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**BEFORE**

Independent Commissioners appointed  
by Tasman District Council

**IN THE MATTER**

of the Resource Management Act 1991

**AND**

**IN THE MATTER**

of an application by C J Industries Ltd  
for land use consent RM200488 for  
gravel extraction and associated site  
rehabilitation and amenity planting and  
for land use consent RM200489 to  
establish and use vehicle access on an  
unformed legal road and erect  
associated signage

**REBUTTAL EVIDENCE OF GARY PAUL CLARK ON BEHALF OF CJ  
INDUSTRIES LTD  
(TRANSPORT)**

**21 April 2023**

**1. INTRODUCTION**

- 1.1 My full name is Gary Paul Clark. I hold the position of Director of Traffic Concepts Limited. My qualifications, experience and involvement in the project are outlined in my Evidence in Chief dated 15 July 2022.
- 1.2 The applicant has applied for resource consents authorising the extraction of gravel, stockpiling of topsoil and reinstatement of quarried land, with associated amenity planting, signage and access formation at 134 Peach Island Road, Motueka:
  - (a) RM200488 land use consent for gravel extraction and associated site rehabilitation and amenity planting and
  - (b) RM200489 land use consent to establish and use vehicle access on an unformed legal road and erect associated signage.
- 1.3 The applicant has also subsequently applied for a discharge permit (RM 220578).

1.4 My evidence in chief addressed the effects of the activities for which consent is sought on transportation matters and responded to issues raised in submissions and in the Tasman District Council's (TDC) 42A report. My first supplementary evidence dated 4 November 2022 related to the S 42A Addendum Report (TDC report number REPC22-11-21A) which included a supplementary technical report on traffic effects from Ari Fon in Attachment 5. My second supplementary evidence dated 22 November 2022 responded to three questions of clarification from the hearing. My third supplementary evidence dated 23 February 2023 responded to matters of clarification requested in the Commissioner's Minute 6.

## **2. REPLY**

2.1 I have separated my reply into different sections as follows:

- (a) Matters from the hearing that I have not yet addressed.
- (b) Submitters further comments from 7 April 2023.
- (c) Council Response (14 April 2023) including Mr Fon's statement (Appendix 1 of that report).

2.2 I note that a number of matters have already been covered off in my various supplementary statements which the Commissioner will have seen.

### Matters from the hearing that I have not yet addressed

2.3 Section 7.7 of my Evidence in Chief has an error in the calculations. This error is then restated in my First Supplementary Evidence in Section 2.13 and 2.14. For the purpose of clarity, I have rewritten section 7.7 of my Evidence in Chief and Sections 2.13 and 2.14 of my First Supplementary Evidence to correct this error. In hindsight I should have included the parameters for the calculation for transparency and clarity.

2.4 Section 7.7 of my Evidence in Chief stated that a truck will take around 131 seconds to travel from the site access to Alexander Bluff Bridge when travelling at 60 km/h. Cars are likely to be travelling faster and closer to 80km/h and would travel the same route in around 83 seconds, a difference of 28 seconds. The number of vehicles travelling along Motueka River West Bank Road is around 30 vehicles in an hour, one vehicle every two minutes.

2.5 My rewritten statement is as follows:

- 7.7 The distance from the site access to Alexander Road Bridge is around 4.3 kilometres measured on Top of the South Maps. Trucks associated with the application will be limited to 60 km/h which is equivalent to 16.7 metres per second. Cars generally travel around 80 km/h which is equivalent to 22.2 metres per second. Trucks will take around **four minutes and 17 seconds** to traverse this route. Cars will take around **three minutes and 15 seconds**. There is around one truck every fifteen minutes. At most a vehicle travelling along this route may see one truck associated with the application. While the changes lead to a higher travel exposure, the effects on motorists would be indiscernible. This is due to the low likelihood of a vehicle and a truck from this activity meeting.
- 2.6 The key changes to my Evidence in Chief have been emphasis with bold text.
- 2.7 My First Supplementary Evidence (Sections 2.13 and 2.14) included a figure of 80 seconds. This figure should have been three minutes and 15 seconds for a car.
- 2.8 The correction to the travel time is immaterial as the effects on motorists are indiscernible. At most a motorist could experience one truck associated with the application.
- 2.9 A submitter in the hearing noted a crash that involved a family member. This crash has been reported and is on the Waka Kotahi crash database. The crash occurred on 04 October 2022 at 7.45pm. The Police attended the crash.
- 2.10 In reviewing the Traffic Crash Report, I have the following comments. The reported crash involved two vehicles where the northbound car driven by a disqualified driver has swung wide on the curve and hit a car coming in the opposite direction. I note the driver was disqualified indefinitely. The identified cause factor was inappropriate speed into the curve and swinging wide. Neither vehicle was a truck.

