

# Public Notice of the Summary of Submissions on proposed Plan Change 2 – Subdivision, Land Use, and Development Code of Practice, 2023

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

<b>PUBLIC NOTICE</b>
<b>Southland District Council gives notice of the summary of submissions on proposed Plan Change</b>
District Plan Change 2 – Subdivision, Land Use, and Development Code of Practice, 2023
<b>Describe Proposed Plan Change</b>
District Plan Change 2 aims to replace every citation and reference to ‘Subdivision, Land Use and Development Bylaw 2012’ in the District Plan with ‘Subdivision, Land Use and Development Code of Practice 2023 (or its applicable successor)’. Since the Subdivision, Land Use and Development Bylaw 2012 will be replaced by the new Engineering Code of Practice 2023 (CoP); this amendment seeks to give effect to the new Code and its provisions in the District Plan.
<b>Summary of Submissions</b>
The Summary of Submissions CoP document summarises the decisions and changes requested from each of the submissions received on the proposed District Plan Change 2 – Subdivision, Land Use, and Development Code of Practice, 2023. The further submissions process provides an opportunity for people to comment on those matters raised in the previous submissions.
<b>Can I make a further submission?</b>
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<b>Contact details and lodging a further submission:</b>
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**PUBLIC NOTICE**

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Alternatively, you can lodge a further submission online at <https://www.southlanddc.govt.nz/news-and-public-notice/public-notice/notified-change-district-plan>.

NOTE: Within five working days of lodging a further submission with the Council, you must also serve a copy on the person who made the submission to which your further submission relates. The postal address of submitters is provided in the Summary of Submissions document, which can be viewed as described above.

Postal Address:

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PO Box 903  
15 Forth Street, Invercargill 9840  
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After the further submissions have been received, a hearing will be held if submitters ask to speak to their submission. Council will then consider all submissions and release its decision. Submitters have the right to appeal the decision to the Environment Court.

**Further submissions close on:**

Friday 28<sup>th</sup> July 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
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- 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.

**Contact person: Francisco Barraza, Team Leader Environmental Policy**

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**Cameron McIntosh, Chief Executive**

**Thursday 13<sup>th</sup> July 2023**

## Summary of Submissions and Further Submissions – District Plan Change 2 – Subdivision, Land Use, and Development Code of Practice, 2023

### Overview of the submission

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Since the Southland District Council (SCD) is proposing to replace the Subdivision, Land Use and Development Bylaw 2012 with the new Engineering Code of Practice 2023; the District Plan must be amended to give effect to the new Code and its provisions.

In response to this need, On Monday 8<sup>th</sup> of May 2023, Council publicly notified the proposed District Plan Change 2 – Subdivision, Land Use, and Development Code of Practice, 2023 seeking submissions from the public. The closing date for submissions was Thursday 8<sup>th</sup> of June, and a total of twelve submissions were received.

As an overview, nine of those twelve submissions supported, or supported in part, the proposed Plan Change; meanwhile, three were in opposition. The main reason for opposing or not fully supporting was the need for amendments in the new Code of Practice rather than directly due to the Plan Change proposal itself.

As part of the continued public notification process, Council is now required under the Resource Management Act 1991 (RMA) to prepare a summary of the submissions received and to make this document available for public viewing. This is to facilitate the process for other parties to make further submissions. In this new process, any person can make a further submission, even if they didn't make a previous submission, provided they have an interest greater than the general public or represent a relevant aspect of the public interest. However, further submissions can only support or oppose part or all of an original submission. New issues cannot be raised.

