

## **Before the Hutt City Proposed District Plan Hearings Panel**

Under the Resource Management Act 1991 (the Act)

In the matter of the Hutt City Proposed District Plan –  
**Hearing Stream 2 – Business**

- **Strategic Directions – Urban Form and Development (part)**
- **Industrial Zones**
- **Seaview Marina Zone**
- **Commercial and Mixed Use Zones**
- **Contaminated Land**
- **Hazardous Substances**

Between **Hutt City Council**  
Local authority

And **Transpower New Zealand Limited**  
Submitter 504 and Further Submitter F12

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**Statement of evidence of Pauline Mary Whitney for Transpower New Zealand Limited**

Dated 8 May 2026

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## 1 Executive Summary

- 1.1. Transpower New Zealand Limited (**'Transpower'**) owns and operates the National Grid, which transmits electricity throughout New Zealand from energy generation sources to distribution networks and direct-connect customers. Transpower has assets within Hutt City, including the 350 kV Oteranga Bay - Haywards A line that carry's power from a number of generation activities in the South Island to the Haywards Substation.
- 1.2. Transpower has only one submission point addressed at this hearing being point 504.10 relating to the definition of Reverse sensitivity. The definition is of specific relevance to the National Grid, given the requirement in Policy 11 of the National Policy Statement for Electricity Networks 2008 (amended December 2025) to avoid reverse sensitivity effects on the electricity network to the extent reasonably possible, and the Hutt City Proposed District Plan Protection of Infrastructure policy PINF-P3.
- 1.3. Transpower sought the notified definition of 'Reverse Sensitivity' be replaced by simplified wording (reflecting that provided<sup>1</sup> in the operative Greater Wellington Regional Policy Statement (**'RPS'**)).
- 1.4. I concur with reasoning provided in the Transpower submission that the notified definition is overlay complex and difficult to interpret and apply. While I appreciate the Reporting Officer in the s42A Report has endeavoured to streamline the definition, my concerns remain and I recommend the definition in the RPS be used. This would also provide consistency with the definition used in the Proposed Wellington City District Plan (which is beyond appeal) and the operative Porirua District Plan 2025, and ensure the use of a definition that, as I understand based on best practice, has been informed by case law.

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<sup>1</sup> *means the vulnerability of an existing lawfully established activity to other activities in the vicinity which are sensitive to adverse environmental effects that may be generated by such existing activity, thereby creating the potential for the operation of such existing activity to be constrained.*

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## 2. Qualifications and Experience

- 2.1. My full name is Pauline Mary Whitney.
- 2.2. My qualifications and experience are attached as Appendix A to this evidence.

## 3. Scope of Evidence

- 3.1. Transpower lodged an extensive submission to the PDP with the overall intent to ensure the district plan gives effect to the National Policy Statement on Electricity Transmission 2008 (**'NPSET'**), noting the NPSET was amended in 2025 and the applicable national instrument is now the National Policy Statement for Electricity Networks 2008 (amended December 2025) (**'NPS-EN'**).
- 3.2. This is the first hearing on the Hutt City Proposed District Plan (**'PDP'**) at which Transpower has appeared. I anticipate I will also provide planning evidence at Hearing 6 - Infrastructure, Hearing 7 - Earthworks, subdivision and financial contributions, and Hearing 9 - Designations.
- 3.3. While I would typically outline the specific higher order policy framework associated with the National Grid and address the planning background and overview of Transpower's submission in this first piece of evidence, given I am only addressing one definition in this evidence I will instead provide the contextual evidence in my next set of hearing evidence. I understand Transpower will also provide company evidence at its next hearing appearance.
- 3.4. Within the above context, my evidence will address Transpower's one submission point on the hearing point, including the relief sought in Transpower's submission, why the provision is of relevance to Transpower and my response to the S42A Report recommendation.

## 4. Analysis of Submission Point 504.10

### Provision and relief sought

- 4.1. In its submission point 504.10 Transpower sought the notified definition of 'Reverse Sensitivity' be replaced by simplified wording (reflecting that provided in the operative Greater Wellington Regional Policy Statement (**'RPS'**)).
- 4.2. I concur with the reasoning provided in the Transpower submission that the notified definition is overlay complex and difficult to interpret and apply. The application of the

definition is complicated by the addition of 'and's at the end of each clause, meaning all the clauses are conjunctive.

