

BEFORE A HEARINGS PANEL APPOINTED BY THE HUTT CITY COUNCIL

IN THE MATTER OF the Resource Management Act 1991 (“the Act” or “the RMA”)

AND

IN THE MATTER OF the submissions of bp Oil New Zealand Limited, Mobil Oil New Zealand Limited and Z Energy Limited on the Proposed Hutt City District Plan

**STATEMENT OF EVIDENCE OF PHILIP ALEXANDER BROWN (PLANNING)
ON BEHALF OF**

**BP OIL NEW ZEALAND LIMITED, MOBIL OIL NEW ZEALAND LIMITED AND Z
ENERGY LIMITED (“THE FUEL COMPANIES”) (S471 / F32)**

HEARING STREAM 5 (NATURAL HAZARDS)

5 AUGUST 2026

1. INTRODUCTION

- 1.1 My full name is Philip Alexander Brown. I have been engaged by the Fuel Companies¹ to provide expert planning evidence in relation to their submissions on the PDP. This evidence relates to the Natural Hazards provisions of the Proposed Hutt City District Plan (PDP).
- 1.2 I have 9 years of experience in the field of resource management planning. I hold the degree of Bachelor of Urban Planning (Honours) from the University of Auckland. I am an Intermediate Member of the New Zealand Planning Institute.
- 1.3 I am employed as a Principal Consultant (Planning) at SLR Consulting New Zealand Limited (SLR). I have been employed by SLR and its predecessor company 4Sight Consulting Limited,² since August 2019. Prior to SLR, I was a planning consultant at Boundary Consultants from May 2017 to July 2018 and at Bentley & Co from July 2018 to July 2019.
- 1.4 My principal role at SLR has been to provide planning and resource management consenting and policy advice to a range of clients in relation to various projects and planning instruments. This has included preparation of applications for resource consent (including AEEs), policy analysis, provision of strategic policy advice and preparation of submissions and evidence. I have provided planning services to a range of infrastructure, council, commercial and private clients as well as the Fuel Companies.
- 1.5 I have been involved in a range of matters affecting clients at both regional and district council level across much of New Zealand. This experience includes residential, commercial, infrastructure and industrial developments, as well as participation in a range of policy and plan-making processes. I have also provided submissions and hearings support to the Fuel Companies on proposed plans and plan changes in the Napier, Dunedin, Christchurch, Hutt City and Wellington districts, and the Hawke's Bay Region.
- 1.6 Of particular relevance to the natural hazards matters addressed in this evidence, I provided feedback on the PDP during the draft plan process and, following notification of the PDP, prepared a submission on behalf of the Fuel Companies

¹ From here on, references to 'the Fuel Companies' in my evidence include reference to the submissions lodged by the Fuel Companies (comprising bp Oil NZ Limited, Mobil Oil NZ Limited and Z Energy Limited), (S471 / F32) as well as the submissions lodged by Z Energy Limited (S468), except where there is variation in the specific relief sought by each of the submitters, of relevance to the evidence.

² 4Sight Consulting Limited was acquired by SLR in September 2022.

together with my colleague, Miles Rowe. I have also assisted Z Energy with a range of resource consent applications involving the application of natural hazard provisions at sites throughout New Zealand.

2. CODE OF CONDUCT FOR EXPERT WITNESSES

- 2.1 I have read the Environment Court's Practice Note January 2023 as it relates to expert witnesses. My brief of evidence is prepared in compliance with the Code of Conduct, and I agree to comply with it in appearing before the Hearings Panel. I am not, and will not behave as, an advocate for my clients. I am engaged by the Fuel Companies as an independent expert and SLR provides planning services to the Fuel Companies along with a range of other corporate, public agency and private sector clients. I have no other interest in the outcome of the proceedings.
- 2.2 I confirm that my evidence is within my area of expertise and that I have not omitted to consider material facts known to me that might alter or detract from my expressed opinions. I have not relied on the evidence or opinion of any other person in preparing my evidence.
- 2.3 In preparing my evidence, I have had regard to several documents, including:
- (a) the submissions and further submissions of the Fuel Companies and other relevant submitters;
 - (b) the s 42A report prepared by Stephen Davis of the Hutt City Council (HCC), together with supporting appendices;³
 - (c) the PDP, together with supporting s 32 reports and appendices;
 - (d) the National Policy Statement for Natural Hazards (2025) (NPS-NH);
 - (e) the Regional Policy Statement (RPS), including the Consent Order issued by the Environment Court on Friday 31 July 2026 relating to appeals on the Natural Hazards provisions addressed in RPS Change 1; and
 - (f) the Resource Management Act.

3. SCOPE OF EVIDENCE

³ Natural Hazards s 42A report, dated 21 July 2026, prepared by Stephen Davis.

- 3.1 This evidence relates to the submission points of the Fuel Companies (S471 / F32) on the following chapters, and associated definitions, of the PDP:
- (a) Strategic Directions on Climate Change and Natural Hazards;
 - (b) Natural Hazards; and
 - (c) Coastal Environment.
- 3.2 The Fuel Companies support or accept the recommendations on their submissions that are not otherwise discussed in this evidence. In particular:
- (a) Amendments to the definitions identifying the sensitivity of activities to natural hazards that:
 - (i) delete 'Hazardous facilities and major hazard facilities' from the definition of 'activity most sensitive to natural hazards';
 - (ii) add 'Significant hazardous facilities' to the definition of 'activity potentially sensitive to natural hazards'; and
 - (iii) clarify that any activity not otherwise defined as 'most sensitive' or 'potentially sensitive' to natural hazards is deemed to be an activity 'least sensitive to natural hazards'.
 - (b) Recommendations in relation to the Flood Hazard Overlay provisions, except where specifically addressed in this evidence.
 - (c) Recommendations in relation to the Coastal Hazard Overlay provisions, except where specifically addressed in this evidence.
- 3.3 This evidence is structured as follows:
- (a) **Natural Hazards Hierarchy.** Whether the objectives and policies in the Natural Hazards chapter appropriately reflect the PDP's intended risk-based approach to natural hazard management and the direction set by the RPS Change 1 Consent Order and the NPS-NH.
 - (b) **Natural Hazards Rules and Definitions.** The definitions classifying the sensitivity of activities to natural hazards and the associated rules, including the treatment of structures and small-scale development.
 - (c) **Regionally Significant Coastal Business Areas Overlay.** The proposed provisions applying within the overlay, including the treatment of activities most sensitive to natural hazards.

- (d) **Regionally Significant Coastal Business Areas Overlay: Drafting and Plan Usability Matters:** Minor drafting, plan usability and consequential amendments relating to the overlay provisions.
 - (e) **Other Matters:** Consistency of the treatment of structures across the Natural Hazards chapter, including the Fault Location Area and Liquefaction Hazard Overlay provisions; and the accuracy and application of the fault location mapping.
- 3.4 The PDP amendments recommended by this evidence are shown as track changes in **Appendix A**.

4. STATUTORY AND POLICY CONTEXT

- 4.1 The relationship between the PDP and RPS natural hazards provisions and the NPS-NH is addressed at Section 2.6.1 of the s 42A report. This highlights potential challenges in the PDP giving full effect to the NPS-NH, as the PDP was drafted prior to the issue of the NPS-NH and within the context of the RPS natural hazards provisions, which themselves pre-date the NPS-NH.
- 4.2 As the Panel may be aware, an Environment Court Consent Order has now (on 31 July 2026) been issued resolving appeals by parties on the natural hazard provisions of Change 1 to the RPS and amending the wording of key natural hazard objectives and policies (Objective 19, Policy 29 and Policy 51) of the RPS. The effect of this, is that the RPS direction on natural hazards has now been updated in a way that gives effect to the NPS-NH and which sets new directive policy requirements around how district plans in the Wellington Region must manage subdivision, use and development in areas at risk from natural hazards.
- 4.3 In my opinion, elements of the natural hazard provisions as recommended in the s 42A Report are not consistent with the direction now set by the RPS. As such, and given the RPS Consent Order has been available for less than three working days (at the time of writing), I consider HCC and submitters should be afforded an opportunity to undertake a further review to ensure the PDP natural hazard provisions appropriately respond to the updated RPS provisions.
- 4.4 In my opinion, the observation at paragraph 36 of the s 42A report highlights the key difference in approach between the PDP provisions and the NPS-NH and new RPS provisions. Specifically, that while the PDP contains overlays using similar high/medium/low terminology, these overlays identify the severity of the hazard

only, and do not reflect the terminology, low, medium, high or very high, adopted under the NPS-NH and RPS, both of which refer to the level of natural hazard risk, where risk is a function of:

- (a) The nature, magnitude and extent of the hazard;
- (b) the anticipated frequency or probability of occurrence; and
- (c) the exposure and vulnerability of people, property, infrastructure and the environment.

4.5 As a result, the policy direction set by NPS-NH and RPS involves assessment of the level of risk (as low, medium, high or very high) after taking existing and proposed mitigation into account.

4.6 Given the limited time available (since issue of the RPS Consent Order on 31 July) and the stage of the plan making process, I have not suggested any changes that fundamentally alter the approach currently taken by the PDP natural hazard provisions. However, I have suggested a number of changes I consider necessary to incorporate the key elements of the new policy direction set by the RPS. I also note that my recommended wording changes are confined to matters within the scope of the Fuel Companies' submissions. They should not be regarded as a comprehensive review of all natural hazard provisions that may warrant reconsideration.

4.7 A copy of the Environment Court Consent Order setting out the new RPS direction on natural hazards is attached as **Appendix B**. As detailed in amended Policies 29 and 51 of the RPS, the overarching direction set for managing natural hazard risk in regional and district plans is that:

- (a) Subdivision, use and development for hazard sensitive activities should be avoided where the hazards or risks from natural hazards are assessed as high or greater;
- (b) In all other situations, risk should be avoided, minimised or not increased, in a way that is proportionate to the hazard or risk.

4.8 Provision is also made for plans to provide certain exceptions to this approach including:

- (a) Where hazards or risks are high or greater, reducing or not increasing risk may be appropriate;

- (b) Where there is an operational or functional need for the activity to occur in a location subject to natural hazards, risk shall be minimised;
- (c) Where the activity is regionally significant infrastructure, risk shall be minimised, or where the hazard is a coastal hazard, risk shall be minimised or not increased;
- (d) For subdivision, use or development in regionally or nationally significant commercial or industrial zoned land, risk shall be minimised.

