

Decision following the hearing of Submissions on Plan Change 8 – Natural Hazards to the Rotorua District Plan 2019 (updated) under the Resource Management Act 1991.

DECISION

Pursuant to clause 10 of Schedule 1 RMA, Plan Change 8 – Hazards to the Rotorua District Plan is **Approved** with amendments to the provisions publicly notified. The reasons for this and the provisions are set out below.

Plan Change number:	PC 8 – Natural Hazards
Hearing Commissioners:	David Hill (Chair) Rob van Voorthuysen Gina Sweetman
Notification period:	19 July – 8 September 2025 [58 submissions]
Further submissions:	17 October – 31 October 2025 [13 further submissions]
Hearing:	4 -5 May 2026 [adjourned]
Hearing closed:	19 June 2026.
Appearances	See Appendix 1

INTRODUCTION

1. This decision report is made on behalf of Rotorua Lakes Council (**RLC** or **Council**) by Independent Hearing Commissioners David Hill (Chair), Rob van Voorthuysen and Gina Sweetman appointed and acting under delegated authority under sections 34 and 34A of the Resource Management Act 1991 (**the RMA**).
2. The Commissioners have been delegated the authority by the Council to hear and make decisions on submissions and the provisions of PC 8 to the Rotorua District Plan (**RDP**) after considering the plan change documentation (including the section 32 of the RMA evaluation (s.32 Report)), all the submissions and further submissions, RLC Response to submissions (s.42A Report), legal submissions, evidence and representations presented or made during the hearing of submissions, and Council's reply evidence, s.42A Report Addendum 3 and closing legal submissions.

THE PLAN CHANGE

3. The Rotorua Daily Post public notice of 17 July 2025 described PC 8 as follows:

Plan Change 8 reviews the objectives and policies for natural hazards and changes the rules relating to how the District Plan manages specific natural hazards – flooding, wildfire, fault rupture, land stability (slope stability, liquefaction and soft soils) and geothermal hazards –for the whole district, including in the Lakes A Zone.

4. This was elaborated in the s.32 Report as follows:

By progressing this plan change, RLC seeks to improve the management of natural hazards through the District Plan to promote resilience to natural hazards and the principles of the RMA and give effect to higher-order planning documents that guide the District Plan. At the same time, RLC also seeks to:

- Improve certainty for those undertaking development about how natural hazards are managed and the potential costs of management.*
- Improve efficiency, where possible, to reduce costs to developers; and*
- Promote fairness and equity by more targeting rules and costs, where possible.*

The spatial scope of the plan change is the whole of the Rotorua District, including the Lakes A Zone.

The issues and strategic objectives reviewed in this plan change address natural hazards in general.

However, the hazard-specific objectives, policies and methods, that is, the ‘detail’ of the plan change, is limited in scope to the following natural hazards:

- 1. Flooding;*
- 2. Wildfire;*
- 3. Fault rupture;*
- 4. Ground condition hazards (including soft, compressible soils and liquefaction);*
- 5. Slope stability; and*
- 6. Geothermal hazards.¹*

5. The s.32 Report explicitly noted a number of natural hazard matters that were neither addressed nor within the scope of PC 8 relating to:

- Volcanic hazards;
- Erosion other than as related to slope stability;
- Stormwater management requirements for subdivisions and developments;
- Restrictions on vegetation disturbance;
- Management of the storage of hazardous substances; and
- Dam design.

6. The section 42A of the RMA Report (**s.42A Report**) (see below) summarised PC 8’s key proposals as follows:

1. **Strategic objectives and policies:**

¹ S.32 Report at section 2.

Replacing strategic objectives and policies to focus on acceptable risk, resilience to climate change, and best practice principles for decision-making (SDNH-O1, SDNH-O2, SDNH-P1, SDNH-P2).

2. Flooding:

- a. Removing objectives applying only to the Waikato Region and instead relying on the amended strategic objectives for the whole District.
- b. Retaining flood hazard mapping outside the District Plan to enable consideration of the best available information in consenting decisions.
- c. Continued support for the two-pronged approach to manage building in flood prone areas in policy NH-PA and NH-R4, which was developed under PC 9. This involves minimum floor level standards in areas where anticipated flooding is less severe and the requirement for resource consent and a flood risk assessment for building in areas where anticipated flooding is more severe. Clarification through an amendment to Policy NH-PA, that resource consent can be declined if an acceptable level of risk is not demonstrated.
- d. A new rule for buildings and structures, and a new earthworks performance standard, to protect neighbouring land from changes in overland flowpaths in more intensely developed zones (NH-R5 and EW-S1(g)).
- e. Extending the existing and proposed policies and rules for managing flooding in the Natural Hazards Chapter to the Lakes A Zone.
- f. Adding natural hazards as a matter of discretion to existing restricted discretionary activity rules that require consent for buildings near waterbodies (NATC-R3(7) and (8)).

3. Wildfire

- a. Inclusion of a definition of wildfire in the District Plan.
- b. Refining firefighting water supply standards in Rural Zones so they apply at land use as well as subdivision but limiting requirements to the more densely populated Rural 2 Zone and Rural 3 Zone, and the Lakes A Zone's Settlement Management Area and Bush Settlement Management Area (RURZ-S5A, SUB-S9(3), Rule 34.0).
- c. A new policy, which would also apply to the Lakes A Zone, to acknowledge the use of firefighting water supply to assist in mitigating the risks of wildfire; and which also seeks to encourage (rather than require) further consideration and mitigation of wildfire through subdivision design in Rural Zones and at the urban-rural fringe (NHP6).

4. **Fault Rupture:**
 - a. Removing the mapping of fault traces and the Fault Avoidance Overlay from the District Plan.
 - b. Retaining the existing rules (NH-R1 – NH-R3) for building in a Fault Avoidance Overlay but applying them to a new 'Fault Rupture Hazard Area', which is defined rather than a mapped overlay. Identification of this area would be supported by mapping outside the District Plan.
 - c. Adding a policy to the Natural Hazards chapter to acknowledge the management of fault rupture through land use rules and subdivision (NH-PAA).
 - d. Extending the policy and land use rules for fault rupture in the Natural Hazards chapter to the Lakes A Zone.
5. **Land Stability (Ground Condition and Slope Stability) Hazards:**
 - a. Removing soft soil and landslide susceptibility mapping from the District Plan.
 - b. Reducing the permitted volume, cut face and fill depth thresholds in the performance standards for permitted earthworks in Industrial Zones, Business and Innovation Zones, and the Rural 1 Zone (EW-S1(1)).
 - c. Reducing and clarifying the scope of the exceptions from the need to comply with earthworks performance standards for earthworks associated with subdivision and building platforms (EW-S1(4)).
 - d. Replacing Policy NH-P1 with a new policy to acknowledge assessment of land stability at subdivision and applying this policy to the whole District, including the Lakes A Zone.
6. **Geothermal Hazards:**
 - a. Extending the requirement for assessment of geothermal hazards and mitigation options, which currently applies only to the Rotorua Geothermal System, to other geothermal systems (NH-R8).
 - b. Amending Rule NH-R8 to enable assessment, as a restricted discretionary activity, of geothermal hazard risks to new buildings and large additions exempt from the requirement to obtain building consent.
 - c. Amending the policy addressing the co-existence of Māori settlements with geothermal hazards so that it can apply more broadly across the District and directs consideration of this matter when considering whether risks are acceptable (NH-P3).
 - d. Extending geothermal rules and policies to the Lakes A Zone.
7. PC 8 proposes changes to the following parts of the RDP:
 - Part 1 – Definitions.

