BEFORE THE HEARING PANEL

IN THE MATTER	of the Resource Management Act 1991
AND	
IN THE MATTER	of Proposed Plan Change 8 - Natural Hazards of the Rotorua District Plan

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PRIMARY STATEMENT OF EVIDENCE OF NICOLE MAREE MARSHALL

BAY OF PLENTY REGIONAL COUNCIL TOI MOANA (SUBMITTER 45)

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Introduction

1. My full name is Nicole Maree Marshall. I am a Planner with the Bay of Plenty Regional Council (**Regional Council**).

2. I hold a Bachelor of Resource and Environmental Planning from Massey University and a Post-Graduate Certificate in Public Policy from Victoria University. I have 12 years of professional experience as a resource management planner in New Zealand. I have been employed by the Regional Council since March 2024.

Plan change involvement

3. I attended several early scoping meetings in relation to Plan Change 8 **(PC8)**; however, I did not prepare or provide formal feedback on behalf of the Regional Council on Rotorua Lakes Council's **(RLC)** *Options for Future Natural Hazards Plan Change* document dated September 2024.

4. I became formally involved with PC8 at the time of its public notification in July 2025. Since notification, my involvement has included compiling the Regional Council's submission and further submission, coordinating technical input from relevant specialists, and participating in ongoing discussions following lodgement. I attended several meetings with RLC to discuss the Regional Council's submission and further submission.

Code of conduct

5. I confirm that I have read the Environment Court's Code of Conduct (Environment Court Practice Note 2023) and agree to comply with it. I confirm that the issues addressed in this statement of evidence are within my area of expertise, except where I state I am relying on the specified evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from my expressed opinion.

Executive summary

6. Overall, the Regional Council supports the direction of PC8, which aims to improve the clarity, consistency, and robustness of natural hazard

management across the Rotorua District.

7. In particular, I consider it appropriate to extend the natural hazards provisions to the District Plan's Lakes A zone for consistency, remove natural hazard maps from the District Plan (except for geothermal systems) to enable the use of best available information as and when it becomes available, and extend the provisions for the Rotorua Geothermal System to the remaining geothermal systems within the District.

8. I also support the risk-based approach to managing natural hazards, including retaining the existing framework introduced through Operative Plan Change 9: *Housing for Everyone* **(PC9)** as it relates to flood hazard provisions (including NH-R4), based on the technical statements of evidence relied upon. This overall position aligns with the higher-level direction in the Bay of Plenty Regional Policy Statement **(RPS)** and the National Policy Statement for Natural Hazards **(NPS-NH)** as outlined in the evidence that follows and, in Mr Ivamy's evidence.

9. However, a number of changes sought by the Regional Council in its submission have not been recommended for acceptance in the s 42A report, and the Regional Council continues to pursue the following matters:

    a. flood level implementation around Lake Ōkāreka;

    b. building conversions within geothermal systems;

    c. overland flow path management in the Rural 2 zone;

    d. setbacks from streams for natural hazard management; and

    e. managing land stability effects of land use activities.

    These matters are addressed in further detail below, as well as in Mr Ivamy's and Ms McKay's evidence where relevant.

10. For the remaining Regional Council submission points not addressed in paragraph 9, the recommendations in the s 42A report either resolve them or provide outcomes that are acceptable to the Regional Council. Accordingly,

Regional Council does not wish to pursue those submission points further. In some cases I provide commentary on some of these points, alongside Mr Ivamy's evidence, to assist the Hearing Panel's decision-making.

Scope of evidence

11. This evidence addresses the planning matters identified in paragraph 9 above. Relief sought is summarised in Appendix 1 in accordance with the Hearing Panel's directions.

