

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

**CLOSING LEGAL SUBMISSIONS OF COUNSEL FOR
ROTORUA LAKES COUNCIL**

Dated 5 June 2026

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Introduction

1. These closing legal submissions are submitted on behalf of Rotorua Lakes Council (the **Council**) following the hearing of submissions on Proposed Plan Change 8 to the Operative Rotorua District Plan (**PC 8**) on 4 and 5 May 2026.
2. In these closing legal submissions, I address matters raised by submitters and queries from the Independent Hearing Panel (the **Panel**).
3. These closing submissions are accompanied by:
 - (a) Addendum 3 to the Section 42A Report including an updated set of PC 8 provisions (**Section 42A Reply**);
 - (b) A Supplementary Statement of Evidence of Paula Meredith dated 5 June 2026 (**Supplementary Evidence of Paula Meredith**).
4. As proposed at the conclusion of the hearing, the Council carried out further consultation with the Bay of Plenty Regional Council (**BOPRC**) before finalising its Section 42A Reply and final PC 8 provisions.

National Policy Statement for Natural Hazards 2025

5. As the National Policy Statement for Natural Hazards (**NPS-NH**) came into force after public notification of PC 8, the Panel is required to give effect, to the extent possible, to its objectives and policies.¹

Meaning of “proportionate”

6. During counsel’s opening legal submissions, the Panel raised questions relating to the meaning of the “proportionate” approach referred to

¹ Paragraphs 11 to 17 of the Opening Legal Submissions on behalf of Rotorua Lakes Council dated 29 April 2026.

in the NPS-NH and the relevance of cost to the consideration of whether a measure is proportionate.

7. The NPS-NH incorporates a proportionate approach in both the Objective and Policy 2 as follows:

Objective:

- (1) Natural hazard risk to people and property associated with subdivision use and development is managed using a risk-based proportionate approach.

...

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.

8. Part 3: Implementation of the NPS-NH provides further guidance regarding proportionate management of natural hazard risk in clause 3.3:

- (1) Decision-makers must consider the scale and detail of information necessary to assess the risk by having regard to the anticipated level of risk.
- (2) When managing natural hazard risk associated with subdivision, use and development, decision-makers must apply mitigation measures, including location and design, for the purposes of ensuring that:
- (a) very high natural hazard risk is avoided;
 - (b) high or medium natural hazard risk is avoided or mitigated proportionate to the level of risk; and
 - (c) any creation of, or increase in, significant natural hazard risk on other sites is avoided or mitigated proportionate to the level of natural hazard risk.
- (3) When applying the proportionate approach required by 2(b) and (c), decision-makers must take into account the cost effectiveness of mitigation measures relative to the level of anticipated risk.

9. Accordingly, clause 3.3 confirms that the management of natural hazard risks must be proportionate to the anticipated level of risk, and that the cost-effectiveness of mitigation measures is a relevant consideration.

10. Since the hearing of PC 8, the Ministry for the Environment has released the *National Policy Statement for Natural Hazards Implementation Guide*² (**Implementation Guide**). While the document provides non-statutory guidance only, it offers the following guidance in respect of the cost effectiveness of mitigation measures:³

Clause 3.3(3) of the NPS-NH requires decision-makers, in determining whether mitigation measures are a proportionate response to the risk posed, to consider their cost effectiveness. This may involve consideration of:

- technical feasibility of the mitigation measures
- longevity of the measures (and the level of service provided over time)
- any ongoing maintenance or monitoring requirements.

11. I submit that the guidance offered in the recent NPS-NH Implementation Guide is directed primarily to consideration of specific development proposals and associated mitigation measures at the resource consent stage as it is unlikely that specific mitigation measures, other than minimum floor levels, will be specified in the district plan.

12. However, the Council has endeavoured to apply a proportionate approach to its consideration of the appropriate planning response to apply to the natural hazard risks addressed in PC 8. This is explained in more detail in section 2 of the Section 42A Reply. In summary, the costs need to be commensurate with the level of risk being managed.

Approach to mapping

Mapping outside the District Plan

13. PC 8 proposes to define or describe natural hazards in the District Plan, which can be interpreted by reference to the Council's hazard

² Released on 6 May 2026.

³ Page 16.

mapping outside of the District Plan. This approach enables reference to the most up to date information at the time that the rules are being applied.

