

Appendix 1 - Submission of Matamata-Piako District Council (MPDC) to the Planning Bill (PB)		
Additions = <u>underline</u>		
Deletions = Strikethrough		
Clause Number	Support or oppose	Discussion and Relief sought
Interpretation		
CI 3 Interpretation existing or initiated Mana Whakahono ā Rohe	Oppose in part	The proposed definition is constrained to existing or initiated Mana Whakahono ā Rohe agreements. MPDC considers this definition is limiting, especially given some iwi have not settled or others who are not yet resourced to start to develop these agreements. MPDC considers the definition should also include new Mana Whakahono ā Rohe agreements. Relief sought -The definition of “ <i>Mana Whakahono ā Rohe</i> ” should be expanded to include any new Mana Whakahono ā Rohe.
New Additional requirements for Mana Whakahono ā Rohe (MWāR)	Oppose in part	MPDC is concerned there are no transitional measures to follow for already initiated MWāR, no measures around developing new MWāR and no recognition of being an enduring document. MPDC is of the opinion that the PB needs to include such measures. Relief sought -The PB is amended to include transitional measures for already initiated Mana Whakahono ā Rohe agreements, and measures for new Mana Whakahono ā Rohe” as found in RMA s58L-s58U and confirm that Mana Whakahono ā Rohe agreements are enduring.
CI 3 Interpretation infrastructure	Oppose	MPDC is concerned there is no definition of infrastructure in the interpretation section, given the number of references to the term “ <i>infrastructure</i> ” in the PB. MPDC also notes there are defined terms “ <i>core infrastructure operation</i> ” and “ <i>core infrastructure operator</i> ” and there is a defined term “ <i>infrastructure</i> ” in schedule 5 in relation to infrastructure for a designation or an application to be approved as a designating authority. MPDC believes this does not assist with the efficient administration of the PB and seeks the bill is amended to provide greater clarity given the number of references around the term “ <i>infrastructure</i> ”, particularly as the RMA has a comprehensive definition which is then referred to by the NPS-I.

		<p>Relief sought-The interpretation section is amended to include the definition “infrastructure” as it pertains to many references to infrastructure throughout the bill, and for any consequential amendments as required.</p>
<p>CI 3 Interpretation</p> <p>New definition required</p> <p>Enjoyment of land</p>	Oppose in part	<p>MPDC seeks a new definition, “enjoyment of land” to assist in the administration of PB. This is of particular importance as this term is part of the Purpose (CI4) of this Act.</p> <p>Relief sought: A definition of “<i>enjoyment of land</i>” is included in the interpretation section.</p>
<p>CI 3 Interpretation</p> <p>New Definition required</p> <p>Significant history heritage</p>	Support	<p>The PB refers to significant historic heritage several times, for example in the Goals (cl 11.1. g. (iii)), however there is no definition of “significant” historic heritage. Given the wide-ranging implications historic heritage will have in terms of future processes such as spatial plans, land use plans and the development of regulatory relief processes, MPDC considers the PB must include a definition of significant historic heritage.</p> <p>Relief sought: The PB is amended to include a definition of significant historic heritage.</p>
<p>CI 3 Interpretation</p> <p>New Definition required</p> <p>Unreasonably</p>	Support	<p>MPDC is concerned at the use of the term “unreasonably” in the following goal”: <i>Goal- (a) to ensure that land use does not unreasonably affect others, including by separating incompatible land use.</i> MPDC considers the term subjective and likely contestable at the time of consenting and monitoring. It is unclear as to the relationship between the consideration of effects in this goal and the effects regime contained in other parts of the PB.</p> <p>Relief sought: Amend the goal to remove the term “unreasonably”. Alternatively, the term is defined in the context of the consideration of effects.</p>
<p>CI 4 Purpose</p>	Oppose	<p>MPDC is concerned the purpose of the PB “<i>The purpose of this Act is to establish a framework for planning and regulating the use, development, and enjoyment of land</i>” is ambiguous as it does not refer to subdivision, which can still be subject to a rule in a plan, and refers to the “enjoyment of land” an undefined term.</p> <p>Relief sought: Amend the purpose of the PB to include “subdivision”, and that “enjoyment of land” becomes a defined term.</p>

<p>CI 8 Treaty of Waitangi/Te Tiriti o Waitangi</p>	<p>Oppose</p>	<p>The PB materially changes how Te Tiriti o Waitangi will be implemented and MPDC is concerned Māori rights and interests are being diminished. MPDC is supportive of the essence of the Treaty of Waitangi/Te Tiriti o Waitangi being included into the PB in the same manner it is currently considered in the RMA.</p> <p>MPDC considers fulsome regard needs to be given to Treaty of Waitangi/Te Tiriti o Waitangi, rather than the current list of Crown responsibilities. MPDC considers the current and new MWāR agreement processes and iwi management plan could provide mechanisms to address current concerns on matters such as timely responses.</p> <p>Relief sought: MPDC seeks the Treaty provisions in the PB are amended to reflect clause 8-Treaty of Waitangi in the RMA, with any consequential changes as required.</p>
<p>CI 9 Crown to seek to enter arrangements to uphold Treaty settlement redress or arrangements</p>	<p>Oppose</p>	<p>MPDC seeks Treaty settlements are upheld as originally intended under the RMA. This will be easier if CI 8 of the PB is amended to reflect CI 8 of the RMA.</p> <p>In the event CI 9 is retained, MPDC considers this clause will materially change how Treaty settlement redress or arrangements operate in practice and could be diminished through processes associated with CI 9. MPDC considers settlement redress or arrangements must have the same or equivalent effect and the clause to the “<i>greatest extent possible</i>” is deleted as it is not appropriate to renegotiate these significant agreements. MPDC is concerned the PB requires the Crown to discuss how to give effect to existing settlements within two years and this is an unrealistic timeframe given the number of settlements to be discussed, just in Waikato alone, and creates a risk the deadline will lapse, potentially impacting Treaty Settlement obligations. In addition, how does this process then relate to the timeframes for the regional spatial plan and land use plans etc.? How can we advance these documents in absence of any agreements as to how settlement agreements are to be upheld?</p> <p>Relief sought: Treaty Settlements are upheld as originally intended under the RMA., or in the event CI 9 in the PB is retained, amend CI 9.1.2.a by deleting “<i>greatest extent possible</i>”, and amend CI 9(1)(2)(3) by removing the two-year timeframe for re-negotiating treaty settlements, and make further amendments with regard timing to reflect the need for regional spatial plan and land use plans etc to give effect to these settlements.</p>
<p>Part 2 Foundation Sub part 1 Core Provisions for decision making</p>		
<p>Goals New</p>	<p>Support</p>	<p>MPDC is concerned there are matters within the PB that will be subject to rules, which have not been referenced in the goals. This does not reflect best planning practice or conceptually represent the ‘funnel’, which is</p>