12. In preparing this statement, I have reviewed and relied on the following documents and information:

    a) the Section 32 report (s 32 report) dated June 2025 and relevant accompanying documents

    b) the Section 42A report (s 42A report) hearings report dated March 2026

    c) Statement of Evidence of Paula Meredith (Flood Hazard Information for Rule Implementation)

    d) Statement of Evidence of Peter Cochrane (Flood Hazard - Lakes)

    e) Statement of Evidence of Simon Aiken (Flood Hazard)

    f) Statement of Evidence of John Brzeski (Geothermal and Land Stability Hazards)

    g) Discussions with Regional Council and RLC staff

    h) *Rotorua Lakes Design Levels Technical Report* (BOPRC, 2022)

    i) Natural Hazards evidence prepared by Mark Ivamy (Regional Council)

    j) Engineering evidence prepared by Anna McKay (Regional Council)

    k) Relevant submissions and further submissions.

Regional Council's involvement and approach

13. As will be addressed in legal submissions, the Regional Council generally supports the overall direction of PC8 and acknowledges the work undertaken to prepare it. Most of the Regional Council's submission points were in support of PC8. Other points sought minor amendments or clarification to improve consistency and clarity across the District Plan, ensure the provisions

do not inadvertently increase natural hazard risk or exposure, reflect pending legislation that is now in force (for example, the NPS-NH)), and/or provide commentary to assist decision making on PC8 as it relates to material generated by or on behalf of the Regional Council (for example, NH-PA and NH-R4). Regional Council and RLC have discussed several of these matters (prior to the release of the s 42A report, appendices and statements of evidence). The points that remain unresolved will form the focus of the Regional Council's involvement in the hearing.

14. To keep this statement concise, I have focused on the submission points and provisions that are of particular concern or interest to the Regional Council, rather than addressing every point raised. Where I have not expressly stated the reasons why I disagree with other experts or submitters on more minor matters, this should not be interpreted as agreement. The matters that remain outstanding and are not agreed are identified in the evidence below and in Appendix 1 where relevant.

Assessment of staff response and recommendations

15. Having reviewed the staff reports and recommendations, I consider that the approach recommended by staff in RLC's 42A report in response to Regional Council's submission and further submission is generally appropriate; except where I outline otherwise below.

16. I have proposed to retain the notified PC8 approach for Lake Ōkareka. I have also suggested proposed amendments to the notified provisions relating to building conversions in geothermal systems, overland flowpaths, and land stability provisions in Appendix 1 to this statement. I consider all other provisions recommended by RLC staff to be acceptable.

Lake Ōkāreka flood hazard provisions

17. Regional Council's submission supports extending the existing and proposed policies as notified, and rules for managing flooding in the Natural Hazards Chapter to the Lakes A zone (as notified in PC8), which refers to the 1% AEP lake level as the basis for flood hazard management. I consider this approach is appropriate as it ensures consistency across the District Plan, and that flood risk in the Lakes A zone is managed using current information. However the s 42A report introduces a new bespoke framework for Lake Ōkareka, which I

do not consider to be appropriate for the reasons outlined below. On this basis, I consider the notified PC8 approach (Option 1 in the s 42A report under Appendix 2 – Table 1) to be the most appropriate means to achieve the purpose of the plan change.

18. Regional Council's further submission focussed on clarifying that the 2022 flood level analysis represents the *'best available information'* for determining flood hazard at Lake Ōkareka for District Plan purposes, while acknowledging its limitations - particularly the absence of explicit modelling of the outlet upgrade and climate change scenarios. The further submission also explained why other Regional Council technical analyses are not appropriate for determining District Plan flood levels, such as minimum finished floor levels. This aspect of the further submission was prepared with the input of Regional Council's engineering team and was intended to assist RLC and the Hearings Panel determine the appropriate response for this area of the District.

19. Following the close of the further submission period, RLC commissioned Peter Cochrane (Tonkin & Taylor), to *'provide a summary of existing information about extreme lake levels in Lake Ōkareka and the suitability of this information for land use planning…'*. As part of this process, and for completeness, I note that Regional Council's Contract Engineer, Peter West, participated in a single video conference with Mr Cochrane on 16 December 2025 to provide background information and answer questions relating to the memoranda referenced in Regional Council's further submission.