14. The only exception to this approach is in respect of Geothermal Systems where the Council does not hold, or expect to hold in the near future, better maps than those already incorporated into the District Plan.⁴
15. As acknowledged in response to questions during opening submissions the Council, and the Panel as decision-maker, has a discretion regarding whether to include hazard mapping within or outside of the District Plan. As set out in the opening legal submissions, the approach of defining/describing the hazards in the District Plan is a lawful approach that has been used in a number of planning documents and approved by the Court on a number of occasions.⁵
16. I submit that, for PC 8, this approach represents the use of the best available information, as required by Policy 5 of the NPS-NH, for the following reasons:
 - (a) The information available about natural hazards has improved dramatically with the development of modelling software and computing technology;
 - (b) A large number of hazard models prepared by the Council or the BOPRC can be made publicly available via Council's online mapping platform, Geyserview;

⁴ An exception is also proposed in respect of the High Lake Level Resilience Area – Lake Ōkāreka, addressed at paras 36-45 of these closing legal submissions.

⁵ Paragraphs 25 to 30 of the Opening Legal Submissions on behalf of Rotorua Lakes Council dated 29 April 2026; the planning documents listed at paragraph 30 are intended to provide examples of planning documents which have adopted the same approach as PC 8; it is acknowledged that other recent planning documents have continued to retain hazard mapping within the district plan for example Proposed Kaipara District Plan and Plan Change 1 to the Whangarei District Plan.

- (c) The Council has established processes for notifying landowners of significant changes to the online mapping and for investigating any site-specific challenges to the hazard mapping; and
- (d) The approach has been successfully implemented by the Council in respect of flood hazard since Plan Change 9 was made operative in March 2024.

Challenges to hazard mapping

- 17. The Panel requested clarification regarding the process that would apply if a landowner wishes to challenge the hazard mapping applying to their property.
- 18. There are two situations where a challenge to the Council's hazard mapping may arise.
- 19. First, a landowner may wish to challenge the information shown on Geyserview in the context of an application for resource consent. In these circumstances, the landowner may choose to provide their own site-specific information for assessment by the Council/decision-maker as part of the consideration of the application for resource consent.
- 20. Second, a landowner may wish to challenge the accuracy of the information on Geyserview. This process is addressed in the Statement of Evidence of Paula Meredith dated 13 March 2026. In summary, any complaint is investigated and a response provided. This happens infrequently and is usually resolved by providing an explanation of the modelling.
- 21. The Statement of Evidence of Simon Aiken dated 13 March 2026 provides three site-specific examples of how issues raised by

landowners in respect of flood modelling affecting their properties can be explained.

22. If the need to update flood modelling were identified, this would be included in the next update of the model.⁶

Strategic Direction

23. PC 8 proposes to insert new objectives and policies relating to natural hazards in the Strategic Direction chapter of the District Plan.

Use of “avoided or mitigated”

24. During opening legal submissions, the Panel queried whether reference to “avoided or mitigated” (without reference to “remedied”) in Policy SDNH-P1 is intentional.
25. As noted by the Panel, section 31(1)(b) of the Act includes, as a function of territorial authorities, the control of any actual or potential effects of the use, development, or protection of land for the purpose of the avoidance or mitigation of natural hazards.
26. Consistent with the Act, Policy 4 and clause 3.3(2) of the NPS-NH refer to “avoided or mitigated”.
27. The Council therefore submits that the focus in Policy SDNH-P1 on “avoided or mitigated” is consistent with the direction in the Act and the NPS-NH. As considered in the Section 42A Reply, a focus on avoiding or mitigating risk is appropriate in the context of natural hazards; the concept of “remedying” may be applicable to the consequences of natural hazards, but is not applicable at the planning or assessment stages.⁷

⁶ Paragraph 34 of the Statement of Evidence of Paula Meredith dated 13 April 2026.

⁷ Section 5.2 of the Section 42A Reply.

28. However, the Council’s Section 42A Reply notes that a number of the assessment criteria inserted by PC 8 have been amended (in response to submissions) to refer to “avoided, remedied or mitigated”. The Section 42A Reply has reviewed these criteria and considers that reference to ‘remedy’ was in error and should be removed.

Reference to adaptation

29. Addendum 2 to the Section 42A Report proposed to accept the submission by the Waikato Regional Council (**WRC**) to insert reference to adaptation in Objective SDNH-O2 as follows:

Land use, subdivision and development are resilient and adaptive to the current and future effects of climate change.

