

**BEFORE THE HEARING PANEL**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of Proposed Plan Change 8 to the Operative Rotorua District Plan

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**OPENING LEGAL SUBMISSIONS ON BEHALF OF  
ROTORUA LAKES COUNCIL**

**Dated 29 April 2026**

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## Introduction

1. These Opening Legal Submissions are made on behalf of Rotorua Lakes Council (the **Council**) in respect of Proposed Plan Change 8 to the Operative Rotorua District Plan (**PC 8**).
2. PC 8 reviews how the District Plan (including the Lakes A Zone) manages natural hazard risk. Its scope includes the strategic objectives for all natural hazards, with a focus on policies and rules for flooding, wildfire, fault rupture, land instability, and geothermal hazards. PC 8:
  - (a) Updates objectives, policies, rules, definitions and hazard management methods;
  - (b) Extends natural hazard provisions to the Lakes A Zone for consistency; and
  - (c) Removes hazard maps from the District Plan (except for geothermal systems).
3. The purpose of PC 8 is to improve the management of natural hazards through the District Plan to promote resilience to natural hazards and the purpose and principles of the Resource Management Act (**the Act**) and to give effect to higher-order planning documents. At the same time, the Council seeks to:
  - (a) Improve certainty for those undertaking development about how natural hazards are managed and the potential costs of management;
  - (b) Improve efficiency, where possible, to reduce costs to developers; and
  - (c) Promote fairness and equity by more targeted rules and costs, where possible.

4. These submissions will address:
  - (a) Why the Council is proceeding with a natural hazards plan change;
  - (b) The legal status of the PC 8 provisions;
  - (c) The evaluation of PC 8 under the Act;
  - (d) The National Policy Statement for Natural Hazards 2025 (**NPS-NH**);
  - (e) The National Adaptation Plan;
  - (f) Issues raised in submissions; and
  - (g) Evidence.

#### **Proceeding with the plan change**

5. Some submitters have asked why the Council is proceeding with a natural hazards plan change in light of the reform of the resource management system and the plan-stop provisions which apply in the meantime.<sup>1</sup> Fundamentally, it's because natural hazards don't wait for reform. Having identified the need to update the natural hazards provisions (including hazard mapping) in the District Plan, the Council prepared and notified this plan change on 19 July 2025. Proceeding with the plan change is supported by:
  - (a) the automatic exemption in the plan-stop provisions for rules relating to natural hazards;
  - (b) the Council's obligations under ss 6(h), 7(i) and 31 of the Act;
  - (c) the NPS-NH and the National Adaption Plan;

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<sup>1</sup> The plan-stop provisions were introduced by the Resource Management (Consenting and Other System Changes) Amendment Act 2025, addressed at paras 6 and 7 of these submissions.

- (d) the additional development capacity enabled by Plan Change 9 to the Operative Rotorua District Plan<sup>2</sup> and anticipated by the Rotorua Future Development Strategy;<sup>3</sup> and
- (e) the uncertainty regarding when and if the proposed resource management reform will be enacted and implemented, and how long the transition period will be.

### **Legal status of the PC 8 provisions**

6. Given the timing of PC 8, it is worth clarifying the status of its provisions. In anticipation of the replacement of the Act, the Resource Management (Consenting and Other System Changes) Amendment Act 2025 (**Amendment Act**) introduced a moratorium on all councils initiating reviews and other changes to District Plans (including proposed plans or plan changes not yet set down for hearing), effective from 21 August 2025 until 31 December 2027, unless one of the listed automatic exemptions apply or the Minister grants an exemption (**plan-stop provisions**). As PC 8 includes provisions relating to natural hazards, it falls within the listed automatic exemptions in s 80U(2)(f) and is therefore able to proceed.<sup>4</sup>
7. In addition to introducing the plan-stop provisions, the Amendment Act also amended s 86B(3) of the Act to give rules in proposed plans relating to natural hazards immediate legal effect on and from the date they are publicly notified. This amendment applies to proposed plans, plan changes, and variations notified on or after commencement of the Amendment Act on 21 August 2025.<sup>5</sup> As PC 8 was notified on 19 July 2025, before the commencement of the Amendment Act, the proposed rules relating to natural hazards in PC

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<sup>2</sup> Plan Change 9 was the Council's Intensification Planning Instrument under s 80E of the Act.