20. Since the release of the s 42A report, appendices and statements of expert evidence, I have reviewed all technical materials, including Mr Cochrane's evidence. I support Mr Cochrane's conclusions for the reasons outlined in Ms McKay's evidence (paragraph 44), specifically:

> *'I agree with Peter Cochrane's evidence regarding lake flood hazard, specifically the conclusions that the design lake level based on the 2022 report provides a reasonable basis to inform relevant planning rules set out in PC 8 (as notified) and that there are complexities and uncertainties in lake response to climate change and management regime'.*

21. In addition, Mr Cochrane states that the methodology adopted in the 2022 Lakes Design Level Report is an appropriate way to establish a 1% AEP lake level. This alignment indicates that the notified flood management framework in PC8 is supported by independent technical review and remains appropriate notwithstanding acknowledged uncertainties.

22. However, the Section 42A report introduces a new bespoke overlay, policy, and rule based on the 355.33m Moturiki Datum contour, drawn from the 2022 Rotorua Lakes Design Levels Technical Report. This represents a substantive shift from the notified provisions in PC8 and raises planning considerations addressed below.

Embedding a fixed planning level and overlay into the District Plan

23. The first planning consideration is whether it is appropriate to embed a fixed planning level and flood hazard overlay into the District Plan. A key objective of PC8, as outlined in both the s 32 and s 42A reports, is to *'remove maps from the District Plan (except for geothermal systems)'*. I support this approach because it enables decision makers to rely on the best available information as and when it becomes available. This aligns with Regional Policy Statement Method 23A (Review hazard and risk information), which requires Councils to review and update hazard and risk information whenever relevant research is released, and at the time of plan review or relevant plan change. Mr Ivamy's evidence also outlines how this approach is consistent with the NPS-NH, which is now in force (refer to paragraph 15).

24. Non-statutory mapping provides flexibility to adopt evolving best practice approaches, and updated hazard information without necessitating a plan change. This ensures that decision-making for natural hazard risk is informed by the most up to date information, and property owners are provided with hazard information that reflects current knowledge.

25. The notified approach in PC8 is further supported by Ms McKay's (paragraph 42) and Mr Ivamy's (paragraph 22) technical evidence, and RLC's technical evidence, including that of Mr Cochrane and Ms Meredith. For example, Ms Meredith supports *'the PC8 approach of managing flood risk through rules that enable consideration of the most up to date information rather than fixed maps in the District Plan'*.

26. This approach is also consistent with Policy 5 of the NPS-NH, which directs natural hazard risk be managed using the best available information and in a manner that is responsive to new or improved hazard and risk information as it becomes available. Similarly, it aligns with Policy IR 1B of the RPS, which promotes a precautionary approach where there is uncertainty and potential for adverse effects. By avoiding the inclusion of fixed planning levels and static hazard overlays in the District Plan, PC8 enables decision-makers to take into account evolving hazard information without requiring frequent plan changes, while still ensuring that natural hazard risks are appropriately considered at the time of decision-making, as outlined in Mr Ivamy's evidence (paragraph 22).

27. On this basis, the bespoke proposal in the s 42A report appears inconsistent with the stated purpose and methodology of PC8. I therefore continue to support the notified approach as the most efficient and effective means to achieve the purpose of PC8, particularly given the ongoing development of hazard information for Lake Ōkareka.

Anticipated update to Lake Ōkareka flood levels in 2030

28. A further planning consideration is the scheduled update to Lake Ōkareka flood level modelling in 2030. This has direct implications for whether a fixed planning level and overlay should be embedded in the District Plan. The current design lake level (355.33 Moturiki Datum) is not a fixed value and is expected to be updated during the 2030 review, which will consider the outlet upgrade – an issue raised in many submissions.

