

BEFORE THE FAR NORTH DISTRICT COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Proposed Far North District Plan:  
**Hearing Topic 6** in regard to General  
District Wide Matters - Earthworks

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Statement of evidence of **CHRIS HORNE** on behalf of Chorus New Zealand Limited, Spark New Zealand Trading Limited, One New Zealand Group Limited, Connexa Limited and Fortysouth Group

(Submitter 282)

30 September 2024

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## Statement of Professional Qualifications and Experience

1. My name is Chris Horne. I am a principal planner and director of the resource and environmental management consulting company Incite (Auckland) Limited.
2. I have been engaged by Chorus New Zealand Limited (Chorus), Spark New Zealand Trading Limited (Spark), Connexa Limited (Connexa), One New Zealand Group Limited (One NZ) and Fortysouth Group LP (Fortysouth), referred to in this evidence as “the Companies”, to provide evidence as an independent planner in regard to their submissions on the Proposed Far North District Plan (Proposed Plan) relevant to the Hearing Topic 6 - District Wide Matters – Earthworks.
3. My relevant experience and qualifications, and statement on the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note, are set out in my statement of evidence in relation to Hearing Topic 4 dated 22 July 2024.

## Evidence Outline

4. My evidence is confined to limited matters relevant to earthworks. The intent of the submissions is to enable routine ‘business as usual’ earthworks such as pole foundation work to progress without unnecessary regulation and cost.
5. The recommendations in the s42 reports relevant to the submissions accept the requested relief in part. In my opinion, further amendments to the recommended provisions to enable earthworks for telecommunications pole foundations without triggering unnecessary resource consents are warranted and appropriate.

## Discussion of Requested Relief

### **Rule EW-R8 Submission S282.014**

6. This rule in the notified proposed plan addressed earthworks for infrastructure. The submission sought exemptions in the rule from particular standards for telecommunications pole foundations, service trenches and trenchless methods such as directional drilling. These standards are:
  - EW1 – earthworks thresholds
  - EW2 – maximum slope and depth
  - EW6 – earthworks setbacks form boundaries.

7. The s42A report is now recommending a consolidated earthworks rule subject to the earthworks standards rather than the notified approach where a number of different earthworks activities are covered by different rules<sup>1</sup>. I have no issues with this approach and consider that the issues raised by the Companies on Rule EW-R8 can be satisfactorily resolved directly within the standards themselves.
8. The s42A report<sup>2</sup> analysis does not agree that the requested exceptions from standards are warranted from EW-S1 or EW-S2 but does recommend that infrastructure and utility connection earthworks should be exempt from the earthworks set back rules in EW-S6. I support the recommended amendments to EW-S6 as this acknowledges that earthworks for localised pole foundations and underground lines do not need to meet boundary setbacks due to the nature of such work.
9. From a practical perspective, the Companies are not pursuing exemptions from EW-S1 (area and volume of earthworks) as typical pole works would not infringe these, whilst underground telecommunication lines, which could be rolled out over a large distance, are already permitted including any ancillary earthworks by the *Resource Management (National Environmental Standards for Telecommunications Facilities) Regulations 2016* (NESTF).
10. One area where I consider further change is justified is in regard to EW-S2 slope and depth. I have attached as Appendix A to my evidence some typical foundation design diagrams for Spark telecommunication poles that show the nature of pad and pile foundation works for 25m high poles. I understand Connexa and Fortysouth would employ similar designs.
11. Standard EW-S2 has a maximum allowable cut depth of 1.5m. A typical pad foundation for a 25m pole is up to 1.5m. Therefore, a minor exceedance of this to install a 1.5m deep concrete pad or installing a 900mm wide pile foundation (which may extent 6m or greater deep depending on ground conditions) would trigger the need for an earthworks consent. I understand that these are business as usual type foundation designs replicated throughout New Zealand. I am unaware of any issues caused by earthworks associated with these types of foundations and therefore question what the resource management purpose would be to require resource consent for such work.

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<sup>1</sup> See Para 166 s42A Report and recommended EW-R1 in Appendix 1 to s42A Report.

<sup>2</sup> Para 161-162 s42A Report

***Requested Relief***

12. I recommend the following amendment to Standard EW-S2 (s42A report version):

*EW-S2*            *Maximum Depth and ~~slope~~*

*All Zones*        *The maximum depth of any cut or height of any full shall not exceed:*  
*1. 1.5m, i.e. maximum permitted cut and fill height may be 3m; or*  
*2. 3m subject to it being retained by an engineered retaining wall,*  
*which has a building consent issued.*

*This standard does not apply to land disturbance or the foundations*  
*of telecommunications poles.*

13. Ideally this would be extended to cover infrastructure poles generally if there is scope in other submissions to do so. There also appears to be no reason for the rule to refer to *slope* as the standards do not control slope.

**Rule EW-R10 Submission S282.026**

14. This submission sought that the notified scope of Rule EW-R10, which covers *earthworks for the construction, or upgrade of walkways, cycle tracks and leisure activities*, be expanded to include *access tracks for infrastructure activities* which were not otherwise provided for in the earthworks rules. The s42A recommendation to have a consolidated earthworks rule subject to earthworks standards<sup>3</sup> resolves this submission. I support this recommendation as it enables earthworks for activities not encompassed in the notified rules package to be permitted subject to meeting the earthworks standards.