- Part 2 - Natural Hazards.
 - Part 2 - Subdivision.
 - Part 5 - Lakes A Zone.
 - Various Maps, Performance Standards, Matters of Control / Discretion, and Assessment Criteria.
8. The s.32 Report evaluated PC 8 against the relevant requirements of the following:
- Resource Management Act 1991.
 - National Policy Statement for Natural Hazards 2025 (consultation draft)².
 - National Planning Standards 2019.
 - National Adaptation Plan 2022.
 - Waikato Regional Policy Statement 2016.
 - Bay of Plenty Regional Policy Statement 2016.
 - Iwi Management Plans (12).
9. The s.42A Report also notes that, subsequently, Government amended the Building Act 2004 and issued its National Environmental Standards for Detached Residential Units 2025 for residential buildings of up to 70m² floor area (“granny flats”). Those “relaxed” controls do not apply where a natural hazard risk is identified.

NOTIFICATION PROCESS AND SUBMISSIONS

10. PC 8 was publicly notified on 19 July 2025, with the submission period closing on 8 September 2025. Fifty-eight submissions were received. The summary of submission decisions sought was notified for further submission on 17 October 2025, closing on 31 October 2025. Thirteen further submissions were received.
11. Six late submissions were received; all prior to notification for further submissions. They were accepted by the Hearing Panel as notified by Direction #1.
12. No late further submissions were received.
13. The RLC Response to Submissions (i.e. the s.42A Report) was prepared by Kim Smith and Simon Thurston (RLC Senior Policy Planners) in conjunction with technical reviews from the following content experts:
- Peter Cochrane (Flood Hazards - Lakes).
 - Simon Aiken (Flood Hazard – Specific mapping concerns).
 - John Brzeski (Geothermal and Land Stability Hazards).
 - Paula Meredith (Flood Hazard Information for Rule Implementation).
 - Kelvin Berryman (Fault Rupture Hazard).
14. The s.42A Report, dated 13 March 2026, summarised the key issues raised and relief sought in submissions under the following headings:

² The NPS for Natural Hazards 2025 came into force on 15 January 2026.

1. Lakes A Zone Alignment

Submitters broadly supported aligning Lakes A Zone hazard provisions with district-wide provisions, though some feared confusion from cross-referencing two plan structures.

Key recommendations:

- Retain alignment: extend strategic objectives, policies and rules to the Lakes A Zone.
- Reject suggestion for a standalone Lakes A natural hazards framework.

2. Approach to Hazard Mapping

Submitters were split between retaining hazard maps in the District Plan and relying on external GIS layers. Key concerns related to accuracy, natural justice, and ability to challenge updates. Others emphasised opportunities for flexibility and the use of the "best available information" from retaining maps outside the District Plan.

Key recommendations:

- Retain PC 8's approach: most hazard mapping should not be in the District Plan, except for geothermal systems and a new Lake Ōkāreka resilience area,
- Maintain Geyserview as the source of updated information, with case-by-case engagement for significant updates.

3. Strategic Direction & "Acceptable Risk"

The submitters generally supported the proposed focus on acceptable risk. Some requested a hazard "risk hierarchy" (low/medium/high) or replacement of "low risk" with "minor risk". Others wanted clearer links to the National Policy Statement for Natural Hazards.

Key recommendations:

- Retain SDNHO1 as "risks are acceptable" but amend the definition so acceptable risk = "minor risk".
- Do not introduce a rigid risk hierarchy.

4. Flooding

Submitters sought changes to the proposed flooding provisions, regarding the triggers for requiring a flood risk assessment, the clarity of policy direction, and the guidance for flood risk assessment provided in the policies and matters of discretion. There was also concern about the applicability of rules to building conversions. For Lake Ōkāreka, there was strong community concern about the

suitability of the 2022 Lakes Design Level Report for implementation of the District Plan.

Key recommendations:

- Retain the existing risk-based framework introduced in earlier Plan Change 9, which uses the 300mm depth threshold in a 1%AEP event with climate change as the point at which full flood risk assessment is required for buildings, as it remains the most practical and technically supported measure.
- Introduce a clearer response to building conversions by linking requirements to changes in building importance level.
- Introduce a bespoke “High Lake Level Resilience Area” around Lake Ōkāreka within the 355.33m elevation (Moturiki Datum). Within this area, low importance buildings, replacement buildings and additions are enabled, while intensification and new higher importance buildings require discretionary consent.

5. Wildfire Provisions

Submitters had mixed views on whether and where firefighting water supply standards should apply outside urban reticulated areas.

Key recommendations:

- Retain proposed targeted application to denser rural zones - Lakes A settlement areas and Rural 2 and 3 Zone.

6. Fault Rupture Provisions

Submitters generally supported the proposal to remove outdated fault mapping but were concerned about uncertainty in fault location and ensuring a proportional approach to risk.

Key recommendations:

- Replace mapped fault overlays with a “Fault Rupture Hazard Area” definition informed by the NZ Active Faults Database.
- Create a “Possible Fault Rupture Hazard Area” for uncertain faults.
- Refine the rule framework using fault certainty, building importance levels and recurrence interval thresholds.

7. Land Stability Hazards

Some submitters opposed stricter earthworks performance standards proposed for the Rural 1 Zone and Industrial 2 Zone.

Key recommendations:

- Further refine the earthworks performance standards for Rural 1 Zone and Industrial 2 Zone based on distance from boundary.

8. Geothermal Hazards

Some submitters questioned the geothermal hazard management approach introduced by Plan Change 9, which requires a geothermal hazard and mitigation assessment to accompany any building consent. Others sought refinements to address exemptions for small building additions, gaps in the rules for building conversions, and the treatment of minor residential units. Several submitters also requested broader recognition of Māori cultural co-existence with geothermal activity.