29. This is supported in paragraph 73 of Mr Cochrane's evidence:

> *"it is the BOPRC's intention to review lake levels every 10 years (with the next iteration due 2030), and to consider an alternative analytical method for Lake Ōkāreka. Therefore, the concerns raised in submissions, and limitations I have outlined, will be addressed in further iterations of the BOPRC's Lakes Design Levels analyses".*

30. Ms Mckay's evidence (paragraph 46) confirms this review stating the following in her evidence:

"Regional Council is scheduled to undertake a review of design lake levels around 2030 (10 year review cycle). The design flood level for Lake Ōkāreka is expected to be updated after 2030 considering an extended gauge record, updated climate change predictions, outlet considerations, and potential change in methodology (i.e. water balance model versus statistical analysis of annual maxima).

31. For these reasons, I consider the notified PC8 approach, which utilises the PC 9 flood hazard framework (including NH-R4) and non-statutory flood hazard information, remains the most appropriate approach given that the Lake Ōkareka design lake level is expected to change in 2030.

Technical evidence relationship with the bespoke approach

32. Technical evidence from Ms Meredith notes that the PC9 framework has been successfully implemented using NH-R4 and non-statutory flood hazard information to date, which reflects the notified approach (refer to paragraph 41). However, RLC's technical evidence on flooding has not provided reasoning to support the bespoke approach for Lake Ōkareka. Ms McKay's evidence for the Regional Council (refer to paragraph 49) outlines the potential increase in risk of the bespoke framework compared to the original notified approach. In my view, it is important that RLC assess the technical implications of the shift in approach, including through the Section 32AA evaluation in Appendix 2 – Table 1 of the s 42A report, particularly considering the upcoming Regional Council hazard information updates outlined above.

Mapping review process

33. Consistent with Regional Council's further submission, I consider it good practice for RLC to maintain a process for regular review and updates of flood hazard information, including consideration of community feedback where appropriate. Ms Meredith's evidence (paragraphs 32-34) outlines the process available for such review, and I support the establishment of this approach.

Conclusion

34. Given the above matters, the bespoke approach introduced in the s 42A report is not consistent with the dynamic hazard-mapping framework already

adopted by RLC for flood and lake level hazards, nor with the notified PC8 framework or the NPS-NH requirement to use *'best available information*' (as guided by Mr Ivamy's evidence). Embedding a bespoke planning level and overlay into the District Plan is also inconsistent with the intent of the National Planning Standards **(NPS)**, which seek to avoid bespoke approaches and promote consistency and adaptability across district plans including map layers.

35. I am therefore of the view that the s 42A recommended approach is not the most appropriate way to address this matter. On this basis, I recommend that the Hearings Panel adopt the notified PC8 approach.

36. As Ms McKay, Mr Ivamy and I support the notified PC8 approach for Lake Ōkareka (Option 1 in the s 42A report under Appendix 2 – Table 1), I have not included relief in Appendix 1.

Geothermal hazard mitigation

37. Regional Council's submission points on geothermal matters have generally been recommended for acceptance or partial acceptance in the s 42A report. However, no changes are recommended regarding building conversions (non-habitable to habitable spaces). The s 42A report outlines a potential alternative approach should the Hearings Panel consider further management warranted. For the reasons outlined below, I recommend that the Hearings Panel adopt this alternative approach.

38. In relation to building conversions, the s 42A report states that whether a space is habitable is a relevant factor for targeting the management of geothermal hazards as habitable spaces are more likely to be insulated and sealed, allowing geothermal gases to accumulate. Notwithstanding this, the s 42A report identifies two main reasons for not including building conversions in NH-R8(2):

    1. '*Many building conversions may involve little physical work to trigger regulatory processes that enable the consideration of natural hazard risks. In some circumstances, conversions may not require a building consent at all, limiting the ability to apply Rule NH-R8 in its current form'.*

2. *'While there are potential risks associated with conversions of existing non-habitable buildings or spaces, these are likely to be relatively low. As the building or space already exists, any geothermal hazards are likely to have already affected the building or occupants and to have been understood over time'.*

39. While the reporting planner (Ms Smith) considers that no changes should be made in response to Regional Council's submission on this matter, she states that *'if however, the Hearings Panel considers that the risks associated with building conversions warrant further management through Rule NH-R8, it is recommended, for efficiency and effectiveness, that any extension of the rule should be limited to circumstances where a building consent or a Project Information Memorandum (PIM) is required as part of this conversion'.*