The timeframe for lodging a 'further submission' is on Friday, 28th July 2023 and must be presented using Form 6: *Further Submission in Support of, or in Opposition to, Submission on Publicly Notified Proposed Policy Statement or Plan or Plan Change*. This form will also be available on Council's website and in any SDC library (office)

## Submission summary

Submitter Name/Submission No.	Submission point	Provision	Nature of Submission	Summary of Submission	Decision Requested	Heard at hearing Yes/No
1. Absolute Land Ltd Annabel Small	1	The entire proposal	Oppose	<p>Submission establishes that the CoP, as it is currently, is in need of far too many changes to warrant it being integrated without further discussion into the District Plan, and the submitter is concerned that the ramifications of errors or matters warranting further discussions being included will cause real problems for all concerned.</p> <p>In addition, the short timeframe given for consultation has meant that we have not had time to put together as thorough a response as we feel the document needs, given its importance. This makes it even more important that it is not integrated into the District Plans yet.</p> <p>Submitter may be prepared to change position on this matter after the CoP is finalised, but for now, Submitter wishes to show that do not support the CoP being integrated into the District Plans without further consultation.</p>	Amend the Code of Practice 2023	No
2. Absolute Land Lloyd Gauntlett	1	The entire proposal	Support	No comments or concerns on the District Plan change.	Retain as notified after amending the Code of Practice 2023	Yes

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				Submitter only presented amendments to the Code of Practice.		
3. Bonisch Consultants Ltd	1	The entire proposal	Support	No comments or concerns on the District Plan change. Submitter only presented amendments to the Code of Practice.	Retain as notified after amending the Code of Practice 2023	No
4. Don Moir	1	The entire proposal	Support	None so long as conflicting provisions within the District Plan are removed.	Retain as notified after amending the Code of Practice 2023	Yes
5. Fire and Emergency - FENZ	1	Policy SUB.6	Support	Fire and Emergency support the amendment to Policy Sub.6 to include reference to the proposed SDC Code of Practice 2023 to the extent that it enables subdivision to be undertaken in compliance with the Code of Practice 2023.	Retain as notified	Yes
	2	Rule SUB.1	Support in part	<p>Fire and Emergency support in part Rule Sub.1 (1) that requires access to comply with the minimum sight distances formation standards outlined in the Code of Practice 2023, subject to the relief that is sought in the amendments requested to the Code of Practice 2023.</p> <p>Fire and Emergency support in part Rule SUB.1 (4) (b) to the extent that water infrastructure is connected at the boundary where it is provided for within that zone, or where the lot is within 500 metres of a reticulated</p>	<p>Submitter seeks to change provisions of the Southland District Plan. However, these requested amendment(s) (below in red) are not in the scope of this current Plan Change.</p> <p>Amend as follows:</p> <p>4. In addition to (a) – (c) lots of less than 2,000m2 un the Urban, Rural Settlement Areas or Rural Zones must also:</p> <p>(b) Have water including firefighting water in accordance with SNZ PAS 4509, wastewater and surface water</p>	Yes

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				<p>network, is in accordance with the Code of Practice 2023.</p> <p>Given the importance and role of emergency services, Fire and Emergency request that the rule be amended to include specific provision for firefighting water supply whether it is reticulated or non-reticulated, in accordance with the Code of Practice 2023.</p>	<p>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 <del>Subdivision, Land Use and Development Bylaw</del> <u>Subdivision, Land Use and Development Code of Practice 2023 (or its applicable successor)</u>.</p>	
	3	Rule SUB.2	Support in part	<p>Fire and Emergency support SUB.2 (3) (a) to the extent that amendments to cross-lease subdivisions must comply with the standards of the Code of Practice 2023.</p> <p>Fire and Emergency note the importance to maintain firefighting water supply associated with subdivisions. Fire and Emergency seek that Council consider this as a matter of control when compliance is not achieved.</p> <p>Fire and Emergency support SUB.3 (4) (f) to the extent that subdivision within the Urban Zone must comply with the standards set out in the Code of Practice as this provides for non-reticulated water supply for firefighting.</p>	<p>Submitter seeks to change provisions of the Southland District Plan Change. However, these requested amendment(s) (below <b>in red</b>) are not in the scope of this current Plan Change.</p> <p>Amend as follows:</p> <p>Rule SUB.2 Controlled activity</p> <p>The matters over which Council reserves its control for Rule SUB.2 (1), (2) and (3) are:</p> <p>1. The provision of services including adequate provision of on-site wastewater systems <b>and firefighting water supply</b> where required.</p>	Yes

