



Proposed District Plan Change: Subdivision, Land Use, and Development Code of Practice, 2023

Section 32 Report

May 2023

Table of Contents

Proposed District Plan Change: Subdivision, Land Use and Development, Code of Practice 2023	3
1. Introduction	3
1.1. Background	3
1.2. Purpose of the Plan Change	4
1.3. Description of the Proposed Plan Change.....	4
1.4. Operative District Plan Review.....	4
2. Assessment Report.....	5
2.1. Issues and Benefits of a Plan Change.....	5
2.1.1. Issues of not implementing a Plan Change.....	5
2.1.2. Benefits of a Plan Change.....	5
2.2. Scope of Proposed Plan Change.....	6
2.3. Options for the Code of Subdivision and Development.....	7
Conclusion.....	9
Appendix 1: Proposed amendments - Tack changes.....	10
Section 2.6 Subdivision.....	10
Introduction.....	10
Policy SUB 2.6.....	11
Section 2.9 Energy, Minerals and Infrastructure	12
Section 2.10 Transportation.....	12
Policy TRAN.3.....	12
Section 2.14 Financial Contribution	12
Section 3.1 Rural Zone	13
Section 3.2 Urban Zone	13
Section 3.2 Industrial Zone.....	13
Section 3.5 Fiordland/Rakiura Zone.....	13
Section 3.6 Eweburn Zone	14
Section 5.6 Edendale Dairy Plant Industrial Development Concept Plan	14

Proposed District Plan Change: Subdivision, Land Use and Development, Code of Practice 2023

1. Introduction

The current Subdivision, Land Use and Development Bylaw 2012 (Bylaw) expired in March 2023 as required by s159 Local Government Act 2002 (LGA). LGA allow further two years for review until the Bylaw is automatically revoked. Therefore, it is under evaluation to replace the Bylaw by the new Subdivision, Land Use and Development Code of Practice 2023 (Code).

The new engineering Code will set out network asset design and construction requirements for the Southland District (SDC) and Invercargill City (ICC). These requirements will aid the SDC in achieving the objectives and levels of service as set out in the Long-Term and Resource Management Plans.

This new Code will provide consistent minimum standards and guidance for assets that the Council will accept as part of its network. This includes requirements suitable for ongoing operations and maintenance of these assets. It also contains requirements relevant to network assets that will remain private but connect to public assets.

Since the District Plan undertakes the Bylaw compliance through resource consent conditions, the Bylaw replacement by a new Code will imply the need to implement a simple Plan Change. The Bylaw has never been required as an avenue for enforcement due to the District Plan being considered a more efficient and effective enforcement tool.

This report proposed a simple Plan Change, replacing every reference from the Bylaw to the new Code (or its applicable successor) in the District Plan.

1.1. Background

Council is required under section 32 of the Resource Management Act 1991 (Act) to carry out an evaluation of alternatives, costs and benefits of the proposed change before a proposed plan change is publicly notified.

The evaluation must examine the following:

- The extent to which each objective is the most appropriate way to achieve the purpose of the Act; and
- Whether having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.

An evaluation must also take into account the following;

- the benefits and costs of policies, rules, or other methods; and
- the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods.

Benefits and costs are defined as benefits and costs of any kind, whether monetary or non-monetary.

A report must be prepared to summarise the evaluation and giving reasons for the evaluation. The report must be available for public inspection at the time the proposed change is publicly notified.

This report summarises the evaluation of Proposed Plan Change: Subdivision, Land Use, and Development Code of Practice 2023.

1.2. Purpose of the Plan Change

Since the Subdivision, Land Use and Development Bylaw 2012 will be replaced by the new Engineering Code of Practice 2023; the District Plan must be amended to give effect to the new Code and its provisions.

The purpose of this Plan Change is to replace in the District Plan every citation and reference to *‘Subdivision, Land Use and Development Bylaw 2012’* with *‘Subdivision, Land Use and Development Code of Practice 2023 (or its applicable successor)’*.

1.3. Description of the Proposed Plan Change

The proposed Plan Change will amend the District Plan, rewriting mentions from the Subdivision, Land Use and Development Bylaw 2012 (Bylaw) to the new Code of Practice. (or its applicable successor).

Specifically, the proposed Plan Change seeks to replace mentions in the District Plan to *‘Land Use and Development Bylaw 2012’* with *‘Subdivision, Land Use and Development Code of Practice 2023 (or its applicable successor)’*.