Key recommendations:

- Retain the Plan Change 9 framework, requiring a geothermal hazard and mitigation assessment to be submitted, but allow it to be submitted either at the same time as a building consent or Project Information Memorandum (PIM), and extend this approach to all geothermal systems across the District.
- Maintain the requirement for site-specific geothermal hazard assessments for buildings larger than 20m², while retaining the exemption for additions ≤20m² from this requirement.
- Amend policy wording to broaden acknowledgement of Māori cultural co-existence with geothermal activity, ensuring cultural significance is considered when assessing whether risks are acceptable.

15. We found that an accurate and helpful summary – and reflected the matters heard in due course.
16. An addendum to the s.42A Report – *Addendum 1 – Update to Earthworks Performance Standards* – was issued on 1 April 2026 correcting an oversight in the s.42A Report that related to a submission point from Fonterra. Whilst the submission point was recommended for acceptance in the s.42A Report, the relevant performance standard EW-S1.3 had not been amended. The Addendum corrected that error by recommending the reinstatement of the 1,000m³ / rolling 12 months permitted activity rule in the Industrial 2 Zone.

HEARING AND HEARING PROCESS

17. Three s.41 RMA directions were issued prior to the hearing:
 - a) Direction #1 dealing with late submissions dated 18 December 2025.
 - b) A hearing procedures manual, including timetable for report, evidence and submission exchange, dated January 2026.
 - c) Direction #2 granting leave to extend the period for reply and s.42A response dated 26 May 2026.

The Hearing Panel records its gratitude to all those who provided their material in accordance with those directions. Being able to pre-read and reflect on the material ahead of time greatly assisted the efficient management of the hearing and our inquiry therein.

18. The hearing was held in Rotorua on 4 and 5 May 2026 and was then adjourned for the purpose of receiving Council's reply submissions and supplementary evidence. That latter material was received on 5 June 2026.
19. The Hearing Panel conducted a comprehensive site visit on 4 May 2026 to see for themselves the Lake Ōkāreka outlet and associated structures, helpfully explained by its long-term BOPRC operational manager, Justine Randell, as well as around the Lake Ōkāreka settlement itself.
20. The hearing was closed on 19 June 2026 following initial deliberations.

INTRODUCTORY BACKGROUND

21. The s.42A Report notes that:

During the preparation and notification of PC 8 new national direction and major reforms of the RMA had already been signalled by the Government. RLC decided to proceed with notification of PC 8 despite the emerging national direction and upcoming legislative reform because:

- *There was a need to address issues with the existing District Plan, including outdated fault hazard mapping.*
- *Consultation material on the national direction suggested it would provide high level principles and risk assessment but District Plans would continue to provide the detailed policies and rules.³*

22. The subsequent 2025 "plan stop" amendment to the RMA⁴ provided an automatic exemption (s.80U(2)(f)) for plan changes addressing natural hazards (among other stated matters), further underscoring the importance accorded by Government to such matters.
23. As noted in Council's opening legal submissions, PC 8's rules do not have immediate legal effect, as provided for under amended s.86B(3), as it was notified before that provision came into force on 21 August 2025. They will have legal effect once the PC 8 decision is publicly notified.

PRELIMINARY MATTERS

24. We first address two preliminary matters since those are material to our findings:
 - a) whether placing the natural hazard maps (other than geothermal) outside of the district plan is lawful; and
 - b) whether PC 8 gives effect to the National Policy Statement for Natural Hazards

³ S.42A Report at [2.1.2].

⁴ The Resource Management (Consenting and Other System Changes) Amendment Act 2025.

Non-statutory maps.

25. As Council emphasised repeatedly, the maps are intentionally non-statutory – i.e. they sit outside of the RDP – so that they can reflect the most up-to-date, and therefore best available, information without the necessity for continual revision through the Schedule 1 RMA plan change process. Therefore, neither the maps nor the various natural hazard models and/or methodologies supporting them (shown in Council’s on-line mapping service known as *Geysserview*⁵) are open for submission under PC 8. Issues directly related to the accuracy etc of those maps do not therefore fall to be determined through these proceedings.
26. PC 8 only sets the framework that applies once the relevant parameters are identified in the maps. Challenges to the information contained in or the accuracy of the maps is managed through a separate site-specific complaint, investigation and response process as explained at the hearing by Greg Bennett and in the evidence of Paula Meredith.
27. The issue was addressed by Ms Embling in her opening legal submissions. Apart from noting various councils and plan decisions that have adopted / accepted a non-statutory basis for their natural hazard maps, Ms Embling submitted that while the RMA does not require *statutory* maps; that option remains with councils as a discretion as to how best they discharge their RMA responsibilities - in this instance, Council’s function under s.31(1)(b)(i) RMA to control the effects of the use, development or protection of land for the purpose of the avoidance or mitigation of natural hazards. That, of course, must be in accordance with the district plan requirements set out in s.74 – 76 and Schedule 1 RMA.
28. Ms Embling summarised the reasons why the preferred approach of having non-statutory maps sitting outside the RDP represents the use of best available information (in accordance with Policy 5 of the NPS-NH) as follows:
 - (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;*
 - (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.*⁶

⁵ The natural hazards layer in *Geysserview* is accessed through the “Planning & Development” module and then opening the “Hazards & Risks” layers.

⁶ Closing legal submissions, 5 June 2026, at [16].

29. The Hearing Panel accepts that non-statutory maps are both lawful and appropriate in this instance.

The NPS-NH 2025

30. The NPS-NH came into force on 15 January 2026 and therefore must be given effect, to the extent possible, even though PC 8 was already notified and in train at that point. That is complicated by the fact that the applicable two regional policy statements, which also have to be given effect, have not themselves yet been amended to give effect to the NPS-NH. The potential for conflicting policy therefore exists – although satisfactorily resolved as discussed in the s.42 Report⁷.
31. Ms Embling identified two fundamental propositions of the NPS-NH with which PC 8 directly accords – in the main because PC 8 was based on the earlier and largely unchanged NPS consultation draft. That is, the concept of *proportionality* (both for the risk-based approach (the Objective and Policy 2) and for the level of hazard risk (Policy 5)), and the requirement to use the *best available information*.⁸
32. The s.42A Report concluded that there is no material difference between the risk assessment approach of the consultation draft and the final NPS-NH, and states:
- 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.*⁹
33. The Hearing Panel is satisfied that PC 8 gives effect to the NPS-NH to the extent practicable at this stage of the process bearing in mind, as Ms Embling reminded us, that the NPS-NH records under Part 4 Timing:

- (2) *Local authorities are not required to initiate changes to regional policy statements, regional plans or district plans within a specific timeframe for the sole purpose of giving effect to this National Policy Statement.*

KEY ISSUES FOR DETERMINATION

34. From the material heard, the Hearing Panel has identified the following key issues for determination – not otherwise wanting to replicate the very helpful assessment of less key submission points and issues provided in the s.42A Report (or the relatively minor clerical or administrative amendments recommended – which are all accepted without further comment):
- How to address flood management matters relating to Lake Ōkāreka;

⁷ S.42A Report at [14]-[22].

