoned land to the south west, on the other side of River Road and an Urban Expansion Policy Area to the east on the other side of SH1. The Ngaruawahia section of the Waikato Expressway located directly to the east of the subject site is designated (Designation J16), and this section of expressway is now formed.
 - The fill is to be deposited in an area of approximately 13.4ha within the northern extent of the site, south of an existing gully system which traverses east to west through the site, as shown in Image 5 below.
 - Topography of the site varies from flat to rolling in the northern areas and steep in the southern areas of the site. The steeper areas of the site were produced by the sand extraction activities undertaken as part of the construction of the Ngaruawahia section of the Waikato Expressway by the New Zealand Transport Agency (NZTA). Following reinstatement, the site is now utilised for cropping and grazing.
 - The southern corner of the site contains a Gas Line Overlay which is the location of an easement in favour of First Gas Limited.
 - The property contains a single building accessed via the existing vehicle entrance

² S42A report, section 1.3

from River Road.

- Otherwise land use on properties adjoining the site and in the wider environment comprise rural grazing and rural residential activities.

10. That description was not contested and is accepted as a sufficient description for present purposes.

Summary of proposal and activity status

11. As notified, the proposal is to cut and fill 170,000m³ of earth and import 280,000m³ of imported clean fill on Lot 3 in order to rehabilitate the site for subsequent residential subdivision (not the subject of the present application) following the sand extraction undertaken by the NZTA during the construction of the adjacent new expressway.
12. Those volumes were reduced to 30,000m³ and 220,000m³ respectively at the hearing.
13. Resource consent is required under the operative Waikato District Plan – Waikato Section 2013 as follows:
 - (a) Rule 25.25.1(h) states that any activity that disturbs or moves more than 500m³ in the Landscape Policy Area, or 1,000m³ in all other areas, within a site in a single calendar year is a discretionary activity;
 - (b) Rule 25.27.2 states that Earthworks (Filling) using imported fill exceeding 200m³ is a discretionary activity; and
 - (c) Under Rule A14.A.2 the activity is a restricted discretionary activity because it generates additional traffic movements.
14. Regional consent for earthworks and cleanfilling activities for land contouring purposes was granted by Waikato Regional Council on 27 October 2017 (under the reference AUTH137227.01.01). That consent expires on 31 October 2022 and contains detailed conditions requiring Cleanfill and Construction, Erosion and Sediment Control, and Cleanfill Site Management Plans among other conditions. Only 5ha of the site is permitted to be open at any one time under that consent.
15. The application has been reviewed for compliance with Regulation 5(6) of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES). Council has accepted that the NES is not applicable.
16. Overall the application is to be assessed as a discretionary activity. That activity status was not in dispute.

Procedural and other matters

17. No procedural matters were raised for consideration.
18. We issued 3 Directions and 2 Minutes relating to traffic design and landscape matters that we required further information - and/or conferencing on – the receipt of which finally enabled us to grant the consent sought. We record our appreciation to those experts engaged in that exercise.

Relevant statutory provisions considered

19. In accordance with section 104 of the RMA we have had regard to the relevant statutory provisions, including the relevant sections of Part 2, sections 104 and 104B, and s108 with respect to conditions.

Relevant standards, policy statements and plan provisions considered

20. In accordance with section 104(1)(b)(i)-(vi) of the RMA, we have had regard to the relevant policy statement and plan provisions of the documents noted below – the relevant provisions of which are assessed, variously, in Part B of the application AEE, and section 7.0 of Ms Brown's s42A hearing report (accepted by Mr Goodwin at section 7 of his response to the s42A report). Having reviewed those provisions, and particularly the objectives and policies, we confirm and adopt them. Therefore, there is no need to repeat the details in this decision. Those provisions are contained in the following statutory documents:
- Waikato Regional Policy Statement 2016;
 - Waikato Regional Plan (WRP) 2007;
 - Waikato District Plan – Waikato Section 2013.
21. While the Te Ture Whaimana o Te Awa o Waikato – the Vision and Strategy for the Waikato River and the Waikato-Tainui Environmental Plan were referred to, those documents have little material relevance to this consent application.
22. We do not consider any other matter to be relevant and reasonably necessary to determine the application in accordance with section 104(1)(c) of the RMA.

Permitted Baseline

23. It was common ground that there was no applicable permitted baseline.

Summary of evidence / representations / submissions heard

24. The s42A RMA Hearing report by Council's reporting officer, **Ms Sara Brown** (a senior planner with BCD Group Limited), was circulated prior to the hearing and taken as read. The s42A report concluded (section 10) that:

... the overall adverse effects on the environment with respect to noise, erosion and sedimentation, land stability, dust and sedimentation, erosion and sedimentation, effects on human health, productivity of land, cultural values and traffic will be acceptable

but that

... without adequate visual mitigation, and with the long timeframe anticipated, the proposal would give rise to unreasonable effects on the properties in the immediate environment and the submitter's properties.

and recommended that the application be declined on amenity and rural character grounds.

25. However, by the time of the hearing the traffic safety / site access design issue had been reconsidered by **Mr David Bastion** for Council in light of the evidence of Mr Norm

Robins, a traffic engineer engaged by submitter Horotiu Properties Limited, and Ms Brown advised that, on the basis of that reassessment, this was a further reason for recommending that consent be declined.

26. For the applicant, **Mr Stephen Goodwin**, a senior planner with MG Solutions Limited, had pre-circulated a statement of evidence responding to the s42A report. He disagreed with the conclusions drawn with respect to amenity and rural character, noting that adverse visual effects from the proposed earthworks on the adjoining properties were effectively avoided by the fact of leaving the perimeter earth batter along that viewing corridor such that there was no or little direct line-of-sight into the site from those properties. Mr Goodwin did not address traffic safety matters further in that evidence since that was, seemingly, not in dispute at that point.
27. At the hearing Mr Goodwin presented a brief update statement.
28. Having become aware that traffic safety was subsequently at issue, the applicant engaged **Ms Naomi McMinn**, civil and transportation engineer with Gray Matter Limited. Ms McMinn's evidence summarised the updated traffic aspects, described the existing transportation network, responded to the specific matters raised by Mr Robins in his pre-circulated evidence (right turn treatments, road markings, Horotiu Properties Limited's access, alternative subject site access, and proposed reduced trip generation limits), and concluded that with appropriate mitigation the traffic related effects would be minor or less. We discuss this matter further below.
29. **Dr Joan Forret** appeared as counsel for submitter Horotiu Properties Limited (HPL). Dr Forret provided a background to HPL's ownership and current subdivision activity, noting that HPL was not opposed to the cleanfill activity but sought provisions to ensure the safety of existing and future residents. HPL did oppose the proposed location of the cleanfill operation's access directly opposite its own River Road entrance. In her legal submissions Dr Forret drew attention to a number of objectives and policies of the District Plan relating to traffic and amenity that, she contended, the proposal did not meet or satisfy. Furthermore, Dr Forret raised doubt as to whether the "existing" transport depot operation was lawfully established in the rural zone – noting that if it was not, then it could not be considered part of the existing environment. Finally, Dr Forret sought a raft of conditions should consent be granted.
30. Dr Forret introduced two witnesses: Mr Simpson and Mr Robins.
31. **Mr Robert Simpson** (shareholder and former Director of HPL) provided background to the subject site (which was part of the farm previously owned by HCL until being acquired by NZTA for the Waikato Expressway); summarised the submission made by HCL and the reason for its traffic safety concern over truck numbers and the proximity of the proposed site access with its own adjacent access off River Road; supported the eventual residential subdivision; but sought the alternative of a roundabout solution at the intersection of River Road and Horotiu Bridge Road.
32. **Mr Norman Robins'** (Principal Transportation Engineer with AECOM NZ Limited) evidence had been pre-circulated. Mr Robins expressed particular concern about the proposed site access relative to HCL's access; the road geometry; and the proximity of and conjunction with the right turn bays for Horotiu Bridge Road and Lake Road (which we discuss further below). Mr Robins raised the prospect of alternative site access

from Lake Road exiting via River Road or a roundabout at the River Road / Horotiu Bridge Road intersection; reduced truck numbers and movements; and questioned the lawfulness of the operating on-site transport depot and its relationship (if any) with the proposed consent.

