

## **Before the Far North Proposed District Plan: Hearings Panel**

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Under the Resource Management Act 1991 (the Act)

In the matter of The Far North Proposed District Plan: – Hearing 6-7 –  
Earthworks, Light & Noise, Signs, Temporary Activities  
and Genetically Modified Organisms

Between **Far North District Council**

And **Transpower New Zealand Limited**  
Submitter 454 and Further Submitter 078

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**Statement of evidence of Sharon Gail Dines**

Dated 7 October 2024

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## **INTRODUCTION**

### **Name, qualifications and experience**

1. My full name is Sharon Gail Dines.
2. I am a Director and Principal Planner at Dines Consulting Limited, based in Auckland.
3. I have the qualifications and experience set out in my statement of evidence for Hearing 1 dated 13 May 2024.
4. I was engaged by Transpower in August 2022 to provide planning advice on the Far North Proposed District Plan (FNPDP) and assist with the preparation of its submission and further submission on the FNPDP. I have subsequently been engaged to liaise with Far North District Council reporting officers regarding Transpower's submission and further submission and prepare expert planning evidence in relation to the matters that have been raised in Transpower's submission and further submissions.

### **Code of Conduct**

5. Although this is not an Environment Court hearing, I have read and am familiar with the Code of Conduct for Expert Witnesses in the Environment Court's Practice Note 2023. I have complied with it in the preparation of this evidence and will follow the Code when presenting this evidence. I also confirm that the matters addressed in this statement of evidence are within my area of expertise, except where I rely on the opinion or evidence of other witnesses. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

### **Scope of Evidence**

6. My evidence addresses the Noise and Earthworks provisions of the FNPDP. In the interests of brevity, the body of my evidence only addresses key matters, in particular where I disagree with the section 42A report recommendations (s42A report). I have attached a table to my evidence that records all Transpower's submission and further

submission points for Hearing 6-7, the s42A recommendation to the submission or further submission and an indication of whether I agree or disagree with the s42A report recommendations.

7. In preparing this evidence, I have read and considered relevant sections of the following documents:

- (a) Far North Proposed District Plan;
- (b) Far North Operative District Plan;
- (c) The Hearing 6-7 s42A reports - Earthworks prepared by Jerome Wyeth, Light & Noise prepared by Kenton Robert Owen Baxter and Temporary Activities prepared by Lynette Morgan;
- (d) Far North District Council – Proposed District Plan Review of Submissions, prepared by Marshall Day Acoustics;
- (e) FNDC Proposed District Plan Revision Noise and Vibration Review, dated 30 June 2020, prepared by Marshall Day Acoustics;
- (f) Regional Policy Statement for Northland; and,
- (g) National Policy Statement on Electricity Transmission 2008 (NPSET)

8. In preparing my evidence, I have also relied on the evidence of Mr Malcolm Hunt, Acoustic Engineer engaged to give evidence on noise matters for Transpower and the advice of Ms Rebecca Eng, Technical Lead, Environmental Policy, for Transpower.

9. My evidence addresses two matters:

- (a) amendments to Earthworks policy EW-P6 to address Transpower's submission seeking policy direction protecting the National Grid from the effects of earthworks; and
- (b) amendments to increase night-time noise limits in multiple zones from 40dBA LAeq to 45dBA LAeq.

## EARTHWORKS POLICY AND RULES

10. In submission point S454.101, Transpower sought the inclusion of a new Earthworks policy that stated:

Protect nationally and regionally significant infrastructure from the adverse effects of earthworks, including in the National Grid yard.

11. I understand the intent of the submission to be two-fold. First to give effect to the second limb of NPSET Policy 10 which states (emphasis added):

In achieving the purpose of the Act, decision-makers must to the extent reasonably possible manage activities to avoid reverse sensitivity effects on the electricity transmission network and to **ensure that operation, maintenance, upgrading and development of the electricity transmission network is not compromised.**

12. The secondary intention of the submission was to provide policy support for Rule EW-R15 which controls earthworks in the vicinity of 110kV transmission lines and within the National Grid Yard.
13. In response to the submission point, Mr Wyeth proposes an amendment to Policy EW-P6 as set out at paragraph 87 of the s42A report. The amended policy would state:

Require that all earthworks are designed and undertaken in a manner that ensures:

- a. the stability and safety of surrounding land, buildings or structures; and
- b. the safe, effective and efficient operation of infrastructure.