		<p>essentially a cascade of considerations from matters of national importance and other matters, down through to objectives, policies and rules. The PB makes it clear that a matter must be in a goal to be able to be reflected further down the system. MPDC seeks that the PB is reviewed to ensure all relevant matters that will be subject to an objective, policy and rules framework are included into a goal</p> <p>Relief sought: Amend the goals to ensure that all matters within the PB that are to be subject to an objective, policy or rule are included in the goals.</p>
<p>CI 11 Goals</p>	Support	<p>MPDC is concerned with the mandate to implement the goals: <i>All persons exercising or performing functions, duties, or powers under this Act must seek to achieve the following goals subject to sections 12 and 45</i>, is too weak, particularly given the development of plan and rules are to implement to the goals, and should be strengthened.</p> <p>MPDC is also concerned and would welcome clarity at the reference and intention behind the statement “<i>achieve the following goals subject to sections 12 and 45</i>”. The statement appears to remove the overarching mandate that is expected from the term “goals” and that the content of national direction may not be subject to the goals in every instance.</p> <p>Relief sought: Amend CI 11 as follows: All persons exercising or performing functions, duties, or powers under this Act must seek to achieve <u>recognise and provide</u> the following goals subject to.... Amend CI 11 to provide clarity at the reference and intention behind the statement “<i>achieve the following goals subject to sections 12 and 45</i>”.</p>
<p>CI 11 Goals (a) (g) & (i) New matter Subdivision</p>	Support	<p>MPDC considers the Goals are incomplete and need to be amended to also recognise subdivision. Subdivision is a core function of local authorities and affects how land can be used in the future. It can also have significant implications for river access, access to cultural sites and historic heritage in terms of effects on heritage items. The goal related to Māori interests should also provide for the “use” of Māori land. Given the implications of these activities, the goals should be amended as sought in the relief below.</p> <p>Relief sought: Amend Goal (a) as follows: to ensure that <u>subdivision land use and development</u> does not unreasonably affect others, including by separating incompatible land uses: Relief sought: Amend Goal (g) as follows: to protect from inappropriate <u>subdivision, land use and development</u> the identified values and characteristics of— Relief sought: Amend Goal (i) as follows: to provide for Māori interests through—(iii) enabling the <u>use, development and protection</u> of identified Māori land.</p>

<p>CI 11 Goals (g) & (i)</p> <p>New matter</p> <p>Areas</p>	<p>Support</p>	<p>MPDC is concerned the Goals do not include the consideration of “<i>areas</i>”, only “<i>sites</i>” when discussing historic heritage and places of importance to Māori. Many places of importance to Māori, and important historic heritage sites are best captured as an area as the area contains important collective values that contribute to its significance. The goals need to be amended to reflect this important matter.</p> <p>Relief sought: Amend goal (g) to ensure that land does not unreasonably affect others, including by separating incompatible land uses:</p> <ul style="list-style-type: none"> ○ to protect from inappropriate development the identified values and characteristics of— <ul style="list-style-type: none"> ▪ (iii) sites <u>and areas</u> of significant historic heritage: <p>Relief sought: Amend goal (g) to provide for Māori interests through—</p> <ul style="list-style-type: none"> (i) the identification and protection of sites <u>and areas</u> of significance to Māori (including wāhi tapu, water bodies, or sites in or on the coastal marine area); and
<p>CI 11 Goals (a)</p>	<p>Oppose in part</p>	<p>MPDC is concerned goal, (a) <i>to ensure that land use does not unreasonably affect others, including by separating incompatible land uses</i>, includes several undefined terms that will affect the ability to implement this goal. Clarification needs to be provided around the terms “<i>unreasonably affect</i>”, “<i>others</i>” and “<i>separating incompatible land uses</i>”.</p> <p>Relief sought: The terms “<i>unreasonably affect</i>”, “<i>others</i>” and “<i>separating incompatible land uses</i>” are either defined and included into the interpretation section of the planning bill or clarified as part of this goal.</p>
<p>CI Goals (b)</p>	<p>Oppose in part</p>	<p>MPDC is concerned goal, (b) <i>to support and enable economic growth and change by enabling the use and development of land uses a new term “economic change”</i>, has no defined meaning, with regard the nature or extent of the change, which will affect the ability to implement this goal.</p> <p>Relief sought: The interpretation section is amended to include a new definition of “<i>economic change</i>”.</p>
<p>CI 11 Goals (c)</p>	<p>Oppose in part</p>	<p>MPDC is concerned with the goal, (c) <i>to create well-functioning urban and rural areas</i>, as the term “<i>well-functioning urban and rural areas</i>”, has not been defined in the context of the PB, which will affect the ability to implement this goal. The National Policy Statement for Urban Development contains direction on what is well functioning for urban environments but not for rural environments. It would be of benefit to provide national direction on rural environments, which could include the matter of highly productive land.</p> <p>Relief sought: The interpretation section is amended to include the defined term “<i>well-functioning urban and rural areas</i>”, and consideration is given to a national policy statement on the rural environment.</p>
<p>CI 11 Goals (i)</p>	<p>Oppose</p>	<p>MPDC has submitted for s8 from the RMA to be rolled over to the PB and seeks that goal (i) is amended to reflect this position. MPDC are concerned goal (i) seeks to narrow the consideration of Māori interests to the small</p>