Principal issues in contention

33. In terms of section 104(1)(a) of the RMA regarding the actual and potential effects of allowing the activity on the environment, we note that all identified adverse effects except for visual amenity / rural character and traffic were accepted by the reporting officer, technical reviewers and submitters as not significant and able to be managed. We accept that conclusion, and therefore do not discuss those other matters further, and refer to the relevant analysis contained in section 6.0 of the s42A report and Parts B and C of the 22 August 2017 application document by Anna Johnson of MG Solutions (and including the technical reports appended thereto on acoustic effects, erosion and sediment control, dust management, and contaminated land – all included in the hearing Agenda).
34. Furthermore, the amendments made to the application, as advised by Mr Goodwin³, further reduced a number of adverse effects of concern to Council and/or submitters; those amendments being:
- The cut will be reduced from 170,000m³ to 30,000m³. This includes leaving the Batter that currently exists and which screens the subject site from the view of much of River Road;
 - fill will be reduced from 280,000m³ to 220,000m³;
 - a boundary hedge to 1.8m in height will be planted along the identified River Road boundary;
 - up to 150m of sealed internal access plus wheel wash;
 - in the absence of residential dwellings being located on the adjoining submitters' properties, the external areas likely to cause the most potential effects will be undertaken first in order to mitigate these prior to any new neighbours arriving. Then the works will take place in a direction away from the common boundaries; and
 - Unless otherwise amended or superseded these mitigation measures will take place in addition to those measures identified within any submitted technical report.
35. With those amendments, construction time is expected to be reduced by 1 year, to 4 years.
36. The principal issues in contention were:

³ Goodwin, Statement of evidence, para 6.9.g
SUB0148/17 2324 River Road, Horsham Downs

- (a) Whether the landscaping was sufficient to provide both visual and aural screening of the proposed works and thereby mitigate any adverse rural amenity effects; and
- (b) Whether the roading mitigation sufficiently overcame the road traffic safety concerns of Council and Mr Robins.

37. These issues are discussed in the following section.

Landscape / visual amenity

- 38. The applicant's starting position with respect to landscape and visual effects was that leaving the existing batter effectively screened the site from the existing subdivision and that other River Road boundary planting details could (and should) be provided as part of the engineering approval phase.
- 39. Submitters disagreed requiring, as Dr Forret indicated, greater detail and certainty around such matters (including as to implementation and maintenance) in this rural zone.
- 40. We agreed with submitters that further detail was desirable and therefore issued a s41C RMA direction to that effect on 26 August 2018 in the following terms:

*On the first matter, **landscaping**, the applicant is requested to prepare and submit a detailed landscape planting plan, designed by an appropriately qualified and experienced professional, for the subject site's River Road frontage, identifying species and sizes to be used, sufficient to provide adequate screening of the site and its earthworks from residential dwellings on the opposite side of River Road (at least). The planting plan should, preferably, be endorsed by Council.*

- 41. That plan⁴, reviewed and accepted by Council with a proposed condition wording amendment to ensure that vehicle entrance sight lines are not obstructed, was received on 5 October 2018.

Finding

- 42. We are satisfied that, with the existing batter left in place and the planting plan implemented, adverse landscape and visual amenity effects for the general public, the submitters and future residents of the neighbouring subdivisions will be reduced to the point of negligible effect.
- 43. To that extent we are therefore satisfied that the particular Regional Policy Statement and District Plan amenity objectives identified by Dr Forret and Ms Brown (i.e. O3.21 of the RPS, Chapter 13 of the operative District Plan and 05 of the Proposed District Plan) are given effect.

Traffic / Transportation effects

- 44. As noted above there was a significant difference of opinion between the applicant's transportation engineer (Ms McMinn) and HCL's (Mr Robins) – sufficient to persuade Council (Mr Bastion) to change its opinion and recommendation. That difference was unresolved at the hearing.

⁴ Lee Burton, The Landscape Design Studio, Drwg 21412-TS-01, Rev 0, updated 21 September 2018

45. The key issue was the safety for road users of heavy vehicles right turning into the subject site from River Road at the proposed relocated entrance 65m further south from Lake Road, with localised road widening and a flush median of minimum 2.5m width extended through to the Horotiu Bridge Road intersection. The matter is compounded by the proximity of the existing right turn bays for Horotiu Road and Lake Road, and the HCL farm entrance some 35m from the proposed new site access. Mr Robins was concerned that a continuous flush median linking all three right turn bays introduced too much confusion of movements and lack of clarity as to how drivers should use the median. He also expressed concern at the minimum width of the flush median, which he considered should be 3.5m wide, consistent with the existing turning bays, in view of the existing 100kph speed limit that applies along this stretch of road and the quantum of heavy vehicle traffic proposed.
46. We therefore directed the respective experts (including Mr Alistair Black, transportation engineer of Gray Matter) to conference in order to attempt to reach a solution to the traffic safety issues raised. By s41C RMA Direction issued on 26 August 2018 we directed as follows:

In light of these differences we consider there is merit in the traffic experts for the parties participating in expert conferencing to determine whether an agreed design solution for the access from River Road can be found. We note that participation in expert conferencing is voluntary, however, it is in all parties' interests to attend and fully participate. Council, through Mr Bastion, is to convene the first such conferencing session as soon as practicable.

If the parameters for a design solution are agreed between the traffic experts, then the applicant's traffic expert shall prepare the design based on the agreed parameters and submit that for the Commissioners' consideration with evidence of concurrence. If agreement is not achieved, a report is to be submitted outlining the nature of remaining outstanding differences of opinion.

47. We received the conferencing report on 12 September 2018, which indicated agreement (i.e. no outstanding matters were identified) on the parameters required for an appropriate design solution, and included a new set of proposed associated conditions. We attach that expert conference report to this Decision as Attachment 2 for detailed reference to the matters agreed.
48. We subsequently issued a further Direction requiring a preliminary design solution to be developed on the basis of the agreed parameters, submitted to the experts for concurrence, and thence to the Commissioners. That agreed plan, prepared by Gray Matter (*Vehicle Crossing Relocation – Preliminary Design, Drwg 157_02_100_P, Sketch 1 Rev RO, dated October 2018*) was provided to Commissioners on 25 October 2018, together with a further modified set of associated proposed consent conditions.
49. It is our understanding that this suite of conditions plus the preliminary design plan effectively resolves the traffic safety concerns – not entirely eliminating risk but reducing such to within “normal” bounds.
50. We place on record our appreciation for the work undertaken by those experts in reaching an agreed preliminary design solution.

51. We note that HCL remained concerned about the proximity of the proposed site access with their River Road access but accept the apparent conclusion of the expert transportation engineers that the preliminary design solution has taken that matter into account and the proposed conditions include a requirement for a detailed design safety audit of the final design (and which we propose to impose).

Finding

52. We find that the traffic safety issues raised are appropriately addressed by the preliminary design provided and that the proposed associated conditions, including that for a traffic safety audit, give additional assurance that this matter will be further addressed in the final design and can be managed.
53. To that extent we are therefore satisfied that the particular Regional Policy Statement and District Plan traffic / land transport objectives and policies identified by Dr Forret⁵ and Ms Brown (i.e. O3.12 of the RPS, Chapter 8 of the operative District Plan, and O6.4 and O6.5 of the Proposed District Plan) are given effect.

Part 2 RMA

54. No s6 RMA matters of national importance or s8 (Treaty of Waitangi principles) were identified as being directly engaged by this application.
55. Of the s7 RMA other matters to which particular regard is to be had, we consider the following relevant:
- (b) the efficient use and development of natural and physical resources;
 - (c) the maintenance and enhancement of amenity values; and
 - (f) maintenance and enhancement of the quality of the environment.
56. Those matters were rehearsed in the respective documentation and evidence and regard to them has been had in this decision.
57. When put into the wider context of the Part 2 sustainable management purpose of the RMA and the function of territorial authorities, we are now satisfied that the application will promote the sustainable management purpose of the RMA and, in particular, the health and safety of road users and the wellbeing of residential neighbours, as all relevant residual adverse effects can and will be mitigated.

Conditions

58. We have generally accepted the final set of draft proposed conditions agreed between the applicant and Council – and including, as they do, most of the conditions sought by Dr Forret⁶.
59. The one matter on which we disagree with Council is with respect to the duration of consent. The applicant sought a term of 5 years under s123(b) of the RMA; Council recommended 4 years on the basis that the applicant's reduction in earthworks volume

⁵ Forret, Legal submissions, paras 13-30

⁶ Forret, Legal submissions, para 46

meant that it now estimated 4 years to complete. We do not think that tying the consent duration so closely to an estimated time-to-complete particularly prudent. While that might be the estimated active time, it will not necessarily correspond to the elapsed time. We are therefore prepared to grant the original term sought despite the reduction in works now required.

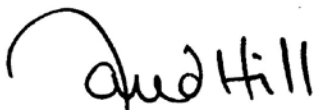
60. Accordingly, we have reduced the proposed lapse time under s125 of the RMA to three years.

Decision

61. In exercising delegated authority under sections 34 and 34A of the RMA and having regard to the foregoing matters, sections 104, 104B and Part 2 of the RMA, the land use (earthworks) application by T I Bawden at 2324 River Road, Horsham (being Lot 3 DP 507442, CFR 770917), Council reference LUC0148/17, is granted for the reasons discussed in this Decision (and as summarised below) and subject to the conditions attached as Schedule 1.