40. I support the alternative approach outlined in the s 42A report. While it does not fully address the concerns raised in Regional Council's submission (as some conversions may not require a building consent or PIM), I consider it to be a reasonable and proportionate response to the issue. This approach aligns with the precautionary approach in Policy IR 1B of the RPS as outlined in Mr Ivamy's evidence (refer to paragraph 14) by allowing geothermal hazard risks to be considered where relevant. The corresponding relief sought to address this matter is outlined in Appendix 1.

Amend NH-R5 and EW-S1(3)(e) applicable spatial layers to include the Rural 2 Zone

41. Regional Council's submission as it relates to NH-R5 (buildings and structures in overland flow paths), and performance standard EW-S1(3)(e) previously referred to as EW-S1(1)(g) in the s 32 report focussed on the different use of terminology between the two provisions, references to stormwater discharge permits granted by Regional Council, and the inclusion of Rural zones - *particularly lifestyle zones* - as applicable spatial layers. This reflects Regional Council's position that overland flow paths can pose a natural hazard risk to people and property.

42. Regional Council's submission seeking to include Rural zones, particularly lifestyle zones, as applicable spatial layers to NH-R5 and EW-S1(3)(e) was not recommended for acceptance in the s 42A report. The report

acknowledges the validity of the concern but considers that extending the applicable spatial layers to Rural zones may be overly restrictive, and that the level of natural hazard risk may not justify the implementation costs. Following discussions with technical experts Ms McKay and Mr Ivamy, I accept the rationale set out in the s 42A report in relation to excluding the Rural 1 zone (Working Rural Zone), given its lower development density and different characteristics.

43. However I consider (and Ms McKay's evidence supports) that the Rural 2 zone is an appropriate spatial layer for this rule. This is due to the increasing development density and the potential for overland flowpaths to affect people and property (refer to paragraphs 36-39 of McKay's evidence). While PC8 intends these rules to only apply to *'densely developed zones or areas'* or similar, this terminology is not defined in the District Plan. The Rural Zones chapter specifically notes that *'the Rural Lifestyle and Rural Village Zones are where buildings are more concentrated, and similar in character to the suburbs within the urban area'*.

44. Excluding Rural 2 from the spatial layers may therefore limit the ability to manage natural hazard risk effectively in these areas, for reasons similar to those applying to other proposed spatial layers (as guided by Ms McKay's evidence). The proposed 4,000m^2 contributing catchment exclusion in the definition of 'overland flow path' in PC8 is also intended to avoid being overly conservative in the applicability of the rule, addressing the concerns raised in the s 42A report. This threshold provides a targeted, risk-based approach by focussing more on significant overland flow paths. In my view, this approach is also consistent with the precautionary approach in Policy IR 1B of the RPS, by enabling potential natural hazard effects to be considered where there may be consequences for people and property, without extending controls more broadly than necessary. This is supported by Ms McKay's evidence (refer to paragraph 37), which confirms that rural earthworks will still be able to modify flow paths smaller than the definition. Ms Meredith's evidence (also supported by Ms McKay – paragraph 42) confirms that overland flow paths can be identified from readily available information.

45. Ms McKay's evidence outlines the risks associated with potential changes to the entry and exit points of overland flow paths in paragraphs 34-36 of her

evidence as they relate to the Rural 2 zone. I consider this evidence demonstrates that including the Rural 2 zone as an applicable spatial layer, together with the 4000m^2 exclusion in the definition of overland flow path, is appropriate to achieve the purpose of the plan change.

46. I therefore consider that the Rural 2 zone should be included as an applicable spatial layer in NH-R5 and EW-S1(3)(e) – previously referred to as EW-S1(1)(g) in the Section 32 report. The corresponding relief sought is included in Appendix 1.

