

INTRODUCTION

- 1.1 Good morning to the Panel and the Council's officers. My name is Phil Brown. I am a planner at SLR Consulting presenting evidence on behalf of BP, Mobil and Z Energy, referred to as the Fuel Companies, in their submission.
- 1.2 Mr Chair, with my evidence taken as read, I'll speak to a summary statement which was sent to the Hearings Administrator this morning and is hopefully available to the Panel. My oral statement will take a few minutes and I'm happy to answer any questions afterwards.

SUMMARY

- 1.3 For efficiency, this oral statement focuses on the aspects of my evidence that were specifically identified by Commissioner McMahon (Minute #12 (Hearing Stream 5 – preliminary matters) and s 42 A Officer Stephen Davis (Rebuttal evidence, dated 12 August 2026). This includes:
- (a) Natural hazards hierarchy, including alignment with the RPS and NPS-NH, and the scope for the amendments sought.
 - (b) The treatment of small-scale, non-habitable buildings and structures within the Natural Hazards chapter, including the scope for the amendments sought.
- 1.4 I note that some matters addressed in my evidence were not responded to in Mr Davis's rebuttal evidence. While I do not address those matters further today, I continue to rely on and support the conclusions and recommendations set out in my evidence.

NATURAL HAZARDS HIERARCHY

- 1.5 In my evidence, I recommended amendments to the PDP objectives and policies to improve clarity and usability, and to better align the Natural Hazards chapter with the Wellington RPS (including RPS Change 1) and the NPS-NH. Mr Davis does not generally support those amendments, on the basis that they either depart from the avoid/minimise/not increase framework in RPS Policy 29 or are unnecessary because they restate existing policy tests.
- 1.6 While I broadly support the risk-based approach adopted in the Natural Hazards chapter, a number of amendments are needed to ensure the objectives and policies

consistently reflect a proportionate, risk-based approach to natural hazard management and better align with the direction now set by RPS Policies 29 and 51. In particular, some aspects of the policy framework could result in risk management responses that are not proportionate to the scale and significance of the risk being managed. In my view, the amendments I have proposed would go some way towards addressing these issues, acknowledging the challenges presented by the timing of this process, with the PDP natural hazard provisions drafted and subject to submissions prior to the NPS-NH gazettal and RPS Change 1 Consent Order.

- 1.7 In his rebuttal evidence, Mr Davis recommends amending Policy NH-P2 to refer to 'potential future risk', as well as existing risk. I do not support this amendment. Without clear guidance, it is unclear how plan users would be expected to determine whether a proposal reduces or does not increase 'potential future risk'. A more appropriate approach could be for the policy to simply refer to 'risk', rather than distinguishing between existing and potential future risk.
- 1.8 Commissioner McMahon also asked about scope for amendments that would better align the PDP with the RPS and NPS-NH. In my opinion, such scope exists for the following reasons:
- (a) The Fuel Companies' submission and further submissions addressed the majority of policies within the Natural Hazards chapter¹ and generally sought a risk-based approach to natural hazard management. The submission also sought that the PDP give effect to the Wellington RPS² and sought any consequential, or associated amendments necessary to achieve the relief sought and ensure a consistent approach across the PDP.³
 - (b) The policy context has evolved since submissions were lodged. In particular, the NPS-NH was notified in December 2025 and the Environment Court Consent Order settling the relevant RPS provisions was issued on 31 July 2026. These documents provide further direction regarding the implementation of the risk-based approach to natural hazard management which was supported in the Fuel Companies' submission and further submissions on the PDP.

¹ The Fuel Companies submitted and / or further submitted on: NH-O1, NH-O2, NH-O3, NH-P1, NH-P2, NH-P6, NH-P7, NH-P8, NH-P9.

² Refer to paragraph 5.1(c) on page 2 of the Fuel Companies' submission.

³ Refer to paragraph 5.2 on page 2 of the Fuel Companies' submission

NON-HABITABLE STRUCTURES

- 1.9 Mr Davis and I are largely in agreement that small-scale, non-habitable buildings and structures should be provided with a more enabling pathway under the Natural Hazards chapter. The difference of opinion relates to the mechanism by which that outcome is achieved and, in some instances, whether there is scope to make the amendments sought.
- 1.10 Mr Davis considers the relief sought in respect of NH-R13 is unnecessary because that outcome would be achieved through amendments to the definition of 'activities least sensitive to natural hazards'. In my evidence, I did not support Mr Davis' recommendation to amend that definition to include a 'structure used for non-habitable purposes', as this would create uncertainty and overlap between the activity sensitivity categories. This is illustrated in Mr Davis' rebuttal evidence, where he states that 'habitable buildings should be classified as potentially sensitive, as with other commercial and industrial buildings'. For example, a retail shop is a commercial activity but is also a non-habitable building; it is unclear to me whether that would be an activity least sensitive or potentially sensitive to natural hazards.
- 1.11 As addressed in my evidence, I consider the clearer approach is to provide that outcome directly through the rules. Accordingly, I remain of the view that NH-R13 should be amended to provide a permitted activity pathway for new buildings with a gross floor area of no more than 10m².
- 1.12 Mr Davis also agrees that 'structures' should be removed from the scope of NH-R1 to NH-R6 (Fault Location Area rules) but queries whether there is scope to do so. In my opinion, there is scope. While the Fuel Companies did not specifically submit on these rules, their submission consistently raised the issue of how the Natural Hazards provisions apply to small-scale, non-habitable buildings and structures, and sought recognition that these be treated differently from more hazard-sensitive development.⁴ The Fuel Companies' also had a further submission points on Policy NH-P6 that addressed the matter of structures in the Fault Location Area.⁵ In that context, removing 'structures' from NH-R1 to NH-R6 falls squarely within the broader issue raised in the Fuel Companies' submission regarding the treatment

⁴ Refer to pages 25-27 of The Fuel Companies' submission, and in particular submissions on notified provisions NH-P2, NH-R8, NH-R11 and NH-R12.

⁵ Refer to page 5 of the Fuel Companies' further submission.

of small-scale, non-habitable buildings and structures within the Natural Hazards chapter.