Summary reasons for the decision

62. After having regard to the actual and potential effects on the environment of allowing the proposed activity and taking into account the relevant statutory and statutory plan provisions, we find that consent for the proposed activities should be granted for the reasons discussed throughout this decision and, in summary, because:
- (a) The adverse landscape and visual and rural amenity effects of the proposed activity on residential neighbours and the general public will be negligible with the measures to be implemented;
 - (b) The traffic safety concerns have been sufficiently resolved, and are subject to additional conditions, such that we are satisfied that they can be appropriately managed;
 - (c) Granting consent is consistent with the sustainable management purpose and principles of Part 2 of the RMA, and the relevant provisions of the regional and district plans;
 - (d) Granting consent will enable more appropriate use of the land resource, whatever land use is finally determined.



David Hill
Chair
For Independent Hearing Panel

Date: 22 November 2018

Schedule 1

Conditions of Consent

Resource Consent No: LUC0148/17

General Conditions

- 1 The development shall be undertaken in general accordance with the information and plans submitted by the Consent Holder in support of application number LUC0148/17 and officially received by Council on 6 September 2017, the further information received 14 September 2017 and the information received after hearing on the 21 September 2018 and 25 October 2018, except as amended by the conditions below.

Copies of the revised approved plans (Landscape planting plan 21412-TS-01 Rev 0 updated 21 September 2018 by Lee Burton of The Landscape Design Studio and Vehicle Crossing Relocation Preliminary Design 157_02_100_P, Sketch 1, Rev RO, dated October 2018 by Gray Matter) are attached as Attachment 1.

In the case of any inconsistency between the application and the conditions of this consent, the conditions of consent shall prevail.

- 2 Pursuant to Section 36 of the Resource Management Act 1991 (RMA) the consent holder shall pay the actual and reasonable costs incurred by the Waikato District Council when monitoring the conditions of this consent.
- 3 The total volume of cut material shall not exceed 30,000m³.
- 4 The total area of cut material shall not exceed 13.4ha.
- 5 The total depth of fill shall not exceed 10 metres.
- 6 The total volume of imported cleanfill material shall not exceed 220,000m³.
- 7 The works shall be completed no later than 5 years from the date this consent commences.

Duration

- 8 This consent shall expire five years from the date it commences under s116 of the RMA.

Lapse Date

- 9 This consent lapses 3 years from the date it commences, unless:
- (a) the consent is given effect to prior to that date; or
 - (b) an application is made to the consent authority to extend the period after which the consent lapses, and the consent authority decides to grant an extension after taking into account:
 - (i) whether substantial progress or effort has been, and continues to be, made towards giving effect to the consent; and

- (ii) whether the applicant has obtained approval from persons who may be adversely affected by the granting of an extension; and
- (iii) the effect of the extension on the policies and objectives of any plan or proposed plan.

Prior to Works

- 10 Prior to works commencing the consent holder shall notify Waikato District Council that they have appointed an appropriately qualified and competent Representative/s acceptable to Waikato District Council for the duration of the construction works. It shall be the responsibility of the Representative/s to ensure compliance with the conditions of consent by:
- (a) Supervising construction of the works;
 - (b) Arranging for the required testing and inspections;
 - (c) Completing each required checklist as the works progress and submitting the required reports to Waikato District Council for assessment or approval;
 - (d) Identifying any non-compliant work and arranging for correction.
- 11 The consent holder shall notify Waikato District Council in writing, of their intention to begin works, as soon as practicable prior to commencing these works. Such notification shall include the name/s and telephone number/s of the appointed Representative/s.
- 12 The consent holder shall provide Waikato District Council Monitoring Department with a draft Cleanfill and Construction Management Plan (CMP) at least 10 working days prior to the proposed commencement of activities authorised by this consent
- 13 No less than two weeks prior to commencing operations, the consent holder shall present for Waikato District Council authorisation a site management plan. The site management plan shall detail measures such as a water cart, wheel wash etc. to prevent dust and debris from being tracked onto the surrounding road network, monitoring and complaint management systems.
- The site management plan shall specifically include measures for monitoring traffic operation at the entranceway and means for recording any traffic incident involving site traffic. The consent holder shall report to Waikato District Council any traffic incident involving site traffic, within 2 weeks of an incident occurring, outlining:
- (a) The likely causes; and
 - (b) Possible mitigation.

Advice note:

A traffic incident includes any stacking at the site entranceway as well as crashes. Where the incident requires mitigation to deal with effects associated with the exercise of this consent, the consent holder shall undertake the works or traffic management immediately and at the consent holder's expense. The monitoring and mitigation required shall continue for the duration of the consent, unless otherwise confirmed in writing by Waikato District Council.

- 14 The consent holder is to install and maintain erosion sediment control measures in accordance with the information submitted with the application prepared by McPherson Goodwin Limited titled 'Draft Erosion and Sediment Control Methodology, dated 29-08-16.
- 15 An Operational Noise Management Plan shall be prepared by an experienced acoustical engineer and submitted to the Team Leader Monitoring Waikato District Council for approval one month prior to the commencement of operations. The Operational Noise Management Plan shall include the following:
- (a) Identify all potentially affected sensitive receivers;
 - (b) Specify the relevant noise criteria; and
 - (c) Procedures for the effective handling and responding to noise complaints.
- 16 Any future amendments to the Operational Noise Management Plan is required to be submitted to the Team Leader Monitoring Waikato District Council for approval.
- 17 Prior to any construction, the consent holder shall provide detailed engineering design plans for the relocation of the entranceway to accommodate truck and trailer units passing each other. This design shall be prepared by a suitably qualified and experienced Engineer and shall be approved by the Waikato District Council's Land Development Engineering Team Leader prior to commencing the works. The detailed design shall be in general accordance with the Gray Matter Limited Preliminary Design Drawing titled "2324 River Road, Cleanfill and Transport Depot, Vehicle Crossing Relocation Preliminary Design" plan number 157_02_100_P and shall include but not be limited to:
- seal widening to provide:
 - 3.5m lanes,
 - 3.5m flush median,
 - 1.5m (desirable, 0.75m minimum) northbound shoulder
 - 1.5m (desirable, 0.75m minimum) southbound shoulder except that it widens to 2.5m for 90m approaching the access.
 - Property accessway to be 6m wide minimum with the gate set back 22m from the edgeline;
 - Marking of no overtaking lines on the southbound side of the median between Lake Road and the entrance;
 - Extend the stacking space of the Horotiu Bridge Road right turn bay to a total length of 75m;
 - Marking of no overtaking lines on the northbound side of the Horotiu Bridge Road right turn bay switching to the southbound side of the median at the taper of the 75m long right turn stacking space and continuing on the southbound side of the median to the entrance;
 - heavy vehicle tracking for a semi-trailer;

- relocation of streetlights in the eastern berm;
 - relocation of the Rural Intersection Activated Warning Sign in the eastern berm;
 - pavement design for the widening; and
 - permanently closing off the existing entranceway.
- 18 The roading improvements shall be constructed in accordance with the Engineering Plan Approval and the Regional Infrastructure Technical Specifications to the satisfaction of the Land Development Engineer, Waikato District Council.
- 19 The landscaping shall be carried out and be maintained by the consent holder in general accordance with the approved Landscape Plan, reference 21412-TS-01 and as updated 21 September 2018, as follows:
- (a) The proposed landscaping shall be for the purposes of screening;
 - (b) The planting shall be planted at a minimum height of 1.2m and establish to a mature height of 1.8m after 2 years;
 - (c) Planting to be undertaken by the consent holder as soon as practicable but no later than the beginning of the first planting season (March);
 - (d) Once established, planting mitigation is to be maintained by the consent holder at a minimum height of 2.5m; and
 - (e) Planting shall not obstruct vehicle sight lines from the entrance in either direction.
- If any of the landscaping becomes dead or diseased, the dead or diseased landscaping shall be replaced in the same location within as soon as practicable but no later than the beginning of the first planting season (March) by a same species of landscaping which is capable of reaching a minimum mature height of 2.5 metres.
- 20 The consent holder shall ensure that the existing earth batters (shown on the plan as “ridgeline”) along the shared boundary between the site and River Road shown on the approved Landscape Plan (reference 21412-TS-01 and as updated 21 September 2018) are retained for the duration of works.

During Works

- 21 During construction, earthworks shall be limited to the days of Monday between the hours of 0700 to 1800 and Saturday 0700 to 1400; except for Public Holidays, where no earthworks shall be undertaken.
- 22 The consent holder shall ensure that truck movements to and from the cleanfill activity only occur within the site’s hours of operation and do not exceed the following levels:
- 45 truckloads per day calculated over a two month period (90 truck movements per day);
 - Maximum per day: 75 truckloads per day (150 truck movements per day);

- No more than 5% of movements shall be in trucks larger than the NZTA Road and traffic guidelines RTS 18: NZ on-road tracking curves 2007 description of a Large Rigid Truck (page 7).

The consent holder shall maintain a heavy vehicle counting system and a daily logbook of all inbound truck movements depositing fill.

The logbook shall contain the following:

- (a) registration number and type of vehicle (single truck unit or truck and trailer);
- (b) time of arrival;
- (c) approximate size of the load deposited;
- (d) source and type of material to be deposited; and
- (e) comments on whether the material is accepted or not.