<sup>3</sup> Prepared under the National Policy Statement on Urban Development 2020.

<sup>4</sup> Public notice of the status of PC 8 was given on 16 October 2025 as required by s 80Y of the Act.

<sup>5</sup> Clause 58 of Schedule 12 of the Act.

8 are not subject to the amendment to s 86B(3) and do not have immediate legal effect.

8. Accordingly, the provisions of PC 8 will have legal effect when the decisions of the Hearing Panel are publicly notified.<sup>6</sup>

#### **Evaluation of PC 8 under the Act**

9. The legal framework for district plans and plan changes is set out in ss 72 to 77 of the Act. The functions of territorial authorities are set out in s 31 of the Act, and the evaluation process for district plan provisions is set out in s 32 of the Act. The requirements of these sections were summarised by the Court in *Colonial Vineyard Ltd v Marlborough District Council*.<sup>7</sup>
10. In respect of natural hazards, the following provisions are particularly relevant:
  - (a) The Council's function of control of the actual or potential effects of the use, development, or protection of land, including for the purpose of the avoidance or mitigation of natural hazards (s 31(1)(b)(i));
  - (b) The obligation on all persons exercising functions and powers under the Act to recognise and provide for, as a matter of national importance, the management of significant risks from natural hazards (s 6(h));
  - (c) The obligation on all persons exercising functions and powers under the Act to have particular regard to the effects of climate change (s 7(i));

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<sup>6</sup> Section 86B(1) of the Act.

<sup>7</sup> [2014] NZEnvC 55 at [17].

- (d) The Council's duty to prepare and change its district plan in accordance with a national policy statement, which includes the NPS-NH (s 74(1)(ea));
- (e) The requirement for a district plan to give effect to any national policy statement, including the NPS-NH, and any regional policy statement, including the Bay of Plenty Regional Policy Statement (**BOPRPS**) and Waikato Regional Policy Statement (**WRPS**) (s 75(3)); and
- (f) The Council's duty to have regard to the National Adaptation Plan made in accordance with s 5ZS of the Climate Change Response Act 2002 (s 74(2)(e)).

### **National Policy Statement for Natural Hazards 2025**

- 11. The NPS-NH was notified in the New Zealand Gazette on 18 December 2025 and came into force on 15 January 2026. At the time that PC 8 was prepared and notified, the NPS-NH was available as a draft for consultation. It was preceded by a draft National Policy Statement for Natural Hazard decision-making which informed development of the new NPS-NH.
- 12. The Panel is required to give effect, to the extent possible, to any national direction that comes into force after notification of PC 8, but before the Panel makes its decision.<sup>8</sup>
- 13. While the draft NPS-NH was addressed in the Council's Section 32 Report for PC 8,<sup>9</sup> there were some changes made in the final version. The final version of the NPS-NH is addressed in the Council's Section 42A Report.<sup>10</sup>

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<sup>8</sup> *Southern Cross Healthcare Ltd v Eden Epsom Residential Protection Society Inc* [2023] NZHC 948 at [81]-[88].

<sup>9</sup> Section 3.2.1 of the Council's Section 32 Report (pages 10-12).

<sup>10</sup> Section 2.3.1 of the Council's Section 42A Report (pages 13-18).

14. Key features of the NPS-NH include:
- (a) Its objective: Natural hazard risk to people and property associated with subdivision use and development is managed using a risk-based proportionate approach (cl 2.1(1)).
  - (b) Policy 2: Natural hazard risk associated with subdivision, use and development must be managed using an approach that is proportionate to the level of natural hazard risk (cl 2.2).
  - (c) Policy 5: Natural hazard risk assessment and decisions must be based on the best available information and must be made even when that information is uncertain or incomplete (cl 2.2).
  - (d) Local authorities are required to give effect to the NPS-NH on and from the commencement date but are not required to initiate a plan change within a specific timeframe for the sole purpose of giving effect to the NPS-NH (Part 4: Timing).
  - (e) While the NPS-NH expressly applies to flooding, landslips, active faults and liquefaction, it does not preclude decision-makers from managing natural hazard risk beyond the application of the NPS-NH, including risks from other natural hazards and activities not otherwise covered, or from applying a more conservative approach to managing the natural hazard risks covered by the NPS-NH (cl 1.3(4)).
15. The Regulatory Impact Statement for the NPS-NH shows that the intention of the national policy statement is to provide high level guidance to decision makers on applications for resource consent and proposed plan changes, pending the future reform of the RM system:<sup>11</sup>