5. NATURAL HAZARDS HIERARCHY

Fuel Companies' submission and context

- 5.1 In their submission, the Fuel Companies were generally supportive of the PDP's risk-based approach to natural hazard management. The submission focused on ensuring the natural hazards provisions appropriately reflect the level of risk associated with different activities, including providing proportionate consenting pathways for small-scale development and development that is unlikely to materially increase natural hazard risk, while recognising the strategic importance of the Seaview industrial area.
- 5.2 In relation to the Flood Hazard Overlays policy framework, the Fuel Companies sought the following relief:
 - (a) Amendments to Policy NH-P2 to ensure that use and development within Natural Hazard Overlays is also enabled where it is resilient to the impacts of natural hazards or is of a limited size. As notified, the policy only enabled activities with a low occupancy or low replacement value and not small-scale or resilient development.
 - (b) Amendments to NH-P8, NH-P9 and CE-P9 to recognise that the need for mitigation measures depends on the particular use, location, size, design of development, as well as the hazard risk of the site. As notified, the policy appeared to require mitigation measures in all instances to address flood risk, regardless of the sensitivity of the building, structure of activity to the natural hazard risk.

Reporting Officer Recommendation

- 5.3 The Reporting Officer recommends rejecting the submission points on Policies NH-P2, NH-P8, NH-P9 and CE-P9. For Policies NH-P2 and CE-P9, the Reporting

Officer considered that 'limited size' is not sufficiently clear and 'is resilient to natural hazards' is inherent within the policy and addressed through other more specific policies (refer to Section 5.2.12 (para [372] to [377]) of the s 42A report). For Policies NH-P8 and NH-P9, the Reporting Officer considered that the relief sought would add confusion on the basis and risk undermining the intent of the policy in instances where mitigation measures are needed (refer to Section 5.2.14 (para [483] to [485]) of the s 42A report). Of relevance, the Reporting Officer recommended restructuring Policies NH-P8 and NH-P9 by separating them into six policies. Three policies relate to buildings and structures (NH-P8, NH-Pbbb and NH-Pccc) and three relate to subdivision, use and development (NH-P9, NH-Pddd and NH-Peee), with each set applying respectively to the Low, Medium and High Flood Hazard Overlay areas.

Analysis

- 5.4 In my opinion, there are a number of aspects of the objectives and policies that do not fully reflect the risk-based approach adopted elsewhere in the Natural Hazards chapter and the direction now set by recent changes to the RPS⁴. The policy matters raised by the Fuel Companies point to a broader disconnect between the policy framework and the flood hazard overlay hierarchy and associated rules.
- 5.5 There is limited discussion in the PDP and supporting evaluation documents regarding the rationale for the flood hazard management framework. That said, my general understanding (from Greater Wellington's letter to Hutt City Council dated 12 November 2024) is that the framework is intended to apply increasing levels of regulatory control in proportion to flood hazard risk, with a more permissive approach in Low Flood Hazard Areas and more restrictive controls in Medium and High Flood Hazard Areas. While the rule framework generally reflects this approach, the objectives and policies do not always align with it.
- 5.6 Drawing on the Fuel Companies' submission, as well as the risk-based policy direction set by the NPS-NH and RPS, I have identified a number of areas where the Natural Hazards policy framework could be more closely aligned with a risk-based approach to natural hazard management, as follows:
- (a) The terminology used to describe the approach to management of flood risk ('minimise', 'avoid or reduce', 'low') is not always applied consistently

⁴ Consent order resolving appeals on natural hazard provisions in RPS Change 1, issued 31 July 2026

and does not appear to be calibrated to the differing levels of risk represented by the flood hazard overlay hierarchy.

- (b) Policies NH-Pddd and NH-Peee require risk to people and buildings on adjacent properties to be reduced or avoided, effectively placing responsibility on individual development proposals for existing flood risk affecting neighbouring land.
- (c) Policies NH-P8, NH-P9, NH-Pccc, NH-Pddd and NH-Peee imply that mitigation measures are required in all circumstances, rather than in a way that is proportionate to the risk or hazard.
- (d) Policy NH-P2 enables activities in flood hazard areas based on characteristics such as low occupancy or low replacement value, rather than the overall level of risk associated with the proposal and its resilience to natural hazard effects. Again, this does not give effect to the NPS-NH principal of managing risk in a proportionate way, taking into account the consequences of a natural hazard event on the activity.

Terminology in relation to natural hazard risk

5.7 Objectives and policies in the Natural Hazards chapter have varying ways of describing sought outcomes in relation to risk, including directions to:

- (a) 'minimise' risk (Objectives NH-O2, NH-O3, and Policies NH-P2, NH-Pccc, NH-P9, NH-Pddd, NH-Peee);
- (b) 'avoid or reduce' risk (Policies NH-Pddd, NH-Peee);
- (c) achieve a 'low' level of risk (Policies NH-Pbbb, NH-Pccc).

As I explain in the following paragraphs, the rationale for these differing risk management outcomes is not always readily apparent or consistent with the risk management approach specified by the RPS. In particular, it is not clear that the terminology used is consistently proportionate to the level of risk represented by the relevant flood hazard overlay.

5.8 A number of objectives and policies, across all levels of Flood Hazard Overlays (Low, Medium, High), and all levels of activities sensitive to natural hazards (Least, Potentially, Most) require that the risk resulting from the modelled 1% AEP Flood is minimised.

- 5.9 I do not share the Reporting Officer's view that the meaning of 'minimise' is sufficiently clear in the context of the Natural Hazards chapter (refer to Section 7.1.3 (para [985] to [993] of the s 42A report). In its ordinary meaning, 'minimise' (not defined in the PDP) could be interpreted as requiring risk to be reduced to the greatest extent possible, regardless of whether additional risk reduction measures are proportionate, practicable or reasonable. The Greater Wellington Natural Resources Plan (NRP) and RPS both define minimise in relation to natural hazard risk as 'reducing risk to the smallest amount reasonably practicable', thereby acknowledging both the practical limits of risk reduction and the need for a discernible benchmark.
- 5.10 I am concerned that the uniform application of a 'minimise' risk outcome across the flood hazard hierarchy does not fully reflect the differing levels of flood hazard risk represented by the Low, Medium and High Flood Hazard Overlays or the nature of activities being undertaken. In my view, the policy outcome sought should vary according to the level of hazard risk being managed:
- (a) Within the Low Flood Hazard Overlay, a requirement that development minimises or does not increase flood risk would better reflect the lower level of hazard risk and the more permissive planning response anticipated.
 - (b) Within Medium and High Flood Hazard Overlay areas, a requirement to minimise risk may be appropriate. However, a definition of minimise is necessary to ensure that the provision is implemented consistently. In my view, that definition should be consistent with the NRP and RPS definitions, being a requirement to reduce risk to the smallest amount reasonably practicable.
- 5.11 This approach is also consistent with Policy 51 of the RPS, which requires risks from natural hazards to be avoided, minimised or not increased in a manner proportionate to the hazard or risk.
- 5.12 Some provisions, across all Flood Hazard Overlay areas (Low, Medium and High) and all categories of activities sensitive to natural hazards (Least, Potentially and Most), require that risk is 'reduced or avoided'. In my view, a requirement that risk be reduced, regardless of the level of risk or activity involved, is problematic. In practice, some degree of natural hazard risk is often inherent within flood-prone areas and may remain even where appropriate mitigation measures are implemented. Further, a reduction in risk will not always be necessary where the existing level of risk is already low or otherwise acceptable. The key issue should

be whether the resulting level of risk is acceptable and can be appropriately managed in a proportionate manner that recognises that different levels of risk require different management responses.

- 5.13 I also do not consider this to be entirely consistent with the risk-based framework promoted by the RPS and NPS-NH, which focus on understanding the likelihood and consequences of a hazard event and determining whether the resulting level of risk is acceptable. The relevant question should therefore be whether the proposal results in a level of risk that can be appropriately managed, rather than whether risk can be avoided or reduced in absolute terms.
- 5.14 In my opinion, a more appropriate approach would be to ensure that development 'does not increase' risk, instead of risk being 'reduced or avoided'. This would better recognise that some level of risk is often inherent within hazard areas, while still ensuring that development does not result in unacceptable risk outcomes.
- 5.15 Finally, a number of policies refer to achieving a 'low' level of risk. Similarly, this creates uncertainty because 'low' is an undefined term and no guidance is provided within the Natural Hazards chapter as to how that outcome is to be assessed. In my view, a more appropriate approach would be to focus on whether the resulting level of risk is acceptable and can be appropriately managed, having regard to the nature, scale and location of the activity and the level of hazard risk being managed.

Adjacent properties

- 5.16 I am also concerned about the appropriateness of policies that require existing risk to people and buildings on adjacent properties from a 1% AEP flood event to be reduced. While I support a requirement that developments should not create or exacerbate natural hazard risk to adjoining properties, it is unreasonable to expect the developer of one site to bear the cost of not only managing flood risk associated with their own development but also reducing existing flood risk affecting adjacent properties.
- 5.17 That policy direction also goes well beyond what is required by the RPS and the NPS-NH in terms of managing risk to adjoining land. Policy 4 of the NPS-NH requires that where subdivision, use or development creates or increases significant natural hazard risk on other sites, that risk is avoided or mitigated using an approach proportionate to the level of risk. There is no expectation that a party

seeking to develop their own property must also reduce existing risk to adjoining properties.

Requirement for mitigation measures

- 5.18 I agree with the Fuel Companies' submission that amendments to Policies NH-P8 and NH-P9 are necessary to clarify that mitigation measures should be proportionate to the use, location, size and design of a building, and the degree of hazard present, and mitigation measures such as minimum finished floor levels will not necessarily be required in all circumstances.
- 5.19 I do not agree with the Reporting Officer's view that the Fuel Companies' relief sought would create uncertainty. It would in fact provide greater certainty by clarifying that the need for mitigation measures depends on the level of risk being managed and the particular circumstances of the proposal. Nor do I agree with the Reporting Officer's view that it would undermine the policy intent. It would recognise that mitigation is not required in every circumstance and should be directed at situations where it is warranted by the nature and scale of the proposal and the level of risk involved. The relief sought would also better align the policies with the risk-based approach of the NPS-NH by ensuring that mitigation measures are required where justified by the level of risk and the nature of the activity, rather than as a default response in all circumstances.
- 5.20 Policies NH-Pddd and NH-Peee also imply that mitigation measures are required in all cases. For similar reasons, I do not consider this appropriate.