⁸ Opening legal submissions, 29 April 2026, at [14].

⁹ S.42A Report at [21].

- Whether the wildfire provisions should apply to the Rural 1 and Conservation Reserve (Reserve 1) Zones;
 - Whether building conversions within geothermal systems should be included rather than excluded in the Geothermal systems overlay rule; and
 - Whether the concept of adaptation should be included in objective SDNH-O2 and policy SDNH-P1.
35. Before addressing those key matters, we briefly identify and confirm our agreement with the discussion, clarification and conclusion on certain particular matters addressed in Council’s reply *Addendum 3 – Response to Matters Arising During the Hearing* (May 2026)¹⁰. For the sake of brevity and convenience the reader is referred to that document for the details.
- (a) Section 2. The meaning of *Proportionate* under the NPS-NH and its relationship to “Acceptable Risk” under the WRPS and BOPRPS.
 - (b) Section 3. The Absence of a NPS-NH Risk Matrix in the Provisions.
 - (c) Sub-sections 4.1 and 4.2. Definitions of *risk* and *acceptable risk*.
 - (d) Sub-section 4.3. Building Importance Levels.
 - (e) Sub-section 5.2. Absence of “remedy” in SDNH-P1 and focus on the s.31(1)(b)(i) RMA function of the avoidance or mitigation of natural hazards;
 - (f) Sub-section 5.3. Inclusion of *Mātauranga Māori* in SDNH-P1;
 - (g) Sub-section 7.2. Overland Flowpath Rule NH-R5.
 - (h) Section 9. Fault Rupture Provisions – the New Zealand Active Faults Database.
 - (i) Section 10. Geothermal Hazard Provisions.
36. Turning, then, to the key matters.

Lake Ōkāreka

37. **The Issue:** Whether an in-plan static map approach based on contour 355.33m RL is appropriate for the Lake Ōkāreka flood level management rather than the dynamic approach based upon the evolving 1% AEP event.
38. **Response:** PC 8 as notified proposed that, consistent with the treatment of all other lakes in the District, the “dynamic” high risk flood hazard zone approach would apply to Lake Ōkāreka – i.e. provisions in the Plan with more detailed hazard maps sitting outside – with the removal from the Plan of “static” maps. That approach was supported by BOPRC and, in part, by local submitters.

¹⁰ <https://participate.rotorualakescouncil.nz/district-plan-change-8-natural-hazards>

39. However, after considering submissions, Council concluded that a static overlay was more appropriate based upon BOPRC's 2022 Lakes Design Level Report and its calculated 1%AEP plus freeboard (with no adjustment for climate change) high flood risk level of 355.33 m – Moturiki Datum 1953. The s.42A Report¹¹ proposed a district plan mapped High Lake Level Resilience Area (the “defended area”) between the Lake and 355.33m RL with a bespoke rule NH-R5A; the focus being on restricting intensification and new development within this area while enabling some redevelopment of existing properties, and recognising that the Lake level is actively managed.
40. The s.42A Report recommended amending provisions also to:
- (a) enable buildings of low importance within this area, regardless of their elevation above the Lake;
 - (b) enable replacement of existing buildings that do not increase the building importance level and that have a floor level above 355.33 m;
 - (c) enable additions and alterations to existing buildings, provided that the floor level of any addition is at or above the existing floor level (except that this would not apply to buildings of low importance);
 - (d) treat other new buildings and changes to building importance level as discretionary activities; and
 - (e) allow for property-specific modelling by qualified engineers where discretionary resource consent is triggered.
41. Paula Meredith, Council's Land Development Engineering Manager, whilst not addressing the Lake Ōkāreka issue directly, concluded her evidence as follows:
- I support the PC 8 approach of managing flood risk through rules that enable consideration of the most up to date information rather than fixed hazard maps embedded in the District Plan. This process has been successfully implemented to date, following the rules introduced by Plan Change 9, particularly NH-R4.¹²*
42. While Peter Cochrane, Council's technical expert on extreme lake levels, expressed caution in placing reliance upon a management regime that requires manual intervention, operator judgement and ongoing resourcing that introduces inherent uncertainty¹³, he was essentially agnostic on the planning response to be adopted, seeming to accept that either approach was “reasonable” from a technical point of view.¹⁴

¹¹ S.42A Report, section 3.9.2.3 High Lake Levels at Lake Ōkāreka, page 65-70.

¹² Paula Meredith, Evidence, 13 March 2026, at [41].

¹³ Peter Cochrane, Evidence, 13 March 2026, at [14].

¹⁴ Peter Cochrane, Rebuttal Evidence, 24 April 2026, at [36]-[38].

43. BOPRC, through the evidence of Nicole Marshall¹⁵, Anna McKay¹⁶ and Mark Ivamy¹⁷, preferred the notified dynamic approach, which they submitted was a more appropriate fit with the “updating” method direction of the BOPRPS; was consistent with the NPS-NH emphasis on the best available information; enabled flexibility in responding to evolving climate science (in particular) and the scheduled review of the BOPRC’s Lake Design Levels Report around 2030; and supports a district-wide consistent approach to management of the issue (a fundamental premise for bringing the Lakes A Zone into the plan change).
44. The Lake Ōkāreka Community Association (submitter 21) sought a more bespoke set of provisions for the High Lake Level Resilience Area which better reflected the managed system and proportionately reduced risk profile – essentially more relaxed building controls. That submission was effectively supported by a number of local submitters, including Ross Wilmoth (submitter 52) who attended the hearing. Other submitters, such as Christine and Martin Caughey (submitters 46 and 19) went further in seeking the deletion of the provisions based on similar grounds.
45. In reply, Ms Embling submitted the following in support of a different approach to the management of Lake Ōkāreka:
 - (a) *Rule NH-R4 was developed primarily as a response to fluvial and pluvial flood hazard and different considerations apply to 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. 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.¹⁸*
46. In comparing the respective notified and subsequent “bespoke” rule provisions, the s.42A Addendum 2 Report notes the following:
 - *Buildings of low importance are permitted under both approaches.*
 - *For additions <20m² (to buildings of importance level >1), there is likely to be little difference in practice. The bespoke provisions require that the floor level is at least as high as the existing building but this would not normally be an issue.*

¹⁵ Nicole Marshall, Evidence, 2 April 2026 at [17]-[36].