		<p>range of defined matters, which is much reduced from that of the RMA and precludes Māori from their role as kaitiaki.</p> <p>Relief sought: Amend goal (i) of the PB to give the same regard in the goals as would be expected from the expanded consideration of the Treaty as sought in response to Cl 8 of the PB. In the event this approach is not accepted amend goal (i) as sought below.</p> <p>That Cl 11(i) is amended as follows: the reference to “participation” is amended to “<u>engagement</u>” Cl 11(i)i is amended as follows: the reference in Cl 11(1)(i)(ii) to “<i>sites of significance to Māori</i>” is expanded to include areas, and Amend relevant clauses to require statutory acknowledgements, relevant documents recognised by an iwi authority and applicable iwi participation legislation and existing or initiated Mana Whakahono ā Rohe are taken into account when a joint committee prepares a regional spatial plan, not just a Natural Environment Plan or a land use plan.</p>
<p>Cl 11 Goals Cl 56 National policy direction may restrict how goals may be achieved Cl 57 National direction to resolve conflicts between goals in both Acts</p>	Oppose	<p>MPDC is concerned in Cl 11 has not provided a hierarchy of the goals, but Cl 56 - National policy direction may restrict how goals may be achieved and Cl 57 provides to resolve conflicts between goals in both Acts and outlines how the goals are to be achieved. This creates tension between what is in the Bill and how it is to be interpreted.</p> <p>Relief sought: Provide methods to resolve conflicts between goals in the bill/s rather than be the subject of future national policy direction and not be the subject of a minister’s discretion.</p>
<p>Cl 12 Relationship between key instruments in</p>	Oppose	<p>MPDC is concerned the consideration of the natural environment is excluded from decisions made under the PB. Land use needs to occur within the environmental limits set by the natural environment plan. We recommend placing natural environment plans above land use plans in the hierarchy.</p>

decision making		<p>Relief sought: Amend CI 12 to place natural environment plans above land use plans in the hierarchy of key instruments to ensure that development occurs within environmental limits. Consequential amendments to other provisions within the Bill may be required to achieve this outcome.</p>
<p>CI 13 Procedural Principles</p>	Oppose	<p>MPDC considers “(e) <i>act in an enabling manner</i>” is superfluous to the requirements of this section, given that many councils already operate in this manner. MPDC considers there should be guidance regarding: the relationship between the procedural principles and the decision-making tests within the legislation, and guidance on acting proportionately to the scale and significance of the matter.</p> <p>Relief sought: Amend CI 13 by deleting “(e) <i>act in an enabling manner</i>”. If it is retained, then develop guidance on this and the following matters: the relationship between the procedural principles and the decision-making tests within the legislation, and act proportionately to the scale and significance of the matter.</p>
<p>CI 14 Effects outside the scope of this Act</p> <p>Schedule 11 Amendments to other legislation Part 1 Amendments to RMA commencing 1 month after Royal Assent, Section 104</p>	Oppose in part	<p>MPDC is concerned regarding the lack of clarity within CI 14 and Schedule 11, particularly as the clause in Schedule 11 comes into force one month after enactment. There is also concern that some of the matters being excluded would contribute to the enjoyment of land such as side yards and height to boundary and the need for a dedicated outdoor space. The “enjoyment of land” forms part of the purpose of the PB and inclusion of these matters would also contribute significantly to the CI 11-Goal “(c) <i>to create well-functioning urban and rural areas</i>”.</p> <p>With regard (a) <i>the internal and external layout of buildings on a site (for example, the provision of private open space)</i>: it is not clear if this clause also excludes yard setbacks, height to boundary and similar? MPDC is also concerned if the building/site relates to an historic heritage building/site or a site of significance to Māori, how would the impacts on these values be assessed if layout of buildings cannot be assessed? As currently drafted, this clause will lead to implementation difficulties and requires further clarity.</p> <p>With regard (c) <i>retail distribution effects</i>, as currently drafted, it appears to require decision makers to disregard retail distribution effects in all cases. A blanket exclusion risks unintended consequences for the strategic role, integrity, and long-term vitality of town centres and other identified local centres. If retail distribution effects are not assessed, what effect does that have on the existing physical resources in CBDs or business zones and the retail hierarchy and the maintenance of main streets? How does this impact applicants and administrators regarding developing and giving effect to the contents of regional spatial plans and undertaking traffic modelling?</p> <p>With regard, (e) <i>the visual amenity of a use, development, or building in relation to its character, appearance, aesthetic qualities, or other physical feature</i>, MPDC is unclear how effect will be given to the goal “(c) <i>to create</i></p>

		<p><i>well-functioning urban and rural areas</i>” if consideration cannot be given to visual effects. By way of example, how can visual effects in respect of yard setbacks be assessed.</p> <p>MPDC is also seeking a deletion from Schedule 11 - Part 1 Amendments to RMA commencing 1 month after Royal Assent, relating to s104(1) insert (1A). MPDC considers that (1A) should be deleted from the transitional measures as it is considered it will be too complicated to administer this clause given that many of the matters proposed to be outside the scope of effects are still part of the objective and policy framework of the RMA, which will be the primary document for some considerable time.</p> <p>Relief sought: Amend Cl 14 as follows:</p> <ul style="list-style-type: none"> • Cl 14 is not to be administered as part of the transitional provisions, and • Amend (a) <i>the internal and external layout of buildings on a site (for example, the provision of private open space)</i> to provide certainty by clearly stating the matters to which it pertains, and • Delete (e) the visual amenity of a use, development, or building in relation to its character, appearance, aesthetic qualities, or other physical feature, or in the alternative provide guidance regarding the consideration of amenity regarding achieving the goals • Amend Cl 14(2) as follows, <ul style="list-style-type: none"> (2) This section does not restrict the management of – (a) ... (e) <i>the effects of natural hazards;</i> (f) <i>retail distribution effects where those effects are relevant to the function, viability, or strategic role of town centres or local centres within a planning framework,</i> and consequential amendments to give full effect to the amendments.
<p>Cl 15 Considering the adverse effects of activities</p>	<p>Oppose in part</p>	<p>MPDC is concerned with Cl 15(1)(a)(i) which includes a diluted threshold in terms of resolving the effects of activities, as “(i) adverse effects are to be avoided, minimised, or remedied, <i>where practicable</i>,”. MPDC considers these terms to be more effective by the removal of the phrase “<i>where practicable</i>”. In the alternative, guidance should be provided as to what “<i>where practicable</i>” means in this context.</p> <p>MPDC considers Cl 15(1)(a)(ii) requires guidance in relation to limits around offsetting or compensation, and instances where this is not acceptable. MPDC is also concerned at the lack of clarity around the proposed lower threshold when considering effects, as a less than minor adverse effect is proposed to be an effect that does not have to be considered Cl 15(4). To arrive at a decision an assessment is required, from both an applicant and the processing planner/engineer etc., as would also be the case for Cl “b) <i>must not consider a less than minor adverse effect unless the cumulative effect of 2 or more such effects create effects that are greater than less than minor</i>”. It is of interest to MPDC how this could be considered if an effect under the PB and the NEB could produce a cumulative effect that are greater than less than minor yet cannot be considered as the effects cannot be considered between the Acts, which is not an appropriate approach.</p>