30. The Panel queried whether reference to “adaptive” can be added to the Objective if it is not implemented by the rules and methods in the District Plan.
31. The Council’s Section 42A Reply considers that, while reference to “adaptive” may be appropriate in the broader strategic objective which seeks to respond to climate change over time, it does not have a place in the policy which focuses on assessment of specific subdivision or development proposals. However, the Council supports removing specific reference to “adaptive” to address the Panel’s concerns regarding implementation of this part of the objective.⁸

Flood hazard

32. The Natural Hazards chapter of the District Plan contains three policies relating to flood hazard which were inserted by Plan Change 9. A small number of amendments to these policies are proposed by PC 8.
33. Plan Change 9 also inserted Rule NH-R4 which requires minimum floor levels or a restricted discretionary resource consent by reference to

⁸ Section 5.1 of the Section 42A Reply.

the 1%AEP flood level. PC 8 proposes to extend this rule to the Lakes A zone.

34. PC 8 also proposes a new rule, NH-R5, requiring a restricted discretionary resource consent where buildings or structures result in a change to the entry or exit point of large overland flowpaths (defined as having a catchment greater than 4000m²).
35. Submissions and clarification relating to the extension of Rule NH-R4 to the Lakes A zone (particularly Lake Ōkāreka), and new Rule NH-R5 relating to overland flowpaths, are addressed further below.

Flood hazard at Lake Ōkāreka

36. The application of Rule NH-R4, and the location of the 1%AEP flood level, within the Settlement Management Area at Lake Ōkāreka was the subject of a number of submissions.
37. In particular, the local submitters expressed concern that the 1%AEP flood level currently shown on Council's hazard mapping is based on the 2022 Lakes Design Levels Report and does not reflect the upgrading of the outlet by the BOPRC in 2021.
38. In response to these concerns, Addendum 2 to the Section 42A Report proposed an alternative approach for Lake Ōkāreka involving:⁹
 - (a) Identification of a High Lake Level Resilience Area to be mapped in the District Plan – being a static map based on the 1%AEP flood level identified in the 2022 Lakes Design Levels Report;
 - (b) Inserting a new Rule NH-R5A which provides for additions, alterations and replacement buildings as permitted activities

⁹ Section 4.1 of Addendum 2 to the Section 42A Report.

(subject to minimum floor levels) with new buildings as discretionary activities; and

- (c) Inserting a new Policy NH-PBA which discourages new buildings within the High Lake Level Resilience Area.
39. The Council has considered the evidence presented at the hearing on behalf of BOPRC, Neil Oppatt, Lake Ōkāreka Community Association and Ross Wilmoth, and the questions from the Panel during the hearing, and has engaged in further discussions with BOPRC following the hearing.
40. I submit that there are three issues requiring consideration:
- (a) Whether Lake Ōkāreka, as a managed lake, should have different provisions applying to flood hazard in the District Plan;
 - (b) Whether the provisions should be based on a static overlay or a described (and potentially dynamic) overlay; and
 - (c) What rules should apply to development within the overlay.
41. The current Rule NH-R4 proposes to treat flood hazard in the same way across the whole of the Rotorua district. The Council acknowledges that there are advantages to applying a consistent approach, particularly in respect of resource consent processing, and this is recognised in the evidence presented by the BOPRC.¹⁰
42. However, the following factors support a different approach to managed lakes and to Lake Ōkāreka in particular:
- (a) Rule NH-R4 was developed primarily as a response to fluvial and pluvial flood hazard and different considerations apply to

¹⁰ The BOPRC has confirmed that it maintains its support of the notified PC 8 provisions and does not support a static flood level or a bespoke rule framework for Lake Ōkāreka.

lake level rise, where floodwaters may rise slowly and remain for longer periods of time.

- (b) Where lake levels are managed by structures (in this case an outlet maintained by the BOPRC) there remains a residual risk of failure of the structure or of a greater than design level event occurring.¹¹ Where this is the case, it may be more appropriate for flood hazard to be defined by reference to flood levels which would apply independently of the structures.
 - (c) While a number of the lakes in the Rotorua district are managed to some extent, Lake Ōkāreka differs to the other lakes in that the recent upgrades to the outlet structures were primarily to manage high lake levels and these upgrades are not reflected in the 2022 Lakes Design Levels Report.¹²
 - (d) Submissions have been received on PC 8 relating to the provisions applying to Lake Ōkāreka; consideration of whether specific provisions should apply to other lakes within the Rotorua district would be better considered as part of future plan change processes.
43. Having regard to these factors, the Council's Section 42A Reply continues to support applying a static flood level to Lake Ōkāreka by mapping a High Lake Level Resilience Area in the District Plan.¹³ This approach is considered to:
- (a) Recognise that residual risk may be difficult to calculate in probabilistic terms and therefore reduces potential uncertainty at resource consent stage;

¹¹ This is specifically recognised in the definition of "residual risk" in the Operative District Plan and proposed Policy SDNH-P1.3.c which refers to "Residual risk, including the potential failure of structural hazard defences."