Basis for Enabling Development in Natural Hazard Areas

- 5.21 I share the Fuel Companies' concern regarding Policy NH-P2. As notified, the policy only enables activities with a low occupancy or low replacement value. While occupancy and replacement value are undoubtedly relevant considerations, I am concerned that the policy places too much emphasis on these characteristics and may result in activities being enabled without sufficient regard to their resilience to natural hazard effects. Conversely, it may restrict activities that are inherently resilient or are not particularly vulnerable to the level of risk posed by the relevant natural hazard. For example, a new canopy associated with an existing service station within a Low Flood Hazard Overlay may have a relatively high replacement value but be capable of functioning safely and effectively despite the identified hazard risk.

5.22 I accept the Reporting Officer's view that the Fuel Companies' requested addition of 'limited size' is insufficiently clear and could be difficult to apply in practice (although I do note that this phrasing is used in Policies NH-Pbbb and NH-Pccc). However, I do not agree with the Reporting Officer's assertion that reference to activities or development that are resilient to natural hazards is unnecessary (refer to Section 5.2.12 (para [372] to [377]) of the s 42A report). In my view, resilience and the level of exposure or vulnerability to a flood event are fundamental considerations in assessing whether development should be enabled within a flood hazard area, with low occupancy and low replacement value acting as supporting indicators.

Relief sought

5.23 Accordingly, for the reasons set out above, I urge the Hearings Panel to amend Objectives NH-O2 and NH-O3 and Policies NH-P2, NH-P8, NH-Pbbb, NH-Pccc, NH-P9, NH-Pddd and NH-Peee as follows:

- (a) Amend the terminology of Objectives NH-O2 and NH-O3, and Policies NH-P2, NH-P8, NH-Pbbb, NH-Pccc, NH-P9, NH-Pddd and NH-Peee to ensure that the risk management outcomes are proportionate to the level of flood hazard risk being managed and are expressed consistently throughout the chapter;
- (b) Amend Policies NH-Pddd and NH-Peee to remove requirements for development to reduce existing flood risk affecting adjacent properties;
- (c) Amend Policies NH-P8, NH-Pbbb, NH-Pccc, NH-P9, NH-Pddd and NH-Peee, and CE-P9 to recognise that different levels of risk require different management responses, depending on the nature of the hazard and the exposure or vulnerability of the activity;
- (d) Amend Policy NH-P2 to ensure that activities are enabled on the basis of their resilience to natural hazard effects, rather than solely by reference to low occupancy levels or low replacement values;
- (e) Inserting a new definition of 'minimise', consistent with the NRP and RPS definition of 'minimise'.
- (f) Make any consequential amendments necessary to give effect to the above.

- 5.24 My recommended amendments to these provisions are set out in full in **Appendix A**.

6. NATURAL HAZARDS RULES AND DEFINITIONS

Submission points overview and Reporting Officer's recommendations

- 6.1 In their submission the Fuel Companies sought the following relief:
- (a) That Rule NH-R11, which requires restricted discretionary activity consent for activities least sensitive to natural hazards in the Medium and High Flood Hazard Overlays, be amended to provide a permitted activity pathway for buildings and structures with a gross floor area of no more than 10m² or that are not fully enclosed by walls and do not have a constructed floor.
 - (b) That flood hazard rules do not apply to non-habitable buildings or structures, so that these do not incur substantial compliance costs that are disproportionate to the actual flood hazard risk.
- 6.2 The Reporting Officer accepted these submission points in part. Although the requested changes to Rule NH-R11 were not recommended, the Reporting Officer recommended the following changes in an attempt to address the Fuel Companies' concerns:
- (a) Deleting references to structures in all natural hazard rules so that these rules do not apply to structures that are not buildings.
 - (b) Amending the definition of activity least sensitive to natural hazards to include a 'structure used for non-habitable purposes'.
- 6.3 In recommending these changes, the Reporting Officer commented that it is appropriate to limit the application of the rules to buildings (rather than structures that are not buildings) and only require measures such as minimum floor levels for habitable spaces (refer to Section 5.2.19 (para [610] to [618]) of the s 42A report).

Analysis

- 6.4 I support the recommendation to delete references to structures in all natural hazard rules as this appropriately limits the application of those rules to buildings, rather than non-habitable structures that are unlikely to materially increase natural hazard risk. However, I have some reservations about the recommendation to

amend the definition of 'activity least sensitive to natural hazards' to include a 'structure used for non-habitable purposes'.

- 6.5 The recommended change to the definition has three main issues:
- (a) it introduces terminology that is not defined in the Plan
 - (b) it creates overlap between the activity sensitivity categories; and
 - (c) it creates tension between the activity sensitivity definitions and the scope of the associated rules.
- 6.6 Firstly, the amendment introduces terminology that is not defined in the Plan. While the Plan contains a definition of habitable room, it does not define 'non-habitable purposes'. It is therefore unclear whether that term is intended to capture only rooms falling outside the definition of a habitable room, or a broader category of buildings and activities. This issue is particularly apparent in mixed-use commercial and industrial buildings. For example, an office is expressly identified as a 'habitable room' but may be located within a building that also contains warehousing, storage, plant rooms or other non-habitable areas. In such circumstances, it is unclear how the building should be classified within the activity sensitivity framework.
- 6.7 Secondly, the amendment creates overlap between activity sensitivity categories. The inclusion of a 'structure used for non-habitable purposes' within the definition of activity least sensitive to natural hazards appears broad enough to capture buildings that would otherwise fall within the definition of activity potentially sensitive to natural hazards. As buildings are a subset of structures, many commercial and industrial buildings could potentially fall within both definitions. For example, if a new convenience store building were constructed at a service station, it is unclear whether it would be classified as an activity least sensitive to natural hazards because it is a 'structure used for non-habitable purposes', or as an activity potentially sensitive to natural hazards because it forms part of a commercial activity. Similar issues arise for warehouses, storage buildings, factory buildings and other commercial premises.
- 6.8 Thirdly, the amendment results in a degree of inconsistency between the activity sensitivity definitions and the natural hazard rules. The Reporting Officer recommends removing references to structures from the rules on the basis that those rules should apply only to buildings. However, structures would continue to feature prominently within the activity sensitivity definitions. In my view, this creates

uncertainty regarding the intended relationship between the definitions and the rule framework.

- 6.9 In my view, providing a more permissive pathway for small scale additions and buildings that present a low flood hazard risk, is more appropriately achieved through refinements to the relevant rules rather than by amending the activity sensitivity definitions. This approach would avoid introducing overlap and uncertainty into the definition framework while still addressing the concerns raised by the Fuel Companies and other submitters.
- 6.10 While the Fuel Companies' submission sought amendments to Rule NH-R11, the intent of that relief was to provide a more proportionate consenting pathway for small-scale buildings and structures that are unlikely to materially increase flood hazard risk. In my view, that rationale applies equally to Rule NH-R13. Although service stations, truck stops and fuel terminals are classified as activities potentially sensitive to natural hazards (NH-R13) rather than activities least sensitive to natural hazards (NH-R11), the construction of very small buildings and structures raises similar considerations regardless of the activity sensitivity category.
- 6.11 I agree with the Fuel Companies' submission that a more proportionate consenting pathway should be provided for small-scale forms of development that are unlikely to materially increase flood hazard risk. While I accept the Reporting Officer's view that reliance on whether a building is 'not fully enclosed by walls' may not be a particularly practical method of distinguishing between development that should, or should not, be subject to a consent requirement (refer Section 5.2.23, paragraphs [775]-[778] of the s 42A Report), I consider that a permitted activity pathway for buildings with a gross floor area of no more than 10m² remains appropriate, provided any habitable rooms are located above the level of the modelled 1% AEP Flood. I note that the Reporting Officer did not identify any specific concerns with the proposed 10m² threshold. I also consider that the inclusion of a habitable room requirement is consistent with the approach recommended elsewhere in the Natural Hazards chapter, including Rules NH-R8 and NH-R12, where flood risk management measures are directed towards habitable spaces rather than buildings and structures more generally.

Relief sought

- 6.12 Accordingly, for the reasons set out above, I urge the panel to make the following amendments:

- (a) Delete the text 'or part of a building' and 'structure used for non-habitable purposes' from the definition of activities least sensitive to natural hazards.
- (b) Amend Rules NH-R11 and NH-R13, which require restricted discretionary activity consent for activities least (NH-R11) and potentially (NH-R13) sensitive to natural hazards in the Medium and High Flood Hazard Overlays, to provide a permitted activity pathway for buildings (a) with a gross floor area of no more than 10m² and (b) where any habitable rooms are located above the level of the modelled 1% AEP Flood.

7. REGIONALLY SIGNIFICANT COASTAL BUSINESS OVERLAY: ACTIVITIES MOST SENSITIVE TO NATURAL HAZARDS

- 7.1 I support the introduction of the Regionally Significant Coastal Business Areas Overlay. I agree with the Reporting Officer's consideration that it provides a more efficient and coherent planning mechanism for recognising and managing areas of regionally significant coastal industry, while improving the clarity and usability of the PDP. The overlay is of particular relevance to the Fuel Companies, given that four bulk fuel storage terminals in Seaview, together with a number of service stations and truck stops, are located within the Regionally Significant Coastal Business Areas Overlay.
- 7.2 However, I consider that further refinements are necessary to ensure that the provisions applying within the Regionally Significant Coastal Business Areas Overlay remain consistent with the proportionate, risk-based approach to natural hazard management directed by recent changes to the RPS. I address these in the following paragraphs.
- 7.3 The Reporting Officer has recommended new Rule NH-Raaa, as follows:

NH-Raaa Regionally Significant Coastal Business Areas Overlay - Construction of new buildings and structures and the conversion of existing buildings for activities potentially sensitive to natural hazards or activities most sensitive to natural hazards within the Medium Flood Hazard Overlay and High Flood Hazard Overlay

This rule replaces NH-R13, NH-Rbbb, and NH-R14 within the Regionally Significant Coastal Business Areas Overlay

Activity status: Permitted

Where:

- a. The gross floor area of the new building or conversion is no more than 200m², and*
- b. The new building or conversion does not result in the establishment of a residential activity on the ground floor of the building.*

- 7.4 I support the intent of providing a more enabling planning framework within the Regionally Significant Coastal Business Areas Overlay, including a permitted activity pathway for activities potentially sensitive to natural hazards. This recognises the strategic importance of these areas as regionally significant commercial and employment centres, consistent with Policies 30 and 32 of the RPS, while providing an appropriate balance between enabling ongoing development and managing natural hazard risk.
- 7.5 However, I note that the recommended framework would also provide a permitted activity pathway for activities most sensitive to natural hazards within the High Flood Hazard Overlay. As drafted, this could enable activities such as a new apartment building of up to 200m² gross floor area without resource consent under the flood hazard provisions, notwithstanding the presence of a high flood hazard. The Panel may therefore wish to consider whether this outcome appropriately reflects the intended balance between enabling development within the Regionally Significant Coastal Business Areas Overlay and managing flood hazard risk.
- 7.6 In my opinion, such development has the potential to undermine the role and function of the Regionally Significant Coastal Business Areas, in particular areas such as the Seaview Industrial area, such that it is contrary to the intent of enabling an alternative risk management framework in recognition of the regional significance of such commercial or industrial zoned land (per new Policy 24(4)(f) of the RPS).
- 7.7 For similar reasons, I note that Rule NH-Rccc provides a permitted activity pathway for additions to buildings accommodating activities most sensitive to natural hazards within the High Flood Hazard Overlay and Regionally Significant Coastal Business Areas Overlay. The Panel may therefore wish to consider whether a permitted activity pathway for activities most sensitive to natural hazards is appropriate in this context.
- 7.8 Accordingly, the Panel I urge the Panel to make the following amendments:

- (a) Amend Rule NH-Raaa to add a new clause (a) stating 'It is not an activity most sensitive to natural hazards'.
- (b) Amend Rule NH-Rccc to add a new clause (a) stating 'It is not an activity most sensitive to natural hazards'.