		<p>In addition, there is also concern around the interaction between the PB and the NEB as effects cannot be considered between the Acts. Post consent there may also be the matter of both Acts being breached, and MPDC suggests that consideration should be given to how this would be managed/resolved.</p> <p>Relief sought:</p> <ul style="list-style-type: none"> • Amend Cl 15(1)(a)(i) as follows “(i) adverse effects are to be avoided, minimised, or remedied, where practicable • Amend Cl 15(1)(a)(ii) to: <ul style="list-style-type: none"> • provide clearer limits on when offsetting or compensation may be relied upon; • Amend Cl 15(1)(b) to consider the potential of the cumulative impacts of effects under both Acts • Amend Cl 15(5) to: <ul style="list-style-type: none"> • provide clearer, more objective criteria for determining what constitutes a “less than minor adverse effect”; • reduce reliance on subjective concepts such as “acceptable” and “reasonable”, and provide guidance on their meanings; • clarify how cumulative effects are to be assessed and when “less than minor” effects must be considered collectively; and • provide guidance to ensure consistent application of the threshold across decision-makers to reduce uncertainty and litigation risk, and • provide guidance as to how breaches of both Acts for one activity would be managed.
Classification of activities		

<p>CI 31 Principles for classifying activities</p>	<p>Oppose in part</p>	<p>MPDC is concerned at the ambiguity of subclause (a) in particular: <i>an activity should be classified as a permitted activity if—(i) the activity is acceptable, is anticipated, or achieves the desired level of use and development; or...</i> The clause as currently drafted is very broad. For example, if the activity of “mining” was deemed acceptable, anticipated and achieved the desired level of use and development, would that mean that mining was a permitted activity? MPDC suggests as a starting point that a permitted activity typically has a less than minor effect that can be achieved without special management conditions. The permitted activity should be the activity is acceptable, is anticipated, or achieves the desired level of use and development within expected bounds.</p> <p>Relief sought: Amend CI 31 by replacing subclause (a) with the wording below: “An activity should be classified as a permitted activity if the activity is acceptable, is anticipated, or achieves the desired level of use and development and: (i) the effects of the activity are less than minor; or (ii) a specific assessment of the activity or part of the activity is not required.”</p>
<p>CI 32 Consequences of permitted, restricted discretionary, or restricted discretionary activity classification</p>	<p>Oppose in part</p>	<p>MPDC is concerned, based on their review of the interpretation section, the PB contains two types of permitted activities, which appear to be:</p> <ol style="list-style-type: none"> a. Permitted activity: Essentially requires a standard to be met, such as a boundary setback. b. Permitted activity rule: Where there are specific conditions to be met for carrying out a permitted activity. This could for instance be landscaping, noise attenuation etc... <p>It would be helpful, if this is the intent, that these two types of permitted activities were recognised as separate subclauses in part of CI 32. This would assist in the development of the nationally standardised zones where these terms will be used</p> <p>MPDC also considers the intent of Permitted activity rules would be clearer if they were called controlled activities as this better reflects the need for the planning process involving registration, conditions, monitoring and fees.</p> <p>Relief sought: Amend CI 32 to clearly recognise the two types of permitted activities, and for permitted activity rules to be amended to be termed controlled activities.</p>
<p>Permitted activity rules</p>		
<p>CI 38 Permitted activity rules</p>	<p>Oppose in part</p>	<p>MPDC considers greater clarity should be provided around the types permitted activity rules that are expected, given the anticipated large number of these types of rules. Also, CI 38(4) provides for written approval to be valid for three years unless it is withdrawn. MPDC is concerned how a council monitors this and what happens if a</p>

		<p>person withdraws their approval part way through a project. MPDC questions what liability this may create and how it may affect the status of that project?</p> <p>Relief sought: Amend CI 38 to specify that activities that are to be registered permitted activities rule must be identified in nationally standardised zones and / or any bespoke provisions. MPDC also wants further clarity around a neighbours approval lasting three years, unless it is withdrawn and how this situation would be monitored.</p>
<p>CI 45 Matters to consider when making national instrument</p>	<p>Oppose</p>	<p>MPDC is concerned at the following clause (5) <i>If the proposed national instrument contains new content.</i> MPDC has assumed this clause applies to new content outside the scope of the goals. MPDC considers creating the ability to bring in new content outside the goals is not democratic and creates uncertainty for parties. MPDC considers this clause should be deleted to ensure new content can only be introduced through a notified process.</p> <p>Relief sought: Delete CI 5) CI 5 If the proposed national instrument contains new content, the Minister must consider all existing national instruments for the purpose of ensuring there is a coherent set of national instruments.</p>
<p>CI 46 Process for making national instrument</p>	<p>Oppose in part</p>	<p>While MPDC supports CI 46, which provides for iwi to comment on a draft of a national instrument, MPDC seeks other parties including councils to be provided with the same opportunity to review draft documents. It has the potential for undue influence from lobby groups or sectors. Subclause 46(4) should ensure any TAG established by the Minister is made up of experts in a wide range of fields that are of relevance to the matter, and those experts represent a balanced field of knowledge. This would negate any potential criticism of a TAG being populated with members who have a particular bias.</p> <p>Relief sought: Amend CI 46(1)(a) to provide for other parties to review a draft national instrument including councils, and amend subclause 46(4) to include an additional subclause 46(4)(a)(iii): "... with membership made up of experts from a wide range of relevant fields that represent a balanced view; and ..."</p>
<p>National policy direction</p>		