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	4	Rule SUB.2A	Support	Fire and Emergency support the matters of discretion of Rule SUB.2A as Council must give consideration to firefighting water supply across matter of discretion (3) and (6).	Retain as notified.	Yes
	5	Policy TRAN.3	Support in part	Fire and Emergency support in part the policy to manage subdivision, land use and development to achieve integration with the transport network. However, Fire and Emergency request the inclusion on the Code of Practice 2023 within the policy itself.	<p>Submitter seeks to change provisions of the Southland District Plan. However, these requested amendment(s) (below in red) are not in the scope of this current Plan Change.</p> <p>Amend as follows:</p> <p>Manage subdivision, land use and development to achieve integration with the transport network in compliance with the Subdivision, Land Use and Development Code of Practice 2023 (or its applicable successor).</p>	Yes
	6	Rule RURAL.7	Support in part	<p>Fire and Emergency support the provision for Transportation Standards including access to comply with the provisions set out in the Code of Practice 2023, subject to the relief sought in the amendments requested to the Code of Practice 2023.</p> <p>Fire and Emergency are concerned that there is no provision for services, including firefighting water supply in accordance with the Code</p>	<p>Submitter seeks to change provisions of the Southland District Plan. However, these requested amendment(s) (below in red) are not in the scope of this current Plan Change.</p> <p>Amend as follows:</p> <p>8. Services</p> <p>All activities shall comply in all aspects with the provisions set out in the Southland District Council Subdivision, Land Use and</p>	Yes

Submitter Name/Submission No.	Submission point	Provision	Nature of Submission	Summary of Submission	Decision Requested	Heard at hearing Yes/No
				of Practice. Fire and Emergency request that provision within the General Rural Standards is included.	Development Code of Practice 2023 (or its applicable successor) – relating to firefighting water supply and other services.	
	7	Rure URBAN.5	Support in part	<p>Fire and Emergency support the provision for Transportation Standards including access to comply with the provisions set out in the Code of Practice, subject to the relief sought in the amendments requested to the Code of Practice 2023.</p> <p>Fire and Emergency are concerned that there is no provision for services, including firefighting water supply in accordance with the Code of Practice. Fire and Emergency request that provision within the General Rural Standards is included.</p>	<p>Submitter seeks to change provisions of the Southland District Plan. However, these requested amendment(s) (below in red) are not in the scope of this current Plan Change.</p> <p>Amend as follows:</p> <p>16. Services</p> <p>All activities shall comply in all aspects with the provisions set out in the Southland District Council Subdivision, Land Use and Development Code of Practice 2023 (or its applicable successor) – relating to firefighting water supply and other services.</p>	Yes
	8	Rule IND.4	Support in part	<p>Fire and Emergency support the provision for Transportation Standards including access to comply with the provisions set out in the Code of Practice, subject to the relief sought in the amendments requested to the Code of Practice 2023.</p> <p>Fire and Emergency are concerned that there is no provision for</p>	<p>Submitter seeks to change provisions of the Southland District Plan. However, these requested amendment(s) (below in red) are not in the scope of this current Plan Change.</p> <p>Amend as follows:</p> <p>11. Services</p>	Yes



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				services, including firefighting water supply in accordance with the Code of Practice. Fire and Emergency request that provision within the General Rural Standards is included.	All activities shall comply in all aspects with the provisions set out in the Southland District Council Subdivision, Land Use and Development Code of Practice 2023 (or its applicable successor) – relating to firefighting water supply and other services.	
	9	Rule FRZ.5	Support in part	<p>Fire and Emergency support the provision for Transportation Standards including access to comply with the provisions set out in the Code of Practice, subject to the relief sought in the amendments requested to the Code of Practice 2023.</p> <p>Fire and Emergency are concerned that there is no provision for services, including firefighting water supply in accordance with the Code of Practice. Fire and Emergency request that provision within the General Rural Standards is included.</p>	<p>Submitter seeks to change provisions of the Southland District Plan. However, these requested amendment(s) (below in red) are not in the scope of this current Plan Change.</p> <p>Amend as follows:</p> <p><b>5. Services</b></p> <p>All activities shall comply in all aspects with the provisions set out in the Southland District Council Subdivision, Land Use and Development Code of Practice 2023 (or its applicable successor) – relating to firefighting water supply and other services.</p>	Yes
	10	Eweburn Zone Guidance Information	Support in part	Fire and Emergency support the updating of the reference to access and road design. However, the use of notes with respect to access and road design instead of inclusion into rules that are enforceable under the district plan poses a risk to Fire and	Submitter seeks to change provisions of the Southland District Plan. However, these requested amendment(s) (below in red) are not in the scope of this current Plan Change.	Yes