Setbacks from Streams

47. Regional Council's submission supports the intent of the proposed changes to NATC-R3(7) clauses 7 and 8 (non-compliant buildings and structures adjacent to water bodies) and NATC-R3(8). Regional Council's requested addition of a new matter of discretion clause (g) to provide for access and maintenance to the streams to manage flood risk, has been recommended for acceptance in the s 42A report. However, Regional Council's relief seeking to ensure that all relevant streams are captured under these rules has been rejected due to scope and natural justice concerns as outlined in the s 42A report. I understand that Regional Council also sought provisions to manage setbacks from streams through its submission on PC9, but ultimately agreed with RLC staff that this matter would be more appropriately addressed in a future plan change where the issue can be considered more comprehensively.

48. Ms McKay's evidence (refer to paragraphs 25-32) explains the critical natural hazard function that setbacks from waterbodies provide. In particular, paragraphs 28 and 29 highlight concerns for existing urban areas expected to intensify near streams that are not identified for esplanade reserve acquisition. In these locations, limited available space may result in insufficient room within the stream corridor to construct future stopbanks or other flood hazard mitigation works, due to the proximity of buildings to the streambank and resulting constraints on future risk-reduction options.

49. While this stream-related flooding is a common and well-recognised issue and, one that warrants further consideration considering Ms McKay's evidence, I consider that this matter is best addressed through a future plan

change, where a substantive, plan-wide analysis can be undertaken by RLC. For this reason, I do not seek any further relief on this matter in my evidence.

Land Stability

50. Regional Council's submission raised concern that NH-P2 (land stability) is limited to *'sites proposed to be subdivided for development'*, potentially excluding land that has already been subdivided and/or situations involving earthworks where development is not intended. To address this issue, Regional Council sought amendments to NH-P2 to refer to *'subdivision, land use and/or development',* thereby ensuring the policy applies more broadly and consistently with terminology used elsewhere in PC8 and the District Plan.

51. The s 42A report explains that *'NH-P2 is intended to reflect the performance standards that apply at subdivision, and that there are no equivalent performance standards at the land-use stage. Land stability hazards at land use are instead managed through the Building Act and earthworks provisions. While s106A now enables a consent authority to refuse or condition land-use consents where there is significant natural hazard risk, this sits outside the District Plan and does not need to be reflected in policy'*.

52. I agree with Ms McKay's evidence that subdivision consents often defer site-specific slope stability assessment until the time of development or building consent. In such cases, land stability risks and potential effects are not well defined at the subdivision stage as supported by Ms McKay's evidence (refer to paragraphs 21-23).

53. Where stability risk is not well defined at subdivision consent, there is an increased reliance on natural hazard policies, rules, performance standards, and matters of discretion specifically applying to land use activities to appropriately manage land stability effects. I also note that the Operative NH-P2 policy specifically refers to buildings and activities (rather than subdivision). Notwithstanding this, not all development involves subdivision, and in many cases land may already be subdivided meaning no subdivision consent is required.

54. It is also unclear why other comparable natural hazard policies in PC8 refer

to both subdivision and land-use activities (for example, NH-PAA), yet NH-P2 does not. The reasoning provided in the s 42A report does not appear to clearly distinguish NH-P2 from other policies. In addition, PC8 proposes earthworks provisions and assessment criteria that are directly relevant to land use activities and form part of the wider policy framework for managing land stability risk. My concern is that excluding land use from NH-P2 may result in inadequate consideration of land stability effects at the land use stage. While there is some overlap between the District Plan and the Building Code in this area, this overlap can also create gaps where neither framework fully addresses the risk. Ms McKay's evidence outlines the associated risk in paragraphs 18-20 of her evidence.

55. For these reasons, I consider that *'land use'* should be included in NH-P2 alongside subdivision to ensure that land-stability risks are appropriately managed across all relevant activities. The corresponding relief is set out in Appendix 1.

SUMMARY

56. In summary, I consider the amendments to the provisions as set out in Appendix 1 of this statement are appropriate. The amendments will ensure PC8:

    a. appropriately manages natural hazard risks across the District as they relate to the matters addressed in this evidence; and
    b. enables development in a manner that is consistent with a proportionate, risk-based planning approach.