***Requested Relief***

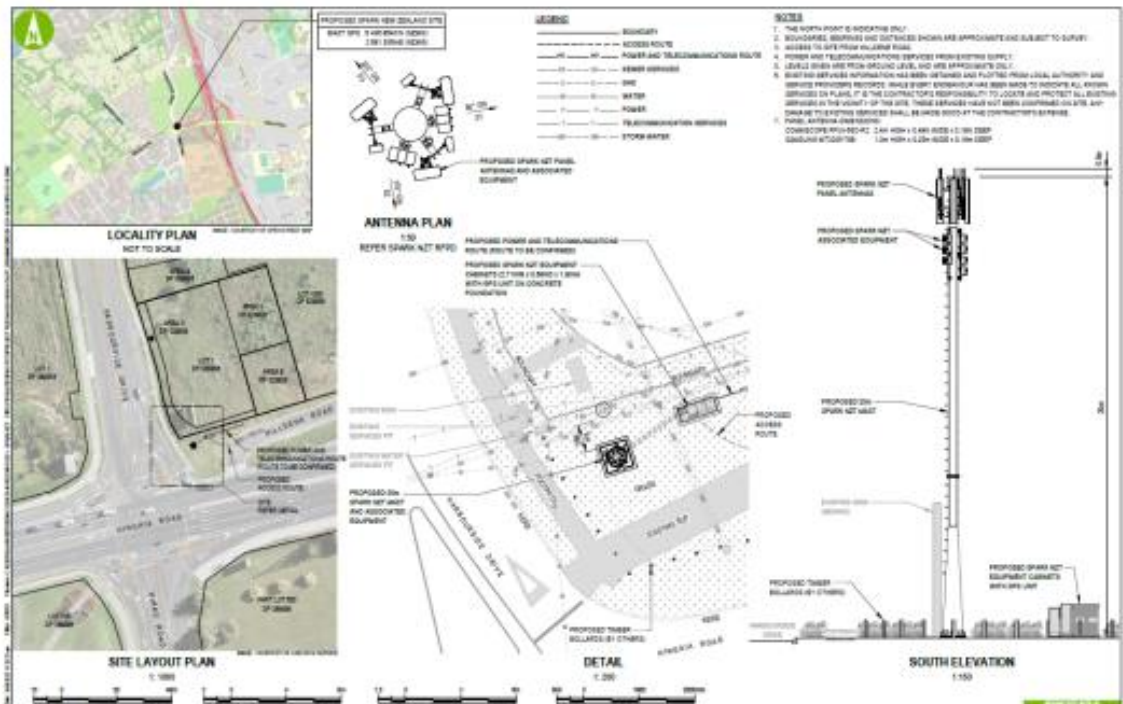
15. Adopt the proposed consolidated earthworks rule EW-R1 recommended in the s42a report.

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<sup>3</sup> See Para 166 s42A Report and recommended EW-R1 in Appendix 1 to s42A Report.

**Appendix A: Typical Foundation Drawings**

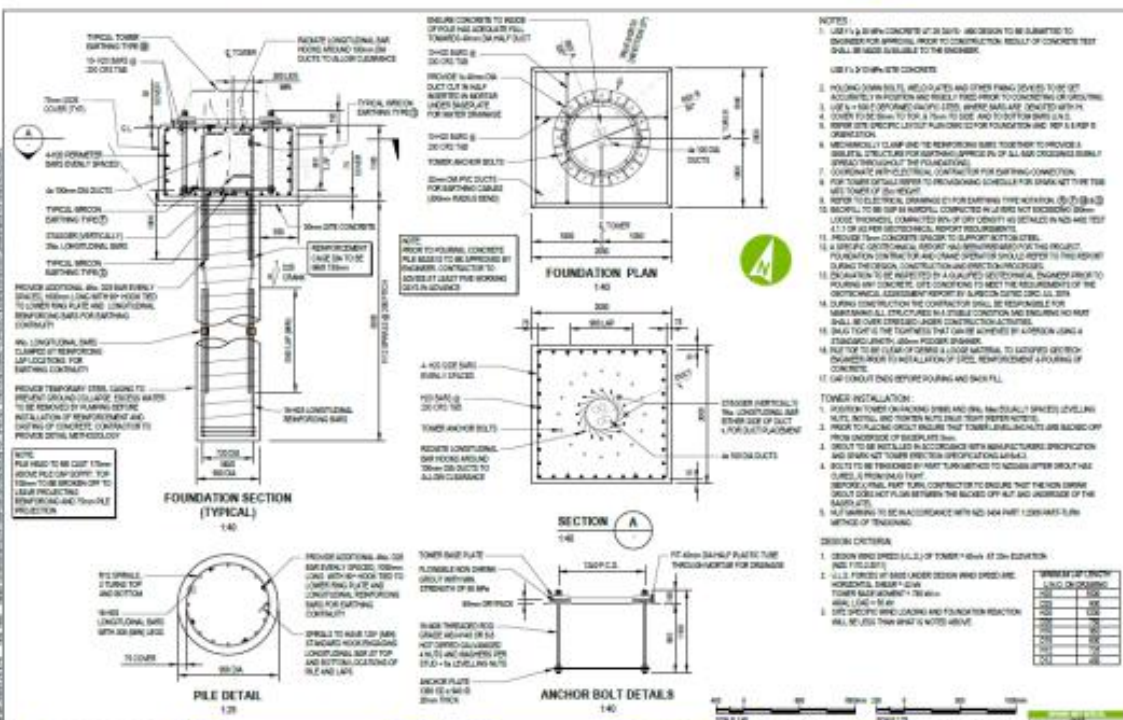
# Spark site AKAE – Corner Hingia Road and Harbourside Drive Karaka



NO.	REVISION	DATE	BY	CHECKED	DESCRIPTION
1	ISSUED FOR PERMIT	12/08/2020	...	...	...
2	REVISED PERMIT CONDITIONS	15/08/2020	...	...	...

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1	ISSUED FOR PERMIT	12/08/2020	...	...	...
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Pile Foundation Example – 900mm diameter, 6m depth