### **Relevance and importance of the definition to the National Grid**

- 4.3. As the Panel may be aware, the National Grid is a linear network that traverses a number of zones and environments across the country. Within the Hutt City context, existing National Grid assets are located within the following zones: Medium Density Residential Zone, Large Lot Residential Zone, General Industrial Zone, Light Industrial Zone, Open Space Zone, Natural Open Space Zone, General Rural Zone, Rural Lifestyle Zone, Sport and Active Recreation Zone, and Quarry Zone.
- 4.4. Transpower does not typically own the land on which its transmission line assets are located. Instead, its operation and maintenance and rights of access are predominantly managed by the Electricity Act 1992.
- 4.5. The concept of Reverse sensitivity is relevant to the National Grid given existing development within proximity of the assets, and continual pressures for new activities and development (including earthworks and subdivision) within proximity of existing assets. Transpower can be affected by other activities that establish beneath or in close proximity to its lines and/or structures. Such activities can generate reverse sensitivity effects where landowners/operators request a council to impose constraints on existing infrastructure to manage effects such as noise, reduced visual amenity, radio and television interference, perceived Electric and Magnetic Field ('EMF') effects, or interference with business activities beneath the lines. In addition to reverse sensitivity effects, subdivision, land use and development can also compromise the National Grid through activities such as access to the National Grid assets being blocked and buildings and structures being located close to assets and causing health and safety issues (such as flashovers). The location of buildings and activities, including 'sensitive activities' such as schools and residential properties, beneath or in close proximity to lines and/or structures can also limit Transpower's ability to maintain, upgrade and develop the National Grid.
- 4.6. The NPS-EN provides specific reference to reverse sensitivity within Policy 11. Policy 11, along with Policy 12, provides the policy direction in the NPS for managing the effect of third parties on the electricity network. These policies are critical matters for a District (City) Plan to address. Policy 11 is very directive and is as follows:

#### *Policy 11*

*(1) Decision-makers and local authorities must manage adverse effects of activities undertaken by third parties on the EN, including by:*

*(a) avoiding direct effects on the EN;*

*(b) avoiding **reverse sensitivity** effects on the EN, to the extent reasonably possible; and*

*(c) ensuring that the effective operation, maintenance, upgrading and development of the EN is not compromised.*

4.7. The NPS-EN does not define reverse sensitivity. Rather it relies on the definition provided in the lower order planning documents.

4.8. Within the PDP and in specific context of the National Grid, Reverse sensitivity is referenced within the PINF – Protection of Infrastructure Chapter:

*PINF-P3 Adverse effects on the National Grid*

*Protect the safe and efficient operation, maintenance and repair, upgrading and development of the National Grid from adverse effects by:*

*1. Avoiding land uses (including Activities sensitive to the National Grid and any increase in their scale and intensity) and buildings and structures within the National Grid Yard that may directly affect or otherwise compromise the National Grid,*

*2. Avoiding **reverse sensitivity** effects on the National Grid,*

*3. Maintaining ongoing access to National Grid conductors and support structures for maintenance and upgrading works, and*

*4. Achieving compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001).*

4.9. The term is also used within the subdivision chapter within policy SUB-P25<sup>2</sup> which directs that “Any reverse sensitivity effects are avoided ...”

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<sup>2</sup> SUB-P25 Subdivision of land within the National Grid Subdivision Corridor  
Only allow for subdivision within the National Grid Subdivision Corridor where:

1. The National Grid will not be compromised, and
2. Any reverse sensitivity effects are avoided and any other adverse effects on and from the National Grid Subdivision Corridor, including public health and safety effects, are avoided, remedied or mitigated, taking into account:
  - a. The impact of subdivision layout and design on the operation and maintenance, and potential upgrade and development of the National Grid including the ability for continued reasonable access to existing transmission assets for maintenance, inspections, and upgrading,
  - b. The ability of any potential future development to comply with NZECP 34:2001 New Zealand Electricity Code of Practice for Electrical Safe Distances,
  - c. The extent to which the design and layout of the subdivision demonstrates that suitable building platforms for dwellings can be provided outside of the National Grid Yard for each new lot,
  - d. The risk to the structural integrity of the National Grid Subdivision Corridor, and

- 4.10. The Greater Wellington Regional Policy Statement 2013 (“RPS”) provides a definition of Reverse sensitivity, with the term used in numerous provisions including Objective 22<sup>3</sup> which provides:

*A compact, well-designed, climate-resilient, accessible, and environmentally responsive regional form with well functioning urban areas and rural areas, where:*

....

*n) the safe and efficient operation of regionally significant infrastructure is protected from potential **reverse sensitivity** effects.*

- 4.11. Given the targeted use of the term and very directive policy framework, in my opinion a clear and workable definition is required to give effect to the NPS-EN, the RPS and the directive provisions in the PDP. While I appreciate the policy directive for the term is provided in specific chapters of the PDP and within context of specific issues, it does not negate the need for a clear definition.