23 The consent holder shall appoint a qualified and experienced traffic engineer to undertake a detailed design safety audit of the entranceway and flush median arrangement. The detailed design safety audit shall be provided to Waikato District Council 2 weeks prior to the entrance being constructed. All findings from the safety audit shall be addressed by the consent holder at the consent holder's expense.

24 During filling, the consent holder shall ensure that all fill imported to the site meets the following definition of cleanfill:

Means material that when discharged to the environment will have no adverse effect on people or the environment. This includes natural materials such as clay, soil and rock, and other inert materials such as broken concrete and brick, or mixtures of any of the above, and excludes:

1. material that has combustible, putrescible or degradable components, and
2. materials likely to create leachate by biological or chemical breakdown, and
3. products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices, and
4. materials such as medical and veterinary waste, asbestos, or radioactive substances that may present a risk to human health, and
5. materials contaminated with hazardous substances or pathogens, and
6. hazardous substances.

25 In the event of any archaeological site or waahi tapu being discovered or disturbed during earthworks activities, the works in the area of the discovery shall cease immediately, and iwi and the Waikato District Council shall be notified within 48 hours. Works may recommence with the written approval of the Waikato District Council. Such approval shall be given after the Waikato District Council has considered:

- (a) Tangata Whenua interests and values,

- (b) The consent holder's interests,
 - (c) Any archaeological or scientific evidence.
- 26 During earthworks, earthworks shall be managed in such a way that no material is tracked or spilled beyond the boundaries of the site onto any legal or private road to the satisfaction of Waikato District Council's Team Leader Monitoring. In the event of this occurring, the Consent Holder shall remove this material as soon as practical, and within a maximum of 24 hours after the occurrence, or as otherwise directed by a Waikato District Council Monitoring Officer.
- 27 The Consent Holder, upon becoming aware of the need to clean up the roadway, shall advise the Waikato District Council Monitoring Team of the need for the road to be cleaned up, and what actions are being taken to do so. The cost of the clean-up of the roadway and associated drainage facilities, together with any required temporary traffic control, shall be met by the Consent Holder. Should the clean-up of the roadway and associated drainage facilities be undertaken by the Waikato District Council, the consent holder shall pay the actual and reasonable costs of the clean-up.
- 28 In the event that damage to public roads, footpaths, berms, kerbs, drains, reserves or other public asset occurs as a result of the earthworks activity, the costs of rectifying and restoring the asset/s shall be met by the Consent Holder.
- 29 The consent holder shall keep a register of daily truck movements and soil volume leaving the site and cleanfill volumes entering the site. This information must be made available to an authorised officer of Waikato District Council within 10 working days upon request.
- 30 The consent holder must provide Waikato District Council with an annual report, which shall include the following details:
- (a) Daily numbers of truck movements;
 - (b) Monthly sand volumes removed from the site;
 - (c) Monthly volumes of cleanfill accepted; and
 - (d) Details of any spills of oils, diesel, or herbicides.
- 31 Operational noise from the consented activity shall comply with Rule 25.17.1 of the Waikato District Plan – Operative Waikato Section when measured and assessed at the notional boundary of any other site zoned Rural or Country Living, as follows:
- (a) 50dBA (L_{10}), 7am to 7 pm any day, and
 - (b) 45dBA (L_{10}), 7pm to 10pm any day, and
 - (c) 40dBA (L_{10}), and 65dBA (L_{max}) at all other times.
- 32 Noise levels shall be measured in accordance with the provisions of the New Zealand Standards NZS 6801:2008 "Acoustics – Measurement of Environmental Sound" and assessed in accordance with the provisions of New Standard NZS 6802:2008 "Acoustics – Environmental Noise".

After Works

- 33 On completion of all geotechnical and earthworks, a chartered/registered engineer shall provide a certified completion of the works as per the geotechnical report in general accordance with the Hamilton City Council Infrastructure Technical Specifications and to the satisfaction of the Land Development Engineer, Waikato District Council.

An acceptable format for certification upon completion of works can be found in the Hamilton City Development Manual, Volume 4: Part 2, Checklist 2.2.

- 34 At completion of earthworks, installed erosion and sediment control measures shall not be removed until approval is obtained from a Monitoring Officer of the Waikato District Council.
- 35 All areas of earthworks (excluding any area covered by buildings) shall be revegetated to achieve 80% ground cover within 12 months of the earthworks being commenced to the satisfaction of a Monitoring Officer of the Waikato District Council.
- 36 A “Producer Statement – Roading Improvements” shall be provided for installing roading recommendations undertaken as part of the Approved Engineering Plans to the satisfaction of the Land Development Engineer, Waikato District Council.

Complaints

- 37 The consent holder shall maintain and keep a complaints register for any complaints about any activities associated with the exercise of this consent received by the consent holder in relation to traffic, dust, noise or other environmental effects of this activity. The register shall record, where this is available, the following:
- (a) The date, time and duration of the event/incident that has resulted in a complaint;
 - (b) The location and contact details of the complainant when the event/incident was detected;
 - (c) The nature of the incident;
 - (d) The possible cause of the event/incident;
 - (e) The weather conditions and wind direction at the site when the event/incident allegedly occurred;
 - (f) Any corrective action taken by the consent holder in response to the complaint, including timing of that corrective action; and,
 - (g) Any other relevant information.

The complaints register shall be made available upon request to the Council at all reasonable times. Complaints received by the consent holder that allege or imply non-compliance with the conditions of this consent shall be forwarded to Waikato District Council as soon as practicable and no longer than one working day after the complaint has been received.

Review

38 Pursuant to section 128 to 131 of the Resource Management Act 1991, the Waikato District Council may, after six months, and by every 31st July thereafter, annually, following the commencement of the activities associated with this consent, serve notice on the consent holder of its intention to review any or all of the conditions of this consent for any of the following purposes:

- (a) To review the effectiveness of the conditions of this consent in avoiding, remedying, or mitigating any adverse effect on the environment that may arise from the exercise of this resource consent (in particular the potential adverse environmental effects in relation to geotechnical stability, traffic, noise and dust) and, if necessary, amend or impose such further conditions to avoid, remedy or mitigate such effects;
- (b) To address any adverse effects on the environment which have arisen as a result of the exercise of this consent that were not anticipated at the time of granting this consent, including addressing any issues arising out of complaints;
- (c) To review the adequacy of, and necessity for, any of the monitoring programmes or management plans that are part of the conditions of this consent;
- (d) To require the consent holder, if necessary and appropriate, to adopt the best practicable option(s) to avoid, remedy or mitigate any adverse effects on the surrounding environment.

The Council will undertake the review in consultation with the consent holder and the consent holder shall pay the actual and reasonable costs of the review.

Advisory Notes

1 The consent holder is advised that any consented works within the road reserve requires an approved Corridor Access Request (CAR), and the CAR application is to be made to the Waikato District Council's Roading Compliance Officer including appropriate Traffic Management Plan.

2 Other consents/permits may be required

To avoid doubt, except as otherwise allowed by this resource consent, all land uses must comply with all remaining standards and terms of the relevant Waikato District Plan. The activities must also comply with the Building Act 2004, Hamilton City Infrastructure Technical Specifications and Waikato Regional Plans. All necessary consents and permits should be obtained prior to development.