¹⁶ Anna McKay, Evidence, 2 April 2026, at [43]-[50].

¹⁷ Mark Ivamy, Evidence, 2 April 2026, at [21]-[22].

¹⁸ Closing legal submissions, 5 June 2026, at [42].

- *For additions >20m² the bespoke provisions are less restrictive as no consent is needed provided that the minimum floor area is at least as high as the existing building.*
- *For replacement buildings in the low flood hazard area, there is likely to be little difference in practice. Under the bespoke provisions, replacement buildings with the same or lower importance level are expressly provided for as a permitted activity. While there are no specific provisions under the notified version, the approach would be the same. Buildings that do not meet the minimum floor levels would be restricted discretionary activities under both approaches.*
- *The bespoke provisions are more permissive for replacement buildings where flood depths >300mm (called the 'high flood hazard area' in the Section 42A Report). In the high flood hazard area, replacement buildings are permitted if minimum floor levels are met under the bespoke provisions but restricted discretionary under the notified provisions.*
- *However, the bespoke provisions are more restrictive for new buildings with an importance level >1. In the notified provisions, these are potentially permitted provided minimum floor levels are met in low flood hazard areas (likely to be most common) and restricted discretionary in the high flood hazard area. However, under the bespoke provisions, these are discretionary activities throughout the whole area and there is no permitted pathway for new residential buildings and other buildings with an importance level >1 by meeting minimum floor levels. Policy NH-PBA is also more directive and difficult to overcome.¹⁹*

47. That was further refined in Council's reply with an amended policy (NH-PBA) and supporting rule (NH-R5A), which mirrored rule NH-R4 setting out the same activity status for new buildings and additions but based on the fixed design level elevation of 355.33m rather than a described level. Rule NH-R5A did not provide for a risk assessment rule equivalent to Rule NH-R4 for higher flood hazard areas apply within the Lake Ōkāreka High Lake Level Resilience Area because any intensification was anticipated to occur above the lake edge.²⁰

Discussion and Finding

48. The Hearing Panel accepts that either approach (static or dynamic) is both feasible and justifiable in RMA terms. However, at the end of the day we prefer the dynamic approach – not just for consistency (although that is a powerful argument) but because the key Lake Ōkāreka data on which the static approach depends is to be reviewed by BOPRC within the current term of the district plan. Indeed, and subject to a sufficient length of relevant lake level data being available, this decision may justify advancing that review. We recognise the imperative that hazard management must be based upon the best available information but appreciate that material questions

¹⁹ S.42A Addendum 2 at [4.1.3.3].

²⁰ S.42A Addendum 3 at [7.1.3].

surround the direct use of the 2022 Lakes Design Level Report. We are also satisfied, based on our site visit, that management of the Lake outlet is currently sufficiently responsive and robust that pausing to await the results of the impending review are justified. We do not discount the prospect that a static map may then, at an updated RL, be appropriate.

49. Consequently, we have deleted recommended new Lake Ōkāreka Policy NH-PBA and recommended new Rule NH-R5A and made formatting improvements to recommended Rule NH-R4A. The outcome being that Lake Ōkāreka will be subject to the same flooding provisions as all other lakes in the District.

50. Our amendments do not necessitate any changes to Policy NH-PA Flooding.

Wildfire provisions

51. **The issue:** PC 8 includes a definition and policy relating to mitigating the risk of rural wildfires. Fire and Emergency New Zealand (FENZ) sought to extend the provisions – essentially a requirement to provide sufficient water supply for fire-fighting purposes in the more densely populated zones including Rural 2, Rural 3 and Settlement and Bush Settlement Management areas in the Lakes A zone – across all non-urban zones at subdivision stage and at land use stage for other types of development for which a subdivision consent was not required.

52. The s.32 Report identified factors that make an area more susceptible to wildfire as follows:

- *Vegetation type – vegetation affects the potential for wildfires to start, as well as the intensity and the difficulty to manage a wildfire to prevent it from spreading.*
 - *Grasslands have increased fire danger most rapidly during short dry spells (which is reflected in the NIWA fire danger rating system). This is because grass dries out quickly and fires in grassland spread quickly. However, wildfires on grassland are easier to control.*
 - *Scrub is also associated with more frequent high fire danger. It takes longer to dry out than grass but also creates more intense fires.*
 - *Forests are associated with less frequent high fire danger. However, when they do occur, cause more intense fires that are more difficult to control*
- *Degree of human activity – human activity is the main source of ignition.*
- *Related to the above factors, the rural-urban fringe has been the focus of management in other jurisdictions, such as the United States, because these areas bring together population and fuel sources.*
- *Topography and prevailing winds – fire travels faster upslope; and sunny slopes and slopes exposed to the wind dry out faster; so north/northwest facing slopes are more susceptible.*
- *Soil types – some soils are more vulnerable to drying out and supporting fire spread.*

- *Proximity to Geothermal scrublands – geothermal activity can ignite fires that spread to surrounding dry scrubland, such as experienced at Sulphur Point in 2022.*
- *Proximity to powerline infrastructure and rail corridors – other sources of ignition.²¹*

53. It also identified land use factors that influence wildfire risk, including:

- *Increasing population – as noted above, human activities cause most ignition. Examples of common ignition-causing activities in the Rotorua District identified in the recent workshop were pile burns (associated with lifestyle property owners, farming and marae activities), and fur burning associated with pig hunting.*
- *Siting of vulnerable assets, including residential units – relative to the areas more susceptible to wildfire outlined above.*
- *Vegetation management around vulnerable assets – to reduce the risk of fire ignition and spread to the asset.*
- *Quality of vehicle access – whether suitable for emergency vehicles and egress in the event of an emergency.*
- *Access to water for firefighting – limited water sources can delay or inhibit response and increase the risk of fire spreading.*
- *Remoteness – wildfire can spread and intensify if there is a delay in detection or response with remote sites at greater risk.*
- *Characteristics of occupants and whether they can easily evacuate e.g. they have access to vehicles or whether they have disabilities.²²*

54. **Responses:** Council’s position was that such an extension to the Rural 1 and Conservation Reserve (Reserve 1) Zones was disproportionate to the risk and consequence; its benefit/costs had not been evaluated as required under s.32 RMA; and raised potential scope matters because, whilst raised in FENZ’ submission, it had not been assessed by affected landowners. The s.42A author was, however, open to receiving further information on the matter²³.

55. In Council’s reply, and in response to Ms Duncan’s s.32AA report (below), an amendment to policy NH-P5 was recommended providing a discretion to consider the need for firefighting water supply in the less densely populated zones at the time of consent processing.²⁴

56. FENZ maintained that while the Rural 1 and Conservation Reserve (Reserve 1) Zones anticipated a low density of buildings, they represented a large proportion of the District such that density was not a sound hazard risk reason for exempting them. FENZ accepted that the provision did not need to include the Water Zone²⁵.