#### **Response to S42A report recommendation**

- 4.12. The Industrial Zones and the Seaview Marina Zone s42A Report (para 744 – 768) addresses submission point 504.10 relating to the definition of Reverse sensitivity. In its submission Transpower proposed replacement of the notified definition of reverse sensitivity with that provided in the RPS.
- 4.13. The officer has recommended replacement of the notified definition with a new definition as follows (underlined text is that recommended in the s42A Report and text not underlined was notified in the PDP and is carried over into the recommended definition):

*A sensitive activity causes reverse sensitivity to another, established activity when:*

*1. The established activity generates adverse environmental effects, which may be effects of a type not managed under the Resource Management Act, and*

*2. The sensitive activity is sensitive in relation to those adverse environmental effects, and*

*3. Managing those adverse environmental effects in accordance with the Resource Management Act, Health and Safety at Work Act, Hazardous Substances and New*

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- e. *The extent to which the subdivision design and consequential development will minimise the risk of injury and/or property damage from the National Grid and the potential reverse sensitivity on and amenity and nuisance effects of the National Grid assets.*

<sup>3</sup> <https://www.gw.govt.nz/assets/Plans-policies-by-laws/RPS/RPS-Change-1-Appeals-Version-Sep-2025.pdf>. Objective 22 was introduced by Plan Change 1 to the RPS and is beyond appeal.

Organisms Act, or other comparable regulations and bylaws would lead to significant unreasonable constraints on the established activity, and

4. Those constraints could be avoided by avoiding the establishment of that sensitive activity, or managing the operation or design of the sensitive activity so that it is less sensitive to the adverse environmental effects.

*For the avoidance of doubt, nothing in this plan requires or authorises any rule or condition that would in the guise of managing reverse sensitivity limit any person's right to freedom of expression and association as protected by the New Zealand Bill of Rights Act 1990, including their right to submit on any matter to which they would otherwise be entitled to submit.*

- 4.14. While I support the intent of the s42A Report recommended redrafting and simplification of the definition from that notified, I remain of the opinion the recommended definition is complex, will be difficult to interpret and is inconsistent with the definition commonly used in other resource management plans throughout New Zealand.
- 4.15. Before I expand on my specific concerns with the recommended clauses within the definition, I note the following:
- 4.15.1. From my understanding of the relief sought in submissions (as summarised in the s42A Report) all have a similar theme and for the majority are based on other plan examples. None of the submitters request references to other legislation or regulations, or the Bill of Rights. As I understand, best practice has been informed by case law which as I understand, is based on the principle of the vulnerability of existing lawful activities to constraints imposed by new sensitive activities. I would support a definition that is based on case law as opposed to introducing new and untested concepts.
- 4.15.2. The s42A Report also refers to consistency with other plans. The RPS definition (which I support) matches that used in the two recent district plans in the region, being the Proposed Wellington City District Plan (noting the definition is beyond appeal) and operative Porirua District Plan 2025, thereby creating regional consistency and certainty. I note the definition in the also recent Proposed Wairarapa Combined District Plan differs slightly from that in the RPS and is subject to appeal. While I appreciate some plan users in the Hutt will not be aware or affected by definitions in other plans, some existing 'nuisance' activities (as the reporting officer has referred to them) will be subject to different definitions and subsequent 'tests' of what constitutes a reverse sensitivity for the same infrastructure and effects, just

located in a different local authority. In my opinion approach of having differing definitions is inefficient and will not benefit any party or plan users.

- 4.16. My concerns with the actual wording of the recommended definition relate to the uncertainty generated in how the various clauses are interpreted. Specific concerns are as follows:

**Clause 1: “*The established activity generates adverse environmental effects, which may be effects of a type not managed under the Resource Management Act, and*” ....**

In respect of clause 1, I am not clear why the reference to effects not managed under the Resource Management Act is required and how this is relevant to, or assists, the definition.

My understanding when looking at other plan examples is they refer to potential effects, or effects that may be generated by the established activity, as opposed to the wording in clause 1. which states “The established activity generates adverse environmental effects ....”.

In my opinion the wording in clause 1 unnecessarily constrains the application of the concept in that it applies to actual and not potential effects.

**Clause 2: “*The sensitive activity is sensitive in relation to those adverse environmental effects, and*” .....**

I am not clear why the double use of ‘sensitive’ is required. Many other plans use the wording ‘the activity may be sensitive’, as opposed to confining the definition to sensitive activities as defined. My concern with confining the definition to sensitive activities as defined is that activities not captured by the term (for example, in relation to the National Grid, industrial activities) means they are not captured by the concept.

The clause also repeats the issue with clause 1 in that it does not apply to *potential* effects.