Officials have been directed by Ministers to consider options that focus on policy outcomes that have an immediate effect

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<sup>11</sup> Regulatory Impact Statement: National Policy Statement for Natural Hazards, Ministry for the Environment, 14 November 2025, at page 4.

on resource consenting, minimise implementation burden on councils, and are well aligned with future reforms of the RM system. This has resulted in the exclusion of options which would require amending or changing an existing plan to have an impact, or options that would require widespread additional information gathering or mapping.

16. The Council is required to give effect to the NPS-NH alongside two regional policy statements which have themselves not yet been amended to give effect to the NPS-NH. This raises the potential for inconsistencies or conflict between the higher order planning documents. As addressed in the Council's Section 42A Report, the regional policy statements each adopt a risk-based approach with some differences in the scale at which natural hazard risk is assessed.<sup>12</sup> PC 8 therefore seeks to give effect to the higher order documents in the following way:<sup>13</sup>

In summary, PC 8 is required to consider risk at different scales. At the development scale, PC 8 needs to be designed to avoid very high risk as assessed under the NPS-NH for hazards within its scope – flooding, fault rupture, landslides and liquefaction. It must also take a risk-based proportionate approach to hazard management more generally for the hazards within the scope of the NPS-NH, while also giving effect to the BOPRPS's and WRPS's requirements to manage development to achieve low (Bay of Plenty) or acceptable/tolerable (Waikato) risk.

17. The evidence for the Bay of Plenty Regional Council (**BOPRC**) agrees that the risk-based approach to managing natural hazards in PC 8 aligns with the higher-level direction in the BOPRPS and the NPS-NH.<sup>14</sup>

### **The National Adaptation Plan**

18. The first National Adaptation Plan under s 5ZS of the Climate Change Response Act 2002 was adopted in 2022, with the table of actions

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<sup>12</sup> Section 2.3.1 of the Section 42A Report (pages 13-18).

<sup>13</sup> Section 2.3.1 of the Section 42A Report, at para 21 (page 18).

<sup>14</sup> Ms Marshall para 8; Mr Ivamy para 15.

updated in 2025.<sup>15</sup> Relevant provisions of the National Adaptation Plan are considered in the Council's Section 32 Report and include:<sup>16</sup>

- (a) One of the ten significant risks from climate change is the risk to buildings due to extreme weather events, drought, increased fire weather and ongoing sea level rise;<sup>17</sup>
- (b) Priorities identified include:<sup>18</sup>
  - (i) Enabling better risk-informed decisions; and
  - (ii) Ensuring planning and infrastructure investment decisions drive climate-resilient development in the right locations.

#### **Issues raised in submissions**

- 19. Notification of PC 8 attracted 58 submissions and 13 further submissions. Of those, five submitters circulated expert evidence on 2 April 2026, with one rebuttal statement circulated on 24 April 2026. Twelve submitters are proposing to address their submissions at the hearing.
- 20. There is a large degree of agreement between the submitters and the Council on the provisions of PC 8; this reflects both considerable consensus on the objectives of the plan change as well as the significant consultation carried out by Council during the preparation of PC 8 and following receipt of submissions.
- 21. The key issues for determination by the Hearing Panel relate to:

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<sup>15</sup> *Aotearoa's First National Adaptation Plan, 2022*, Ministry for the Environment.

<sup>16</sup> Section 3.2.3 of the Section 32 Report (pages 12-13).

<sup>17</sup> Note 15, at page 66.

<sup>18</sup> Note 15, at page 38.

- (a) Whether the best available information for decision-making under the PC 8 provisions is provided by including mapping in the District Plan or by relying on non-statutory mapping outside of the District Plan;
- (b) While there is general alignment in the technical evidence relating to the natural hazards and, in most cases, the extent of the risk, issues remain in respect of what planning response is proportionate to that risk, having regard to the potential costs to landowners. This issue arises particularly in the context of:
  - (i) Flood risk from lake level rise at Lake Ōkāreka;
  - (ii) Provision of water supply for fire-fighting purposes in the Rural 1 and Reserve 1 (Conservation) Zones; and
  - (iii) Consideration of geothermal hazard for building conversions.