¹² Section 7.1.2, para 4, of the Section 42A Reply.

¹³ Section 7.1.2 of the Section 42A Reply.

- (b) Ensure development is designed to levels calculated prior to recent upgrades therefore providing some resilience against uncertainties associated with lake level management and climate change; and
 - (c) Categorise the overlay as “high lake level resilience” rather than flood hazard which may be considered more reasonable by the local submitters.
44. In respect of the rules which should apply within the High Lake Level Resilience Area, the Council has considered the Panel’s questions and the submitters’ presentations. The Council’s Section 42A Reply recognises the benefits of consistency in the activity status across the flood hazard rules and recommends the same permitted and restricted discretionary activity status apply within the High Lake Level Resilience Area as within the lower flood hazard area (Rule NH-R4).¹⁴
45. Amendments are also proposed to new policy NH-PBA to better reflect the proposed approach set out above.

Overland flow paths

46. The Panel raised questions regarding new Rule NH-R5 relating to changes to overland flowpaths, particularly in respect of the identification of overland flowpaths and the benefits to be gained from the new rule.
47. The Supplementary Evidence of Paula Meredith, submitted with these closing legal submissions, provides further clarification on these two matters.
48. In respect of the identification of overland flowpaths, Ms Meredith advises that the Council’s Land Development team routinely identifies

¹⁴ Section 7.1.2 of the Section 42A Reply. For clarity, Rule NH-R4 is proposed to be separated into Rule NH-R4A (lower flood hazard area) and Rule NH-R4 (higher flood hazard area).

overland flowpaths, stormwater disposal and potential effects on neighbouring properties of changes to ground levels and flowpaths as part of its review of building consent and subdivision consent applications. As flood mapping information continues to improve, the Council will make greater use of GIS tools to assist in identifying the location of overland flowpaths.

49. While many changes to overland flowpaths will be identified and assessed as part of a building consent or subdivision consent application, or as part of an application for development within a higher flood hazard area, the addition of a separate rule specifically relating to changes in overland flowpaths will clarify landowners' obligations in circumstances which would not otherwise trigger a requirement for building or resource consent such as landscaping, fencing or minor ground alterations.
50. The evidence of Anna McKay on behalf of the BOPRC agrees that overland flowpaths can be identified from readily available information.¹⁵
51. The Council submits that new rule NH-R5 should be confirmed by the Panel for the following reasons:
 - (a) The wording of Rule NH-R5 requires the entry and exit points and overall capacity of the overland flowpath to be identified, but does not require precise delineation of flowpath boundaries;
 - (b) Policy 5 of the NPS-NH supports proceeding with natural hazard risk assessment and decisions even when information is uncertain or incomplete;

¹⁵ Paragraph 42 of the Statement of Evidence of Anna McKay dated 2 April 2026.

- (c) As flood mapping continues to improve, GIS tools may assist the Council to better identify the location of overland flowpaths in the future; this information will assist in the interpretation of Rule NH-R5 without requiring a further Schedule 1 process;
- (d) The focus of the rule on changes to overland flowpaths addresses a gap in the regulatory framework where activities are carried out, such as earthworks, landscaping, fencing or structures, which would not otherwise require building or resource consent;¹⁶
- (e) Policy 4 of the NPS-NH requires, where subdivision, use or development will create or increase significant natural hazard risk on other sites, that risk must be avoided or mitigated using an approach that is proportionate to the level of natural hazard risk; and
- (f) By defining “overland flowpaths” to mean those with a contributing catchment of 4000m² or more, the rule will only apply where there is a significant natural hazard risk to other sites and in this way is proportionate to the level of natural hazard risk.

Wildfire

52. PC 8 proposes to include in the District Plan, for the first time, a definition and policy relating to mitigating the risks of wildfires. The Council’s Section 32 Report recognises that there is limited evidence available regarding the risks of wildfire within the Rotorua district; as a result, the policy and rules have been carefully considered to ensure

¹⁶ See specific examples listed in the Section 32 Assessment at page 43 of the Council’s Section 32 Report.

the planning response is proportionate to the level of risk. This is recognised in Policy NH-P5 which proposes:¹⁷

Mitigate the risks of wildfire associated with development by:

1. Requiring firefighting water supply for activities in more densely populated zones and papakāinga to reduce the risk of wildfire occurring.
2. Encouraging subdivision design in rural areas and at the rural-urban fringe to consider the potential risks of wildfire and, where appropriate, include measures that may help reduce the risks. Such measures may include:
 - a. identifying suitable locations for building platforms and accessways that reduce exposure to wildfire hazards and facilitate egress;
 - b. facilitating access for emergency services; and
 - c. choice of plant species to reduce the risk of fire.

