

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

Under the Resource Management Act 1991 (the Act)

In the matter of  
the Proposed Hutt City District Plan –  
**Hearing Stream 6 –  
Infrastructure  
Protection of Infrastructure**

Between **Hutt City Council**  
Local authority

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

**Speaking Notes of Pauline Mary Whitney for Transpower New  
Zealand Limited**

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Dated 22 September 2026

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- 1.1. For the record, my name is Pauline Whitney and I am a planner at Boffa Miskell Ltd. I have prepared expert planning evidence in relation to the Hearing 6 topics relating to Infrastructure and Protection of Infrastructure.
- 1.2. As outlined in my primary evidence I support/accept the majority of the officer's recommendations. I have reviewed the lodged evidence of other experts and have no comments to make. I have also briefly reviewed the legal submissions of Forest and Bird. I have also reviewed the officer Rebuttal evidence and S42A Report addendum evidence and respond accordingly to the eight outstanding submission points in my primary evidence. I also listened to the panel questioning of the officer. In light of the above, the outstanding provisions I recommend through my evidence are very confined.

### **Updated NES**

- 1.3. I have read the addendum evidence of Mr McDonald in relation to the updated recommendations in response to the revised national environmental standards. Specific to electricity transmission, in addition to continuing to regulate existing National Grid assets (being those constructed before 2010), the updated Resource Management (National Environmental Standards for Electricity Network Activities) Regulations 2026 ("NES-ENA") will now regulate activities (land use and earthworks) within a defined National Grid Yard and (subdivision) within a defined National Grid Subdivision Corridor. As with the Resource Management (National Environmental Standards for Electricity Transmission and Electric Vehicle Charging Infrastructure Activities) Amendment Regulations 2026 ("NES-ETA"), the NES-ENA will prevail (on the basis of Section 43B of the RMA applies (which states the NES provisions prevail unless otherwise specified in the NES)).
- 1.4. I am largely supportive of the officer recommendations in his S42A Addendum report, with my areas of interest confined to third party activities within proximity of the National Grid.
- 1.5. As commented in paragraph 5.35 of my primary evidence, it would not in my opinion be ideal to have provisions in the PDP which do not exactly reflect or duplicate, the NES-ENA. While I agree with the assessment made in paragraph 35 of the S42A addendum evidence that the provisions of the PDP are "generally consistent with those of the NES-ENA", the format is completely different, and from my limited high level review, there are some subtle differences, for example:

- The PDP has a 6m setback for fences from support structures whereas the NES-ENA allows a 5m setback from poles, and the 6m only applies to towers.
- There is a slight difference in terminology in that the PDP refers to 'non habitable' horticultural structures where the NES-ENA refers to 'uninhabitable'.
- There is a slight difference in the references to hazardous substances.

- 1.6. I accept the above differences are confined, however combined with a different format, I consider there is real potential for plan users to be confused by duplicating and not totally aligned provisions. In my opinion the most pragmatic solution would be to delete National Grid specific 'third party' rules<sup>1</sup> from the PDP and instead rely on the NES-ENA. This would remove all confusion. Section 44A of the RMA allows a local authority to amend its plan to remove or amend provisions that duplicate, overlap with, or conflict with a National Environmental Standard.
- 1.7. I am conscious of councils' concern that plan users might not be aware of the regulations in the NES-ENA should the PDP rules be removed. I acknowledge the concern but suggest the existence of the NES-ENA could be communicated via a note in the PDP. The potential confusion by having duplicating (but also differing) rules and standards is a greater risk for all plan users in my opinion.
- 1.8. Giving effect to the NES-ENA could be achieved through a decision from the panel, or as a clause 16 amendment at the end of the hearings process. I am aware the issue has come up in the Far North with the Clause 16 amendment process used. Another option proposed by the reporting officer is to update provisions through the PDP and ODP integration exercise. I am not opposed to this approach provided it is taken in a timely manner. Transpower is happy to work with council officers to give effect to the NES-ENA. In these notes I have drafted some amendments but appreciate the exercise will require a more fulsome review.
- 1.9. Notwithstanding amendment to the rules, I support retention of the relevant policies in the PDP given they will provide the relevant policy context should consent be required. I also support retention of the definitions of *National Grid Yard* and *National Grid Subdivision Corridor* given these terms are used in the policies but would support amendment to defer to the NES-ENA. The amendments to remove the National Grid

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<sup>1</sup>

- ***PINF-R3 Activities in the National Grid Yard***
- ***PINF-R4 Buildings and structures, including additions and alterations to existing buildings and structures, in the National Grid Yard***
- ***Standards PINF-S1 Setbacks and separation distances for buildings and structures located within the National Grid Yard***

Yard rules may require consequential amendments which refer to the rules.