***Best available information***

22. PC 8 proposes to remove, or not to include, hazard mapping in the District Plan (except for geothermal systems). The areas that are susceptible to natural hazards are defined or described in the rules and users of the District Plan are referred to district and subdistrict scale hazard information published on the Council's online mapping platform, Geyserview.<sup>19</sup> The reasoning behind this approach is to enable flexibility to use best available information as new scientific data becomes available without requiring a formal plan change, ensuring decisions reflect current hazard information.

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<sup>19</sup> The notified version of PC 8 proposes to retain mapping of Geothermal Systems; the Council's Section 42A Report also proposes mapping of the High Lake Level Resilience Area – Lake Ōkāreka.

23. A number of submissions were received with respect to the approach adopted by PC 8, either as a general approach and/or in relation to specific hazards. Some submitters raised concerns with the hazard mapping sitting outside of the District Plan,<sup>20</sup> while others expressed support.<sup>21</sup>
24. In these submissions I propose to address:
- (a) The legality of non-statutory mapping outside the district plan;
  - (b) Other planning documents which use this approach; and
  - (c) The Council's non-statutory mapping available on its online mapping platform, Geyserview.

*Legality of non-statutory mapping*

25. PC 8 proposes to identify the areas that are susceptible to natural hazards by a definition or description in the rules. The rules are certain and capable of objective ascertainment. However, the Council's modelling of the rules is publicly accessible via its online mapping platform, Geyserview.
26. While not an issue on appeal, the High Court in *North Eastern Investments Ltd v Auckland City Council* made some helpful observations regarding the use of non-statutory layers in planning instruments:<sup>22</sup>

The use of non-statutory layers in the maps was to provide users with the Council's most faithful representation of a particular type of information. Some of the information was dynamic (for example, the location of different flood hazards). Some of the information was based around

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<sup>20</sup> Natural Hazards Commission (Submitter 22), The Māori Trustee / Te Tumu Paeroa (Submitter 28), Rotorua Planning Consultants Group (Submitter 39), R & B Property Group (Submitter 54).

<sup>21</sup> Waikato Regional Council (Submitter 15), Kāinga Ora Homes and Communities (Submitter 42), Bay of Plenty Regional Council (Submitter 45).

<sup>22</sup> [2018] NZHC 916 at [68]. While the first cause of action was successfully appealed to the Court of Appeal, there was no appeal in relation to the finding regarding the Macroinvertebrate Community Index layer.

processes outside of the proposed plan (for example, the location of Maori land). The use of this information served purely as information or guidance in the context of certain rules in the proposed plan. **The information did not automatically entail the application of those rules in the context of a particular site. The rules could stand alone without any reference to, or use of, the information in non-statutory layers.**

(my emphasis)

27. The Court’s approval of the approach is also reflected in the following consent orders which confirm the use of non-statutory mapping layers in district plans:
- (a) *Bluehaven Management Limited v Tauranga City Council*<sup>23</sup> which confirmed the introduction of new flood hazard areas into the Tauranga District Plan by the use of definitions rather than maps, with a process for updating hazard information outside of the District Plan.
  - (b) *Waikato Regional Council v Waikato District Council*<sup>24</sup> – which amended the definition of ‘Flood plain management area’ so it is not limited to areas identified on the planning maps and amendment to the Natural Hazard chapter to better describe the non-statutory mapping approach (called the “supporting information layer”).
28. On this basis, the Council submits that the approach taken by PC 8 of identifying areas susceptible to natural hazards by definition/description, rather than mapping within the District Plan, is a lawful method of meeting the Council’s obligations under ss 6(h), 7(i) and 31(1)(b)(i) of the Act with respect to the management of risks from natural hazards.

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<sup>23</sup> [2025] NZEnvC 93.

<sup>24</sup> [2024] NZEnvC 356.