1.4. Operative District Plan Review

Currently, the District Plan mentions 19 times to the current Bylaw in 10 different sections. In more detail, the Bylaw is mentioned in the following sections:

- i. 2.6 Subdivision.
- ii. 2.9 Energy, Minerals, and Infrastructure.
- iii. 2.10 Transportation.
- iv. 2.14 Financial Contributions.
- v. 3.1 Rural Zone.
- vi. 3.2 Urban Zone.
- vii. 3.4 Industrial Zone.
- viii. 3.5 Fiordland/Rakiura Zone.
- ix. 3.6 Eweburn Zone.
- x. 5.6 Edendale Dairy Plant Industrial Development Concept Plan.

2. Assessment Report

This section describes the analysis of the effects of a proposed Plan Change and variation. The assessment section is a required part of the Section 32 report and evaluates the potential impact of the proposed changes.

This document (and section) emphasise that: The proposed Plan Change.

- is limited to replacing references from the Subdivision, Land Use and Development Bylaw 2012 to the new engineering Code (or its applicable successor).
- neither introduce new provisions nor alter existing resource management issues, objectives, policies, methods or rules in the Plan.
- does not change provisions on natural resources, ecosystems, habitats, landscapes, other environmental features, mitigation measures, economic activities, businesses, industries, employment, investment, economic, residents, social well-being, health, education, cultural heritage, and social equity, as well as cultural effects.
- will be unlikely to have significant effects on monetary and non-monetary costs and potential litigation processes.

2.1. Issues and Benefits of a Plan Change

2.1.1. Issues of not implementing a Plan Change

The main issue with not implementing a Plan Change is that the new engineering Code for Subdivision, Land Use and Development (Code of Practice 2023) will not be put into action. Specifically, the implementation, enforcement, execution, and application of Subdivision, Land Use, and Development provisions will continue under the current Bylaw (Subdivision, Land Use and Development Bylaw 2012). The new engineering Code will be operational once this Code is referenced in the District Plan.

Another significant issue could be raised in March 2025 due to the current Bylaw (Subdivision, Land Use and Development Bylaw 2012) will be automatically revoked as required by the Local Government Act 2002. After the Bylaw is revoked, the District Plan will have ineffective provisions or regulations legally binding to an obsolete regulation. Specifically, mentioning an obsolete Bylaw will raise ineffective provisions and rules related to standards and guidance for infrastructure associated with subdivision, land use and development.

2.1.2. Benefits of a Plan Change

The main benefit of implementing a Plan Change will bring the opportunity to put into effect provisions for subdivision, land use and development that reflect better practices and Council needs (incorporated into the new engineering Code). The new Code will also help end users to have only one guiding document for two adjoining Councils (SDC and ICC).

2.2. Scope of Proposed Plan Change

The scope of the proposed Plan Change is limited to only replacing citations and references to the Subdivision, Land Use and Development Bylaw 2012 (Bylaw) by the new Subdivision, Land Use and Development Code of Practice 2023 (Code).

The proposed Plan Change neither introduce new provisions nor alter any existing resource management issues, objectives, policies, methods or rules in the Plan.

The proposed Plan Change does not change provisions on natural resources, ecosystems, habitats, landscapes, other environmental features, mitigation measures, economic activities, businesses, industries, employment, investment, economic, residents, social well-being, health, education, cultural heritage, and social equity, as well as cultural effects.

The scope of the Proposed Plan Change is to replace 19 references to the current Bylaw in 10 different sections of the District Plan with the new engineering Code. These references are presented in the following table (1).

Table 1. References to the Land Use and Development Bylaw 2012 in the current District Plan and description of each section.