A further consequential change would be amendment to the definition of *Activity sensitive to the National Grid*, to defer to the NES-ENA, as follows (refer green text):

**Activity sensitive to the national grid**

~~means, a .....~~

has the same meaning as that of sensitive activity as defined in section 3 of the Resource Management (National Environmental Standards for Electricity Network Activities) Regulations 2026.

1.10. In addition to the above updated NES issue, the following section outlines my position (and updated where relevant) on the eight outstanding submission points outlined in my evidence in light of the officer rebuttal evidence, addendum report, and the updated NES.

**1. Definition - National Grid:** I remain supportive of amendment to reference the (updated) NPS-EN, noting the reference to the *National Policy Statement on Electricity Transmission 2008* is no longer correct in light of the updated NPS. I do not see this relief as out of scope, rather reflects the updated NPS reference.

**2. Definition – National Grid Subdivision Corridor:** While in evidence I sought updated images to accompany the definition, given the very recent amendments to the NES and inclusion of definitions of the National Grid Subdivision Corridor, I recommend deferring to the NES-ENA. I therefore support amendment to the definition as follows (refer green text):

**National Grid Subdivision Corridor**

~~means, as depicted .....~~

has the same meaning as in section 3 of the Resource Management (National Environmental Standards for Electricity Network Activities) Regulations 2026.

Similar changes are sought to the definition of National Grid Yard, as follows (refer green text):

**National Grid Yard**

~~means, as depicted .....~~

has the same meaning as in section 3 of the Resource Management (National Environmental Standards for Electricity Network Activities) Regulations 2026.

3. **Definition – Transmission Line:** While I note support in the S42A Report Rebuttal evidence for amending the definition as sought in my evidence to reference the updated NES-ETA), further amendment is required to reference the (updated) NES-ENA, and again defer to the NES-ENA, as follows (refer green text):

***Transmission line***

*has the same meaning as in section 3 of the Resource Management (National Environmental Standards for Electricity Transmission Network Activities) Regulations 2026 2009 as set out below*

- ~~a. means the facilities and structures used for, or associated with, the overhead or underground transmission of electricity in the National Grid; and~~*
- ~~b. includes transmission line support structures, telecommunication cables, and telecommunication devices to which paragraph a) applies; but~~*
- ~~c. does not include an electricity substation.~~*

4. **Infrastructure Chapter Introduction:** The S42A Report Rebuttal evidence has in part accepted the relief sought in my evidence to amend the introduction, and I support the clarification. The only outstanding clarification sought in my primary evidence relates to whether the policies of the zone chapters also apply (refer blue text as sought in my primary evidence, red text is that recommended by the reporting officer). No further changes are sought through this rebuttal evidence.

***Relationship with other chapters***

*The Infrastructure chapter includes provisions for operating, maintaining, repairing, developing, upgrading and decommissioning infrastructure. These infrastructure activities are excluded from most rules in other chapters of the District Plan (details on which other rules apply to infrastructure are given at the beginning of the rules section of this chapter).*

*The provisions of the INF chapter should be read in conjunction with the objectives and policies of other district-wide chapters, where relevant. The objectives and policies of zone chapters are only relevant where specified within a provision of the INF chapter, however objectives and policies in other chapters may be relevant.*

5. **Policy INF-P8:** For the reasons outlined in my evidence I remain supportive of

amendment to the policy to give effect to the NPS-EN. I understand the concerns of the officer but also submit that as drafted, INF-P8 does not give effect to the NPS-EN. As such my primary evidence stands.

6. **And 7. INF-R17 and INF-S21:** I support the revised recommendation provided in the S42A Report addendum evidence to delete the rule and standard. And I confirm the panel has scope through the Transpower submission to delete these provisions.
8. **PINF-P3:** In my evidence I sought a minor amendment to the reference to reverse sensitivity to give effect to NPS-EN Policy 11(1)(b) by inserting the wording 'to the extent reasonably possible'. The S42A Report Rebuttal evidence has rejected the relief sought on the basis it is out of scope of the submission. I remain supportive of its inclusion on the basis it gives effect to the NPS=EN. The relief sought in my primary evidence is as follows (refer blue text, red text is that recommended by the reporting officer). No further changes are sought through this rebuttal evidence.

*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, to the extent reasonably possible.*
- 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)*

Pauline Whitney

22 September 2026