8. REGIONALLY SIGNIFICANT COASTAL BUSINESS OVERLAY: PLAN USABILITY AND DRAFTING MATTERS

- 8.1 I have also identified several minor drafting and plan usability issues relating to the Regionally Significant Coastal Business Areas Overlay provisions.
- 8.2 The explanatory notes accompanying the Regionally Significant Coastal Business Areas Overlay provisions state that the overlay-specific rules 'replace' the underlying Flood Hazard rules. In my view, this wording is unclear, as the underlying rules are not deleted from the Plan but continue to apply outside the overlay. Referring to the overlay-specific rules as taking precedence over the underlying rules would more accurately describe the relationship between the provisions and assist plan users in understanding which rule applies within the overlay area.
- 8.3 I also consider that plan usability would be improved by including a corresponding explanatory note beneath the underlying rules that are superseded by the Regionally Significant Coastal Business Areas Overlay provisions. This would provide greater clarity for plan users by signalling when an overlay-specific rule takes precedence over the underlying Flood Hazard rule.
- 8.4 For consistency, I consider that the same drafting approach should be adopted for the Regionally Significant Coastal Business Areas Overlay provisions within the Coastal Hazard Overlay, noting that these rules are structured in a similar manner to those in the Flood Hazard Overlays.
- 8.5 I have also identified an apparent drafting error in Rule NH-Rbbb. The rule currently refers to the Medium Flood Hazard Overlay, however my understanding is that it is intended to apply only within the High Flood Hazard Overlay. Accordingly, the reference to the Medium Flood Hazard Overlay should be deleted.

Relief sought

- 8.6 Accordingly, for the reasons set out above, I urge the Panel to make the following amendments:

- (a) Amend the explanatory notes accompanying the Regionally Significant Coastal Business Areas Overlay rules in the Flood Hazard Overlay and Coastal Hazard Overlay provisions by replacing the word 'replaces' with 'takes precedence over'.
- (b) Insert corresponding explanatory notes beneath the underlying natural hazards rules in the Flood Hazard Overlay and Coastal Hazard Overlay provisions to identify where the Regionally Significant Coastal Business Areas Overlay take precedence.
- (c) Amend Rule NH-Rbbb by deleting the reference to the 'Medium Flood Hazard Overlay'.

9. OTHER MATTERS

- 9.1 As addressed earlier in my evidence, the Reporting Officer has recommended amendments to the flood hazard and coastal hazard overlay rules to remove references to structures. In Section 5.2.19 (para [616]) of the s 42A report, the Reporting Officer explains that limiting the natural hazards rules to buildings avoids the rules applying to non-habitable accessory structures, such as fences and letterboxes, and other structures that are unlikely to increase the population exposed to natural hazard risk, such as decks.
- 9.2 In my opinion, a similar approach should be adopted across the other rules in the Natural Hazards chapter. The rationale relied upon by the Reporting Officer for removing references to structures from the flood hazard and coastal hazard provisions appears equally applicable to the Fault Location Area and Liquefaction Hazard Overlay provisions. Applying a consistent approach across the chapter would improve the coherence and usability of the provisions and provide greater certainty for plan users.
- 9.3 The PDP defines the Fault Location Area as 'the area shown on the planning maps as being within the Fault Location Area'. Fuel Companies supported this definition in their submission and I do not oppose it in principle. However, I am concerned that the associated mapping and provisions do not provide sufficient clarity as to how the rules are intended to apply in practice.
- 9.4 The Fault Location Area contains four subareas: Uncertain/Constrained, Uncertain/Poorly Constrained, Well Defined, and Well Defined Extension. Different rules and activity statuses apply depending on which subarea an activity is located

within. For example, the construction of new buildings and structures associated with activities potentially sensitive to natural hazards within the Well Defined and Well Defined Extension subareas requires resource consent as a non-complying activity under NH-R6. As a non-complying activity, the proposal would be subject to the most restrictive consenting pathway in the Plan and would need to satisfy the gateway tests under section 104D of the RMA. However, it is not apparent from the planning maps which Fault Location Area subarea applies to a particular site, making it difficult to determine the relevant activity status and assessment framework.

- 9.5 In my opinion, plan provisions and associated maps should be sufficiently clear and certain to enable landowners, applicants and decision-makers to readily identify the rules that apply to a site and the level of fault hazard risk being managed. This is particularly important where different activity statuses apply across the Fault Location Area subareas, including non-complying activity status within the Well Defined and Well Defined Extension subareas. Without clear identification of these subareas on the planning maps, there is unnecessary uncertainty regarding the applicable activity status, level of risk, and consenting pathway.

Relief sought

- 9.6 Accordingly, for the reasons set out above, I urge the Panel to:
- (a) Remove references to structures in the Fault Location Area and Liquefaction Hazard Overlay rules.
 - (b) Amend the planning maps and/or Fault Location Area provisions to clearly identify the location of the Uncertain/Constrained, Uncertain/Poorly Constrained, Well Defined, and Well Defined Extension subareas.
- 9.7 These amendments are shown as track changes in **Appendix A**.

10. CLOSING

- 10.1 If there are any specific issues that the Hearings Panel and/or Council wish to address, or a more pragmatic way to achieve the recommended relief, I am more than happy to consider alternatives and/or participate in conferencing.

Philip Brown

5 August 2026

Appendices

Appendix A: Recommended amendments to PDP provisions

Appendix B: RPS Change 1 - Consent Order dated 31 July 2026

Appendix A

Recommended amendments to PDP provisions

The Reporting Officer's recommended insertions per the s 42A reports are shown in blue underline and deletions in ~~blue strikethrough~~, and this evidence's recommended insertions are shown in red double underline and deletions in ~~red double strikethrough~~.

Definitions

activity least sensitive to natural hazards

means a:

a. accessory building ~~or part of a building~~ used for non-habitable purposes,

~~b. structure used for non-habitable purposes.~~

c. building associated with marina operations (above MHWS),

d. passive recreation activity,

e. parks facility, ~~or~~

f. plantation forest or plantation forestry, or

g. any activity not otherwise included as an activity potentially sensitive to natural hazards or an activity most sensitive to natural hazards.

minimise

means:

Reduce to the smallest amount reasonably practicable. Minimised, minimising and minimisation have the corresponding meaning.

NH – Natural Hazards

General Objectives

NH-O2 Risk from natural hazards in Low Natural Hazard Overlays and Medium Natural Hazard Overlays

Subdivision, use and development within the Low Natural Hazard Overlays and Medium Natural Hazard Overlays minimises or does not increase the risk from natural hazards to people, buildings and infrastructure.

NH-O3 Subdivision, Use and Development in the ~~General Industrial Zone and Heavy Industrial Zone in Seaview, the Metropolitan Centre Zone in Petone and the Seaview Marina Zone~~ Regionally Significant Coastal Business Areas Overlay and within the Medium Flood Hazard Overlay or High Flood Hazard Overlay

Provide for subdivision, use and development in the ~~General Industrial Zone and Heavy Industrial Zone in Seaview, Metropolitan Centre Zone in Pito One and Seaview Marina Zone~~ Regionally Significant Coastal Business Areas Overlay while also ensuring development and use in this area minimises the risk from flood hazards to people, buildings and infrastructure.

General Policies

NH-P2 Levels of Risk

Subdivision, use and development manages the natural hazard risk to people, buildings and infrastructure by:

1. Avoiding buildings and activities in the High Natural Hazard Overlays (with the exception of the ~~General Industrial Zone and Heavy Industrial Zone in Seaview, Metropolitan Centre Zone in Pito One and Seaview Marina Zone~~ Regionally Significant Coastal Business Areas Overlay) unless there is an operational need or functional need for the subdivision, use, or development to be located in this area and the subdivision, use, or development ~~maintains or~~ reduces or does not increase the existing risk from the natural hazard to people, buildings and infrastructure.
2. Within the ~~General Industrial Zone and Heavy Industrial Zone in Seaview, the Metropolitan Centre Zone in Petone and the Seaview Marina Zone~~ Regionally Significant Coastal Business Areas Overlay, recognise the regional importance of these areas, while ensuring that subdivision, use, or development located in these areas minimises the risk from flood hazards in the High Flood Hazard Overlay to people, buildings, and infrastructure.

3. Requiring subdivision, use, or development to minimise ~~or not increase the risk to development~~ from natural hazards to people, buildings and infrastructure in the Low Hazard Overlays and Medium Hazard Overlays, and

4. Enabling use, or development that ~~is resilient to natural hazard effects, or has have~~ low occupancy or low replacement value within the Natural Hazard Overlays.