<p>CI 54 Purpose of National policy direction</p>	<p>Oppose in part</p>	<p>MPDC have previously, as part of the RMA reform process, requested increased national direction on various matters, and guidance regarding the resolution process when there is a conflict between national direction instruments. MPDC considers the approach outlined in this clause does still not provide clarity around conflicts between the different NPD instruments and only offers to “help” resolve conflicts in clause (b). MPDC is also unclear of the meaning of the word “particularise” in clause (a).</p> <p>Relief sought: Amend CI 54 to provide clearer guidance regarding the resolution of potential conflicts between national direction, and the meaning of the term “particularise”.</p>
<p>CI 56 National policy direction may restrict how goals may be achieved</p>	<p>Oppose in part</p>	<p>MPDC is concerned by the lack of integration between the two Bills. The national instruments should be key mechanism to integrate the Bills, yet the Minister is not required to consider effects on the natural environment when making national policy direction relating to the achievement of goals. While CI 67 is explicit in stating that regional spatial plans must implement national instruments under both Acts in a way that provides for use and development within environmental limits and Schedule 2 clause 2 requires regional spatial plans to be consistent with environmental limits, this is strategically constrained by the national instruments they are implementing.</p> <p>Relief sought: Amend CI 56(2) by adding a new subclause: <i>“the direction ensures that use and development of the built environment occurs within environmental limits”.</i></p>
<p>National Standards</p>		
<p>CI 60 What national standards can do</p>	<p>Support in part</p>	<p>MPDC supports the direction the standards will provide and would like to understand the timing of these as the standards outline so many of the requirements for plans and how they will be structured. MPDC is particularly concerned given the timing requirements for the development of a spatial plan, particularly if the standards are directing the development of the spatial plan.</p> <p>Relief sought: Clarity is provided regarding the development of standards in relation to the plan development process.</p>
<p>CI 60 (5) (5) National standards may empower territorial authorities to charge for monitoring any specified permitted</p>	<p>Support in part</p>	<p>MPDC supports the ability to be able to continue to charge for monitoring, however, recognises there will be a substantive change in the scale of what is to be monitored, which will have significant resourcing and skill implications for the district. This clause is related to the development of the monitoring and compliance strategy sought in CI 272 and discussed later in this submission. MPDC considers there would be benefit in identifying the specified permitted activities, proposed to be developed in the upcoming standards, in the PB instead, to better inform councils around resourcing and in the development of the monitoring and compliance strategy.</p> <p>Relief sought: Amend CI 60(5) to include the specified permitted activities where charges would be sought for monitoring to better inform council resourcing and the development of the monitoring and compliance strategy.</p>

activities in the standard.		
CI 62 Amendments to national standards without full process	Oppose	MPDC continues to be concerned regarding the ability provided in this clause to allow the Minister to amend national standards without a full process. MPDC has previously submitted against this type of clause as part of earlier RMA reform processes. MPDC considers this to be undemocratic and creates uncertainty. Relief sought: Delete CI 62.
Purpose of spatial plans and other amendments associated with spatial plans		
CI 67 Purpose of regional spatial plans CI 72 Ministerial appointment to spatial plan committee Schedule 1 – Transitional, savings, and related provisions Schedule 2 Spatial plans Schedule 3 Further provisions relating to plans	Support in part	Overall MPDC is supportive of regional spatial plans but has concerns over timing, cost and the relationship between the regional spatial plan and private plan changes. MPDC agrees with the Taituara submission, in that the 15-month timeframe for notification of the regional spatial plan (following royal assent of the PB) is too tight. For the reasons explained MPDC considers it will lead to increased costs and unintended consequences. It is critical that an integrated suite of national direction instruments is in place prior to the Regional Spatial Plan being prepared. As it currently stands there is only four months between when the first suite of national policy direction and national standards is to be published and the notification of the Regional Spatial Plan. It is simply not enough time to understand national policy direction and standards including environmental limits, research where and how they are to be applied, and undertake the administrative tasks to notify the spatial plan. (By way of example, Schedule 2 Cl 2 Contents of Regional Spatial Plans lists the mandatory matters to be included one of which is the spatial implications of environmental limits). Furthermore, the second suite of national direction is to be published after the notification of the spatial plan. This is not an effective way forward and will lead to increased costs and a regional spatial plan that contains inaccuracies. It is important the appropriate amount of time is provided to develop a regional spatial plan that incorporates national direction in a meaningful manner. Whilst supportive of regional spatial plans, MPDC is concerned about the increased cost regional spatial plans and their associated implementation plans will place on the ratepayers of the district. MPDC is strongly of the opinion that ways in which the costs can be managed is through: <ul style="list-style-type: none"> • revising the timeframes, • ensuring there is a representative from central government involved with each regional spatial plan. This will foster greater collaboration between central and local government and assist in sharing of resources.

<p>Schedule 11 Amendments to other legislation</p>		<p>The person/people may act as an advisor to the Spatial Plan Committee rather than a committee member of the Committee, and</p> <ul style="list-style-type: none"> reconsidering whether it is necessary for each council to include a statement on the implementation of regional spatial strategy within the Annual Report (Schedule 11 Amendments to Local Government Act). The audit requirements of the Annual Report are a significant cost to ratepayers and using this mechanism will add to this cost <p>MPDC is concerned that Schedule 3, CI 52 Grounds for rejecting request for a private plan change has no relationship with the Regional Spatial Plan. Whilst MPDC understands the intent of providing a degree of flexibility it is also noted as part of the Regional Spatial Plan process key designation corridors can be identified. It would seem more efficient to include change in land use within a designation corridor as a reason for a Council to reject an application for a private plan change.</p> <p>Relief sought:</p> <ul style="list-style-type: none"> Either amend Schedule 1, CI 4 so the notification of the regional spatial plan is six months after the second suite of national direction under both the PB and the NEB or amend the current timeframe from 15 months to 24 months. Amend CI 72 to require the Minister to appoint a central government representative to the spatial plan committee or act as an advisor to the Committee Amend Schedule 3, CI 52 to identify where an applicant is contrary to a Regional Spatial Plan, and designations, in particular, as a reason to refuse a request for a private plan change. Amend Schedule 11 so the Annual Report is not the reporting mechanism to report on implementation of the Regional Spatial Plan. As an alternative, MfE could co-ordinate reporting on the implementation of Regional Spatial plans and these reports could be published on the MFE website. If the Annual Report is retained as the reporting mechanism, it should be clear within the legislation that the requirements only apply once actions have been identified for the local authority within the implementation plan.
<p>CI 88 Requirements for further evaluation report</p>	<p>Oppose in part</p>	<p>MPDC is concerned this clause seeks further evaluation reports for a proposed plan only in the instance of a significant change to that plan. Clarification is required as to what constitutes a 'significant change'. MPDC is concerned that only requiring a further evaluation report when there is a significant change also precludes a record of the reasoning behind a change to the proposed plan document and creates the potential to reduce the understanding of the plan document.</p> <p>Relief sought: Amend CI 88 to clarify what constitutes a significant change and ensure an evaluation report is required for all changes to the plan excluding very minor changes.</p>
<p>Regulatory Relief</p>		