*Other planning documents*

29. The submission by the Rotorua Planning Consultants Group claims that no other authorities within New Zealand adopt the approach to hazard mapping taken by PC 8.<sup>25</sup>
30. The Hearing Panel will be familiar with a number of plan changes, particularly in recent years, which have adopted the same approach as PC 8. These include:
- (a) Plan Change 27 (Flooding from intense rainfall) to the Tauranga City Plan (**PC 27**) which introduced five new flood hazard areas which are defined but not mapped in the District Plan. The two appeals against PC 27 were resolved by consent order and PC 27 became operative in May 2025.
  - (b) Plan Change 14 (Flooding) to the Hamilton City Plan (**PC 14**) which removes static flood map overlays from the Plan, relying on best available information to inform the spatial extent of flood hazards, in the form of Council's GIS-based flood mapping platform, Floodviewer. The Independent Hearing Panel's decision on PC 14 was issued in December 2025 and is subject to appeal.
  - (c) Plan Change 120 to the Auckland Unitary Plan (notified November 2025) proposes definitions of flood hazard, coastal inundation hazard, coastal erosion hazard and landslide hazard risk areas. The Unitary Plan directs users to consult Auckland Council's GIS viewer.

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<sup>25</sup> Submitter 39.

*Council's non-statutory mapping*

31. The information available about hazards has improved dramatically with the development of modelling software and computing technology and now allows the creation of models and the information they generate to be made more readily available via Geographic Information Systems (GIS).
32. Council officers will provide a demonstration of the Council's online mapping platform, Geyserview. Key features of the platform include:<sup>26</sup>
  - (a) The incorporation of the latest version of a large number of hazard models which have been prepared by or on behalf of the Council or the BOPRC; these are identified comprehensively in Table 2.6.1 of the Section 42A Report.<sup>27</sup>
  - (b) The platform is publicly accessible via Council's website and can be viewed at a district, subdistrict or site-specific level;
  - (c) Significant changes to the online mapping are notified to affected landowners; and
  - (d) Site-specific complaints about the hazard mapping are uncommon; these are investigated and a response provided.
33. The Council has successfully implemented this approach in respect of flood hazard since Plan Change 9 became operative in March 2024. Paula Meredith, Council's Land Development Engineering Manager, will provide evidence and is available to answer any questions regarding the current process.

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<sup>26</sup> Section 3.8.1 (pages 54-59 of the Section 42A Report; Statement of evidence of Paula Meredith dated 13 March 2026.

<sup>27</sup> Pages 29-33 of the Section 42A Report.

***Rules proportionate to the level of risk***

34. The Council's Section 32 Report reveals a significant amount of collation and analysis of technical information regarding the natural hazards and the extent of risk. The technical evidence that has been provided by submitters is limited and largely supports the Council's information.
35. However, the issue for the Hearing Panel is what objectives, policies and rules will enable natural hazard risk associated with subdivision, use and development to be managed using an approach that is proportionate to the level of natural hazard risk.<sup>28</sup> This proportionate assessment is also reflected in s 32 of the Act which requires the Council to consider the costs and benefits of each option. This assessment is particularly challenging where the costs may be experienced now, but the benefit of resilience to natural hazards is not readily quantified and may not be experienced until well into the future.
36. While some submitters (including the BOPRC) have provided technical evidence regarding the natural hazard and the extent of the risk, other submitters (many of whom are landowners in the district) have provided evidence regarding the additional costs of consenting and mitigation works, and potentially lost development opportunities. The Council, in its Section 42A Report and Addenda, has endeavoured to balance these factors as required by s 32 and Policy 2 of the NPS-NH.

***Lake level flooding at Lake Ōkāreka***

37. The objectives, policies and rules relating to flood hazard in PC 8 relate to all forms of flood hazard – pluvial (rainfall), fluvial (river rise) and lake level rise. In general, there are benefits to applying a consistent

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<sup>28</sup> Policy 2 of the NPS-NH.

approach to the definition of flood hazard across the district, including the Lakes A Zone.

38. However, a number of landowners at Lake Ōkāreka have made submissions on PC 8 which highlight that recent infrastructure works carried out by BOPRC mean that the 2022 Lakes Design Levels Report may no longer be the best available information, may make the costs of redevelopment of their properties disproportionate to the current level of risk, and may have potential implications for insurance and property values.
39. The Council's Section 42A Report considers that a different approach may be appropriate for Lake Ōkāreka given that:<sup>29</sup>
  - (a) The recent infrastructure works carried out by BOPRC will not be reflected in the Lakes Design Levels Report until its next review in 2030; and
  - (b) As a result of the works, the flood risk at Lake Ōkāreka is dependent on careful management of the lake level by the BOPRC, placing the Lake Ōkāreka settlement in the category of a "defended area".
40. The Section 42A Report therefore proposed a bespoke planning framework for Lake Ōkāreka, which provides a more permissive planning pathway for additions, alterations and redevelopment of existing dwellings, while discouraging the development of new dwellings within the High Lake Level Resilience Area - Lake Ōkāreka.
41. While the evidence for the BOPRC requests the same district-wide rules for Lake Ōkāreka, having considered the submissions from the local community, the Council considers that a bespoke approach

