

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

Speaking Notes of Pauline Mary Whitney for Transpower New Zealand Limited

Dated 28 May 2026

- 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 one submission point addressed at this hearing relating to the definition of Reverse sensitivity.
- 1.2. I am joined by Mr Daniel Hamilton, Strategic Planning Lead at Transpower NZ Ltd. Mr Hamilton has not prepared any evidence, but is available to respond to any questions from the panel.
- 1.3. 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 PDP Protection of Infrastructure policy PINF-P3¹.
- 1.4. Transpower sought the notified definition of ‘Reverse Sensitivity’ be replaced by simplified wording (reflecting that provided in the Greater Wellington Regional Policy Statement (‘RPS’²). This would not only provide consistency with the definition used in the Proposed Wellington City District Plan (which was appealed and amended under consent order (April 2025) to reflect the RPS definition) and the operative Porirua District Plan 2025, but also importantly ensure the use of a definition that, as

¹ *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).

² *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.*

I understand based on best practice, has been informed by case law and is well understood.

- 1.5. Despite the definition featuring in an amended policy in the RPS Plan Change 1 (being Policy 32 Identifying and protecting key industrial-based employment locations), the RPS definition itself was not amended. In my opinion this reflects the definition was considered 'fit for purpose'.
- 1.6. While I do not wish to stray into case law as I am not a lawyer, in addition to the WCC PDP appeal³ mentioned earlier, I am aware of two recent Environment Court cases⁴ where agreement was reached through court mediation on a definition of reverse sensitivity that reflects the RPS definition. I was directly involved in the New Plymouth case.
- 1.7. I have reviewed the officer's rebuttal evidence and note his recommendation to retain the definition in the S42A Report. Mr Davis and I appear to have a difference in opinion on the most appropriate definition to adopt and my evidence stands.
- 1.8. In response to the rebuttal from Mr Davis I only wish to briefly comment that:
 - While there is no National Planning Standards definition, there is consistency across the region and nationwide. I do not consider the matter of consistency to be purely one of convenience for plan users, rather the consistency reflects a concept that has evolved and been tested through case law. The s42A Report recommendation introduces untested elements.
 - Mr Davis comments on how the definition is used within the plan objectives and policies and matters of discretion, and as I understand, the definition appropriately sets the limit on how the concept is applied, not the specific plan provisions. I disagree with that approach, particularly given the definition is widely used across the plan. As outlined in my evidence, the s42A Report definition does not give effect to the NPS-EN. Instead, the definition is framed as such that reverse sensitivity effects may not even be a relevant policy consideration given the 'tests' contained within the definition. While I accept a revised definition would require plan provisions be revisited in terms of how the definition is addressed within a specific policy context, that approach is preferred rather than relying on an untested and in my opinion, a potentially problematic definition.

Pauline Whitney

³ *Wellington International Airport Limited vs Wellington City Council [2025] NZEnvC 117*

⁴ *KiwiRail Holdings Ltd vs New Plymouth District Council [2025] NZEnvC 3, and Fonterra C-Operative Group Ltd v Waikato District Council [2025] NZEnvC 196*

28 May 2026