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				<p>Emergency in that the Code of Practice 2023 may not be adequately enforced under the RMA. As a result, access and road design may be developed to a standard that is not suitable for fire appliances.</p> <p>Therefore, Fire and Emergency request that reference to the Code of Practice for access and road design is embedded into a rule itself.</p>	<p>Amend as follows:</p> <p>13. Access and Rooding design shall be in accordance with Council's Subdivision, Land Use and Development Code of Practice 2023 (or is applicable successor).</p>	
	11	2.5 Additional Performance Standards	Support in part	<p>Fire and Emergency support the provision for Access within the Edendale Dairy Plant Industrial Development Concept Plan to comply with the provisions set out in the Code of Practice, subject to the relief sought in the amendments requested to the Code of Practice 2023.</p> <p>Fire and Emergency are concerned that there is no provision for services, including firefighting water supply in accordance with the Code of Practice. Fire and Emergency request that provision within the Additional Performance Standards is included for the Edendale Dairy Plant Industrial Development Concept Plan.</p>	<p>Submitter seeks to change provisions of the Southland District Plan. However, these requested amendment(s) (below in red) are not in the scope of this current Plan Change.</p> <p>Amend as follows:</p> <p>2.5 Additional Performance Standards:</p> <p>2.5.3 Services</p> <p>All activities shall comply in all aspects with the provisions set out in the Southland District Council Subdivision, Land Use and Development Code of Practice 2023 (or its applicable successor) – relating to firefighting water supply and other services.</p>	Yes

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6. Pattle Delamore Partners Jeremy Rees	1	The entire proposal	Support	No comments or concerns on the District Plan change.	Retain as notified	No
7. Kāinga Ora	1	The entire proposal	Support	The Code of Practice in general be removed from District Plan and be used as a reference document during subdivision and development activities.	Retain as notified	Yes
	2	The entire proposal	Support	That the subdivision and development standards currently included in the COP that only relate to any development activities within private property be retained in the District Plan documents, including <ul style="list-style-type: none"> <li>o Access standards within private property</li> <li>o Infrastructure network standards within private property</li> </ul>	Retain as notified	Yes
8. Nathan Shearing	1	The entire proposal	Oppose	The document (Code of Practice 2023) needs to be corrected and updated to current standards and practices a minimum but should also be properly considered and consulted on prior to any adoption.	Retain as notified after Amend the proposed Code of Practice 2023	Yes
9. Trish Falconer	1	The entire proposal	Support with amendments to the Code of Practice	Amend the Code of Practice	Retain as notified	Yes

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10. Waka Kotahi NZ Transport Agency	1	The entire proposal	Support	Waka Kotahi in the submission form support the changes to the District Plan to align with the proposed new Code of Practice (in the online survey); however, in the content of the email, their established that they are not submitting on the associated SDC Plan Changes	Amend the Code of practice.	No
11. Spirus Group William Orr	1	The entire proposal	Oppose	Submitters object to any changes to the code of practice that may fundamentally affect developments on the existing land that was purchased under the current code of practice.	Reject the Code of Practice 2023; as a consequence, the plan change is accepted.	Not declared intention.
12. WSP Albie Ford	1	The entire proposal	Support	Submitters seek a number of changes to the Code of Practice to fix errors and provide clarity to industry.	Retain as notified after Amend the proposed Code of Practice 2023	Yes



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

### **Describe Proposed Plan Change**

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**Cameron McIntosh, Chief Executive Thursday 13th July 2023**