53. The Operative District Plan requires applications for subdivision consent in unreticulated areas to provide sufficient water supply for firefighting purposes. However, this requirement does not apply to land use activities. PC 8 proposes to give effect to Policy NH-P5 by:

- (a) Requiring water supply for fire-fighting purposes at both subdivision and land use stage; and
- (b) Focusing these requirements on more densely populated areas of the district where the risks of wildfires starting, and the consequences, are higher due to greater population.

54. Evidence was presented on behalf of Fire and Emergency New Zealand (FENZ) at the hearing and a section 32AA assessment was subsequently provided. In summary, the submission by FENZ seeks to reinstate the requirement for water supply for fire-fighting purposes to be provided at subdivision stage across all applicable zones and to

¹⁷ Policy NH-P5 as notified in PC 8; an amendment is proposed in Section 8.4 of the Section 42A Reply, as noted at paragraph 56(b) of these closing legal submissions.

extend the requirement to provide water supply for fire-fighting purposes at land use stage to additional types of development.

55. The Council maintains its view that a prescriptive district-wide approach to fire-fighting water supply may be disproportionate to the level of risk.¹⁸
56. In respect of assessment at subdivision stage, the Council considers that:
 - (a) Requiring water supply for fire-fighting purposes for subdivision within the more densely populated zones, including Rural 2, Rural 3 and the Settlement Management and Bush Settlement Management Areas of the Lakes A Zone, is an appropriate response to the increased risk and consequences of wildfire in these zones; and
 - (b) For subdivision in the wider Rural 1 and Reserve 1 zones, it is appropriate for the Council's consideration of applications for subdivision consent to include an assessment of the availability of water supply for fire-fighting purposes; further amendment to Policy NH-P5 is proposed in this regard.¹⁹ This approach will encourage appropriate design at subdivision stage while retaining flexibility for individual site circumstances.
57. In respect of assessment at land use stage, the Council considers that:
 - (a) Requiring water supply for fire-fighting purposes for the specific land uses – including residential units, veterinary clinics, retail shops, show homes, office activities and community housing in the Rural 2 and 3 zones, and habitable buildings in the Settlement Management Areas and Bush

¹⁸ Section 8.4 of the Section 42A Reply.

¹⁹ Section 8.4 para 7 of the Section 42A Reply proposes to add a new subparagraph "(d) firefighting water supply" to Policy NH-P5.

Settlement Management Areas of the Lakes A zone – is an appropriate response to the increased risk and consequences of wildfire to these activities; and

- (b) Extending the requirements to additional land use activities was not proposed in PC 8 when it was publicly notified; while it was raised in the submission by FENZ the Council remains concerned that it would pose an additional obligation on rural landowners which has not been assessed by the directly affected landowners.

Fault rupture

- 58. PC 8 proposes to remove outdated fault mapping from the District Plan and to apply Rule NH-R1 to a “Fault Rupture Hazard Area” defined in the District Plan. It is intended that up to date fault mapping in the New Zealand Active Fault Database will be available on Council’s Geyserview platform.

Fault categories

- 59. In response to submissions, the Council’s Section 42A Report proposed to introduce a “Possible Fault Rupture Hazard Area” in addition to the “Fault Rupture Hazard Area” to recognise that the requirements of Rule NH-R1 may not be proportionate to the level of risk where the level of confidence about the existence of a fault is categorised as “possible” or “unknown”.²⁰
- 60. During the course of the hearing, it became clear that the four categories of confidence (definite, likely, possible and unknown) provided in the 2003 *Guidance on Planning for Development of Land on or near Active Faults (2003 Guidance)* provided an appropriate

²⁰ Section 3.11.2.6 of the Section 42A Report.

means of categorising the circumstances when Rule NH-R1 would apply. The Section 42A Reply now:²¹

- (a) Explains the origin of these categories in the 2003 Guidance;
- (b) Proposes amendments to the definitions of “Fault Rupture Hazard Area” and “Possible Fault Rupture Hazard Area” to clearly identify which categories are captured by each definition; and
- (c) Proposes amendments to Rule NH-R1 to clarify the circumstances when a restricted discretionary resource consent will be required.