<p>CI 92 Obligations relating to regulatory relief</p>	<p>Oppose</p>	<p>MPDC has reviewed this clause and the associated clauses in Schedule 3 and has significant concerns related to this proposal given its potential significant impact on both Council funding, and resourcing to manage the development of this type of plan and landowners' consultation. These provisions are also likely to have a significant impact on the scheduling of historic heritage, wāhi tapu, and indigenous biodiversity. Currently MPDC has identified for its 152 scheduled historic heritage items in its District Plan. There are 204 property owners associated with these items. For the 78 scheduled wāhi tapu sites, there are 1700 associated property owners, and for the 130 scheduled trees in the District Plan, most have one to two property owners associated with them.</p> <p>In addition, the provisions in of themselves contain drafting errors, ambiguous terminology, for example “<i>significant impact</i>” and “<i>reasonable use</i>”. They also introduce conflicting requirements for local authorities to compensate owners for places and locations they are required to identify and protect and manage under both the PB and the NEB. MPDC considers if changes cannot be made to these provisions they should be removed from the PB, or in the alternative changes are made to the provisions to avoid the substantial risk these provisions pose to local government. MPDC is supportive of the discussion in the Taituarā submission and its proposed approach and seeks the same relief.</p> <p>Relief sought: Adopt the approach sought in the Taituarā submission, to remove the regulatory relief provisions, or in the alternative, provide the specified amendments in the Taituarā submission.</p>
<p>Future Provisions</p>		
<p>CI 93 Land use plan or proposed land use plan may make area subject to future provisions</p>	<p>Support in part</p>	<p>MPDC is supportive of this clause, which is part of a suite of clauses to enable people to move from deferred zones to live zoning without a plan change process. Future provisions allow land to be subject to temporary planning rules, with the removal of these provisions based on a specified date when a rule (CI 94) is deemed to be met (CI 96).</p> <p>MPDC considers there would be benefit in providing guidance on how consents are assessed during this interim period, including any potential overlap with regulatory relief. MPDC also considers there would be benefit in defining the terms “<i>temporary provisions</i>” and “<i>future provisions</i>” to provide clarity in administration of these provisions.</p> <p>Relief sought: Amend the interpretation section to provide definition of the terms “<i>temporary provisions</i>” and “<i>future provisions</i>” and guidance on how consents are assessed during this interim period.</p>
<p>Changing plan provisions without using Schedule 3 process if authorised by planning consent</p>		

<p>CI 97 Applying for planning consent that authorises change to plan provisions</p>	<p>Support in part</p>	<p>MPDC considers there is merit in this clause, and CI 98, which would provide time saving benefits. However, clarity needs to be provided as to why subclause 2 of CI 97 only relates to standardised zones and not bespoke provisions. In addition, it would be useful, for example if this provision clearly included the ability to remove items from a schedule or map when the item had been demolished or relocated etc.</p> <p>MPDC assumes this process would require a notified application and thinks it would be helpful to provide guidance on this. MPDC would also like to understand if the application of this clause is limited to areas that are in a regional spatial plan? MPDC is also interested in terms of the assessment that would take place, for example are all the matters that are usually considered under a plan change considered in a resource consent application? MPDC also considers that there would be benefit in clarifying how this clause would interact with fast-track legislation, if at all?</p> <p>Relief sought: Amend CI 97 to:</p> <ul style="list-style-type: none"> • Clarify if this clause includes fast track consents, • Clarify if this clause includes areas within a spatial plan, • Expand the types of instances where this provision could be utilised, for example smaller activities such as changes to a schedule in conjunction with a consent, • If the activity is subject to notification, • If the activity is subject to additional levels of assessment; and • Include any consequential amendments to CI 31 as required.
<p>CI 97 Applying for planning consent that authorises change to plan provisions</p> <p>CL 98 Territorial authority may change plan provisions if authorised by planning consent</p>		<p>CI 97/98 provides for a plan to be changed through a resource consent, and MPDC seeks clarity as to when such a change would become operative.</p> <p>Relief sought: Amend CI 97/98 to include timing for such changes becoming operative</p>
<p>Hearings-Subpart 4-consideration of application and decision</p>		

<p>CL 139 Consideration of planning consent application</p>		<p>MPDC is concerned that the consideration of the rural environment seems limited to any adverse effects on the built environment (Cl 1(a)(ii)). MPDC is concerned there are no provisions for the consideration of the rural environment with regard to highly productive soils and the range of productive rural uses etc and their interactions with the surrounding environment, both natural and built. MPDC considers that it would be much clearer if the defined term “<i>built environment</i>” explicitly included ‘<i>rural</i>’ and ‘<i>rural resources</i>’ and /or there was a separate definition of rural environment. Otherwise, there is a very limited link to the NPS-HPL.</p> <p>It is also unclear how the effects on the surface of water are to be assessed and if this would align with the functions of the territorial authority. MPDC would also like clarity regarding Cl 139 (2)(c) compliance with the water services standard and if this is also required for permitted activities?</p> <p>Relief sought:</p> <ul style="list-style-type: none"> • Amend the defined term “<i>built environment</i>” to explicitly include “<i>rural</i>” and “<i>rural resources</i>” and /or there was a separate definition of rural environment, and include any consequential changes as required • Amend Cl 139 to include consideration of the rural environment more broadly than just the built environment, and include any consequential changes as required • Provide clarity regarding the assessment of the effects on water, and compliance with water services standards for permitted activities.
<p>Cl 145 Applicants' compliance history</p>	<p>Support in part</p>	<p>While MPDC supports Cl 145 allowing consideration of compliance history, MPDC considers further clarification is needed about relevance to the same site or activity type from other sites and the extent of this consideration. This is particularly the case when an applicant’s history may be over a range of sites and districts, for example the Matamata-Piako district contains several sites operated by national companies with similar activities operating over the country. MPDC also has concerns if a company changes its name or some aspects of its overall operation, does this exclude it from consideration as part of the applicant’s compliance history?</p> <p>Relief sought: Amend Cl 162 to clarify the breadth and extent of compliance history that may be considered in the event of a national or similar company, or in the event that a company changes its name or some aspects of its operation, if this precludes it from being part of the compliance history.</p>