3 Enforcement Action

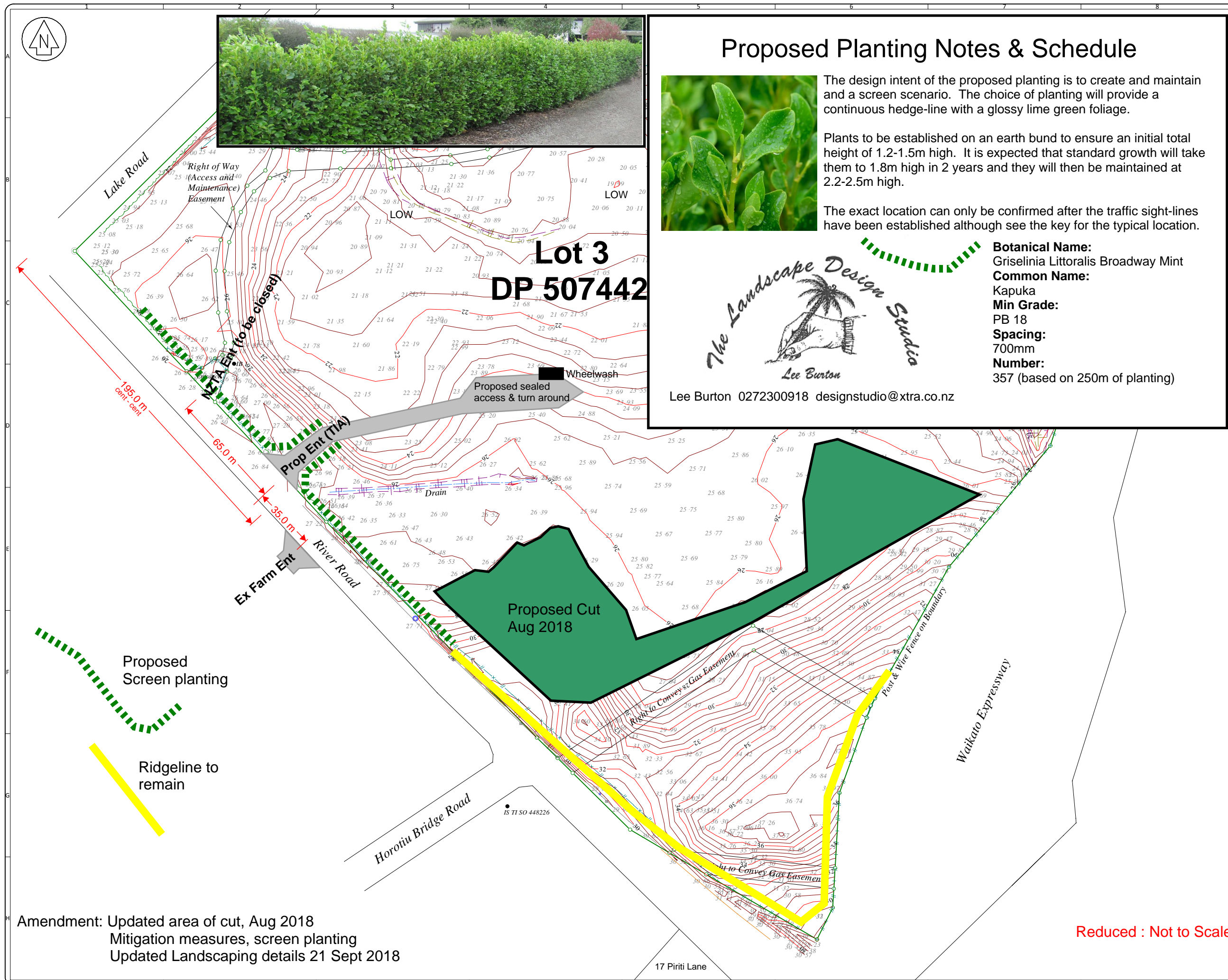
Failure to comply with the conditions of consent may result in Council taking legal action under the provisions of Part 12 of the Resource Management Act 1991.

4 Traffic Management Plan

A traffic management plan will be required to be obtained from Waikato District Council for undertaking any works within the boundaries of the legal road. Please contact Council on 07 824 8633 to enquire about this.

- 5 An acceptable format for certification upon completion of works can be found in the Hamilton City Development Manual, Volume 4: Part 9 Appendix 4(ii).

ATTACHEMENT I: Revised Approved Plans



Proposed Planting Notes & Schedule

The design intent of the proposed planting is to create and maintain a screen scenario. The choice of planting will provide a continuous hedge-line with a glossy lime green foliage.

Plants to be established on an earth bund to ensure an initial total height of 1.2-1.5m high. It is expected that standard growth will take them to 1.8m high in 2 years and they will then be maintained at 2.2-2.5m high.

The exact location can only be confirmed after the traffic sight-lines have been established although see the key for the typical location.



Lee Burton 0272300918 designstudio@xtra.co.nz

Botanical Name:
Griselinia Littoralis Broadway Mint
Common Name:
Kapuka
Min Grade:
PB 18
Spacing:
700mm
Number:
357 (based on 250m of planting)

- Notes
1. Coordinates are in terms of Mt Eden 2000 Circuit.
 2. Origin of Coordinates is IS TI SO 448226.
 3. Heights are in terms of Moturiki Vertical Datum 1953.
 4. Origin of Heights is AGD1 with RL 24.174m. (located on Park Road, off Great South Road).
 5. Heights transferred using RTK GPS Survey.

SRC	0	For Client to Review	10/02/16
Checked by Rev. No.		Description	DATE
Surveyed	SRC	11/01/16	
Designed			
Drawn	SRC	10/02/16	
Checked			
Approved			

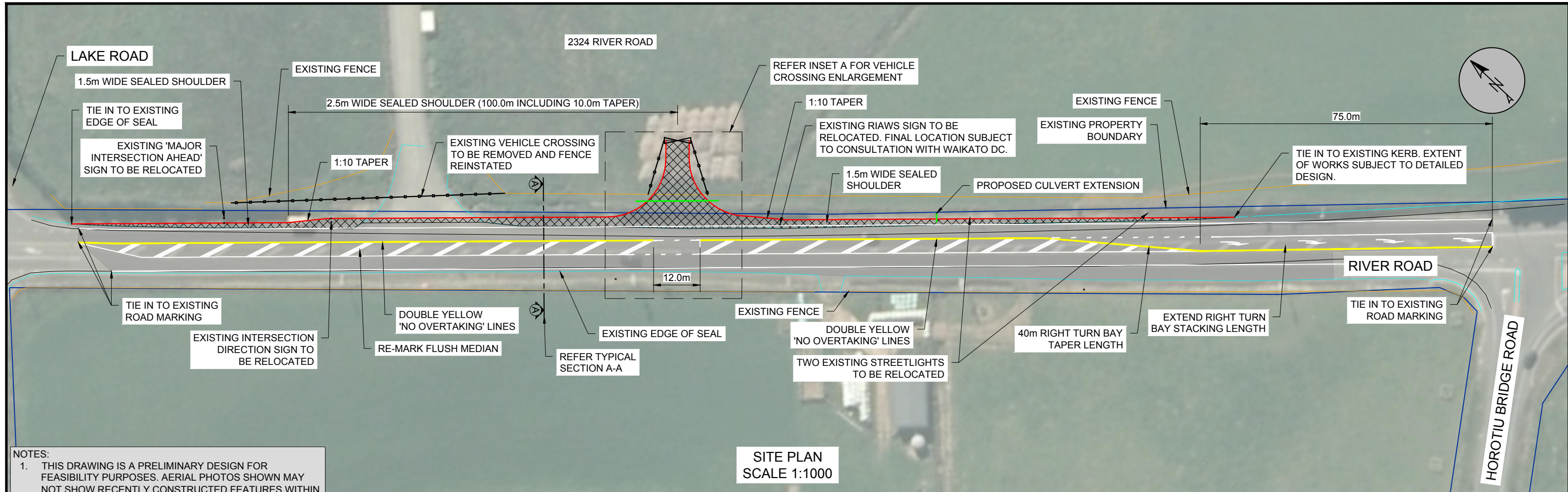
REFERENCES
Client: Todd Bawden

Title
Topographical Survey
of Section 72 SO 474326
2324 River Road, Hamilton

Copyright on this drawing is reserved	Date
Original Scales @ A1	Feb 2016
Do Not Scale Dimensions	Revision:
Drawing No	0
21412 - TS - 01	

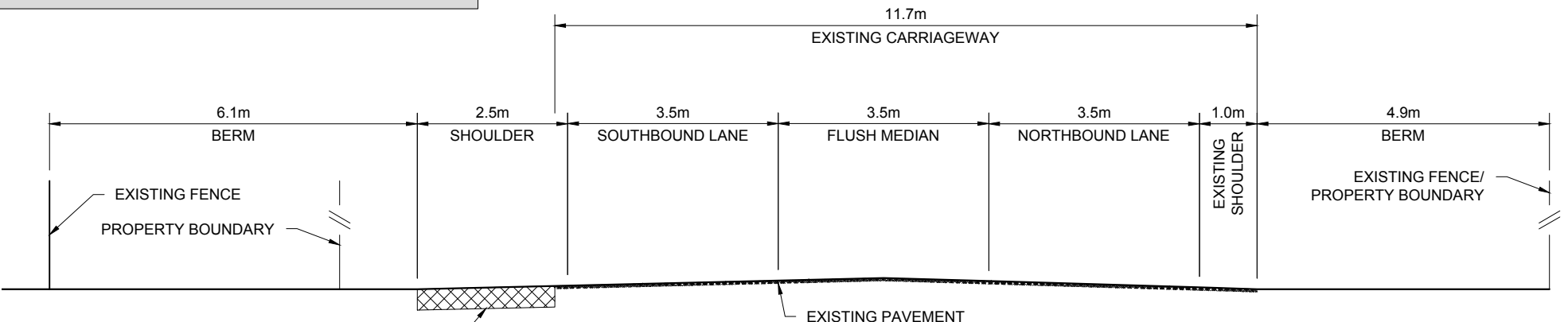
Reduced : Not to Scale

Amendment: Updated area of cut, Aug 2018
Mitigation measures, screen planting
Updated Landscaping details 21 Sept 2018