NH-P8 Additions to existing buildings and structures in the Low Flood Hazard Overlays

Additions to existing buildings and structures in the Low Flood Hazard Overlays are managed as follows:

1. Allow for additions to existing buildings and structures for activities least sensitive to natural hazards ~~in the Flood Hazard Overlays.~~

2. Allow for additions to existing buildings for activities potentially sensitive to natural hazards and activities most sensitive to natural hazards ~~in the Low Flood Hazard Overlay,~~ where:

a. The risk to people, and buildings on site from the ~~modelled~~ 1% ~~Annual Exceedance Probability AEP~~ Flood is minimised ~~or not increased, including by due to~~ the incorporation of ~~relevant~~ mitigation measures, ~~and~~

b. The existing risk to people and buildings on adjacent properties ~~is reduced or not increased~~ from the 1% Annual Exceedance Probability Flood ~~is not increased, and~~

NH-Pbbb Additions to existing buildings and structures in the Medium Flood Hazard Overlay

Additions to existing buildings and structures in the Medium Flood Hazard Overlay are managed as follows:

1. Allow for additions to existing buildings and structures for activities least sensitive to natural hazards ~~in the Flood Hazard Overlays.~~

2. Provide for additions to existing buildings for activities potentially sensitive to natural hazards and activities most sensitive to natural hazards within the ~~Medium Flood Hazard Overlay and High Flood Hazard Overlay but also in the General Industrial Zone in Seaview, the Heavy Industrial Zone in Seaview, the Metropolitan Centre Zone in Petone or the~~

~~Seaview Marina Zone~~ Regionally Significant Coastal Business Areas Overlay, where the addition:

- a. is of a limited scale and size,
- b. does not create new residential units on the ground floor; or
- c. risk is otherwise minimised.

3. Only allow additions to existing buildings for activities potentially sensitive to natural hazards and activities most sensitive to natural hazards ~~within the Medium Flood Hazard Overlay and High Flood Hazard Overlay in all zones~~ (excluding ~~General Industrial Zone in Seaview, the Heavy Industrial Zone in Seaview, the Metropolitan Centre Zone in Petone or the Seaview Marina Zone in the Regionally Significant Coastal Business Areas Overlay~~), where it can be demonstrated that:

a. The risk from the modelled 1% ~~Annual Exceedance Probability~~ AEP flood event is ~~low due to either the~~ appropriately managed, having regard to:

- i. Proposed mitigation measures; ~~or~~
- ii. Size of the addition; ~~or~~ and
- iii. Nature of the activities undertaken within the addition.

b. The conveyancing of flood waters through the Medium Flood Hazard Overlay and ~~High Flood Hazard Overlay~~ is still able to occur unimpeded and is not diverted onto adjacent properties.

NH-Pccc Additions to existing buildings and structures in the High Flood Hazard Overlay

Additions to existing buildings and structures in the High Flood Hazard Overlays are managed as follows:

- 1. Allow for additions to existing buildings and structures for activities least sensitive to natural hazards ~~in the Flood Hazard Overlays.~~
- 2. Provide for additions to existing buildings for activities potentially sensitive to natural hazards and activities most sensitive to natural hazards within the ~~Medium Flood Hazard Overlay and High Flood Hazard Overlay but also in the General Industrial Zone in Seaview, the Heavy Industrial Zone in Seaview, the Metropolitan Centre Zone in Petone or the~~

~~Seaview Marina Zone~~ Regionally Significant Coastal Business Areas Overlay, where the addition:

- a. is of a limited scale and size,
- b. does not create new residential units on the ground floor; or
- c. risk is otherwise minimised.

3. Only allow additions to existing buildings for activities potentially sensitive to natural hazards and activities most sensitive to natural hazards ~~within the Medium Flood Hazard Overlay and High Flood Hazard Overlay in all zones~~ (excluding ~~General Industrial Zone in Seaview, the Heavy Industrial Zone in Seaview, the Metropolitan Centre Zone in Petone or the Seaview Marina Zone in the Regionally Significant Coastal Business Areas Overlay~~), where it can be demonstrated that:

a. The risk from the modelled 1% ~~Annual Exceedance Probability AEP~~ flood event is ~~low due to either the~~ appropriately managed, having regard to:

- i. Proposed mitigation measures; ~~or~~
- ii. Size of the addition; ~~or~~ and
- iii. Nature of the activities undertaken within the addition.

b. The conveyancing of flood waters through the ~~Medium Flood Hazard Overlay and High Flood Hazard Overlay~~ is still able to occur unimpeded and is not diverted onto adjacent properties, and

c. The existing risk to people, buildings and infrastructure is not increased from the modelled 1% ~~Annual Exceedance Probability AEP~~ flood event.

NH-P9 Subdivision, use and development in the Low Flood Hazard Overlay~~s~~

Subdivision, use and development in the Low Flood Hazard Overlay~~s~~ are managed as follows:

- 1. Allow for new buildings, structures, building platforms, and the conversion of existing buildings that will contain activities least sensitive to natural hazards ~~in the Low Flood Hazard Overlay,~~

~~2. Provide for new buildings and structures, building platforms and the conversion of existing buildings that will contain activities least sensitive to natural hazards within the Medium Flood Hazard Overlay and High Flood Hazard Overlay where:~~

~~a. The existing risk to people and buildings on site from the 1% Annual Exceedance Probability Flood is reduced or avoided due to the incorporation of mitigation measures~~

~~b. The risk to people and buildings on adjacent properties is reduced or avoided from the 1% Annual Exceedance Probability Flood; and~~

~~c. The Medium Flood Hazard Overlay or High Flood Hazard Overlay is unimpeded and unobstructed to allow for the conveyancing of flood waters and flood water is not diverted onto adjacent properties or blocked.~~

3. Allow for new buildings and structures, building platforms and the conversion of existing buildings for activities potentially sensitive to natural hazards and activities most sensitive to natural hazards in the Low Flood Hazard Overlay, where:

a. The subdivision, development and use incorporates relevant mitigation measures to ensure the risk to people and buildings from the modelled 1% ~~Annual Exceedance Probability AEP~~ flood event is minimised or not increased, and

~~b.~~ The finished floor level of any new building or conversion of an existing building for activities most sensitive to natural hazards within identified inundation areas of the Flood Hazard Overlays is above the modelled 1% ~~Annual Exceedance Probability AEP~~ flood levels.

NH-Pddd Subdivision, use and development in the Medium Flood Hazard Overlay

Subdivision, use and development in the Medium Flood Hazard Overlay are managed as follows:

1. Allow for new buildings, structures, building platforms, and the conversion of existing buildings that will contain activities least sensitive to natural hazards.

2. Provide for new buildings and structures, building platforms and the conversion of existing buildings that will contain activities least sensitive to natural hazards where:

a. The existing risk to people and buildings on site from the modelled ~~1% Annual Exceedance Probability AEP~~ Flood is ~~reduced or avoided~~ not increased due to the incorporation of relevant mitigation measures;

b. The risk to people and buildings on adjacent properties is ~~not increased~~ ~~reduced or avoided~~ from the modelled 1% ~~Annual Exceedance Probability~~ AEP Flood; and

c. The Medium Flood Hazard Overlay is unimpeded and unobstructed to allow for the conveyancing of flood waters and flood water is not diverted onto adjacent properties or blocked.

3. Provide for new buildings and structures, building platforms and the conversion of existing buildings for activities potentially sensitive to natural hazards or activities most sensitive to natural hazards within the ~~Medium Flood Hazard Overlay and High Flood Hazard Overlay but also in the General Industrial Zone in Seaview, the Heavy Industrial Zone in Seaview, the Metropolitan Centre Zone in Petone, or the Seaview Marina Zone Regionally Significant Coastal Business Areas Overlay~~ where:

a. The building incorporates measures that minimise the risk to people and buildings from flood hazards,

b. There are no residential activities provided on the ground floor of the building, and

c. If the building is a Major Significant Hazardous Facility, measures that minimise the risk from the release of hazardous goods from flooding are incorporated into the design of the building.

4. Only allow for new buildings and structures, building platforms and the conversion of existing buildings for activities potentially sensitive to natural hazards and activities most sensitive to natural hazards ~~within the Medium Flood Hazard Overlay in all zones (with the exception of General Industrial Zone in Seaview, the Heavy Industrial Zone in Seaview, the Metropolitan Centre Zone in Petone and the Seaview Marina Zone~~ excluding in the Regionally Significant Coastal Business Areas Overlay where:

a. The risk to people and buildings on site from the 1% ~~Annual Exceedance Probability~~ AEP Flood is minimised due to the incorporation of relevant mitigation measures;

b. The risk to people and buildings on adjacent properties is ~~not increased~~ ~~reduced or avoided~~ from the modelled 1% ~~Annual Exceedance Probability~~ AEP Flood; and

c. The flow of floodwaters is unimpeded and unobstructed to allow for the conveyancing of flood waters, and flood water is not diverted onto adjacent properties or blocked.

NH-Peeee Subdivision, use and development in the High Flood Hazard Overlay

Subdivision, use and development in the High Flood Hazard Overlay are managed as follows:

1. Allow for new buildings, structures, building platforms, and the conversion of existing buildings that will contain activities least sensitive to natural hazards.

2. Provide for new buildings and structures, building platforms and the conversion of existing buildings that will contain activities least sensitive to natural hazards within the Medium Flood Hazard Overlay and High Flood Hazard Overlay where:

a. The existing risk to people and buildings on site from the modelled 1% ~~Annual Exceedance Probability AEP~~ Flood is ~~reduced or avoided~~ not increased due to the incorporation of relevant mitigation measures;

b. The risk to people and buildings on adjacent properties is not increased ~~reduced or avoided~~ from the modelled 1% ~~Annual Exceedance Probability AEP~~ Flood; and

c. The conveyancing of flood waters through the High Flood Hazard Overlay is still able to occur ~~unimpeded and unobstructed to allow for the conveyancing of flood waters~~ and ~~flood water~~ is not diverted onto adjacent properties ~~or blocked~~.

3. Provide for new buildings and structures, building platforms and the conversion of existing buildings for activities potentially sensitive to natural hazards or activities most sensitive to natural hazards within the Medium Flood Hazard Overlay and High Flood Hazard Overlay but also in the General Industrial Zone in Seaview, the Heavy Industrial Zone in Seaview, the Metropolitan Centre Zone in Petone, or the Seaview Marina Zone Regionally Significant Coastal Business Areas Overlay where:

a. The building incorporates measures that minimise the risk to people and buildings from flood hazards,

b. There are no residential activities provided on the ground floor of the building, and

c. If the building is a Major Significant Hazardous Facility, measures that minimise the risk from the release of hazardous goods from flooding are incorporated into the design of the building.

4. Avoid new buildings and structures, building platforms, and the conversion of existing buildings for activities potentially sensitive to natural hazards and activities most sensitive to natural hazards within the High Flood Hazard Overlay in all zones (with the exception of General Industrial Zone in Seaview, the Heavy Industrial Zone in Seaview, the Metropolitan Centre Zone in Petone and the Seaview Marina Zone excluding in the Regionally Significant Coastal Business Areas Overlay) unless:

- a. The subdivision, development and use has an operational need or functional need to locate within the ~~high-hazard-area~~ High Flood Hazard Overlay and locating outside of ~~these high-hazard-area~~ it is not a practicable option,
- b. Mitigation measures are incorporated, that reduce or avoid an increase in the existing risk to people and buildings from the modelled 1% ~~Annual Exceedance Probability AEP~~ Flood.
- c. People can safely evacuate the property during a modelled 1% ~~Annual Exceedance Probability AEP~~ flood, and
- d. The conveyancing of flood waters through ~~high-hazard-areas~~ the High Flood Hazard Overlay is still able to occur unimpeded and is not diverted onto adjacent properties.