<p>CI 180 Notification and registration of activity subject to permitted activity rule</p>	<p>Oppose in part</p>	<p>MPDC acknowledge the permitted activities required to be registered and monitored are yet to be defined by upcoming standards, however MPDC is concerned at the disingenuous approach to deem activities permitted that require the proposed level of application and administration. MPDC considers this tranche of activities should be deemed controlled activities which will better reflect the intended approach. If, however, the intention of this clause is to replicate “87BA Boundary activities approved by neighbours on infringed boundaries are permitted activities” in the RMA, MPDC considers the clause should be amended to reflect this.</p> <p>Relief sought: Amend CI 180 to specify the intended activities to which this clause may apply or delete the clause and identify the proposed activities subject to this clause as controlled activities.</p>
<p>CI 186 Information gathering, monitoring, and keeping records</p>	<p>Support in part</p>	<p>MPDC is concerned in CI 186, Monitoring must also include consideration of the following, 3(a) <i>the efficiency and effectiveness of rules or other methods in the regional plan</i>, which implies that territorial authorities monitor regional plan rules. MPDC seeks clarification on this matter.</p> <p>Relief sought: Amend CI 186 3(a) to confirm who monitors regional plans.</p>
<p>CI 272 Local authorities to prepare compliance and enforcement strategy</p>	<p>Support in part</p>	<p>MPDC supports local authorities preparing compliance and enforcement strategies, particularly given the enhanced role monitoring has in the new system. MPDC does seek additional clarity regarding the required timing of the development and implementation of the strategy as this is not apparent in the PB.</p> <p>MPDC has also noticed the Ministry of Environment website refers to nationalising the compliance and monitoring system and that this may occur at a future time. MPDC is not supportive of this function being nationalised as they consider a local approach to the best for local problems.</p> <p>Relief sought: Amend CI 272 to include a timeframe for local authorities to prepare a compliance and enforcement strategy. This should be done after the regional reorganisation plan, proposed through Simplifying LG, so there is no duplication of tasks.</p>
<p>Schedule 1- Transitional, savings, and related provisions</p>		
<p>New CI required Continuation of financial contributions until</p>		<p>MPDC notes there will be a requirement based on current proposed timeframes for a transitional arrangement in the PB to provide for the continuation of financial contributions until the development levy system is in place which is July 2030. MPDCs current tool for collecting contributions for reserves is through financial contribution under the RMA.</p>

development levy system is in place in July 2030		Relief sought: Amend Schedule 1 to include a new transitional provision to provide for the continuation of financial contributions until the development levy system is in place, which is July 2030.
CI 5 First key instruments under this Act and Natural Environment Act 2025	Oppose	<p>CI 5 refers to the “first national policy direction” being issued, however it is unclear from the Bill exactly what this first direction will cover. It is important all national policy direction relevant to each plan preparation process is issued with sufficient time for local authorities to implement it during plan preparation.</p> <p>In relation to CI 5(1)-(3), MPDC stresses the importance of allowing sufficient time for engagement with local authorities during development of national policy direction and national standards. Given the significant role of these instruments in the new system, it is important they are clear, implementable, cover all relevant matters and are sufficiently flexible to work across the country. Input from local authorities and other system users will be critical to ensuring the workability and effectiveness of these new instruments.</p> <p>In relation to CI 4(a), in order for local authorities to meet the 15-month deadline for notification of regional spatial plans, drafting of these plans will need to be well underway by the time national standards setting the evidence base supporting combined plans is required to be issued. The Council considers this does not allow sufficient time for regional spatial plans to implement the standards.</p> <p>Relief sought:</p> <ul style="list-style-type: none"> • Amend Schedule 1 CI 5(1)(a) to read: “the national policy direction under this Act must be issued and must include the direction required for the preparation of regional spatial plans; and... • Amend Schedule 1 CI (5)4(a) by deleting subclause (i). • Amend the timelines stated in the proposed Bills to ensure dependencies of higher-order documents are taken account of, particularly in regard to the sequencing of national direction.
CI 7 Process for national instruments that come into force within 9 months of Royal assent	Oppose	CI 7(3)(a) states section 46(1) of the Planning Bill and section 70(1) of the Natural Environment Bill, relating to consultation with iwi authorities, do not apply to national instruments that come into force within nine months of Royal Assent. MPDC is concerned about removing this requirement for iwi input prior to notification, particularly given the first national instruments issued will be important for guiding the development of regional spatial plans.

		Relief sought: Delete Schedule 1 Cl 7(3)(a).
CI 21 Mana Whakahono ā Rohe	Support	<p>MPDC is concerned CI 21 states “<i>the contents of the Mana Whakahono ā Rohe arrangement that relate to functions under the RMA must be treated as relating to equivalent functions under: (a) this Act; or (b) the Natural Environment Act 2025.</i> MPDC’s concern relates to the fact that in many instances there may not be an equivalent function under either pieces of legislation, or a function deemed to be equivalent is not satisfactory. This clause does not make it clear who determines the “<i>equivalent function</i>”.</p> <p>Relief sought: Amend CI 21 to ensure these documents are able to continue as first developed, or in the alternative the transition to “<i>equivalent function</i>” is with the mutual agreement of the parties to the Mana Whakahono ā Rohe agreement.</p>
Schedule 3-Further provisions relating to plans		
CI 3 Iwi participation legislation and Mana Whakahono ā Rohe	Oppose in part	<p>MPDC seeks clarity regarding the statements at Cl 3(a) and (b) around changing the plan in accordance with iwi participation legislation and or any Mana Whakahono ā Rohe. CI 3 must provide clarity around the need or otherwise for a plan change process and the need for an evaluation report (as in Cl 87) and if a justification report is required for what will be bespoke provisions. MPDC considers that timing should also be included for this process.</p> <p>Relief sought: Amend CI 3 to provide clarity on how a plan is changed in response to iwi participation legislation and or any Mana Whakahono ā Rohe, the level of detail required for the change, and timing requirements.</p>
CI 13 Audit by chief executive CI 14 Local authority must provide draft proposed plan to iwi authorities and customary marine title groups	Oppose in part	<p>MPDC seeks clarity regarding the requirement Cl 13, which provides for an audit process for “a proposed plan that contains a bespoke provision or a provision on a specified topic”. The clause refers to documents being provided to the Chief Executive three months before notification. The territorial authority must have regard to the feedback and update its justification report. Cl 14 requires territorial authorities to provide a proposed plan to iwi authorities and marine title groups early enough to provide adequate time for a response, however there are no timeframes around this requirement, and it is not quite clear as to the sequence required between Cl 13 and 14.</p> <p>Assumes in the standards and would like some input into the criteria that CE would consider when they look at bespoke provisions</p> <p>Relief sought: Amend Cl 13 and Cl 14 to provide clarity around the sequence of the provision of a draft proposed plan to iwi authorities and customary marine title groups and the Audit by the</p>