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<sup>29</sup> Section 3.9.2.3 (pages 65-70) of the Section 42A Report.

provides a proportionate response in the context of a “defended area”.<sup>30</sup>

*Water supply for fire-fighting purposes*

42. PC 8 includes, for the first time, objectives, policies and rules seeking to manage the risk of wildfire within the district. As part of introducing these provisions, the Council reviewed the existing provisions in the District Plan relating to water supply for fire-fighting purposes. As stated in paragraph 3 above, this included consideration not only of the nature and extent of the risk, but also issues of efficiency and fairness to landowners.
43. In particular, while the rules have been amended to require the provision of water for fire-fighting purposes at both subdivision and land use, the rules focus on the more densely populated zones where the risk of wildfires starting, and the potential consequences, are higher due to greater population.
44. While the evidence on behalf of Fire and Emergency New Zealand (**FENZ**) requests that the rules relating to fire-fighting water supply be extended to apply to the Rural 1 and Reserve 1 (Conservation) Zones, the Council is not satisfied that sufficient evidence has been provided to justify the additional cost to landowners.<sup>31</sup>

*Consideration of geothermal hazard for building conversions*

45. Plan Change 9 introduced new provisions to enable the assessment of geothermal hazards in respect of development within the Rotorua Geothermal System. However, as Plan Change 9 was limited in scope, PC 8 now proposes to extend those provisions to all geothermal systems within the district. As geothermal systems cannot be defined,

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<sup>30</sup> Section 4.1 of Addendum 2 to the Section 42A Report.

<sup>31</sup> Section 5.1 of Addendum 2 to the Section 42A Report.

the mapping of geothermal systems is proposed to be retained within the District Plan.

46. Since Plan Change 9 was approved, the Council has prepared the *Guidelines for Identifying and Designing for Geothermal Hazards* to assist landowners to comply with the rules.<sup>32</sup>
47. The Council's Section 42A Report recommends some minor refinement of the rules to recognise that minor residential units and some building works no longer require building consent, which is the timing trigger for the provision of a geothermal hazard assessment.<sup>33</sup>
48. While the evidence for the BOPRC requests further amendments to the rules to require a geothermal hazard assessment for conversion of non-habitable buildings to habitable buildings, the Council considers that extending the requirement to building conversions is disproportionate to the level of risk.<sup>34</sup>

### **Evidence**

49. The following evidence will be given on behalf of the Council:
  - (a) Greg Bennett, GIS Lead – Information Solutions for the Council, will provide a demonstration of the Council's Geyserview online mapping platform;
  - (b) Peter Cochrane, Principal Environmental Scientist, Tonkin & Taylor Limited will address flood hazard in relation to lakes, particularly Lake Ōkāreka;
  - (c) Paula Meredith, Land Development Engineering Manager, Rotorua Lakes Council will address the implementation of the

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<sup>32</sup> Appendix 1 to the Statement of Evidence of John Brzeski dated 13 March 2026.

<sup>33</sup> Section 3.13.2 (pages 139-148) of the Section 42A Report.

<sup>34</sup> Section 8 of Addendum 2 to the Section 42A Report.

natural hazards rules, particularly in relation to flood hazard and overland flow paths;

- (d) Simon Aiken, Principal Water Resources Consultant, Tonkin & Taylor Limited will address the Council's flood hazard mapping in relation to specific sites raised by submitters;
- (e) Kelvin Berryman, Director, Berryman Research & Consulting Limited will address submissions relating to fault rupture hazard;
- (f) John Brzeski, Senior Engineering Geologist, Tonkin & Taylor Limited will address submissions relating to land stability and geothermal hazards; and
- (g) Kim Smith and Simon Thurston, Senior Policy Planners for the Council will present their s 42A reports and addenda.

Signed this 29<sup>th</sup> day of April 2026



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W J Embling  
Counsel for Rotorua Lakes Council