Section/provision	Section description
2.6 Subdivision 2 mentions to Land Use and Development Bylaw 2012 in the section's introduction	Section 2.6 Subdivision defines and redefines land parcel boundaries and provides the framework for future land use development.
Policy SUB.6 3 mentions to the Land Use and Development Bylaw 2012 <ul style="list-style-type: none"> • 1 mention in the Policy introduction • 2 mentions in policy explanation. 	Policy SUB.6 establishes that subdivision is undertaken in compliance with the Land Use and Development Bylaw 2012. Mainly, the policy explanation addresses the need to ensure connections to utility services and transport infrastructure are created.
Rule SUB.1 2 mentions to the Land Use and Development Bylaw 2012 <ul style="list-style-type: none"> • 1 mention in SUB1(1) • 1 mention in SUB1(4)(b) 	Rule SUB.1 described compliance criteria for applications for certification of allotments on existing Survey Plan under de section 226(1)(e)(ii) of the Resource Management Act, 1991.
Rule SUB.2 2 mention <ul style="list-style-type: none"> • 1 mention in Rule SUB.2(3)(a) • 1 mention in Rule SUB.2(4)(f) 	Rule SUB.2(3)(a) sets out standards for controlled activities through Rule SUB.2(3)(a) Land Use and Development Bylaw 2012.
Rule SUB.2A 1 mention in Rule SUB.2A (6)	Rule SUB.2A outlined criteria for subdivision within Eweburn Zone (Restricted and Discretionary Activity)
2.9 Energy, Minerals, and Infrastructure 1 Mention in Rule INF.1(3)	INF.1(3) provides reequipment and standards for general infrastructure (permitted activities)

2.10 Transportation Policy TRAN.3 1 mention in the explanation	Policy TRAN.3 manages subdivision, land use and development to achieve integration with the transport network.
2.14 Financial Contributions 1 Mention in Rule FIN.1 General rule B.1(8)	1 Mention in Rule FIN.1. B.1(8) describes the Calculation of Financial Contributions:
Section 3.1 Rural Zone 1 mention in Rule RURAL.7(2)	Rule RURAL.7(2) describes compliance with general rural standards.
Section 3.2 Urban Zone 1 mention in Rule URB.5.13	Rule URB.5.13 sets out General Urban Standards relating to transportation Standards, including access.
Section 3.4 Industrial Zone 1 mention in Rule IND.4(10)	Rule IND.4(10) sets out General Industrial Standards relating to transportation Standards, including access.
Section 3.5 Fiordland/Rakiura Zone 1 mention in Rule FRZ.5(2)	Rule IND.4(10) sets out General Standards relating to transportation Standards, including access.
Section 3.6 Eweburn Zone 1 mention in Rule EWB.8(3)	Rule EWB.8(3) sets out performance standards and guidance information, including access and road design.
Section 5.6 Edendale Dairy Plant Industrial Development Concept Plan. 1 mention in section 2.5.1	section 2.5.1 describe standards for access

2.3. Options for the Code of Subdivision and Development

Under the current situation and response to review The Subdivision, Land Use and Development Bylaw 2012 as required by s159 LGA 2002, two options are proposed to amend the District Plan. These options are:

- **Option 1.** Replace all District Plan references from the current Bylaw to the new engineering Code (or its applicable successor).
- **Option 2.** Keep references to the current Land Use and Development Bylaw 2012 in the current District Plan.

Option 1 is recommended in this report. Benefits and risks of both options are summarised in the following table (table 2).

Table 2. Summary of benefits and risks of Options proposed in this evaluation report (s32)

Option	Benefit	Risks	Effectiveness and Efficiency
<p>Option 1</p> <p>Replace all District Plan references from the current Bylaw to the new Code (or its applicable successor).</p>	<p><u>Environmental Benefit:</u></p> <p>The opportunity to give effect to the new Code will bring the chance to implement updated subdivision provisions and use and development provisions that reflect better practices and Council needs.</p> <p>The new Code will help end users have only one guiding document for two adjoining Councils (SDC and ICC).</p> <p>The new Code and, consequently, the District Plan could achieve the objectives and levels of service set out in the District's Long-Term Plans and Resource Management Plan.</p>	<p>A plan Change will be required, including the process involved.</p> <p>SDC Plan Change will be bounded to ICC's timeframes.</p>	<p>The process will continue as before. Any failure to meet standards incorporated into the new engineering Code can be enforced under the RMA.</p>
<p>Option 2</p> <p>Keep references to the current Land Use and Development Bylaw 2012 in the District Plan.</p>	<p>No need to amend the District Plan.</p> <p>No need to carry out all the processes for a Plan Change.</p> <p>SDC Plan Change will not be bounded to ICC's timeframes.</p>	<p>The current Bylaw for Subdivision, Land Use and Development is old and may not achieve objectives as set out in the District Long-Term Plan and District Plan.</p> <p>In March 2025, this Bylaw will be automatically revoked, leaving many provisions for subdivision, land use and development ineffective or not operational.</p> <p>Two Separated Code of Practices (SDC and ICC) for Subdivision, Land Use and Development, losing simplicity for end users.</p>	<p>The process will continue as before. However, after March 2025, standards incorporated into the Bylaw will not be able to enforce under the RMA.</p>

Conclusion

This report proposes to amend the District Plan, rewriting the references '*Land Use and Development Bylaw 2012*' by '**Subdivision, Land Use and Development Code of Practice 2023 (or its applicable successor)**'.