²¹ S.32 Report at section 7.2 pages [50]-[51].

²² S.32 Report at section 7.3.1 page [51].

²³ S.42A Report at [3.10.2.3.13].

²⁴ S.42A Report Addendum 3 at [8.4.7].

²⁵ Alec Duncan, Evidence, 2 April 2026, at [22].

57. In response to the Hearing Panel's request that FENZ provide a s.32AA assessment of its proposal, Alec Duncan, consultant planner for FENZ, filed her evaluation on 8 May 2026²⁶. Among the more salient points made in that evaluation were that PC 8:

- Removes the existing requirement for subdivision activity across the Rural 1 Zone (72.6% of the District) and the Conservation Reserve (Reserve 1) Zone (4.8% of the District) from providing a firefighting water supply.
- The only cost addressed is the financial cost to landowners of compliance with the new standard RURZ-S5A which provides firefighting water supply in Rural 2 and 3 Zones.
- No evidence has been presented to demonstrate that the objectives of the RDP and objectives as proposed to be amended through PC 8 cease to apply in Rural 1 Zone, Conservation Reserve (Reserve 1) Zone and the majority of the Lake A Zone as it relates to fire and wildfire risk.

58. Ms Duncan then produced a narrative cost /benefit evaluation concluding that:

Overall, the provision of firefighting water supply in rural locations via subdivision and land use provisions represents a proportionate, targeted, and justified intervention. The costs associated with firefighting water supply are modest, predictable, and incurred at the appropriate stage of development, being localised and upfront. Importantly, these costs are significantly outweighed by the avoidance of substantial fire-related losses, including damage to property, infrastructure, and impacts on community wellbeing.

In contrast, the benefits are substantial, enduring, and widely distributed, extending across both private and public domains over the long term. These benefits include improved safety, reduced hazard exposure, and enhanced emergency response capability. The requirement therefore delivers an efficient and effective response supporting infrastructure adequacy, hazard risk reduction, climate resilience and community wellbeing.

59. Ms Duncan also included three district map overlay attachments to her evaluation illustrating the two tanker resource drive time; wildfire high risk communities and volatile fuel; and ten year incidents outside of reticulated water supply.

60. The Hearing Panel notes that a number of submitters both opposed and supported the notified provisions. Those are discussed in the s.42A Report at section 3.10.2.3 and we have nothing further to add to that discussion.

Discussion and Finding

61. With respect to the question as to whether there is scope for entertaining FENZ' proposed extension of the policy to include the Rural 1 and Conservation Reserve (Reserve 1) Zones, the Hearing Panel is satisfied that the original submission made by FENZ provides such scope. Specifically, we note the following submission points:

²⁶ Alec Duncan, Section 32AA Evaluation: Hearing Statement F- ENZ, 8 May 2026.

6. Wildfire NH-P5: ... *policy be extended to subdivision. This better aligns with the strategic direction policy but also the subsequent rule framework that applies to both subdivision and land use / development.... Fire and Emergency consider that the requirement for firefighting water supply should not be restricted to more densely populated zones.*

9. SUB-P16: ... *Fire and Emergency request an amendment so that the policy does not limit the requirement to demonstrate sufficient fighting water supply to more densely populated zones. As notified, this would likely exclude subdivisions in the rural zones, which make up a significant proportion of the district. This is not supported by Fire and Emergency.*

10. SUB-S9 Site serviceability: ... *Fire and Emergency oppose the amendment to SUB-S9(3)(b)(f) that seeks to exempt Rural 1 Zone and Conservation Zone from the requirement to provide a water supply that is adequate for firefighting purposes.*

Submitters were thereby clearly on notice of FENZ' intent despite the fact that no further submissions addressed the matter directly.

62. The Hearing Panel accepts that the NPS-NH requires management using a risk-based proportionate approach, and notes the s.42A Report comment on FENZ' evidence that:

... the evidence does not demonstrate how such supplies would be accessed or relied upon, or how they materially reduce risk to neighbouring properties or the wider environment. Nor does it examine whether requiring on-site water supply in all locations represents a proportionate response, having regard to local wildfire risk, development intensity (assets exposed), or the role of alternative mitigation measures.

63. However, neither do the s.42A or s.32 Reports examine those matters in reaching a conclusion that the provisions are not appropriate for the Rural 1 and/or Conservation Reserve (Reserve 1) Zones.
64. Helpfully, the s.42A Report captures the range of acceptable alternative water sources where reticulated hydrant systems are not feasible as identified in the New Zealand Firefighting Water Supplies Code of Practice (SNZ PAS 4509:2008). They include:

- *Aboveground, buried, or partially buried water tank.*
- *Ponds.*
- *Lakes.*
- *Dams.*
- *Waterways such as streams, rivers, and creeks.*
- *Static supply tanks or ponds formally recognised by FENZ.*

And the Code indicates that alternative water supplies are appropriate where:

- *No reticulated hydrant system is available.*
- *Existing hydrants cannot achieve the required flow or volume.*
- *A district plan or resource consent condition requires a dedicated on-site firefighting water supply.*

- *A property is located more than 10 minutes' travel time from a fire station.*
- *The fire risk is elevated due to factors such as building construction type, heritage value, or high value contents.*
- *An alternative water supply is necessary to meet the storage or access requirements of SNZ PAS 4509:2008.*
- *The site is in a rural environment where reticulation is not available as a matter of course.²⁷*

65. In summary, then, there are different ways by which the requirement for adequate water supply for fire-fighting purposes can be achieved. Furthermore, many of the susceptibility factors identified in paragraph [52] above are equally evident in the Rural 1 and Conservation Reserve (Reserve 1) Zones. On that basis we see no good reason why the provision should not also apply to the Rural 1 and Conservation Reserve (Reserve 1) Zones. Policy NH-P5 is amended accordingly.
66. Consequently, we have amended SUB-P16 and SUB-S9.3.b.f so that they do not exclude the Rural 1 Zone or Conservation Reserve (Reserve 1) Zone, and amended servicing performance standard RURZ-S5A – so that it applies to all Rural Zones (and not just Rural 2 and Rural 3) – and introduced a new servicing performance standard CNSZ – S6 to the Conservation Reserve (Reserve 1) Zone. Consequentially, new performance standard CNSZ-S6 is also inserted into rules CNSZ-R1, CNSZ-R6 and CNSZ-R13 (those rules relating to new or upgraded buildings).
67. FENZ also sought that the general requirement be applied across the entire Lakes A Zone, not just to the Settlement Management Areas and Bush Settlement Management Areas as proposed under rule 34.1.1.(1)(2).²⁸ Consistent with our finding above, we see no distinguishing reason as to why that zone should be treated differently and accept FENZ' submission on the point.