**Clause 3: “*Managing those adverse environmental effects in accordance with the Resource Management Act, Health and Safety at Work Act, Hazardous Substances and New Organisms Act, or other*”**

***comparable regulations and bylaws would lead to significant unreasonable constraints on the established activity, and” ....***

I am not clear why reference to other legislation or regulations is required, and as a result of the references, whether a plan user would have to assess the effects against those regulations/acts.

Clause 3 is drafted such that an established activity would have to demonstrate their activity is subject to *significant unreasonable constraints* for reverse sensitivity effects to occur. The test for clause 3 sets a high bar in that in order for there to be a reverse sensitivity effect, managing the adverse effect would need to lead to ‘significant unreasonable constraints on the established activity’. Other district plan examples of the definition refer to ‘potential’ for the existing lawfully activity to be constrained/compromised or curtailed. They do not require the established activity to meet/demonstrate ‘significance’ or ‘unreasonableness’. I also note the NPS-EN does not impose a reasonable or significance test. Rather it requires such effects (i.e. any effects, regardless of their ‘significance’) on the EN are avoided to the extent reasonably possible. This NPS-EN policy directive differs from that in clause 3. in that the NPS-EN has a stronger directive to avoid all reverse sensitivity effects (where practicable) vs the s42A recommended definition which confines the reverse sensitivity concept to ‘significant unreasonable constraints’.

***Clause 4: Those constraints could be avoided by avoiding the establishment of that sensitive activity, or managing the operation or design of the sensitive activity so that it is less sensitive to the adverse environmental effects.***

The drafting of clause 4 could be improved by removing the double use of ‘avoiding’.

If it also not clear if avoidance can be achieved by managing the sensitive activity so that it is ‘less sensitive to the adverse environmental effects’. It is unclear what ‘less sensitive’ means in reality.

I am also not aware of other district plan definitions that adopt this ‘test’ in defining reverse sensitivity.

***For the avoidance of doubt, nothing in this plan requires or authorises any rule or condition that would in the guise of managing reverse sensitivity limit any person's right to freedom of expression and association as protected by the New Zealand Bill of Rights Act 1990, including their right to submit on any matter to which they would otherwise be entitled to submit.***

I am not clear what purpose the reference to the Bill of Rights serves and consider is only confuses matters. I have not come across such a reference in other district plan examples.

### **Evidence recommendation**

- 4.17. Based on the above, I support the relief sought in the Transpower submission to provide a definition within the PDP that reflects best practice informed by case law. For consistency I recommend a definition that reflects that in the RPS as follows:

*Reverse Sensitivity means the vulnerability of an existing lawfully established activity to other activities in the vicinity which are sensitive to adverse environmental effects that may be generated by such existing activity, thereby creating the potential for the operation of such existing activity to be constrained.*

- 4.18. As an alternative to the above, I would also support a definition consistent with that recommended by other submitters and am available for expert conferencing on the matter if that would assist the panel.

### **5. Conclusion**

- 5.1. The provision of a concise, clear, coherent and regionally consistent definition would assist with plan interpretation and application and give effect to the strong policy directives in the NPS-EN, the RPS and within the PDP itself.

Pauline Mary Whitney

8 May 2026

## Appendix A

1. My full name is Pauline Mary Whitney.
2. I am a Senior Planner and Senior Principal of Boffa Miskell Ltd, a national firm of consulting planners, ecologists and landscape architects. I hold the qualification of Bachelor of Resource and Environmental Planning (Hons). I am a Full Member of the New Zealand Planning Institute and have over 27 years' experience as a resource management planner.
3. I have been a planning consultant based in Wellington for the past 22 years, providing consultancy services for a wide range of clients around New Zealand, including local authorities, land developers, and the infrastructure and energy sectors. Prior to that I was employed with local authorities in New Zealand and the United Kingdom for 5 years. My experience includes:
  - Work on the preparation of plan changes for councils and private clients and review of numerous regional policy statements, regional plans and district plans on their behalf; and
  - Preparing resource consent applications and notices of requirement for a wide range of development and infrastructure projects.
4. Specific to Transpower New Zealand Limited ("**Transpower**"), I have assisted Transpower on a number of planning processes and thus have a good practical understanding of how the grid operates.
5. My evidence is given in support of Transpower's submission on the Hutt City Proposed District Plan ("**PDP**"). In this matter, Boffa Miskell Ltd was engaged by Transpower to provide planning expertise through the submission process, as well as to prepare this evidence on the PDP.
6. While I acknowledge this will be a council hearing, I have read the Code of Conduct for Expert Witnesses contained in Section 9 of the Environment Court Consolidated Practice (2023), and I agree to comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed in this brief of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.