The mentioned Plan Change seeks to implement an updated code of practices to set out network asset design and construction requirements for the Southland District (SDC) and Invercargill City (ICC). These requirements will aid the SDC in achieving the objectives and levels of service as set out in the Long-Term and Resource Management Plans.

Since the current Bylaw will be automatically revoked, this proposed Plan Change also seek in advance to avoid future issues produced by ineffective provisions or regulations legally binding to an obsolete local regulation (Bylaw) and adverse effects related to unenforceable rules, standards and guidance for infrastructure associated with subdivision, land use and development.

This report proposes two options: **Option 1** is to amend to District Plan, replacing District Plan mentions from the '*Subdivision, Land Use and Development Bylaw 2012*' to '*Subdivision, Land Use and Development Code of Practice 2023 (or its applicable successor)*'; and Option is to keep references in their current form.

Appendix 1: Proposed amendments - Tack changes

Since the Subdivision, Land Use and Development Bylaw 2012 will be replaced by the new Engineering Code of Practice 2023; the District Plan must be amended to give effect to the new Code and its provisions.

The purpose of this Plan Change is to replace in the District Plan every citation and reference to ‘Subdivision, Land Use and Development Bylaw 2012’ with ‘Subdivision, Land Use and Development Code of Practice 2023 (or its applicable successor)’.

In this section, text introduced by the proposed Plan Change has a double underline and deletions have a double ~~striketrough~~. For example:

- ~~Subdivision, Land Use and Development Bylaw 2012~~ Subdivision, Land Use and Development Code of Practice 2023 (or its applicable successor).
- ~~Bylaw~~ Code

Section 2.6 Subdivision

Introduction

Subdivision is a process of defining and redefining land parcel boundaries and can provide a framework for future land use and development. Integrated, well planned subdivision can enhance character and amenity values by creating safe, healthy and pleasant environments. In contrast, inappropriately designed or located subdivision can result in the inefficient use of natural and physical resources and can give rise to adverse environmental effects. Subdivision design should be responsive to its context and integrating with and reflecting the site and wider environment. It should recognise anticipated future land use or development to ensure that the size, shape and configuration of the resultant allotments and access to utility services, infrastructure, transport and facilities, are appropriate.

This chapter is focussed on the location, nature and design of subdivision, connection of resultant allotments to infrastructure and vehicular and public access. However, subdivision has a direct relationship with land use and this chapter is complemented by provisions of other sections in the District Plan including the Rural, Urban, Industrial and Fiordland/Rakiura Zones. To enable subdivision and future land use and development to be comprehensively considered, Council encourages the concurrent lodgement of subdivision and land use resource consent applications. The subdivision provisions of the District Plan are linked to the Southland District Council ~~Subdivision, Land Use and Development Bylaw 2012~~ Subdivision, Land Use and Development Code of Practice 2023 (or its applicable successor). The ~~Bylaw~~ Code sets minimum standards required by Council and ensures there is a consistent approach to subdivision and development across the District.

Policy SUB 2.6

Subdivision is undertaken in compliance with the Southland District Council ~~Land Use and Development Bylaw 2012~~ Subdivision, Land Use and Development Code of Practice 2023 (or its applicable successor).

Explanation: The subdivision process is the appropriate time to ensure that connections to utility services and transport infrastructure are created. Requirements relating to vehicle access and connections to utility services are set out in Council's ~~Land Use and Development Bylaw 2012~~ Subdivision, Land Use and Development Code of Practice 2023 (or its applicable successor). The ~~Bylaw Code~~ sets minimum standards required by Council and ensures there is a consistent approach to subdivision and development across the District.

Rule SUB.1 – Permitted Activity

Applications for certification of allotments on an existing Survey Plan under section 226(1)(e)(ii) of the Resource Management Act must ensure all allotments for certification comply with the following criteria:

1. Access must comply with minimum sight distances and formation standards outlined in the ~~Subdivision, Land Use and Development Bylaw~~ Subdivision, Land Use and Development Code of Practice 2023 (or its applicable successor).
4. In addition to (a) - (c), lots of less than 2,000 m² in the Urban, Rural Settlement Areas or Rural Zones must also:
 - (b) Have water, wastewater and surface water infrastructure connected to the boundary where that infrastructure is provided in that zone or where the lot is within 500 metres of a reticulated network, in accordance with the requirements of the ~~Subdivision, Land Use and Development Bylaw~~ Subdivision, Land Use and Development Code of Practice 2023 (or its applicable successor).