Geothermal hazard

Provision of geothermal hazard risk assessment

61. The Panel questioned whether the provision of a geothermal hazard assessment, as required by Rule NH-R8, is a sufficient response to the risk of geothermal hazards. Rule NH-R8 was applied to the Rotorua Geothermal Systems Overlay as part of Plan Change 9 following:
- (a) A comprehensive review and gap analysis of existing regulatory controls on geothermal hazards;
 - (b) A section 32 report assessing the options for responding to geothermal hazard;
 - (c) The provision of expert evidence by the Council, WRC and BOPRC at the hearing of Plan Change 9; and
 - (d) Direct discussions between the three councils, and their expert advisors, leading to agreement on the wording of Rule NH-R8.

²¹ Section 9 of the Section 42A Reply.

62. PC 8 now proposes to extend the requirements of Rule NH-R8 to other geothermal systems within the Rotorua district. While some minor amendments to the rule are proposed to improve clarity and certainty, the Council submits that the rule’s approach of requiring a geothermal hazard risk assessment at the time of building consent, rather than imposing an additional resource consent obligation, remains an appropriate and proportionate response to the level of risk.

Building conversions

63. Submissions by BOPRC requested that the natural hazard rules (including flood hazard, fault rupture hazard and geothermal hazard) also apply to conversions of existing buildings from non-habitable to habitable spaces, referred to as “building conversions”. The Council’s Section 42A Report responded to the submissions by:²²
- (a) Amending the current definition of “building of low importance” and including definitions for building importance levels 2a, 2b, 3 and 4;
 - (b) Amending Rules NH-R1 to NH-R3 (fault rupture hazard) and NH-R4 (flood hazard), to also apply to an increase in building importance level; and
 - (c) Amending Policy NH-PAA to refer to “building on land” rather than “new building” to encompass conversion of existing buildings.
64. In respect of geothermal hazard, the Section 42A Report considered that, as many building conversions do not require building consent,

²² Section 3.9.2.6 (flood hazard) and section 3.11.2.4 (fault rupture hazard and Policy NH-PAA) of the Section 42A Report. For clarification, these amendments are made in response to submissions by BOPRC; submissions by Red Stag Investments Ltd are primarily addressed by proposed changes to fault categories described at paragraphs 59 and 60 of these closing legal submissions. However, the building importance framework also responds to submitter concerns about the reasonableness of fault rules by providing more nuanced, risk-based thresholds for resource consent.

the approach in NH-R8 (which uses building consent as a timing trigger for provision of a geothermal hazard assessment) would not readily apply. However, the submissions and evidence for BOPRC at the hearing continue to support the application of Rule NH-R8 to building conversions which require a building consent or project information memorandum (PIM).

65. The Section 42A Reply explains why the Council considers that a requirement to provide a geothermal risk assessment for the purpose of a building conversion is considered to be disproportionate to the risk in circumstances where the site is already developed.²³ However, an alternative wording of Rule NH-R8 has been provided, and discussed with the BOPRC, if the Panel considers that building conversions should be addressed by the rule.²⁴

Improving the drafting of provisions

66. During the hearing, the Panel noted some minor errors in the PC 8 provisions and recommended some rewording to improve the clarity and certainty of the provisions. These amendments have been considered by the Council's section 42A authors and the proposed amendments are highlighted in the final PC 8 provisions. Explanation for these amendments is provided in the Section 42A Reply, where appropriate.

Conclusion

67. The Council seeks the Panel's approval of PC 8 in the form attached as Appendix 1 to the Section 42A Reply. The Council submits that PC 8 will improve the management of natural hazards and give effect to the relevant provisions of the Act and the NPS-NH by ensuring that:

²³ Section 10.2 of the Section 42A Reply.

²⁴ The BOPRC has confirmed its acceptance of the proposed alternative wording of Rule NH-R8.

- (a) Natural hazards are managed consistently across the Rotorua District, including the Lakes A Zone;
- (b) Areas that are subject to natural hazard risks are identified using the best available information by enabling reference to the latest natural hazard information outside of the District Plan;
- (c) The rules applying to natural hazards, including flood hazard, wildfire, fault rupture hazard, land stability hazards and geothermal hazards, are proportionate to the level of risk; and
- (d) The rules improve efficiency and consistency, where possible, to reduce costs to both landowners and Council.

Dated 5 June 2026



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