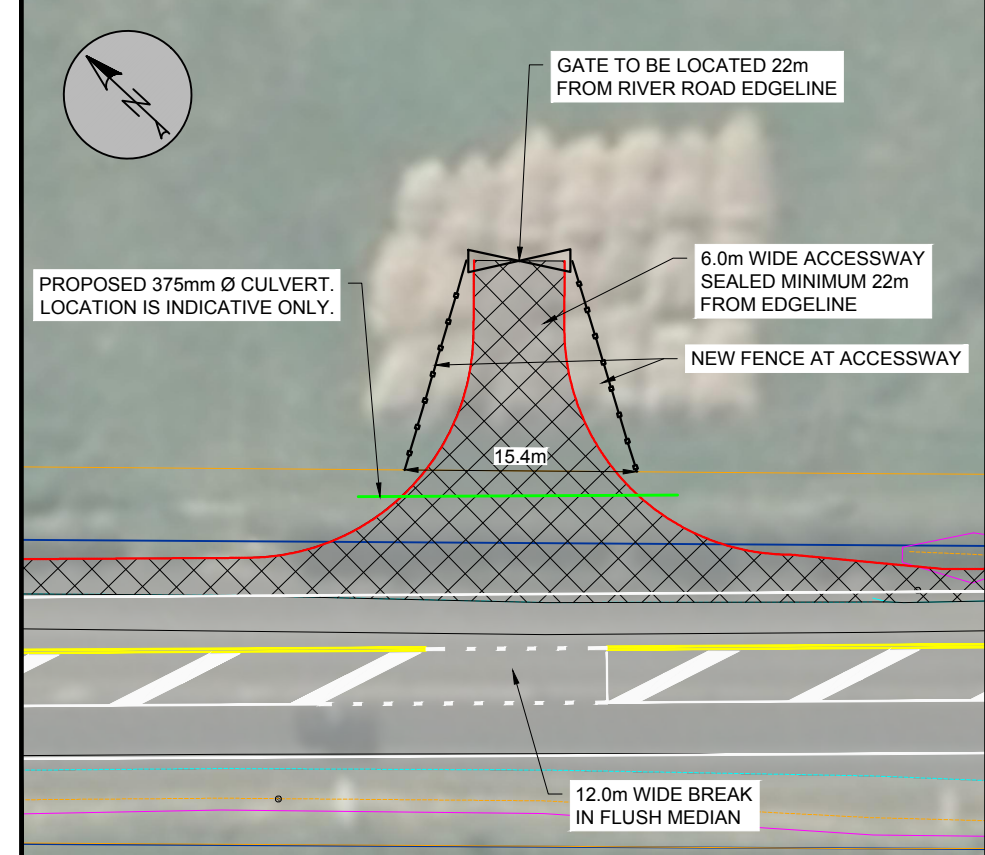


SITE PLAN
SCALE 1:1000

- NOTES:
- THIS DRAWING IS A PRELIMINARY DESIGN FOR FEASIBILITY PURPOSES. AERIAL PHOTOS SHOWN MAY NOT SHOW RECENTLY CONSTRUCTED FEATURES WITHIN THE SITE.
 - PROPOSED WORKS ARE INDICATIVE ONLY. FINAL LAYOUT SUBJECT TO DETAILED DESIGN INCLUDING:
 - PAVEMENT DESIGN.
 - STORMWATER: ROAD CULVERT EXTENSION AND VEHICLE CROSSING CULVERT.
 - STREETLIGHT RELOCATIONS.
 - SERVICE RELOCATIONS (IF REQUIRED).
 - BOUNDARY ADJUSTMENTS (IF REQUIRED).
 - VISIBILITY SPLAYS AT VEHICLE CROSSING (IF REQUIRED).
 - NEW VEHICLE CROSSING GENERALLY IN ACCORDANCE WITH NZTA PLANNING POLICY MANUAL DIAGRAM E.
 - LINEMARKING TO BE IN GENERAL ACCORDANCE WITH NZTA MOTSAM.



TYPICAL SECTION A-A
SCALE 1:100



INSET A: VEHICLE CROSSING ENLARGEMENT
SCALE 1:500

REF	AMENDMENT	APPD	DATE	BY	CHECKED	DATE	RECOMMENDED	OFFICE:	CLIENT:	PROJECT:	STATUS:
				DESIGN	D. Woodhouse	D. Mills	Oct 2018		TODD BAWDEN	2324 RIVER ROAD CLEANFILL AND TRANSPORT DEPOT VEHICLE CROSSING RELOCATION PRELIMINARY DESIGN	PRELIMINARY
				DRAWN	D. Woodhouse	D. Mills	Oct 2018				GEODETIC & VERTICAL DATUM NZGD2000 / NO VERTICAL DATUM
Copyright and Intellectual Property Rights for the information shown on this drawing remain the property of Gray Matter Ltd.								DATE: / /	SHEET TITLE:	SCALE: AS SHOWN (@ A3)	SHEET: SKETCH 1 REVISION: R0

DRAFT

ATTACHMENT 2: Transportation Expert Conference Report

IN THE MATTER OF the Resource Management Act 1991

AND

IN THE MATTER OF an application by TI Bawden to the Waikato District Council for a land use resource consent for earthworks (LUC0148/17) at 2324 River Road, Horsham Downs (Section 72 Survey Office Plan 474326 – CFR 687923)

REPORT ON TRAFFIC EXPERT CONFERENCE

6 SEPTEMBER 2018

Attendees:

- Alastair Black, Transportation Engineer, Gray Matter Ltd for the applicant
- Naomi McMinn, Civil/Transportation Engineer, Gray Matter Ltd for the applicant
- Norm Robins, Principal Transportation Engineer, AECOM for Horotiu Properties Limited (HPL)
- David Bastion, Team Leader of Land Development Engineering, Waikato District Council

Statement:

1. **Purpose of conferencing** (refer to paragraphs 13 and 14 of Commissioner Hill's directions of 26 August 2018)
2. **Expert witness protocol**
 - (a) The experts agree to be bound by the Environment Court Practice Note 2014 and confirm that they have complied with the Code of Conduct for Expert Witnesses
3. **Definitions**

This report uses the following terms, defined as follows:

- HCV: heavy commercial vehicles (or trucks)
Vpd: vehicle movements per day and has the same meaning as vehicle trips per day
HCV/day: heavy commercial vehicle movements per day (or truck movements per day) and has the same meaning as heavy commercial vehicle trips per day (or truck trips per day)
Veh/h: vehicle movements per hour
1 load = 2 trips (or 2 movements (in and out))

4. Key facts and assumptions agreed by Experts

The Transport Environment

- a) River Road carries 3,482vpd with 12% HCV based on the most recent traffic count by Waikato District Council from 5/03/2016. The posted speed limit 100km/hr.
- b) Lake Road carries 2,909vpd with 5% HCV based on a 2017 estimate recorded in mobileroad.org. The posted speed limit 100km/hr.
- c) River Road and Lake Road are both classified as Arterial Roads in the Waikato District Plan (Table 8 Road Hierarchy).
- d) River Road width – existing cross sections in Figures 1-3 below.