Rule SUB.2 – Controlled Activity

3. Amendments to cross-lease subdivisions; where they comply with the following criteria:
 - (a) The Standards set out in the Southland District Council ~~Subdivision, Land Use and Development Bylaw 2012~~ Subdivision, Land Use and Development Code of Practice 2023 (or its applicable successor).
4. Subdivision within the Urban Zone where each allotment complies with the following criteria:
 - (f) The standards set out in the Southland District Council ~~Subdivision, Land Use and Development Bylaw 2012~~ Subdivision, Land Use and Development Code of Practice 2023 (or its applicable successor).

Rule SUB.2A - Restricted Discretionary Activity

6. Aspects outlined in Council's ~~Subdivision, Land Use and Development Bylaw~~ Subdivision, Land Use and Development Code of Practice 2023 (or its applicable successor).

Section 2.9 Energy, Minerals and Infrastructure

Rule INF.1 – Permitted Activities

3. The maintenance and repair of existing formed roads including street furniture within the existing legal road, accessways and rights of way.

(Note: Works to accessways and rights of way may require a permit under the Southland District Council ~~Subdivision, Land Use and Development Bylaw 2012~~ Subdivision, Land Use and Development Code of Practice 2023 (or its applicable successor)).

Section 2.10 Transportation

Policy TRAN.3

Manage subdivision, land use and development to achieve integration with the transport network.

Explanation: Careful consideration should be given to the location, nature and design of subdivision, land use and development to ensure appropriate integration with the transport network. Activities should achieve appropriate accessibility and connectivity, to and from the network.

The New Zealand Building Code, District Plan and Southland District Council's ~~Subdivision, Land Use and Development Bylaw 2012~~ Subdivision, Land Use and Development Code of Practice 2023 (or its applicable successor) provide guidance on this. The integration of activities and the transport network support best practice urban design. Where appropriate integration is not achieved, adverse effects on the transport network can arise.

Section 2.14 Financial Contribution

Rule FIN.1 – General Rule

B Calculation of Financial Contributions

B.1 Roothing Infrastructure

The maximum contribution required for the development, maintenance and upgrading of roading infrastructure that serve a subdivision, land use or development shall be 100% of the estimated cost provided that the actual contribution levied shall be a fair and reasonable contribution having regard to the following matters:

8. Development and upgrading costs shall be calculated as per the standards in the Southland District Council ~~Subdivision, Land Use and Development Bylaw 2012~~

Subdivision, Land Use and Development Code of Practice 2023 (or its applicable successor).

Section 3.1 Rural Zone

Rule RURAL.7 General Rural Standards

2. Transportation Standards including Access

All activities shall comply in all aspects with the provisions set out in the Southland District Council ~~Subdivision, Land Use and Development Bylaw 2012~~ Subdivision, Land Use and Development Code of Practice 2023 (or its applicable successor) - relating to carparking numbers, dimensions, access, loading and manoeuvring.

Section 3.2 Urban Zone

Rule URBAN.5 General Urban Standards

13. Transportation Standards including Access

All activities shall comply in all aspects with the provisions set out in the Southland District Council ~~Subdivision, Land Use and Development Bylaw 2012~~ Subdivision, Land Use and Development Code of Practice 2023 (or its applicable successor) - relating to carparking numbers, dimensions, access, loading and manoeuvring.

Section 3.2 Industrial Zone

Rule IND.4 General Urban Standards

10. Transportation Standards including Access

All activities shall comply in all aspects with the provisions set out in the Southland District Council ~~Subdivision, Land Use and Development Bylaw 2012~~ Subdivision, Land Use and Development Code of Practice 2023 (or its applicable successor) - relating to carparking numbers, dimensions, access, loading and manoeuvring.

Section 3.5 Fiordland/Rakiura Zone

Rule FRZ.5 – General Standards

2. Transportation Standards including Access

All activities shall comply in all aspects with the provisions set out in the Southland District Council ~~Subdivision, Land Use and Development Bylaw 2012~~ Subdivision, Land Use and Development Code of Practice 2023 (or its applicable successor) - relating to carparking numbers, dimensions, access, loading and manoeuvring.