57. In my opinion, these amendments will still achieve the purpose and principles of the RMA, give effect to the NPS-NH, and align with the objectives and policies of the RPS.

Nicole Marshall
2 April 2026

APPENDIX 1 – RELIEF SOUGHT

Additions to the recommended text in the s 42A report in blue underline using the Annotated Text (Appendix 4).

Provision	Amendments sought
Rule NH-R8 Applicable Spatial layers: ~~Rotorua~~ Geothermal Systems Overlay~~: All Zones~~	**Rule NH-R8 ~~New Buildings, and Additions to~~ Buildings in the Rotorua Geothermal Systems Overlay** ~~2.~~ **Activity status:** Permitted **Performance Standards:** ~~Where~~ 1. Where: ~~A building consent can be sought for the activity and is sought.~~ Performance Standards: a. Subject to b), a report by a suitably qualified and experienced person or persons shall be submitted at the time of application for a Project Information Memorandum or building consent, which identifies i. the extent of geothermal hazards on the site, including: 1. Geothermal surface features; 2. Geothermal gas; 3. Heated ground; 4. Corrosive ground, 5. Ground collapse; and 6. Bores and other geothermal infrastructure. ii. ~~A report or reports by a suitably qualified and experienced person shall also be submitted at the time of application for building consent detailing~~ how measures to mitigate geothermal risks to people and property on the site and surrounding sites have been incorporated into the design of the development, such as: 1. Building design; 2. Site layout and design, for example locations of venting structures, yards and outdoor living space; separation between buildings; surface treatment; fencing materials; and maintenance of access to bores; 3. Limits on impervious surface site coverage; and 4. Stormwater management

	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 m^2 x. a non-habitable to habitable conversion ; and iii. a building consent or project information memorandum is required in association with the building work. Exception: This rule does not apply to alterations that do not increase the building footprint by more than 20m^2.
NH-R5 Applicable Spatial Layers Residential zones, City Centre Zones, Commercial Zones, Industrial Zones, Business and Innovation Zones, Lakes A Zone Settlement Management Area and Bush Settlement Management Area and Rural 2.	**Buildings and Structures in an Overland Flowpath** 1. **Activity Status:** Restricted Discretionary **Where:** a. The building or structure results in a change to the entry or exit point of an overland flowpath on a site, pipes or reduces the capacity of the overland flowpath; and b. The activity is not ~~authorised by a stormwater discharge permit~~ granted consent or permit by the regional council that specifically authorises the modification of an overland flowpath or are for the maintenance, renewal or upgrade of Rotorua Lake Council's urban stormwater network where the discharge is authorised by the regional council. Matters of Discretion d. The extent to which natural hazard risks are avoided, remedied or mitigated and whether the activity would worsen any natural ~~the worsening of any~~ hazard.
EW-S1(3)(e)	**3. ~~All Zones:~~ All Zones:**

	Residential zones, City Centre Zones, Commercial Zones, Industrial Zones, Business and Innovation Zones and Rural 2 zones: it shall not result in a change to the entry or exit point on a site of an overland flowpath, or the catchment size of an overland flowpath, or reduce the capacity of an overland flowpath, except where the earthworks are for an activity authorised by a ~~stormwater discharge permit granted by the regional council are granted~~ consent or permit by the regional council that specifically authorises the modification of an overland flowpath or are for the maintenance, renewal or upgrade of Rotorua Lake Council's urban stormwater network where the discharge is authorised by a consent by the regional council.
~~Land instability in Rural Zones~~ Land Stability	~~Ensure buildings and activities do not increase land instability by requiring stabilisation measures where necessary.~~ Require an assessment of slope stability and ground condition hazards (including landsides, liquefaction and soft, compressible soils), associated risks and mitigation options for sites proposed to be subdivided for development, and land use. The assessment shall be undertaken by a suitably qualified and experienced person and appropriate to the site's hazard susceptibility and risks.