Fault Location Area – Rules

Delete the word ‘structures’ from Rules NH-R1, NH-R2, NH-R3, NH-R4, NH-R5, NH-R6.

Flood Hazard Overlays – Rules

Insert the following note in Rules NH-R13, NH-Rbbb, NH-R14:

Rule NH-Rccc takes precedence over this rule within the Regionally Significant Coastal Business Areas Overlay.

<u>NH-Raaa</u>	<u>Regionally Significant Coastal Business Areas Overlay - Additions to existing buildings that contain activities potentially sensitive to natural hazards and activities most sensitive to natural hazards in the Medium Flood Hazard Overlay and High Flood Hazard Overlay</u>
<u>This rule replaces takes precedence over NH-R9 within the Regionally Significant Coastal Business Areas Overlay</u>	
<u>In either of the</u>	<u>1. Activity status: Permitted</u> <u>Where:</u>

<u>Medium Flood Hazard Overlay</u> <u>High Flood Hazard Overlay</u> <u>And also in the Regionally Significant Coastal Business Areas Overlay</u>	<u>a. It is not an activity most sensitive to natural hazards;</u> <u>b. The gross floor area of the addition is no more than 200m², and</u> <u>b. The addition does not result in the in the establishment of a residential activity on the ground floor of the building.</u>
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<u>NH-Rbbb</u>	<u>Construction of new buildings and the conversion of existing buildings for activities potentially sensitive to natural hazards or activities most sensitive to natural hazards (other than residential apartments) within the Medium Flood Hazard Overlay and High Flood Hazard Overlay</u>
<u>High Flood Hazard Overlay</u>	1. Activity status: Non-complying Where: <u>a. The new building or conversion is located in a High Flood Hazard Overlay</u>

<u>NH-Rccc</u>	<u>Regionally Significant Coastal Business Areas Overlay - Construction of new buildings and structures and the conversion of existing buildings for activities potentially sensitive to natural hazards or activities most sensitive to natural hazards within the Medium Flood Hazard Overlay and High Flood Hazard Overlay</u>
<u>This rule replaces takes precedence over NH-R13, NH-Rbbb, and NH-R14 within the Regionally Significant Coastal Business Areas Overlay</u>	

<u>In either of the</u> <u>Medium Flood</u> <u>Hazard Overlay</u> <u>High Flood Hazard</u> <u>Overlay</u> <u>And also in the</u> <u>Regionally</u> <u>Significant Coastal</u> <u>Business Areas</u> <u>Overlay</u>	<u>1. Activity status: Permitted</u> <u>Where:</u> <u>a. It is not an activity most sensitive to natural hazards;</u> <u>b. The gross floor area of the new building or conversion is no more than 200m², and</u> <u>c. The new building or conversion does not result in the establishment of a residential activity on the ground floor of the building.</u>
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NH-R11	<u>Construction of Nnew buildings and structures and the conversion of existing buildings for activities least sensitive to natural hazards within the Medium Flood Hazard Overlay and High Flood Hazard Overlay</u>
<u>Medium Flood</u> <u>Hazard Overlay</u> <u>High Flood Hazard</u> <u>Overlay</u>	<u>1. Activity status: Permitted</u> <u>Where</u> <u>a. The building has a gross floor area of no more than 10m²; and</u> <u>b. The finished floor levels of habitable rooms in the building are located above the modelled 1% AEP Flood, including the modelled freeboard plus the height of the floor joists or the base of the concrete floor slab.</u>

NH-R13	<u>Construction of Nnew buildings and structures and the conversion of existing buildings for activities potentially sensitive to natural hazards or activities most sensitive to natural hazards (other than residential apartments) within the Medium Flood Hazard Overlay and High Flood Hazard Overlay</u>
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<u>Medium Flood Hazard Overlay</u>	<u>1. Activity status: Permitted</u> <u>Where</u> <u>a. The building has a gross floor area of no more than 10m²; and</u> <u>b. The finished floor levels of habitable rooms in the building are located above the modelled 1% AEP Flood, including the modelled freeboard plus the height of the floor joists or the base of the concrete floor slab.</u>
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Liquefaction Hazard Overlays – Rules

Delete the word 'structures' from Rules NH-R15, NH-R16, NH-R17

CE – Coastal Environment

Policies – Coastal Hazards

CE-P9 Levels of Risk

....

4. Enabling use, or development that have has development that is resilient to natural hazard effects, has ~~have either~~ low occupancy or low replacement value within the Coastal Hazard Overlays.

General Objectives

Amend the note in Rule CE-Rccc as follows:

This rule takes precedence over ~~replaces~~ CE-R10 within the Regionally Significant Coastal Business Areas Overlay

Insert the following note in Rule CE-R10:

Rule CE-Rccc takes precedence over this rule within the Regionally Significant Coastal Business Areas Overlay.

Amend the note in Rule CE-Rccc as follows:

This rule takes precedence over ~~replaces~~ CE-Rbbb within the Regionally Significant Coastal Business Areas Overlay

Insert the following note in Rule CE-Rbbb:

Rule CE-Rbbb takes precedence over this rule within the Regionally Significant Coastal Business Areas Overlay.

Mapping

Amend the planning maps and/or Fault Location Area provisions to clearly identify the location of the Uncertain/Constrained, Uncertain/Poorly Constrained, Well Defined, and Well Defined Extension subareas.

Appendix B

RPS Change 1 - Consent Order dated 31 July 2026 (Evidence of Philip Brown on behalf of the Fuel Companies)

IN THE ENVIRONMENT COURT
AT WELLINGTON

I TE KŌTI TAIAO O AOTEAROA
KI TE WHANGANUI-A-TARA

Decision [2026] NZEnvC 196

IN THE MATTER

of appeals under cl 14 of Schedule 1 of
the Resource Management Act 1991

BETWEEN

PORIRUA CITY COUNCIL (and
other appellants listed in Annexure A)

(ENV-2024-WLG-000043)

Appellant

AND

WELLINGTON REGIONAL
COUNCIL

Respondent

Court: Judge L J Semple sitting alone under s 279 of the Act

Hearing: On the papers

Last case event: 3 July 2026

Date of Decision: 31 July 2026

Date of Issue: 31 July 2026

CONSENT ORDER

A: Under s 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that Change 1 and Variation 1 are amended to include the agreed version of Objective 19, and Policies 29 and 51 as set out in **Appendix 1** to this consent order.

B: The appeal points on Objective 19, Objective 21, Policy 29 and Policy 51 are otherwise dismissed.



C: Under s 285 of the Resource Management Act 1991, there is no order as to costs.

REASONS

Introduction

[1] Proposed Change 1 to the Operative Wellington Regional Policy Statement (Change 1) was publicly notified on 19 August 2022. Variation 1 to Change 1 was publicly notified on 13 October 2023 (Variation 1).

[2] Change 1 and Variation 1 make changes to the Operative Regional Policy Statement to account for new national direction and to address issues in the Wellington Region. The focus of Change 1 and Variation 1 is to implement and support the National Policy Statement on Urban Development 2020 and to start the implementation of the National Policy Statement for Freshwater Management 2020. It also addresses issues related to climate change, indigenous biodiversity and high natural character.

[3] Change 1 and Variation 1 progressed in part through a freshwater planning process and in part through a standard Schedule 1 planning process under the Resource Management Act 1991.

[4] On 4 October 2024, the Wellington Regional Council (Council) gave notice that it had made its decision on the provisions and matters raised in submissions on Change 1 and Variation 1 (Decision). For those provisions subject to the standard Schedule 1 process, any Environment Court appeal on the Decision was to be lodged by 18 November 2024, and any s 274 notices to join an appeal were to be lodged by 9 December 2024.

[5] The parties who are appellants on the natural hazards topic, Objectives 19 and 21, and Policies 29 and 51, on Change 1 are:

- (a) Porirua City Council;

- (b) Royal Forest and Bird Protection Society of New Zealand Inc;
- (c) Wellington City Council
- (d) Hutt City Council; and
- (e) Kāpiti Coast District Council.

[6] The appellants appealed against multiple parts of the Decision. This consent order deals with the part of their appeals that relate to Objectives 19 and 21, and Policies 29 and 51 of Change 1.

Other matters

[7] The following persons joined the proceedings under s 274 of the Act and have signed the joint memorandum setting out the relief sought:

- (a) Powerco Ltd;
- (b) Transpower New Zealand Ltd;
- (c) Winstone Aggregates;
- (d) Genesis Energy Ltd;
- (e) Wellington City Council;
- (f) Te Rūnanga o Toa Rangatira;
- (g) NZTA Waka Kotahi;
- (h) Porirua City Council;
- (i) Royal Forest and Bird Protection Society of New Zealand Inc;
- (j) Wellington International Airport Ltd;
- (k) Guildford Timber Company Ltd;
- (l) Hutt City Council;
- (m) Kāpiti Coast District Council;
- (n) Ātiawa ki Whakarongotai Charitable Trust; and

- (o) Z Energy Ltd, BP Oil New Zealand Limited, and Mobil Oil New Zealand Ltd.

[8] The Council, appellants and the s 274 parties attended Court assisted mediation on 10-12 June 2025, 19 August 2025 and 5 September 2025.

[9] It was not originally clear whether s 274 parties Ngā Hapū o Ōtaki or Waikanae North Developments Ltd retained an interest in the provisions settled by this consent memorandum and draft order. The Court issued a minute directing the Council to ascertain their position. The Council has since lodged a memorandum setting out both parties' positions. The Court is satisfied that all parties with an interest in the provisions settled by this order have agreed to the changes made.

Orders

[10] The Court is making this order under s 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to s 297. The Court understands for present purposes that:

- (a) all parties reached an agreement on the amendments to Objective 19, and Policies 29 and 51 as set out in **Appendix 1** to this consent order. **Appendix 2** contains a clean version of Objective 19, and Policies 29 and 51 as agreed by the parties;
- (b) all parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to the relevant requirements and objectives of the Act including, in particular, Part 2.