Section 3.6 Eweburn Zone

Eweburn Zone Guidance Information

3. Access and Road Design

Access and Roading design shall be in accordance with Council's ~~Subdivision, Land Use and Development Bylaw 2012~~ Subdivision, Land Use and Development Code of Practice 2023 (or its applicable successor). Further, consideration shall be given to:

Section 5.6 Edendale Dairy Plant Industrial Development Concept Plan

2.5.1 Access

Any new access that exceeds the minimum access standards set out in the Southland District Council ~~Subdivision, Land Use and Development Bylaw 2012~~ Subdivision, Land Use and Development Code of Practice 2023 (or its applicable successor) shall be subject to approval by the relevant Road Controlling Authority. Should approval be granted, the district-wide access provisions may be waived if the relevant Road Controlling Authority considers that a proposed alternative design would avoid an unnecessary expense on the applicant or that the proposed alternative design is necessary to ensure that any adverse effect on the environment would be minor.

Southland District Council (SDC)- Proposed changes to the District Plan –

Since the Subdivision, Land Use and Development Bylaw 2012 will be replaced by the new Engineering Code of Practice 2023; the District Plan must be amended to give effect to the new Code and its provisions.

The purpose of this Plan Change is to replace in the District Plan every citation and reference to ‘Subdivision, Land Use and Development Bylaw 2012’ with ‘Subdivision, Land Use and Development Code of Practice 2023 (or its applicable successor)’.

In this section, text introduced by the proposed Plan Change has a double underline and deletions have a double ~~strike through~~. For example:

- ~~Subdivision, Land Use and Development Bylaw 2012~~ Subdivision, Land Use and Development Code of Practice 2023 (or its applicable successor).
- ~~Bylaw Code~~

Section 2.6 Subdivision

Introduction

Subdivision is a process of defining and redefining land parcel boundaries and can provide a framework for future land use and development. Integrated, well planned subdivision can enhance character and amenity values by creating safe, healthy and pleasant environments. In contrast, inappropriately designed or located subdivision can result in the inefficient use of natural and physical resources and can give rise to adverse environmental effects. Subdivision design should be responsive to its context and integrating with and reflecting the site and wider environment. It should recognise anticipated future land use or development to ensure that the size, shape and configuration of the resultant allotments and access to utility services, infrastructure, transport and facilities, are appropriate.

This chapter is focussed on the location, nature and design of subdivision, connection of resultant allotments to infrastructure and vehicular and public access. However, subdivision has a direct relationship with land use and this chapter is complemented by provisions of other sections in the District Plan including the Rural, Urban, Industrial and Fiordland/Rakiura Zones. To enable subdivision and future land use and development to be comprehensively considered, Council encourages the concurrent lodgement of subdivision and land use resource consent applications. The subdivision provisions of the District Plan are linked to the Southland District Council ~~Subdivision, Land Use and Development Bylaw 2012~~ Subdivision, Land Use and Development Code of Practice 2023 (or its applicable successor). The ~~Bylaw Code~~ sets minimum standards required by Council and ensures there is a consistent approach to subdivision and development across the District.

Policy SUB 2.6

Subdivision is undertaken in compliance with the Southland District Council ~~Land Use and Development Bylaw 2012~~ Subdivision, Land Use and Development Code of Practice 2023 (or its applicable successor).

Explanation: The subdivision process is the appropriate time to ensure that connections to utility services and transport infrastructure are created. Requirements relating to vehicle access and connections to utility services are set out in Council’s ~~Land Use and Development Bylaw 2012~~ Subdivision, Land Use and Development Code of Practice 2023 (or its applicable successor). The ~~Bylaw Code~~ sets minimum

standards required by Council and ensures there is a consistent approach to subdivision and development across the District.

Rule SUB.1 – Permitted Activity

Applications for certification of allotments on an existing Survey Plan under section 226(1)(e)(ii) of the Resource Management Act must ensure all allotments for certification comply with the following criteria:

1. Access must comply with minimum sight distances and formation standards outlined in the ~~Subdivision, Land Use and Development Bylaw~~ Subdivision, Land Use and Development Code of Practice 2023 (or its applicable successor).
4. In addition to (a) - (c), lots of less than 2,000 m² in the Urban, Rural Settlement Areas or Rural Zones must also:
 - (b) Have water, wastewater and surface water infrastructure connected to the boundary where that infrastructure is provided in that zone or where the lot is within 500 metres of a reticulated network, in accordance with the requirements of the ~~Subdivision, Land Use and Development Bylaw~~ Subdivision, Land Use and Development Code of Practice 2023 (or its applicable successor).