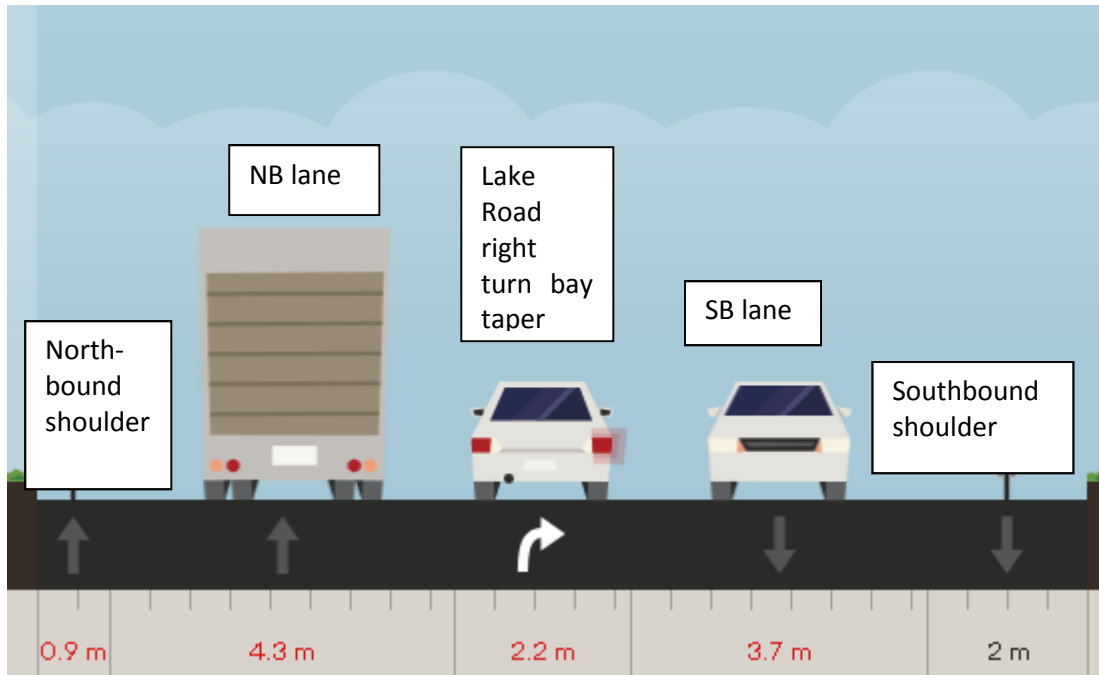


Figure 1: Existing River Road cross section at the existing vehicle access

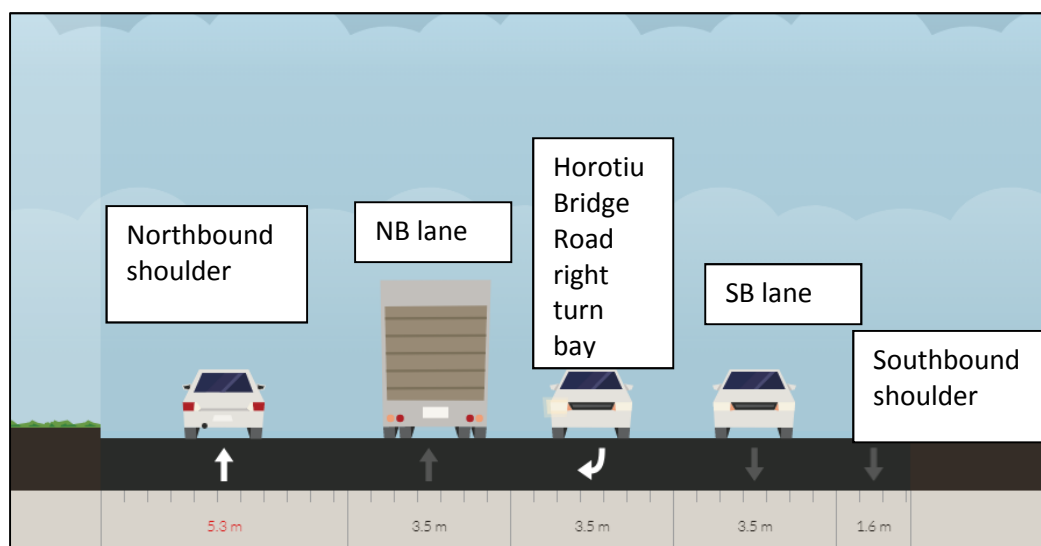


Figure 2: Existing River Road cross section just north of Horotiu Bridge Road.

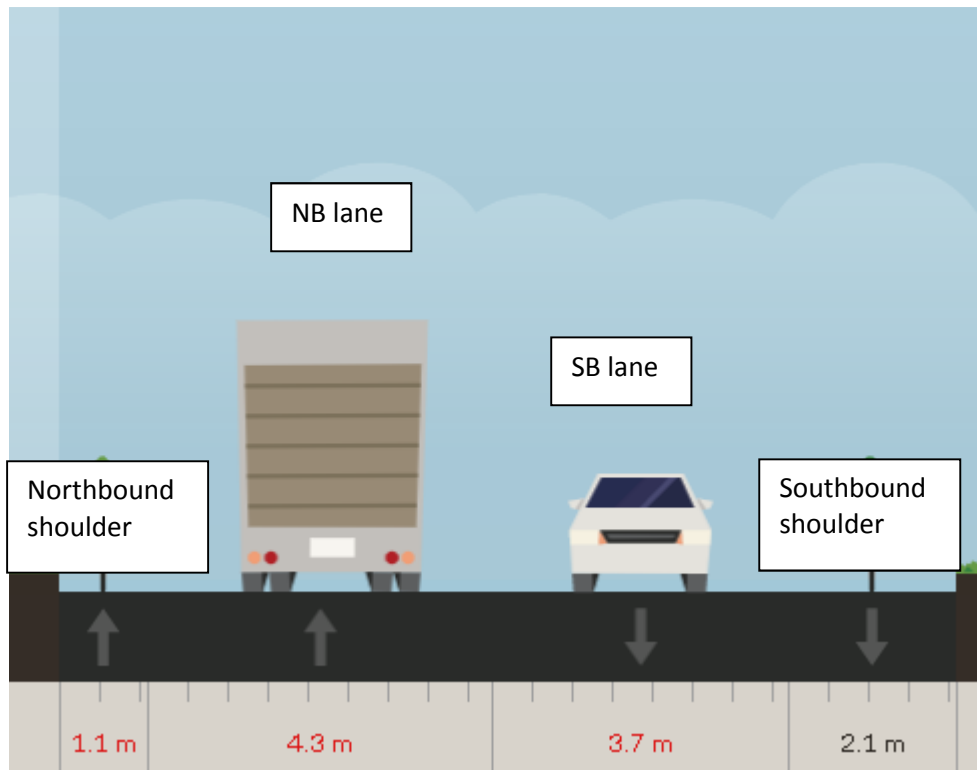


Figure 3: Existing River Road cross section at the proposed access.

Trip Generation of the Proposed Activity

- a) The application is for the placement of 220,000cu.m of cleanfill over four years.
- b) Based on single trucks delivering 8cu.m this equates to a total of 27,500 loads, or 6,875 loads per year.
- c) Based on 300 working days per year this equates to 46HCV movements per day.
- d) Based on 155 working days per year (summer working period October to April), this equates to 88HCV movements per day.
- e) In addition, staff movements in light vehicles of 6 vehicle movements per day are expected.
- f) The applicant is seeking a maximum trip generation of 200HCV movements per day.

Trip Generation of the Existing Transport Depot Activity

- a) Based on information from the applicant, the existing transport depot is assumed to generate 80 vehicle movements per day made up of 60 light vehicles/day and 20HCV/day.
- b) Based on information from the applicant, there could be 10-15veh/h turning right into the site in the peak hour.

5. Methodology or Standards used

- a) The District Plan (Appendix A, Table 5) requires 200m separation between a vehicle access and an intersection on an Arterial Road with a 100km/h speed environment.
- b) The District Plan (Appendix A, Table 5) requires 200m separation between two vehicle accesses on an Arterial Road with a 100km/h speed environment.
- c) The District Plan (Appendix A, Table 6) requires 290m sight distance for a rural vehicle entrance generating more than 40vpd where the speed environment is 110km/h.
- d) The appropriate design speed is agreed to be 110km/h.
- e) MOTSAM Part 2 Figure 3.25 – Markings for Right Turn Bays in Rural Areas
- f) Austroads Guide to Road Design Part 4 Intersection and Crossing – General, Figure A10 Warrants for turn treatments on the major road at unsignalised intersections.

6. Issues considered by the experts

The experts have considered these locations for access to the subject property:

Access to Lake Road

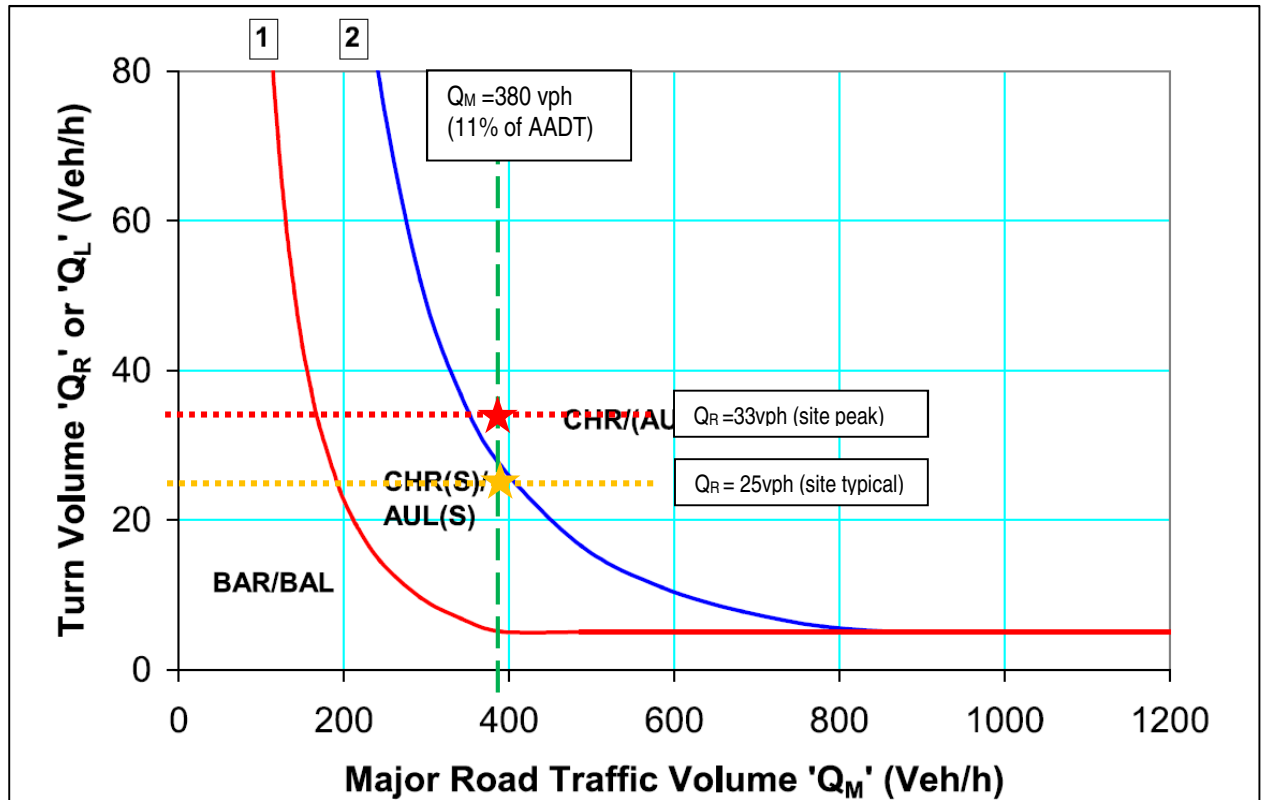
- a) The experts agree that due to the short length of property frontage (216m) and vertical alignment of Lake Road, there is no location for property access on Lake Road which would be safe or which would comply with the District Plan standards.

