ROTORUA DISTRICT PLAN: PROPOSED PLAN CHANGE 10 (DEFINITIONS AND RULE REFINEMENTS)

Summary statement of Jerome Feuillade for McKenzie & Co. Consultants Ltd (MCCL)

Topic: Boundary adjustment provisions (definition, SUB-S11 and SUB-R26)
Submitter number: 22
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1.0 INTRODUCTION

1.1 My name is Jerome Feuillade. I'm Principal Central North Island and Bay of Plenty at McKenzie & Co. Consultants Ltd (MCCL), and I'm authorised to speak on its behalf.

1.2 I'm speaking as a representative of MCCL, not as an expert witness. Our planner, Mr Clark, has provided expert planning evidence. My comments here concern the practical implications for our company and the rural landowners we assist.

1.3 I understand our submission is taken as read. We maintain the position set out in it.

1.4 Instead, I'd like to draw your attention to a few key points in this statement. This statement includes our response to the Section 42A Report Addendum 1 (version dated 5 October 2026), which I'll call "the addendum".

2.0 OUR POSITION IN BRIEF

2.1 We appreciate the further work and consideration of our planning evidence in the addendum and the new option it puts forward. Option 3 would create a Restricted Discretionary pathway, with assessment criteria, for boundary adjustments that don't meet the standards.

2.2 We see Option 3 as being a constructive way forward. However, our support for that approach depends on its final wording and confirmation that it is within scope. Therefore, until we have more certainty on Option 3, we continue to oppose the notified changes to boundary adjustment performance standard SUB-S11.

3.0 WHY WE'RE INVOLVED

3.1 Our main reason for taking part in PC10 is simple. We want the changes to keep, or improve, the clarity of the Plan for everyone who uses it.

3.2 The Plan is a public regulatory document. It should set clear expectations for subdivision and land development: for consultants like us, for our clients, and for Council's consenting staff and decision makers.

3.3 We use the Plan regularly. Through our rural subdivision work, we represent many people in the local working rural community.

3.4 That community relies on the Plan when making decisions about:

- acquiring land and diversifying land use;
- sale and purchase agreements;
- retiring land and carrying out environmental enhancement; and
- long term investment in an efficient and sustainable rural sector.

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3.5 A clear Plan that is applied consistently is therefore important to the success of the rural community, the local economy and the environment.

3.6 It is natural that we'll sometimes hold different views from Council on particular proposals. That should not get in the way of a shared goal: a Plan that's clear, coherent and applied consistently.

3.7 The Plan itself recognises the importance of the rural environment and economy. Under Issue 1 (Enable sustainable development and economic growth), the Economic Development section of the Strategic Directions chapter, the Plan states:

> *"Most land in the Rotorua district is rural, with agriculture and forestry being the two main land uses. The rural area of our district is important not only for its physical features, habitats, indigenous plants and wildlife, but also as a significant working environment and contributor to Rotorua's economy.*
>
> *Providing for an efficient rural working environment that avoids, mitigates or remedies adverse effects that unacceptably impact the natural environment is an important element of this plan. The District Plan seeks to achieve a balance between economic use, the enhancement of water quality maintenance of amenity and the protection of identified characteristics."*

4.0 CLARITY AND CERTAINTY

4.1 Paragraphs 20 and 21 of the addendum discuss boundary adjustments that result in a lifestyle lot where there is no allocation. They state that:

- "Council may or may not require environmental enhancement"; and
- "There is, of course, discretion for Council to not require positive effects / environmental enhancement, where the degree of adverse effects is of a scale that does not warrant the further mitigation measures."

4.2 With respect, these comments show that the notified provisions would leave a central question to case-by-case discretion. That question is whether a boundary adjustment must provide environmental enhancement, such as offset planting.

4.3 The Plan would give no guidance on when that requirement applies and when it doesn't. The answer would rest with individual processing planners and delegated decision makers.

4.4 In practice, this matters a great deal to our clients. Before they commit to a boundary adjustment, they need to know whether enhancement will be required, because it affects:

- the cost and feasibility of the project;
- the terms of any sale and purchase agreement; and
- the advice we can give them with confidence.

4.5 The addendum acknowledges (paragraph 15) that debate between applicants and Council is already slowing the processing of boundary adjustment consents. We agree there is an issue to solve. In our view, more open-ended discretion risks entrenching that debate rather than resolving it.

4.6 The Plan already has a clear framework. It may not be perfect, but it gives more certainty than the notified changes. Mr Clark's evidence addresses this in detail.