14. While I consider this an improvement to the drafting, in my opinion, it does not go far enough to give full effect to Policy 10 of the NPSET in ensuring that the operation of the electricity transmission network is not compromised. The phrasing of Policy 10 is a relatively strong directive<sup>1</sup> which in my opinion is not adequately captured by the amendment to Policy EW-P6 proposed by Mr Wyeth.

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<sup>1</sup> [Transpower New Zealand Ltd v Auckland Council \[2017\] NZHC 281, paragraph \[85\].](#)

15. In its submission, Transpower sought a new Policy I-Py to give effect to Policy 10 of the NPSET. This matter will be addressed in Hearing 11 Energy, Infrastructure and Transport next year. The part of this new policy that relates to earthworks states (with one highlighted change to remove redundant words):
- Only allowing earthworks within the National Grid Yard where it can be demonstrated that the safe and efficient functioning, operation, maintenance and repair, upgrading and development of the National Grid will not be compromised, taking into account:
- a. The extent to which the earthworks may compromise the safe access to and operation, maintenance and repair, upgrading and development of the National Grid;
  - b. The stability of land ~~within and~~ adjacent to the National Grid;
  - c. Risks relating to health or public safety, including the risk of property damage; and
  - d. Technical advice provided by the owner and operator of the National Grid.
16. To address my concerns, I propose that either the text above be included directly as a new policy in the Earthworks chapter, or an advice note and hyper-link is added to new Rule EW-R2 to advise plan users that in the event that a non-complying activity resource consent for earthworks in the National Grid Yard is required, the relevant matters in Policy I-Py (or its replacement, if the panel decides an alternative outcome following Hearing 11) will apply .
17. Mr Wyeth proposes amendments to rule EW-R15 (now called rule EW-R2) to address Transpower's (and Top Energy's) submissions on the wording. In principle, I generally support Mr Wyeth's proposed amendments as these align with the nationally consistent wording developed by Transpower to give effect to Policy 10 of the NPSET.
18. However, in the course of preparing evidence for this hearing I have identified some errors and potential interpretation issues in the wording proposed that need to be corrected.
19. The wording of the rule does not actually make it clear that the depth standards also apply to National Grid support structures within the National Grid Yard. It could be interpreted to mean that the setback only

applies to the 110kV transmission line support structures when it is intended to apply to all structures. In my opinion, this can be addressed by deleting the reference to 110kV Transmission lines in the title of the rule.

20. In the Far North, there are no 220kV or 66kV transmission assets in the National Grid so the references to these should be deleted.
21. Finally, I suggest some minor grammatical and wording corrections.
22. The revised wording I propose is shown in Attachment 2 to my evidence.

### **NOISE LIMITS**

23. In its submission (S454.104) Transpower sought a night-time noise limit in all zones of 45dBA LAeq. In the s42A report, Mr Baxter and Mr Ibbotson (from Marshall Day Acoustics) consider this inappropriate. Mr Ibbotson suggests that a 45dBA LAeq night-time noise rule may be suitable for some sites near substations, however Mr Baxter considers implementing an approach within the structure of the Proposed District Plan would be challenging. In addition, Mr Baxter considers increasing the limits in all locations to address a site-specific conflict is not efficient and may reduce overall nighttime amenity in the zones that are established to provide for more sensitive activities.
24. Mr Hunt has addressed these issues at length in his evidence and provided alternative wording for the noise rules to allow for a 45dBA LAeq night-time noise limit for substations.
25. As discussed by Ms Eng in Hearing 1<sup>2</sup>, Transpower may need to build new National Grid lines and substations to connect new renewable generation sources to the electricity network, wherever those generation sources are located.