Rule SUB.2 – Controlled Activity

3. Amendments to cross-lease subdivisions; where they comply with the following criteria:
 - (a) The Standards set out in the Southland District Council Subdivision, ~~Land Use and Development Bylaw 2012~~ Subdivision, Land Use and Development Code of Practice 2023 (or its applicable successor).
4. Subdivision within the Urban Zone where each allotment complies with the following criteria:
 - (f) The standards set out in the Southland District Council Subdivision, ~~Land Use and Development Bylaw 2012~~ Subdivision, Land Use and Development Code of Practice 2023 (or its applicable successor).

Rule SUB.2A - Restricted Discretionary Activity

6. Aspects outlined in Council's ~~Subdivision, Land Use and Development Bylaw~~ Subdivision, Land Use and Development Code of Practice 2023 (or its applicable successor).

Section 2.9 Energy, Minerals and Infrastructure

Rule INF.1 – Permitted Activities

3. The maintenance and repair of existing formed roads including street furniture within the existing legal road, accessways and rights of way.

(Note: Works to accessways and rights of way may require a permit under the Southland District Council ~~Subdivision, Land Use and Development Bylaw 2012~~ Subdivision, Land Use and Development Code of Practice 2023 (or its applicable successor)).

Section 2.10 Transportation

Policy TRAN.3

Manage subdivision, land use and development to achieve integration with the transport network.

Explanation: Careful consideration should be given to the location, nature and design of subdivision, land use and development to ensure appropriate integration with the transport network. Activities should achieve appropriate accessibility and connectivity, to and from the network.

The New Zealand Building Code, District Plan and Southland District Council's ~~Subdivision, Land Use and Development Bylaw 2012~~ Subdivision, Land Use and Development Code of Practice 2023 (or its applicable successor) provide guidance on this. The integration of activities and the transport network support best practice urban design. Where appropriate integration is not achieved, adverse effects on the transport network can arise.

Section 2.14 Financial Contribution

Rule FIN.1 – General Rule

B Calculation of Financial Contributions

B.1 Roothing Infrastructure

The maximum contribution required for the development, maintenance and upgrading of roading infrastructure that serve a subdivision, land use or development shall be 100% of the estimated cost provided that the actual contribution levied shall be a fair and reasonable contribution having regard to the following matters:

8. Development and upgrading costs shall be calculated as per the standards in the Southland District Council ~~Subdivision, Land Use and Development Bylaw 2012~~ Subdivision, Land Use and Development Code of Practice 2023 (or its applicable successor).

Section 3.1 Rural Zone

Rule RURAL.7 General Rural Standards

2. **Transportation Standards including Access**

All activities shall comply in all aspects with the provisions set out in the Southland District Council ~~Subdivision, Land Use and Development Bylaw 2012~~ Subdivision, Land Use and Development Code of Practice 2023 (or its applicable successor) - relating to carparking numbers, dimensions, access, loading and manoeuvring.

Section 3.2 Urban Zone

Rule URBAN.5 General Urban Standards

13. **Transportation Standards including Access**

All activities shall comply in all aspects with the provisions set out in the Southland District Council ~~Subdivision, Land Use and Development Bylaw 2012~~ Subdivision, Land Use and Development Code of Practice 2023 (or its applicable successor) - relating to carparking numbers, dimensions, access, loading and manoeuvring.

Section 3.2 Industrial Zone

Rule IND.4 General Urban Standards

10. Transportation Standards including Access

All activities shall comply in all aspects with the provisions set out in the Southland District Council ~~Subdivision, Land Use and Development Bylaw 2012~~ Subdivision, Land Use and Development Code of Practice 2023 (or its applicable successor) - relating to carparking numbers, dimensions, access, loading and manoeuvring.

Section 3.5 Fiordland/Rakiura Zone

Rule FRZ.5 – General Standards

2. Transportation Standards including Access

All activities shall comply in all aspects with the provisions set out in the Southland District Council ~~Subdivision, Land Use and Development Bylaw 2012~~ Subdivision, Land Use and Development Code of Practice 2023 (or its applicable successor) - relating to carparking numbers, dimensions, access, loading and manoeuvring.