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5.0 WHAT A BOUNDARY ADJUSTMENT ACHIEVES

5.1 We understand Council's concern about one scenario: a boundary adjustment that results in a lifestyle-sized lot where there's no allocation. Our concern is that a focus on this scenario risks losing sight of what boundary adjustments achieve more broadly.

5.2 Boundary adjustments range from minor changes between neighbouring titles to a comprehensive reconfiguration of landholdings. In every case, the number of titles stays the same.

5.3 The key points are:

- A smaller resulting lot usually exists because the other lot has grown substantially. It is the product of a reciprocal exchange of land between titles.
- The main benefit is bringing productive rural land together into larger titles.
- Enlarging and amalgamating undersized or poorly configured rural lots into larger holdings supports the outcomes the Plan seeks for the rural zone. The aggregation of rural land can create enduring rural landholdings that should be encouraged.

5.4 Treating every boundary adjustment that leaves a smaller lot as though it were an additional new lifestyle lot risks discouraging these positive rural land outcomes.

5.5 Paragraph 17 of the addendum report notes Mrs Barry's opinion is that "a boundary adjustment provides for an enduring fragmentation of land creating smaller lots than the District Plan anticipates in the rural zone".

5.6 This view of Council does not consider the other critical parts to the equation of a boundary adjustment – as noted above. This view of Council does not give broader regard to the benefits of boundary adjustments for the working rural environment.

5.7 On reviewing Council's s32 report, s42A report and the addendum, we find it concerning that their assessment and evaluation of the proposed changes do not appear to consider the Plan's Objectives and Policies for the Rural Zone (RURZ) Chapter.

5.8 We consider that boundary adjustments are a critical type of subdivision that directly supports this operative framework. They can reduce or improve existing fragmentation to facilitate rural land that can be efficiently used for a wide range of productive uses, encourage diverse land uses, and which enables the continued efficient operation of existing development and activities.

5.9 We respect, that to enable the enlarged lot, the boundary adjustment may leave a resultant smaller lifestyle-sized lot, with or without an allocation. This of course requires the appropriate consideration through the current discretionary activity process. However, this type of fragmentation and change in land use is completely distinct and less severe than the loss of the rural land resource to fragmentation from carving out further lots for development.

6.0 POSITIVE ENVIRONMENTAL EFFECTS AND OFFSETTING

6.1 We respect the approach Council has proposed. We understand the addendum sees it as the best way to address an implementation issue, and to secure positive environmental outcomes where a lifestyle sized lot results without an allocation.

6.2 We support environmental enhancement. Our clients deliver it regularly, through pasture retirement, protection of indigenous vegetation and revegetation.

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6.3 Our concern is how and when enhancement is required. If the Plan expects it, the Plan should say so clearly. The requirement should be proportionate to the effects, and applicants should be able to understand it from the outset.

6.4 Our submission is that the Plan is already clear in what is expected. The Plan requires positive environmental effects/enhancement for subdivisions that seek lifestyle lot entitlements through its specific SUB-S6 standards. These are Incentive provisions to secure further subdivision rights. The Plan essentially trades extra subdivision rights to create further lots in return for retirement/planting schemes that provide significant environmental benefits.

6.5 We have rural clients that regularly use these provisions to retire and plant sensitive or unsuited land. The Plan provides them with further lifestyle lot entitlements in return.

6.6 However, we do not consider these incentive provisions of the Plan have anything to do with boundary adjustments. This is because boundary adjustments are between existing titles with existing development rights. They do not enable further yield from the land to offset. Mr Clark's planning evidence demonstrates the distinction between these two subdivision rule frameworks.

6.7 Our rural clients outside of the Lake Rotorua Catchment, for example, would not expect a requirement to retire and plant 10ha of gullies or 4ha of riparian margins, to move a boundary between existing titles. They would totally expect this, if they wanted to create further lots for development.

6.8 So, we feel that Council is confusing the two subdivision rule and performance standard frameworks.

7.0 WHAT WE'RE ASKING FOR

7.1 We respectfully request the Commissioner to:

a) not adopt the notified changes to the boundary adjustment provisions in their current form;

b) if within scope, consider Option 3 with clear and targeted matters of discretion, and direct expert conferencing between Council and Mr Clark to agree on the wording; and

c) if Option 3 is not within scope, retain the operative boundary adjustment standards, together with the new definition, which the addendum and Mr Clark already agree on.

7.2 Thank you for the opportunity to speak.

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