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<sup>2</sup> [Statement of evidence of Rebecca Mary Eng for Transpower New Zealand Limited, dated 13 May 2024, Section 6.](#)

26. Policy 2 of the NPSET states:

In achieving the purpose of the Act, decision-makers must recognise and provide for the effective operation, maintenance, upgrading and development of the electricity transmission network.

27. In my opinion, a night-time noise limit of 40 dBA LAeq would be an unreasonable standard to achieve for National Grid infrastructure, given the need for the Council to give effect to Policy 2 of the NPSET, Objectives 3.7 (Regionally Significant Infrastructure) and 3.8 (Efficient and Effective Infrastructure) of the Regional Policy Statement for Northland and for the reasons discussed by Mr Hunt.

28. I therefore support the proposed wording changes proposed by Mr Hunt in his Attachment 1.

29. From a planning perspective, an alternative proposal the panel may consider would be to create a single new rule for substations. If this is the panel's preference, I can draft appropriate wording for consideration.

**Sharon Gail Dines**

7 October 2024

**Attachment 1**



Submission Reference	Provision Submission and Relief Sought	Support/Oppose	Reason	Allow/Disallow	S42A recommendation	Response to recommendation
Transpower Limited						
S454.100	<b>EW-O3</b> Earthworks are undertaken in a manner which does not compromise the stability of land, infrastructure and public safety.	Support	Transpower supports the inclusion of an objective in the FNPDP to ensure the stability of infrastructure such as the National Grid is not compromised.	N/A	Retain EW-O3	Support s42A recommendation
S454.101	<b>New Policy EW-Px</b> Insert new policy as follows: <u>Protect nationally and regionally significant infrastructure from the adverse effects of earthworks, including the National Grid Yard.</u>	Amend	Earthworks can have an adverse effect on infrastructure such as the National Grid. Earthworks undertaken too close to National Grid infrastructure can have an adverse effect on the stability of structures which needs to be avoided.  While the Earthworks chapter includes rules to manage earthworks in the vicinity of the National Grid, there is no policy that directly affects this issue. Transpower considers that a new policy is necessary.	N/A	Amend Policy EW-O6	Oppose s42A recommendation and propose alternative that gives effect to NPSET
S454.102 S454.103	<b>EW-R15 110kV Transmission lines and the National Grid Yard</b>		EW-R15 is a non-complying activity rule containing performance standards, which Transpower considers unusual.  Transpower is not opposed to earthworks occurring within the National Grid Yard provided they are managed carefully to ensure effects on access and the stability of National Grid structures are carefully managed.  As a result of addressing this issue in many jurisdictions across New Zealand, Transpower has developed a Permitted Activity earthwork rule allows that effectively manages the activity.  Transpower proposes that existing rule EW-R15 be replaced is standard be replaced with an earthworks rule.	NA	Accept proposed amendments with some modification	Support s42A recommendation with some modification to improve interpretation and correct errors. See Attachment 2.
S454.104	<b>Noise</b> Where the night time noise limit is set at 40dBA LAeq (15 min) in any of the zones in the Far North District, change the limit to 45dBA LAeq  Noise generated by any activity shall not exceed the following noise limits at any point within any other site in the General Residential, Kororāreka Russell Township zone or Rural Residential zone: a. 7.00 am to 10.00 pm - 50 dB LAeq (15min) b. 10.00 pm to 7.00 am - <del>40</del> 45 dB LAeq (15 min) c. 10.00 pm to 7.00 am - 70 dB LAFmax	Amend	Night time noise limits in these zones are set at 40dBA LAeq between 10pm and 7am.  The night time noise limit in many of the equivalent zones in the Operative Far North District Plan is 45dBA LAeq. It is unclear that a reduction in the night time noise limit is necessary to address adverse effects or maintain amenity in these zones.  A night time noise limits of 45dBA LAeq is consistent with similar environments in other districts. The National Grid traverses the entire country and to have these types of limits applied inconsistently to the same type of infrastructure is problematic.  Transpower therefore considers that the night time noise limits in these zones should be retained at 45dBA LAeq.	NA	Reject proposed amendments	Oppose s42A recommendation and propose alternative as set out in Attachment 1 to Mr Hunt's evidence.
S454.105	<b>Noise-S2 Temporary activities standards</b> Amend the first sentence of NOISE-S2 as follows: 1. The noise generated from any temporary activities (excluding temporary military training activities <u>and temporary activities providing lifeline utilities</u> ) and emergency management training activities, shall not exceed the following limits at any point: ...	Amend	These noise limits apply to temporary activities such as the use of generators to provide power for lifeline utilities. This type of activity may not always be able to comply with the noise limits specified and the emergency nature of the activity means that it is unlikely that a resource consent could be applied for to authorise the exceedance in a timely way to ensure that the lifeline utilities can be provided when required.  Transpower therefore considers that temporary activities providing lifeline utilities should be excluded from the standard.	NA	Reject proposed amendments	Accept s42A recommendation