L.J. Semple

Environment Judge | Kaiwhakawā o te Kōti Taiao



Annexure A

Royal Forest and Bird Protection Society of New Zealand Inc	ENV-2024-WLG-044
Wellington City Council	ENV-2024-WLG-046
Hutt City Council	ENV-2024-WLG-047
Kāpiti Coast District Council	ENV-2024-WLG-054

Appendix 1 – RPS Change 1 Natural Hazards – Amended version

Key:

Black underline and strikethrough are amendments to the RPS made by Change 1

Red underline and strikethrough are amendments to Change 1 to the RPS made by this consent order.

Objective 19

The ~~risks and consequences~~ to people, communities, ~~their businesses~~, property, and ~~infrastructure~~ from ~~natural hazards~~ and ~~the effects of~~ climate change ~~effects are reduced-avoided, or minimised or otherwise managed in a way that is proportionate to the risk.~~

Policy 29: ~~Avoiding inappropriate~~ Managing subdivision, use and development in areas at high risk from natural hazards – district and regional plans

Regional plans and district plans shall manage subdivision, use and development in areas at *risk* from *natural hazards* as follows:

- (1) ~~(a)~~ identify areas ~~at high risk from~~ potentially affected by natural hazards; and
- (2) ~~(b)~~ use a risk-based approach to assess the ~~consequences-risk~~ to ~~new or existing~~ subdivision, use and development from *natural hazards* and climate change impacts over at least a 100 year planning horizon ~~which identifies-identifying~~ the hazards or risks as being low, medium ~~or~~, high; ~~or greater~~; and
- (3) ~~(c)~~ include ~~hazard overlays spatial layers~~, objectives, ~~polices~~ policies and rules to manage new and existing ~~avoid inappropriate risks from natural hazards to~~ subdivision, use and development ~~in those areas where the hazards or risks are assessed as low to medium in order to minimise or not increase the risks from natural hazards; and~~ by:
 - (a) avoiding subdivision, use and development for hazard sensitive activities where the hazards or risks from natural hazards are assessed as high or greater; and
 - (b) otherwise avoiding, minimising, or not increasing the risks from natural hazards in a way that is proportionate to the risk or hazard.
- ~~(d) include hazard overlays, objectives, polices and rules to avoid new and minimise or not increase the risks to existing subdivision, use and development and hazard sensitive activities in areas where the hazards or risks are assessed as high, unless there is a functional or operational need to be located in these areas.~~

- (4) The plan may provide exceptions to the approach in 3(a) or 3(b) in the following circumstances:
- (a) In areas where the hazards or risks are assessed as high or greater, the subdivision, use or development either reduces or does not increase the existing risk on a site; or
 - (b) Outside the coastal marine area where there is an operational or functional need for the subdivision, use or development to occur, the risk from natural hazards shall be minimised; or
 - (c) In the coastal marine area for use or development undertaken by, or on behalf of, a local authority for a public good need, or for other use or development where there is a functional need to locate in the coastal marine area, the risk from natural hazards shall be minimised; or
 - (d) The subdivision, use or development is for regionally significant infrastructure, and where there are ancillary hazard sensitive activities, the risk to those activities shall be minimised; or
 - (e) In relation to coastal hazards, the subdivision, use or development is for regionally significant infrastructure, in which case the risk as a result of the activity beyond the regionally significant infrastructure shall be minimised or not increased; or
 - (f) the subdivision, use or development is within regionally or nationally significant commercial or industrial zoned land, or a similar special purpose zone, in which case the risk from natural hazards shall be minimised.

Explanation

Policy 29 establishes a framework to:

- 1.—identify and assess the likelihood of *natural hazards* that may affect the Wellington Region or district over at least a 100 year period; and then
- 2.—apply a risk-based approach for assessing the potential consequences to new or existing subdivision, use and development in those areas; and then
- 3.—develop provisions to manage new and existing subdivision, use and development in those areas in order to avoid, *minimise or not increase the risks from natural hazards.*

The factors listed in Policies 51 and 52 should be considered when implementing Policy 29 and when writing policies and rules to manage

subdivision, use and development in areas ~~identified as being affected by at risk from~~ natural hazards.

Other than in relation to relevant regional rules, ~~the~~ Policy 29 does not apply to regulated activities under the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016.

~~Guidance documents that can be used to assist in incorporating a risk-based approach to hazard risk management and planning include:~~

- ~~● Risk Tolerance Methodology: A risk tolerance methodology for central, regional, and local government agencies who manage natural hazard risks. Toka Tū Ake | EQC (2023); and~~
- ~~● Planning for natural hazards in the Wellington Region under the National Policy Statement on Urban Development 2020, GNS Science Misc. Series 140 (2020); and~~
- ~~● NZGPS guidance note: Coastal Hazards, Department of Conservation (2017); and~~
- ~~● Coastal Hazards and Climate Change: Guidance for Local Government, Ministry for the Environment (2017); and~~
- ~~● Risk Based Approach to Natural Hazards under the RMA, Prepared for MfE by Tonkin & Taylor (2016); and~~
- ~~● Planning for Risk: Incorporating risk-based land use planning into a district plan, GNS Science (2013); and~~
- ~~● Preparing for future flooding: a guide for local government in New Zealand, MfE (2010); and~~
- ~~● Landslide Planning Guidance: Reducing Landslide Risk through Land-Use Planning, GNS Science, (2024); and~~
- ~~● Planning for development of land on or close to active faults, Ministry for the Environment (2003); and~~
- ~~● Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016, User's Guide, Ministry for the Environment, 2018; and~~
- ~~● Other regional documents and strategies relating to the management of natural hazards.~~

Explanation

~~The process of identifying 'areas at high risk' from natural hazards must consider the potential natural hazard events that may affect an area and the vulnerability of existing and/ or foreseeable subdivision or development. An area should be considered high risk if there is the~~

potential for moderate to high levels of damage to the subdivision or development, including the buildings, infrastructure, or land on which it is situated. The assessment of areas at high risk should factor in the potential for climate change and sea level rise and any consequential effect that this may have on the frequency or magnitude of related hazard events.

Examples of the types of natural hazards or hazard events that may cause an area or subdivision or development to be considered high risk include – but are not limited to – fault rupture zones, beaches that experience cyclical or long-term erosion, failure-prone hill slopes, or areas that are subject to serious flooding.

The factors listed in policies 51 and 52 should be considered when implementing policy 29 and writing policies and rules to avoid inappropriate subdivision and development in areas at high risk.

Most forms of residential, industrial or commercial development would not be considered appropriate and should be avoided in areas at high risk from natural hazards, unless it is shown that the effects, including residual risk, will be managed appropriately.

Hazard mitigation works can reduce the risk from natural hazards in high hazard areas.

To give effect to this policy, district and regional plans should require assessments of the risks and consequential effects associated with any extensive structural or hard engineering mitigation works that are proposed. For a subdivision or development to be considered appropriate in areas at high risk of natural hazards, any hazard mitigation works should not:

- Adversely modify natural processes to a more than minor extent;
- Cause or exacerbate hazards in adjacent areas to a more than minor extent;
- Generally result in significant alteration of the natural character of the landscape;
- Have unaffordable establishment and maintenance costs to the community;
- Leave a more than minor residual risk; and/or
- Result in more than minor permanent or irreversible adverse effects.

Examples of how this may be applied to identified high hazard areas include: fault rupture avoidance zones 20 metres either side of a fault trace; setback distances from an eroding coastline; design standards for floodplains; or, requirements for a geotechnical investigation before development proceeds on a hill slope identified as prone to failure.

This policy promotes a precautionary, risk-based approach, taking into consideration the characteristics of the natural hazard, its magnitude and frequency, potential impacts and the vulnerability of development.

Guidance documents that could be used to assist in

the process include:

- Risk Management Standard AS/NZS 4360:2004
- Guidelines for assessing planning policy and consent requirements for landslide-prone land, GNS Science (2008)
- Planning for development of land on or close to active faults, Ministry for the Environment (2003)
- Coastal Hazards and Climate Change: A Guidance Manual for Local Government in New Zealand, Ministry for the Environment (2008)
- Other regional documents relating to the management of natural hazards.

This policy also recognises and supports the Civil Defence Emergency Management principles – risk reduction, readiness, response and recovery – in order to encourage more resilient communities that are better prepared for natural hazards, including climate change impacts.

Policy 29 will act to reduce risk associated with natural hazards. The risks are to people and communities, including businesses, utilities and civic infrastructure.

This policy and the Civil Defence Emergency Management framework recognise the need to involve communities in preparing for natural hazards. If people are prepared and able to cope, the impacts from a natural hazard event are effectively reduced.

Policy 51: Avoiding, ~~or~~ Minimising ~~or not increasing~~ the risks and consequences of natural hazards – consideration

When considering an application for a resource consent, notice of requirement, or a change, variation or review to a district or regional plan, the risk and consequences of natural hazards on people, communities, their property and infrastructure shall be ~~avoided~~~~or~~, minimised ~~,and/or~~ ~~not increased~~. ~~In~~ determining whether an activity is ~~inappropriate~~ ~~appropriate~~ particular regard shall be given to:

1. ~~(a)~~ the frequency and magnitude ~~likelihood and consequences~~ of the range of natural hazards that may adversely affect the ~~proposal or development~~ ~~subdivision, use or development~~, including ~~residual risk~~ those that may be exacerbated by climate change and sea level rise; and

(b) the potential for climate change and sea level rise to increase in the frequency or magnitude of a hazard event;
2. ~~ensuring the response to the risk from the natural hazard avoids, minimises, or does not increase the risk to the subdivision use or development by:~~

- a. avoiding subdivision, use and development for hazard sensitive activities where the hazards or risks from natural hazards are assessed as high or greater; and
- b. otherwise avoiding, minimising, or not increasing the risks from natural hazards in a way that is proportionate to the risk or hazard.