Access to River Road

- a) Existing access
 - Is located 115m from Lake Road, 280m from Horotiu Bridge Road and 100m from the HPL access. This location does not comply with separation to Lake Road or the HPL access.
 - Sight distance to the north (right) is 420m and does meet the District Plan standard.
 - Sight distance to the south (left) is 410m and does meet the District Plan standard.
- b) Proposed access (35m north of HPL)
 - Is located 65m south of the existing access which would be closed.
 - Is located 180m from Lake Road, 215m from Horotiu Bridge Road and 35m from the HPL vehicle access. This location does not comply with separation to Lake Road or the HPL access.
 - Sight distance to the north (right) is 340m and does meet the District Plan standard.
 - Sight distance to the south (left) is 340m and does meet the District Plan standard.
- c) Southern access (opposite Horotiu Bridge Road)
 - We understand a roundabout at this location is out of the scope of this application.
 - A roundabout at this location would address existing safety concerns at this intersection and would provide a safe option for access to the subject property.
- d) Summary of River Road access options
 - The safest option is a roundabout at Horotiu Bridge Road.
 - There is no location along the River Road property frontage that would comply with the District Plan separation standards.
 - Option b is accepted by the experts as the safest within the scope of the application.

Turn Treatment

- The experts have used Austroads Guide to Road Design Part 4 Intersection and Crossing – General, Figure A10 to determine the most appropriate right turn treatment.
- The experts have agreed the following traffic volumes to be used:
 - The major road traffic on River Road is 380veh/h based on 11% of 3,482vpd.
 - Based on typical trip generation of 88HCV/day, the right turn volume is 20-25veh/h.
 - Based on peak trip generation of 200HCV/day, the right turn volume is 33veh/h.
- The experts agree that based on Figure A10 below, the most appropriate turn treatment is a right-turn bay (CHR) as the CHR(S) treatment is not typically used in New Zealand.



7. Issues upon which the experts agree and reasons for agreement

Marking a compliant right turn bay is not appropriate because:

- a compliant right turn bay would overlap the existing right turn bays
- it would create confusion for road users:
 - by creating doubt as to which right turn a vehicle may be making
 - such as a driver turning right out of the access turning in to a median of a developing right turn bay (Lake Road)

The experts agree that there needs to be some refuge for right turning vehicles and a flush median would provide space for right turning vehicles.

The appropriate design standards are:

- 3.5m lanes,
- 3.5m flush median,
- 1.5m northbound shoulder (desirable, District Plan minimum is 0.75m), and

- 1.5m southbound shoulder (desirable, District Plan minimum is 0.75m), except that it widens to 2.5m for 90m approaching the access.
- Property accessway to be 6m wide minimum with the gate set back 20m from the edgeline.
- Marking of no overtaking lines for approximately 150m between Lake Road and the entrance.
- Extend the stacking space of the Horotiu Bridge Road right turn bay to a total length of 75m.
- Marking of no overtaking lines from opposite the HPL on the southbound side of the median switching to the northbound side of the median at the start of the right turn stacking space.

The experts agree there is some residual risk with the proximity to the Horotiu Bridge Road intersection and the existing wide northbound shoulder from Horotiu Bridge Road. The wide shoulder encourages following vehicles to pass slower moving heavy vehicles using the shoulder.

Trip generation limit/conditions:

- Monthly reporting of truck movements would allow Council to better monitor compliance with the two monthly average and maximum daily vehicle movements.

The experts agree that 45 truckloads per day calculated over a two month period (90 truck movements per day) would be appropriate as a condition of consent.

The experts agree that 75 truckloads per day (150 truck movements per day) would be appropriate as the daily maximum condition of consent.

The experts agree the adverse effects of truck and trailer movements at the access would be greater than the adverse effects of single unit trucks.

8. Issues upon which the experts cannot agree and the reasons for disagreement

There are no relevant issues in disagreement.

9. Issues which the experts agree are not adequately addressed by the evidence lodged to date, and the reasons for such inadequacy

The experts agree the evidence lodged to date is adequate.

10. Any other matters

Actions:

- GM to progress MG Solutions for survey.
- GM to complete preliminary design based on the agreed parameters above for circulation to traffic experts.

DATE:

Signed: 

Norm Robins, Principal Transportation Engineer, AECOM for Horotiu Properties Limited (HPL)



David Bastion, Team Leader of Land Development Engineering, Waikato District Council



Alastair Black, Transportation Engineer, Gray Matter Ltd for the applicant



Naomi McMinn, Civil/Transportation Engineer, Gray Matter Ltd for the applicant

APPENDIX I – DRAFT TRAFFIC CONDITIONS

Draft Conditions	
13	<p>Prior to any construction, the consent holder shall provide detailed engineering design plans for the relocation of the entranceway to accommodate truck and trailer units passing each other. This design shall be prepared by a suitably qualified and experienced Engineer and shall be approved by the Waikato District Council's Land Development Engineering Team Leader prior to commencing the works. The design shall include but not be limited to:</p> <ul style="list-style-type: none"> • seal widening to provide: <ul style="list-style-type: none"> ○ 3.5m lanes, ○ 3.5m flush median, ○ 1.5m (desirable, 0.75m minimum) northbound shoulder ○ 1.5m (desirable, 0.75m minimum) southbound shoulder except that it widens to 2.5m for 90m approaching the access. • Property accessway to be 6m wide minimum with the gate set back 20m from the edgeline; • Marking of no overtaking lines on the southbound side of the median for approximately 50m between Lake Road and the entrance; • Extend the stacking space of the Horotiu Bridge Road right turn bay to a total length of 75m; • Marking of no overtaking lines from opposite the HPL entrance on the southbound side of the median switching to the northbound side of the median at the start of the Horotiu Bridge Road right turn stacking space; • heavy vehicle tracking for a semi-trailer; • relocation of streetlights in the eastern berm; • relocation of the Rural Intersection Activated Warning Sign in the eastern berm; • pavement design for the widening; and • permanently closing off the existing entranceway.
14	The roading improvements shall be constructed in accordance with the Engineering Plan Approval and the <u>Regional</u> Infrastructure Technical Specifications to the satisfaction of the Land Development Engineer, Waikato District Council.
21	<p>The consent holder shall ensure that truck movements to and from the cleanfill activity, only occur within the site's hours of operation and do not exceed the following levels:</p> <ul style="list-style-type: none"> • 45 truckloads per day calculated over a two month period (90 truck movements per day), and; • Maximum per day: 75 truckloads per day (150 truck movements per day).
New	No more than 5% of movements shall be in trucks larger than the NZTA Road and traffic guidelines RTS 18: NZ on-road tracking curves 2007 description of a Large Rigid Truck (page 7).
New	<p>The consent holder shall maintain a heavy vehicle counting system and a daily logbook of all inbound truck movements depositing fill.</p> <p>The log shall contain the following:</p> <ol style="list-style-type: none"> (a) registration number and type of vehicle (single truck unit or truck and trailer); (b) time of arrival; (c) approximate size of the load deposited; (d) source and type of material to be deposited; and (e) comments on whether the material is accepted or not.
New	The daily incoming logs shall be retained on site at all times and be made available for Council inspection during working hours. A copy of the logged information shall be forwarded to the Waikato District Council's Monitoring Team Leader on a six (6) monthly basis from the commencement of this consent.
New	The consent holder shall appoint a qualified and experienced traffic engineer to undertake a detailed design safety audit of the entranceway and flush median arrangement. The detailed design safety audit shall be provided to Waikato District Council 2 weeks prior to the entrance being constructed. All findings from the safety audit shall be addressed by the consent holder at the consent holder's expense.

Draft Conditions	
New	No less than two weeks prior to commencing operations, the consent holder shall present for Waikato District Council authorisation a site management plan. The site management plan shall detail measures such as a water cart, wheel wash etc. to prevent dust and debris from being tracked onto the surrounding road network, monitoring and complaint management systems