Submission Reference	Provision Submission and Relief Sought	Support/Oppose	Reason	Allow/Disallow	S42A recommendation	Response to recommendation
S454	<p><b>Temporary Activities</b> Amend the definition of TEMPORARY ACTIVITIES as follows: means an activity that is temporary and limited in duration. It may include carnivals; concerts; fairs; festivals and events; markets and exhibitions; public meetings; parades; special events; sporting events; filming activities; temporary military training activities; temporary motorsport activities; <a href="#">temporary use of a generator to provide lifeline utilities</a> and emergency response training by ambulances, Civil Defence, Coast Guard New Zealand, Fire and Emergency New Zealand, New Zealand Police, Land Search and Rescue, or Surf Life Saving New Zealand. It also includes buildings or structures accessory to temporary activities, temporary car parking areas, <a href="#">network utilities</a> and the ancillary activities associated with the temporary activities.</p>	Amend	<p>In the event of an unexpected outage in the electricity system, sometimes temporary generators are used to provide electricity for critical services such as lifeline utilities. These outages cannot be predicted but must be responded to when they occur.</p> <p>Such activities are not explicitly provided for as temporary activities. Transpower considers the definition requires amendment to ensure that it is clear this important activity is explicitly provided for.</p>	NA	Reject proposed amendments	Accept s42A recommendation
Chorus New Zealand Limited, Spark New Zealand Limited, Spark Tower Co Limited, Vodafone New Zealand Limited						
S282.026	<p><b>EW-R10</b> While the intent of the rule is supported in allowing for earthworks associated with walkways and cycle tracks, it is considered appropriate to also extend the scope to cover access tracks for infrastructure activities.</p> <p>Relief sought: Amend EW-R10 to include access tracks for infrastructure activities.</p>	Support	Transpower, considers it would be helpful if earthworks for access tracks for infrastructure was a permitted activity.	Allow	Accepted in part	Support s42A recommendation

## Attachment 2

### EW-R2 ~~110kV Transmission lines and~~ National Grid Yard

PER-1 Earthworks must:

1. be no deeper than 300mm within 6 metres of the outer visible edge of a foundation of a 110kV transmission line, tower or pole;
2. be no deeper than 3 metres:
  - a. between 6 metres and 12 metres from the outer visible edge of a foundation of a 110kV ~~or a 220kV~~ transmission line, tower or pole;
  - ~~b. between 6 metres and 10 metres from the outer visible edge of foundation of a 66kV transmission line tower or pole;~~
3. not compromise the stability of a transmission line, ~~or tower~~ or pole;
4. not result in a reduction in the ground to conductor clearance distances as required by New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001); and
5. not permanently physically impede access to a 110kV transmission line or National Grid support structure.

**PER-1 does not apply to:**

1. land disturbance undertaken as part of agricultural, horticultural or domestic cultivation, or repair or resealing of a road, footpath, driveway or farm track.
2. excavation of a vertical hole, not exceeding 500mm in diameter, that is more than 1.5 metres from outer visible edge of foundation of a National Grid transmission line pole or stay wire.
3. earthworks that otherwise comply with Clause 2.4.1 of NZECP34.

**This rule does not apply to** the network utility operator.