Building Conversions

68. **The Issue:** PC 8 proposes to exempt building conversions from non-habitable spaces to habitable from Geothermal Systems Overlay rule NH-R8(4). While the s.42A Report accepts that whether a space is habitable is a relevant factor, it notes that the additional risk is “*likely to be relatively low*” and administratively difficult since many such conversions involve little physical work triggering regulatory processes.²⁹ BOPRC sought the inclusion of such building conversions.
69. **The Response:** While the s.42A authors maintained their opinion that such was not necessary, Ms Smith provided an alternative option for the Hearing Panel whereby building conversions were included where the work required either a building consent or a Project Information Memorandum.³⁰

²⁷ S.42A Report at [3.10.1.6 & 7].

²⁸ Alec Duncan, s.32AA Evaluation, 8 May 2026, Issue #3, page 2.1

²⁹ S.42A Report at [3.13.2.4.5-6]

³⁰ S.42A Addendum 3 at [10.2.3].

70. In her evidence Ms Marshall supported that alternative approach noting that while it did not fully address BOPRC's concerns it represented a "*reasonable and proportionate response to the issue*"³¹ and provided amended wording in her Appendix 1 as follows:
- b. *Performance standard a) shall apply if the building is:*
 - i. *a new building; or*
 - ii. *an addition to footprint of an existing building of more than 20 m²*
 - x. *a non-habitable to habitable conversion ; and*
 - iii. *a building consent or project information memorandum is required in association with the building work.*
71. A subsequently amended NH-R8 wording incorporating that option, reviewed and accepted by Mr Invamy, was provided as follows:
- b. *Performance standard a) shall only apply if*
 - i. *the activity:*
 - 1. *is a new building; or*
 - 2. *is an addition to footprint of an existing building of more than 20 m²; or*
 - 3. *results in the conversion of a non-habitable room to a habitable room or the conversion of a Building Importance Level 1 building to a higher building importance level; and*
 - ii. *a building consent or project information memorandum is required in association with the building work.*
72. **Discussion and Finding:** We agree that wherever practicable habitable spaces should require consideration of potential natural hazard effects. The qualifying trigger proposed by Ms Smith for NH-R8 b(i)(3) – noting that "habitable room" is already defined in the District Plan - will ensure that such is practicable and we adopt that amendment accordingly.

Adaptation

73. **The Issue:** As noted in the s.42A Addendum 3, WRC had sought to incorporate the concept of climate change adaptation into SDNH-O2 and SDMH-P1.
74. **The Response:** The Addendum recommended including that in the objective but not the policy – because the policy is focussed at the level of a specific activity rather than the broader strategic level. The recommendation was as follows:
- SDNH-O2** - Land use, subdivision and development are resilient *and adaptive* to the current and future effects of climate change.
- SDNH-P1:** When assessing whether the natural hazard risks associated with subdivision or land use are acceptable, and identifying risks that must be avoided or mitigated.
75. The Addendum also noted that climate change adaptation is implied separately in clause 3(a) of SDNH-P1 which requires:

³¹ Nicole Marshall, Evidence, 2 April 2026, at [40]

3. Take into account:

- c. *The predicted effects of climate change, applying a precautionary approach where the extent of the impact is uncertain.*

76. In response to the Panel's questioning about potential confusion if the policies do not accurately reflect all the elements of the objective, the Addendum concluded:

*... the concept of resilience is sufficiently broad to encompass adaptation, in the sense of responding and adjusting to climate-related risks over time. Therefore, I support its removal from the objective.*³²

77. **Discussion and Finding:** The Hearing Panel agrees with that conclusion and its non-inclusion in the objective – noting that s.18A(b) RMA requires, among other things:

Every person exercising powers and performing functions under this Act must take all practicable steps to—

(a) ...

(b) ensure that policy statements and plans—

(i) include only those matters relevant to the purpose of this Act; and

(ii) are worded in a way that is clear and concise;

78. We do not find that a belts-and-braces approach is required in this instance whereby repetition is required. The policies are quite capable of both standing alone and combining where that is appropriate.

HIGHER ORDER INSTRUMENTS

79. There was no material challenge to the s.42A and s.32 Reports' treatment of the higher order planning instruments. Those were identified and discussed in section 3 of the s.32 Report in terms of:

- The consultation draft NPS-NH 2025;
- National Planning Standards 2019
- National Adaptation Plan 2022;
- Waikato Regional Policy Statement 2016;
- Bay of Plenty Regional Policy Statement 2016; and
- 12 Iwi Management Plans.

80. To which section 2.3 of the s.42A Report added:

- National Policy Statement for Natural Hazards 2025;
- National Environmental Standards for Detached Minor Residential Units 2025

³² S42A Addendum 3 at [5.1.7].

81. The Hearing Panel agrees that those are the relevant instruments and accepts the analysis provided in those two reports, noting, also, Ms Embling's legal submissions on the same.³³
82. We are thereby satisfied that PC 8 gives effect to, or has had regard to, as the case may be, those documents as is required by s.75(3) and s.74(2) RMA.

GENERAL PROVISIONS

83. We have carefully considered the suite of s.42A and Addenda recommended amendments proposed over the course of the hearing through the evidence of Council in response to submissions.
84. As noted above, we have accepted the majority of those amendments for the reasons given. We have disagreed with respect to the following (as discussed above):
- The flood management approach for Lake Ōkāreka;
 - The zones to which wildfire fire-fighting water supply is to be provided; and
 - The inclusion of building conversions in the management overlay for geothermal systems.
85. Further amendments to the associated provisions are provided in **Attachment 2**.

SECTION 32AA EVALUATION

86. Section 32AA of the RMA requires a further evaluation for any changes that are proposed to the notified plan change after the original s.32 evaluation was carried out.³⁴ This further evaluation must be undertaken at a level of detail that corresponds to the scale and significance of the changes.³⁵
87. Council's recommended amendments to PC 8, typically iterative as the process has progressed, have been justified as made. The Hearing Panel is satisfied that, by reference to:
- *Appendix 2: Further Consideration under Section 32AA for Specific Recommendations* to the s.42A Report, and
 - *Appendix 1 to the s.42A Addendum 3 – Response to Matters Arising During the Hearing*; and
 - the 8 May 2026 s.32AA assessment provided by FENZ;
- the requirement of s.32AA(1)(d)(ii) is met.

³³ Embling, Opening Legal Submissions, 29 April 2026, at [9]-[18].

³⁴ Section 32AA(1)(a) RMA.

³⁵ Section 32AA(1)(c) RMA.