Council Response dated 14 April 2023

- 2.11 The Council's Reporting Planner has noted that Mr Fon and I have agreed on the likely traffic effects of the activity in Section 2.4. I can confirm that this is largely the case, except for the matters set out below.
- 2.12 Ms Bernsdorf-Solly and Mr Fon expressed concern about trucks using a different route than that prescribed during the hearing process and suggested a Truck Route Plan is included in the Conditions.

- 2.13 I agree that there are more convenient and efficient routes for the trucks to travel to and from some of the existing quarry sites that may be used for fill material. While this is the case, the application presented to Council is for trucks to use the specified route of Motueka River West Bank Road (to south of the site) and Motueka Valley Highway. This has been made clear in my evidence and supplementary statements. The conditions of consent can make this clear without the need to provide a Truck Route Plan.
- 2.14 The suggested Truck Route Plan is unnecessary. As proposed by Council and the submitters, it also seeks to add further route restrictions to trucks beyond those that relate to the Site and the consented activity, as it would strictly control vehicles carrying fill from source sites and to/from Hau Road, when those traffic movements are either authorised by the source site consents (without route restriction) or by the zoning and consent at Hau Road.
- 2.15 As set out in my evidence, the truck route has been restricted to the southern section of Motueka River West Bank Road (MRWBR) to minimise effects on Brooklyn School to the north.
- 2.16 As noted in evidence, there are no restrictions on these two roads (MRWBR and MVH) and in fact these two roads have been specifically certified as appropriate for HPMV's. Other roads that may be used by trucks also have no restrictions.
- 2.17 The suggested Truck Route Plan is impractical. For example, fill material might come from a road slip or earthworks site that is not on the designated Truck Route Plan. Every time there was a new clean fill site the Truck Route Plan would need to be amended. This would make such a Plan difficult to manage and practically impossible to comply with. The only reason that it was proposed to restrict the truck movements to a particular direction was to address potential concerns from Brooklyn School. It was not restricted to this route due to the road not being able to accommodate these vehicles.
- 2.18 Council has approved Motueka River West Bank Road as being suitable for the use of long and heavy vehicles (HPMV route) from Alexander Bridge to Old Mill Road. There are multiple routes trucks are allowed to use on the wider road network without restriction. The Truck Route Plan could, by forcing trucks to use certain routes, lead to unanticipated adverse effects on those routes.
- 2.19 A more appropriate condition would be as follows:

All trucks associated with the activity must use Motueka River West Bank Road from 493 Motueka River West Bank Road to Alexander Bridge when accessing or leaving the Site.

- 2.20 This condition clearly articulates the requirement while still allowing the trucks to move across the wider network.
- 2.21 If the Commissioner considers that a Truck Route Plan is necessary, it should be limited to the area around Motueka River West Bank Road and Motueka Valley Highway and should not control vehicle routes further afield.

Mr Fon Memo 12 April 2023

- 2.22 Mr Fon has provided some further comments following the Commissioner Minutes and material from submitters. I provide my opinion of those comments below.
- 2.23 Since my assessment for the application and preparation of my Evidence in Chief the applicant has purchased a new vehicle and is currently having one built. Legislation was brought in to allow HPMV trucks to carry more weight to improve efficiency. These vehicles must use identified routes when carrying these heavier loads.
- 2.24 Typically, trucks are limited to 44 tonnes with special configuration (axle spacings) allowing up to 50 tonnes (called 50 Max). HPMV trucks can carry up to 63 tonnes and heavier under special conditions. The new HPMV truck the applicant has purchased can carry up to 54 tonnes. The new truck that is currently being built can carry 58 tonnes. I note that Mr Corrie-Johnston in his Supplementary Evidence dated 19 December 2022, Paragraph 2.4(c)(i) uses 36 tonnes for their HPMV truck. This is the load material weight where the total weigh of an HPMV includes the truck and trailer as per my figures above. They mean the same thing as to how much material can be loaded.
- 2.25 Mr Fon's comment that in practice the volume is the limiting factor is not correct. Sand and gravel are much heavier than uncompacted fill and the extra weight the HPMV trucks can carry results in around 15 to 20% more material being transported. The use of HPMV trucks is about gaining efficiencies through increased weight not volume.
- 2.26 Mr Fon provides commentary around the transport of clean fill material. Importantly he states the following:

