BEFORE THE HEARING PANEL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Proposed Plan Change 10 to the Operative Rotorua District Plan

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STATEMENT OF EVIDENCE OF LORELLE JANE BARRY
ON BEHALF OF ROTORUA LAKES COUNCIL
(Boundary Adjustment Rule Implementation)
Dated 18 September 2026

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INTRODUCTION

1. My full name is Lorelle Jane Barry and I am the Manager, Consenting Services at Rotorua Lakes Council (RLC). I have held this position for 2 years. Prior to this I held the position of Team Lead Planning, Consenting for approximately 4 years. Before being employed by the Council, I was a Senior Planner at The Property Group Limited and, before that, was employed by Sigma Consultants Limited for 11 years. I have 20 years of planning experience, all based in Rotorua.

Qualifications and experience

2. I hold the qualifications of a Master of Arts in History, Bachelor of Arts with Honours in History and Political Science, Bachelor of Law from the University of Waikato and a Postgraduate Diploma in Planning from Massey University. I am an associate member of the NZ Planning Institute.

3. My role as Manager, Consenting Services involves managing the Consenting Services Team at Council. In this role, I am the Chief Planner for Council, I manage the resource consents team, assess and decide on resource consent applications, process resource consent applications, and monitor conditions of resource consent to ensure compliance.

Involvement in PC 10

4. I have been involved in the development of Plan Change 10 (Definition and Rule Refinements) (PC 10) since the scoping stage, attending interviews with staff and providing feedback on an options paper developed for key stakeholders, which informed the development of the Section 32 Report and proposed changes. I was also involved in workshops to discuss the draft Section 32 Report. I also acted in the capacity of reviewer of the Section 32 Report.

Code of conduct

5. I have read the Environment Court Code of Conduct for expert witnesses contained in the Environment Court Practice Note 2023 and agree to comply with it. I confirm that the opinions expressed in this statement are within my area of expertise except where I state that I have relied on the evidence of other persons. I have not omitted to consider materials or facts known to us that might alter or detract from the opinions I have expressed.

Scope of evidence

6. The purpose of my evidence is to provide information regarding the implementation of the rules relating to Boundary Adjustments in the Rotorua District Plan and to comment on the proposed amendments to the rules in PC 10.

IMPLEMENTATION OF THE BOUNDARY ADJUSTMENT RULES

Operative District Plan

7. Currently, under Rule SUB-R26 the subdivision of sites for the purpose of a boundary adjustment is a Controlled Activity. Non-compliance with the performance standards in SUB-R26(1) results in a Discretionary Activity.

8. The current wording of SUB-S11 gives rise to an implementation issue. By stating that the subdivision standards of the relevant zone do not apply to boundary adjustment subdivisions, this removes an important assessment framework that would otherwise assist in determining the appropriateness of the resulting allotments.

9. Additionally, the absence of a definition creates ambiguity regarding the scope and intent of boundary adjustment activities, which can lead to inconsistent outcomes in administration and decision making.

10. I also consider that the associated boundary adjustment performance standards require refinement to provide greater clarity, improve their

practical implementation, and ensure that the intended outcomes of the provisions are consistently achieved.

Proposed PC10 amendments

11. PC 10 proposes to add a definition for boundary adjustment and amend the performance standards in SUB-S11.

12. In my opinion, the addition of a definition and the refinement of the performance standards would strengthen the effectiveness of the plan provisions, reduce uncertainty and ambiguity in their interpretation, and provide greater clarity for plan users.

13. PC 10 seeks the inclusion of additional wording to clarify that, where SUB-S11(1)(d) is not met, consideration will be given to the subdivision standards for the zone. In my experience this is appropriate given the number of boundary adjustments that result in lifestyle-sized lots whether around existing residential units or vacant lots.

14. The inclusion of directly referring to the subdivision standards for the zone will provide greater clarity. At present, non-compliance with SUB-S11(1)(d) raises questions around whether consideration can be given to the 'environmental compensation' measures anticipated by performance standards SUB-S6(5)-(7).

15. The issue is particularly evident where a boundary adjustment results in the creation of a lifestyle-sized lot that does not have a corresponding allocation. In these circumstances, the inability to consider the matters set out in SUB-S6(5) to SUB-S6(7) significantly limits the opportunity to identify or assess other environmental benefits or compensatory factors that might offset the non-compliance. In my view, this constrains the ability to appropriately evaluate the overall merits of the proposal and may result in outcomes that are not proportionate to the scale or nature of the effects arising from the boundary adjustment.

Evaluation of PC10 amendments

16. The current wording of SUB-S11 provides that the subdivision standards for the relevant zone do not apply to subdivisions undertaken for the adjustment of boundaries between adjoining lots. This creates an issue where the criteria in SUB-S11(1)(a)–(d) are not met, as it limits the matters Council is able to consider when assessing the application. While non-compliance with SUB-S11 appropriately results in a Discretionary Activity status, the operative wording expressly excludes consideration of the applicable zone subdivision standards. Consequently, Council's discretion is unnecessarily constrained, reducing its ability to assess the full range of subdivision outcomes and effects associated with the proposal.

17. In practice, SUB-S11 can have the effect of providing an unintended advantage whereby an applicant can effectively derive the benefit of the provision twice, without providing a commensurate environmental offset. In my opinion, this undermines the integrity of the framework and may lead to outcomes that were not anticipated when the rule was developed. Consequently, I consider that the further refinement to SUB-S11 through the notified wording would serve to ensure Rule SUB-R26 operates as intended.

CONCLUSION

18. The inclusion of a definition for boundary adjustment, together with refinement of the associated performance standards, would reduce ambiguity and provide greater certainty for applicants, practitioners, and decision-makers. I also consider that aspects of the current framework can result in unintended outcomes, particularly where a boundary adjustment creates a lifestyle-sized lot without an allocation and there is limited ability to consider environmental benefits that may offset non-compliance. Overall, the recommended amendments would strengthen the effectiveness of the subdivision provisions and better enable outcomes that are consistent with the outcomes sought in the Rotorua District Plan.

19. I also acknowledge that there may be an alternative pathway under a Restricted Discretionary framework, which, in my view, has sufficient merit to justify consideration.

Lorelle Jane Barry
Dated 18 September 2026