88. We are satisfied that our amendments relating to flooding at Lake Ōkāreka and the provision of wildfire firefighting water in the Rural 1 and Conservation Reserve (Reserve 1) zones are the most appropriate way to achieve the relevant RDP objectives in an efficient and effective manner relative to the other reasonably practicable options that were advanced by the s.42A officers but which we have rejected.
89. For Lake Ōkāreka we note that the notified version of PC 8 sought to treat flooding at Lake Ōkāreka in the same manner that we have found to be appropriate. In so far as that means that we have not changed the proposal for that Lake since the s.32 Report was completed there is actually no change that occasions a s32AA assessment.
90. For the provision of wildfire firefighting water supply in the Rural 1 and Conservation Reserve (Reserve 1) Zones we adopt the s32AA assessment provided by FENZ that we referred to above.
91. The inclusion of building conversions in the geothermal systems overlay simply follows from our assessment of reasonable risk and, linked as it is to parallel statutory requirements, occasions no significant additional cost for the benefit.
92. Other than that, no further material amendments are made through this decision.

PART 2 OF THE RMA

93. The final check is to consider whether PC 8 is more appropriate for achieving the purpose of the RMA, and the objectives identified for the subject matter, than the provisions it proposes to replace.
94. **Section 32(1)(a)** of the RMA requires assessment of whether the objectives of a plan change are the most appropriate way for achieving the purpose of the RMA. Section 72 of the Act also states that the purpose of the preparation, implementation, and administration of district plans is to assist territorial authorities to carry out their functions in order to achieve the purpose of the RMA. In addition, section 74(1) provides that a territorial authority must prepare and change its district plan in accordance with the provisions of Part 2. We are satisfied that those requirements are all met with PC 8.
95. **Section 6** of the RMA sets out a number of matters of national importance that must be recognised and provided for, including s.6(h) the management of significant risks from natural hazards. We find that PC 8, subject to the amendments, recognises and provides for these matters, especially with regard to s.6(h) as the risk from natural hazards has been comprehensively addressed by technical reports, peer reviews and evidence provided.
96. **Section 7** of the RMA identifies a number of other matters to which particular regard must be had. The Hearing Panel finds that PC 8, subject to the amendments provided, does so particularly with respect to s.7(b) the efficient use and development of the ... (land) ... resource and s.7(i), the effects of climate change.

97. **Section 8** requires that the principles of the Treaty of Waitangi are taken into account. The s.42A Report identified that in the preparation and development of PC 8 the following took place:
- Notice to iwi of the intention to develop a plan change and its potential scope, and invitation for discussion;
 - Review of 12 iwi management plans; and
 - Circulation of a draft section 32 Report to iwi for feedback, including an invitation for discussion, and follow up meetings with iwi authorities that responded.
98. Five original submissions were received from iwi entities, being:
- The Māori Trustee / Te Tumu Paeroa;
 - Ngāti Tahu-Ngāti Whaoa Runanga Trust;
 - Pukeroa Oruawhata Trust;
 - Ngāti Mākino Iwi Authority and members of Te Urunga a Kea; and
 - Te Rūnanga o Ngāti Kearoa Ngāti Tuara.
99. Three further submissions were received from:
- Tūhourangi Tribal Authority;
 - Wāhiāo Māori Committee; and
 - Tapuika Iwi Authority.
100. While none of those submitters elected to appear at hearing, the basis of their submissions tended to fall within the range of general submissions and did not disclose particular s.8 (or s.6(e)) matters.
101. Finally, in terms of section 5 of the RMA, the Hearing Panel finds that PC 8 is consistent with the promotional purpose of the Act in respect of the management of natural hazards as it assist in providing for the social, economic and cultural wellbeing of people and communities and avoiding or mitigating any adverse effects arising therefrom.

DECISION

102. Having considered all of the submissions, presentations, evidence and legal submissions made, and for the reasons set out above, pursuant to Schedule 1, Clause 10 of the Resource Management Act 1991, Plan Change 8 – Natural Hazards is Approved, subject to the amendments set out in **Appendix 2** to this decision.
103. Submissions and further submissions on PC 8 are accepted, accepted in part, or rejected consistent with this decision and as otherwise recorded in the s.42A Report

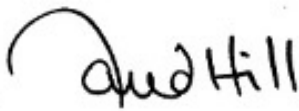
Appendix 3 to Addendum 3 – *Updated Recommended Decisions on Submissions provided in reply*. The Addendum 3 submission point recommendations relating to the matters referred to in paragraph [80] above, with which we have disagreed with the s.42A authors, are amended accordingly such that those that accord with our findings are accepted and to the contrary rejected.

104. The summary reasons for this decision are that PC 8:
- a) will assist the Council in achieving the purpose of the RMA;
 - b) is consistent with the provisions of Part 2 of the RMA;
 - c) gives effect to the higher order documents, particularly the NPS-NH;
 - d) is supported by the necessary evaluation in accordance with s.32 and s.32AA of the RMA;
 - e) accords with s.18A of the RMA; and
 - f) will better assist the effective implementation of the Rotorua District Plan.

APPENDICES

105. Attached as **Appendix 1** is the: Appearances at the Hearing and tabled evidence/statements.

106. Attached as **Appendix 2** is the: Amendments to the Rotorua District Plan.



David Hill (Chair)
Independent Hearing Panel

and for Commissioners Rob van Voorthuysen and Gina Sweetman.

Date: 29 June 2026

Appendix 1 – Appearances at the Hearing and Tabled evidence/statements

Rotorua Lakes Council

Wendy Embling – Legal
Kim Smith – Planning / s.42A author
Simon Thurston – Planning / s.42A author
Greg Bennett – Geyserview demonstration
Paula Meredith - Flood Hazard Information for Rule Imple
Simon Aiken - Flood Hazard – Specific mapping concerns
Kelvin Berryman - Fault Rupture Hazard
John Brzeski - Geothermal and land stability
Peter Cochrane - Flood Hazards - Lakes

Submitters

Kāinga Ora – Lezel Beneke
Bay of Plenty Regional Council
 Nick Swallow – Legal
 Anna McKay – Flood hazard management
 Mark Ivamy – Natural hazards planning
Fire & Emergency NZ.
 Alec Duncan
 Darren Aitken
Luke Nelson
Red Stag Investments – Mitch Collins
Lake Ōkāreka Community Association - Neil Oppatt & Mitch Collins
Maria Lucscombe
Ross Wilmoth

Tabled

RLC Water Services Dept.
Fonterra
Waikato Regional Council
Fire & Emergency NZ.
Bay of Plenty Regional Council – Nicole Marshall / Natural hazards planning

Appendix 2: PC 8 – Natural Hazards to the Rotorua District Plan