Unless one of the following exceptions applies:

- c. in areas where the hazards or risks are assessed as high or greater, the subdivision, use or development either reduces or does not increase the existing risk on a site; or
 - d. outside the coastal marine area where there is an operational or functional need for the subdivision, use or development to occur, the risk from natural hazards shall be minimised; or
 - e. in the coastal marine area for use or development undertaken by, or on behalf of, a local authority for a public good need, or for other use or development where there is a functional need to locate in the coastal marine area, the risk from natural hazards shall be minimised; or
 - f. the subdivision, use or development is for regionally significant infrastructure, and where there are ancillary hazard sensitive activities, the risk to those activities shall be minimised; or
 - g. in relation to coastal hazards, the subdivision, use or development is for regionally significant infrastructure, in which case the risk as a result of the activity beyond the regionally significant infrastructure shall be minimised or not increased; or
 - h. the subdivision, use or development is within regionally or nationally significant commercial or industrial zoned land, or a similar special purpose zone, in which case the risk from natural hazards shall be minimised.
- 3. ~~(b)~~ whether the location of the subdivision, use or development will foreseeably require hazard mitigation works in the future; and
 - 4. ~~(c)~~ the potential for injury or loss of life, social and economic disruption and civil defence emergency

management and civil defence implications – such as access routes to and from the site; and

5. ~~(d)~~ whether the subdivision, use or development ~~causes~~ would cause any change in the ~~risks~~ and consequences from *natural hazards* in areas beyond the application development site; and

6. ~~(e)~~ minimising effects the impact of the proposed subdivision, use or development on any natural features that may act as a buffer to reduce the impacts from *natural hazards*; and ~~and where development should not interfere with their ability to reduce the risks of natural hazards;~~

~~(f) avoiding inappropriate subdivision, use or development and hazard sensitive activities where the hazards and risks are assessed as high in areas at high risk from natural hazards, unless there is a functional or operational need to be located in these areas; and~~

~~(g) appropriate the potential need for hazard risk management and/or adaptation and mitigation measures for subdivision, use or development in moderate risk areas where the hazards and risks are assessed as low to moderate, including an assessment of residual risk; and~~

7. ~~(h)~~ the allowance for floodwater conveyancing in identified overland flow paths and stream corridors;

8. ~~(i)~~ the need to locate ~~habitable floor areas and access routes~~ levels of habitable buildings and buildings used as places of employment above the 1% annual exceedance probability (1:100 year) flood level, in identified flood hazard areas; and

9. ~~(h)~~ whether Te Ao Māori or mātauranga Māori provides a broader understanding of the hazards and risk management options.

This Policy applies:

1. until the district plan or regional plan has given effect to Policy 29, and
2. where, after Policy 29 has been given effect to:
 - a. new or updated natural hazard information, that is held and considered to be relevant by the local authority, is available, or
 - b. to new plan changes implementing Policy 29.

Explanation

Policy 51 aims to ~~avoid, minimise or not increase~~ the risks and consequences of *natural hazard* events through sound preparation, investigation and planning prior to development. This policy reflects a need to employ a precautionary, *risk-based* approach, taking into consideration the likelihood of the hazards and the vulnerability of the development. ~~and in partnership with mana whenua / tangata whenua. Te Ao Māori and mātauranga Māori perspectives. When considering the incorporation of Te Ao Māori or mātauranga Māori hazard risk management options, this is done in partnership with mana whenua / tangata whenua.~~

Typical *natural hazards* in the region include, but are not limited to:

- ——— Flooding and inundation (river, stormwater, coastal)
- ——— Earthquake (ground shaking, amplification, liquefaction, ground displacement)
- ——— Coastal hazards (erosion, storm surge, tsunami)
- ——— Mass movement (landslip, rockfall)

Other site specific hazards may become apparent during the course of an assessment for a proposal or development; however, those above are the most serious hazards to consider.

Policy 51 refers to *residual risk*, which is the risk that remains after protection works are put in place. Stopbanks, seawalls and revetments and other engineered protection works can create a sense of security and encourage further development. In turn, this increases the extent and value of assets that could be damaged if the protection works fail or an extreme event exceeds the structural design parameters.

Policy 51(g) will cease to have effect once policy 29 has been given effect to in the relevant district plan.

The term areas at high risk refers to those areas potentially affected by natural hazard events that are likely to cause moderate to high levels of damage to the subdivision or development, including the land on which it is situated. It applies to areas that face a credible probability of experiencing significant adverse impacts in a hazard event — such as such as fault rupture zones, beaches that experience cyclical or long term erosion, failure prone hill slopes, or areas that are subject to repeated flooding.

Policy 51(i) requires that particular regard to be given, in identified flood hazard areas, to the need to locate floor levels above the expected level of a 1 in 100 year flood or 1% annual exceedance probability (AEP), to minimise damages. It also recognises that access routes should be located above this level, to allow evacuation or emergency services access to and from a site. The clause uses the 1% annual exceedance probability as a minimum standard, allowing for the possibility that it may need to be higher

in certain areas, depending on the level of risk.

To promote more resilient communities that are better prepared for natural hazards, including climate change impacts, there is a need to support the Civil Defence Emergency Management principles of hazards and/or risk reduction, readiness, response and recovery:

Reduction is concerned with minimising the adverse impacts from natural hazards through sound planning and management. Readiness is about preparing for hazard events before they occur and involves local authorities, civil defence emergency management and the community. An important way to achieve this is through public education and by providing information and advice in order to raise awareness of natural hazard issues. Response and recovery are the important functions carried out by local authorities and civil defence emergency management during and after a civil defence emergency.

The policy recognises the need to involve the community in preparing for natural hazards. If people are prepared and able to cope, the impacts from a natural hazard event are effectively reduced.

Appendix 2 – RPS Change 1 Natural Hazards – Clean version

Objective 19

The *risks* to people, communities, business, property, and *infrastructure* from *natural hazards* and the effects of climate change are avoided, *minimised* or otherwise managed in a way that is proportionate to the risk.

Policy 29: Managing subdivision, use and development in areas at risk from natural hazards – district and regional plans

Regional plans and district plans shall manage subdivision, use and development in areas at *risk* from *natural hazards* as follows:

- (1) Identify areas potentially affected by *natural hazards*; and
- (2) Use a risk-based approach to assess the risk to subdivision, use and development from *natural hazards* and climate change impacts over at least a 100 year planning horizon identifying the hazards or *risks* as being low, medium, high or greater; and
- (3) Include spatial layers, objectives, policies and rules to manage risks from natural hazards to subdivision, use and development by:
 - (a) avoiding subdivision, use and development for *hazard sensitive activities* where the hazards or risks from natural hazards are assessed as high or greater; and
 - (b) otherwise avoiding, minimising, or not increasing the *risks* from *natural hazards* in a way that is proportionate to the *risk* or *hazard*.
- (4) The plan may provide exceptions to the approach in 3(a) or 3(b) in the following circumstances:
 - (a) In areas where the hazards or risks are assessed as high or greater, the subdivision, use or development either reduces or does not increase the existing risk on a site; or
 - (b) Outside the coastal marine area where there is an operational or functional need for the subdivision, use or development to occur, the risk from natural hazards shall be minimised; or
 - (c) In the coastal marine area for use or development undertaken by, or on behalf of, a local authority for a public good need, or for other use or development where there is a functional need to locate in the coastal marine area, the risk from natural hazards shall be minimised; or

- (d) The subdivision, use or development is for regionally significant infrastructure, and where there are ancillary hazard sensitive activities, the risk to those activities shall be minimised; or
- (e) In relation to coastal hazards, the subdivision, use or development is for regionally significant infrastructure, in which case the risk as a result of the activity beyond the regionally significant infrastructure shall be minimised or not increased; or
- (f) the subdivision, use or development is within regionally or nationally significant commercial or industrial zoned land, or a similar special purpose zone, in which case the risk from natural hazards shall be minimised.

Explanation

The factors listed in Policies 51 and 52 should be considered when implementing Policy 29 and when writing policies and rules to manage subdivision, use and development in areas at *risk* from *natural hazards*.

Other than in relation to relevant regional rules, Policy 29 does not apply to regulated activities under the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016.

Policy 51: Avoiding, minimising or not increasing the risks and consequences of natural hazards – consideration

When considering an application for a resource consent, notice of requirement, or a change, variation or review to a district or regional plan, the risk and consequences of natural hazards on people, communities, their property and infrastructure shall be avoided, minimised or not increased. In determining whether an activity is appropriate particular regard shall be given to:

1. the likelihood and consequences of the range of natural hazards that may adversely affect the subdivision, use or development, including those that may be exacerbated by climate change and sea level rise; and
2. ensuring the response to the risk from the natural hazard avoids, minimises, or does not increase the risk to the subdivision use or development by:
 - (a) avoiding subdivision, use and development for *hazard sensitive activities* where the hazards or risks from natural hazards are assessed as high or greater; and

- (b) otherwise avoiding, minimising, or not increasing the *risks* from *natural hazards* in a way that is proportionate to the *risk or hazard*.

Unless one of the following exceptions applies:

- (c) in areas where the hazards or risks are assessed as high or greater, the subdivision, use or development either reduces or does not increase the existing *risk* on a site; or
 - (d) outside the coastal marine area where there is an operational or functional need for the subdivision, use or development to occur, the risk from natural hazards shall be minimised; or
 - (e) in the coastal marine area for use or development undertaken by, or on behalf of, a local authority for a public good need, or for other use or development where there is a functional need to locate in the coastal marine area, the risk from natural hazards shall be minimised; or
 - (f) the subdivision, use or development is for regionally significant infrastructure, and where there are ancillary hazard sensitive activities, the risk to those activities shall be minimised; or
 - (g) in relation to coastal hazards, the subdivision, use or development is for regionally significant infrastructure, in which case the risk as a result of the activity beyond the regionally significant infrastructure shall be minimised or not increased; or
 - (h) the subdivision, use or development is within regionally or nationally significant commercial or industrial zoned land, or a similar special purpose zone, in which case the risk from natural hazards shall be minimised.
3. whether the location of the subdivision, use or development will foreseeably require hazard mitigation works in the future; and
 4. the potential for injury or loss of life, social and economic disruption and civil defence emergency management implications – such as access routes to and from the site; and
 5. whether the subdivision, use or development would cause any change in the risks and consequences from natural hazards in areas beyond the application site; and
 6. minimising effects of the subdivision, use or development on any natural features that may act as a buffer to reduce the impacts from natural hazards; and
 7. the allowance for floodwater conveyancing in identified overland flow paths and stream corridors; and

8. the need to locate floor levels of habitable buildings and buildings used as places of employment above the 1% annual exceedance probability (1:100 year) flood level, in identified flood hazard areas; and
9. whether Te Ao Māori or mātauranga Māori provides a broader understanding of the hazards and risk management options.

This Policy applies:

1. until the district plan or regional plan has given effect to Policy 29, and
2. where, after Policy 29 has been given effect to:
 - a. new or updated natural hazard information, that is held and considered to be relevant by the local authority, is available, or
 - b. to new plan changes implementing Policy 29.

Explanation

Policy 51 aims to avoid, minimise or not increase the risks and *consequences* of *natural hazard* events through sound preparation, investigation and planning prior to development. This policy reflects a need to employ a precautionary, *risk*-based approach, taking into consideration the likelihood of the hazards and the vulnerability of the development. When considering the incorporation of Te Ao Māori or mātauranga Māori hazard risk management options, this is done in partnership with mana whenua / *tangata whenua*.