Section 3.6 Eweburn Zone

Eweburn Zone Guidance Information

3. Access and Road Design

Access and Roading design shall be in accordance with Council's ~~Subdivision, Land Use and Development Bylaw 2012~~ Subdivision, Land Use and Development Code of Practice 2023 (or its applicable successor). Further, consideration shall be given to:

Section 5.6 Edendale Dairy Plant Industrial Development Concept Plan

2.5.1 Access

Any new access that exceeds the minimum access standards set out in the Southland District Council ~~Subdivision, Land Use and Development Bylaw 2012~~ Subdivision, Land Use and Development Code of Practice 2023 (or its applicable successor) shall be subject to approval by the relevant Road Controlling Authority. Should approval be granted, the district-wide access

provisions may be waived if the relevant Road Controlling Authority considers that a proposed alternative design would avoid an unnecessary expense on the applicant or that the proposed alternative design is necessary to ensure that any adverse effect on the environment would be minor.

Public Notice of Proposed Policy Statement or Plan or Plan Change

Form 4 under Resource Management (Forms, Fees and Procedures) Regulations 2003
Clause 5 of the First Schedule, Resource Management Act 1991

PUBLIC NOTICE

Southland District Council gives notice of a proposed plan change to the operative Southland District Plan 2018.

District Plan Change 2 – Subdivision, Land Use, and Development Code of Practice, 2023

Describe Proposed Plan Change:

Since the Subdivision, Land Use and Development Bylaw 2012 will be replaced by the new Engineering Code of Practice 2023; the District Plan must be amended to give effect to the new Code and its provisions.

The purpose of this Plan Change is to replace in the District Plan every citation and reference to '**Subdivision, Land Use and Development Bylaw 2012**' with '**Subdivision, Land Use and Development Code of Practice 2023 (or its applicable successor)**'.

Proposed Change to existing Plan

Proposed Plan Change will affect the following sections and schedules of the Southland District Plan 2018:

- Section 2.6 Subdivision.
- Section 2.9 Energy, Minerals, and Infrastructure.
- Section 2.10 Transportation.
- Section 2.14 Financial Contributions.
- Section 3.1 Rural Zone.
- Section 3.2 Urban Zone.
- Section 3.4 Industrial Zone.
- Section 3.5 Fiordland/Rakiura Zone.
- Section 3.6 Eweburn Zone.
- Section 5.6 Edendale Dairy Plant Industrial Development Concept Plan.

The proposed Plan Change may be inspected at:

Proposed Plan Change can be viewed online at: <https://letstalk.icc.govt.nz/>

Or at your local Southland District Council office. For office locations and opening hours, please visit the following link." <https://www.southlanddc.govt.nz/community-and-facilities/offices/>

Contact details and lodging a submission:

If you have any questions about proposed Plan Change, please contact Francisco Barraza, Team Leader - Environmental Policy, on 0800 732 732 or by email (DP@southlanddc.govt.nz)

In terms of lodging a submission, please send your written submission to Southland District Council at the address below or by email to DP@southlanddc.govt.nz. The submission must be on the prescribed Form 5 and must state whether or not you wish to be heard on your submission. Copies of Form 5 are available from the Southland District Council offices or found online at <https://letstalk.icc.govt.nz/>.

Alternatively, you can lodge a submission online at <https://letstalk.icc.govt.nz/>.

Note: Anybody can make a submission on the proposed changes. However, if a person making a submission is set to gain a commercial advantage over a competitor, then a submission can only be made on any potential adverse effects on the environment that the proposal might have, and not the effects that the proposal will have on trade competition.

Postal Address:

Southland District Council
PO Box 903
15 Forth Street, Invercargill 9840
Fax 0800 732 329

Submissions close on: Thursday, 5 pm 8th June 2023

The process for public participation in the consideration of the proposal under the Resource Management Act 1991 is as follows:

- After the closing date for submissions, Southland District Council must prepare a summary of the submissions, and this summary must be publicly notified; and
- There must be an opportunity to make a further submission in support of, or in opposition to, the submissions already made; and
- If a person making a submission asks to be heard in support of his or her submission, a hearing must be held; and
- Southland District Council must give its decision on the proposal (including its reasons for accepting or rejecting submissions); and
- Any person who has made a submission has the right to appeal the decision on the proposal to the Environment Court.

Cameron McIntosh, Chief Executive