*“Even though the transport of cleanfill material from sites other than Hau Road wasn't covered in the traffic assessment, provided the maximum number of truck movements to and from the site isn't exceeded,*

*(volunteered Condition 64), then the overall net traffic effect of some trucks travelling to Peach Island via a different route than those departing from Hau Road is likely to be negligible.”*

- 2.27 I agree with this conclusion.
- 2.28 I have covered the matter around a “Truck Route Plan” above and disagree that this is required. My suggested reworded condition deals with the concerns raised by submitters with trucks using the Motueka River West Bank Road, north of the site access.
- 2.29 Again, I do note that the Motueka River West Bank Road is a designated HPMV route which is specifically approved by Tasman District Council as suitable for these types of vehicles. Council staff as part of that process checked the road for use by these heavier and longer vehicles as part of approving the HPMV route.
- 2.30 Mr Fon then comments on submissions that I largely agree with apart from the exception I have noted above about the Truck Route Plan.
- 2.31 Mr Fon then moves on to consent conditions. Again, I agree with these changes except for the requirement for a Truck Route Plan and I have provided an alternative consent condition to address the particular issue.

Comments from submitters dated 7 April 2023

- 2.32 In general, the additional information provided by submitters is similar to that already given in written submissions or hearing presentations
- 2.33 A number of submissions raised concerns about safety and the road environment including Max Clark and Lyn Rombouts who say that the newer and heavier trucks will be heavier, bigger, and so more dangerous and noisy. Pete Taia raises concerns about increased truck movements and sourcing clean fill.
- 2.34 These have been addressed through various evidence statements by me and Council’s traffic advisor, Mr Fon. The suggested conditions of consent provide the mechanism to address the safety concerns. The applicant has volunteered a speed restriction of 60 km/h on their vehicles that are associated with the activity and restrictions on the truck route. The applicant will also upgrade the access to accommodate the increased use. There will be no trucks from other businesses with the only trucks transporting material to and from the site being operated by the applicant or its contractors.

- 2.35 The applicant is able to monitor and control the driver behaviour and provide records to Council should they request them via the E-Tag system that is fitted to all the trucks that will be associated with the activity.
- 2.36 A submitter (Mae) says that condition 64 (traffic movements) is pointless if it is not measured and surveyed and recommends that a vehicle movement counter should be required and a condition of this consent, and data should be inspected by Council-monitoring on a regular basis. She says that filling in a book at the gate is not acceptable where the applicant cannot be trusted to keep to their word and to comply with this condition. As noted in my Evidence in Chief (Section 7.17) and at the hearing the trucks associated with the activity have GPS monitoring which allows council to check vehicle speeds, position and travel routes. It also allows the applicant to enforce the requirement of a 60 km/h speed limit for these trucks.
- 2.37 This submitter (Mae) comments about bank trimming. My site access assessment correctly noted the location of the bank being on the western side of Motueka River West Bank Road. There is no bank on the eastern side of the road that restricts visibility, and my report does not say there is. As part of assessing the sight lines it was confirmed that the bank that needs trimming is on road reserve. There is an error in Condition 28 with regard to the location of the bank trimming and the changes to Condition 28 recommended by Mr Fon remove any confusion. I agree with this change.
- 2.38 A submitter (Kellog) is concerned that the activity will generate more than 30 trucks per day and more likely 60. This is addressed by consent conditions volunteered by the applicant that has a maximum of 30 truck movements per day. Motueka River West Bank Road is a designated HPMV route which has no limits on the number of vehicles that can legally use it.

### Conclusion

- 2.39 I have reviewed the information provided as part of the application, along with the various statements from Council and submitters. There has been no additional material that has changed my view. Accordingly, I can confirm that the traffic effects of the proposed activity are less than minor. Council's traffic advisor also agrees.

Gary Clark

21 April 2023