		Chief Executive, and include timeframes for iwi authorities and customary marine title groups feedback, provided where there is a Mana Whakahono ā Rohe the timeframes in the agreement prevail.
CI 17 Who may make submissions on proposed plan notified for public submissions		<p>MPDC considers clarification is required around the use of the term “<i>a person that has an interest in the proposed plan greater than the public generally</i>” as one of the parties that is able to make submissions on a plan. As the strike out of submissions and/or further submissions can be disputed to the planning tribunal, MPDC’s interest is that clear guidance to be provided, potentially including a list of such parties, into both bills. This would ensure correct administration in relation to plan making, and also in the administration of consent applications in the event of notification, as <i>a person that has an interest in the proposed plan greater than the public generally</i> cannot submit to a consent application. MPDC also suggests the term “nearby local authority” is defined to avoid conflict of opinion.</p> <p>Relief sought: Define the terms “<i>a person that has an interest in the proposed plan greater than the public generally</i>” and provide a list of such parties. Also define the term “nearby local authority”</p>
CI 18 Content and form of submissions	Support	<p>MPDC appreciates the need for submission content to be on point, while acknowledging the potential for submissions to provide valuable information. MPDC supports the cross reference to CI 80(3) which means the provisions in a regional spatial plan are not to be relitigated through a land use plan process, except where information is out of date or there has been a significant change in circumstances which could include important hazard information. MPDC seeks the retention of CI 18.</p> <p>Relief sought: Retain CI 18.</p>
CI 19 Striking out submissions and calling for further submissions	Oppose	<p>MPDC does have some concerns regarding CI 19, where submission points / submissions out of scope must be struck out no later than 20 working days after the close of submissions. As part of this process, those submitters need to be notified and there is a right of objection to the Planning Tribunal. The same process applies to further submissions (CI 22). Under the RMA, the process of deeming submissions, or submission points as struck out occurred as part of the preparation of the s42 report. MPDC considers deferring this process to the Planning Tribunal may hold up the summary of submissions or result in a new summary needing to be notified and therefore should be deleted. Alternatively, additional time should be provided for increased certainty.</p> <p>Relief sought: Delete CI 19.</p>

<p>CI 20 Who may make further submissions</p>	<p>Oppose in part</p>	<p>See relief sought for CI 17 and apply same for CI 20 Further submission.</p>
<p>CL 22 Striking out and publishing further submissions, summary of submissions</p>	<p>Oppose</p>	<p>While MPDC is supportive of the publication of the summary of submissions, MPDC is concerned at the new requirements to publish a summary of further submissions, with further submitters having the right of objection to Planning Tribunal should their submission be struck out. The need to strike out further submissions is not a problem MPDC has encountered on a substantive scale with either resource consent or plan change hearings, with any issues around the validity of further submissions being dealt with promptly as part of the hearing process. MPDC's preference would be for the current process to remain.</p> <p>MPDC is concerned at the timing issues this clause could create achieving decision outcomes</p> <p>Relief sought: Amend CL 22 to reflect current processes under the RMA.</p>
<p>CI 25 Local authority's role during hearing</p>	<p>Oppose</p>	<p>MPDC seeks clarity regarding the intent and meaning of CI 25, with regard who must attend a hearing. For instance, is this an elected member or a staff member, and if a failure to comply does not invalidate a hearing, why is the purpose of the local authority's attendance. In the alternative, it could be more appropriate to substitute the "must" attend for a "may".</p> <p>Relief sought: Amend CI 25 to provide clarity regarding the local authority role in the hearing process.</p>
<p>CI 26 Recommendations by panel</p>	<p>Oppose in part</p>	<p>MPDC is concerned this clause does not include the need to get the justification report prepared by the Panel to be signed off by the Minister, which appears inconsistent with earlier provisions (Schedule 3, CI 11)</p> <p>MPDC has concerns around the short timeframe of five months (CI 26(7)) from the notification of the summary of submissions and further submissions to the release of the recommendations reports from the hearings. This timeframe will not be achievable in a plan making process that covers a wide range of issues and potentially large submitter numbers. The timeframe potentially also raises natural justice issues if there are procedural matters that need to be determined by the Planning Tribunal prior to a hearing commencing.</p> <p>Relief sought:</p>

		<ul style="list-style-type: none"> Amend CI 26(7) to provide clarity regarding the need or otherwise to get the justification report prepared by the Panel to be signed off by the Minister; and Amend CI 26 (7) to allow the panel greater time to provide all recommendations reports and any required further evaluation report and further justification reports.
CI 27 Decisions on panel recommendations (other than recommendations on designations)	Oppose in part	MPDC has concerns regarding the unrealistic expectation in CI 27(7) for local authorities to publish its decisions within 12 months of the notification date of the proposed plan. Given matters such as objection / appeal to the Planning Tribunal and co-ordination with other councils this would likely delay this process beyond 12 months. MPDC suggests CI 27(7) is amended to include the instances where this timeframe could automatically extend beyond 12 months if required, rather than parties having to approach the Minister in every instance. <p>Relief sought: Amend CI 27(7) to include instances where the 12-month timeframe can be automatically extended.</p>
CI 28 Application to Minister for extension of time for publishing decisions	Support	MPDC supports the retention of CI 28, given the potentially onerous constraints of CI 27 – that the local authority must publish its decisions within 12 months of the notification date. This clause enables the Minister to extend timeframe for making decisions. However, MPDC considers it is possible to avoid the need for an application by keeping the 12-month timeframe and specifying the circumstances where the timeframe can be automatically extended out to 2 years without minister approval if meet certain circumstances under CI27. <p>Relief sought: Retain CI 28 and amend it by specifying circumstances matters where the timeframe can be automatically extended out to 2 years without minister approval if meet certain circumstances under CI27.</p>
CI 33 Appeal on bespoke provision CI 34 Appeal on provision of relief framework	Support	MPDC supports CI 33 and CI 34 related to the ability to appeal bespoke provisions and relief framework respectively. <p>Relief sought: Retain CI 33 and 34.</p>
CI 42 Variations to proposed plans	Support in part	MPDC seeks clarity regarding the relationship, if any, between CI 42 for undertaking a variation to amend a plan that requires a Schedule 3 process, and the provisions for amending the plan where a resource consent provides for an amendment (CI 97/98 Applying for a resource consent that

		<p>authorises changes to plan provisions (substantive Act))) without using the process in the schedule.</p> <p>MPDC would like confirmation at which point/scale a change to the plan has to follow a Schedule 3 process as opposed to a resource consent process. For example, as CI 97/CI 98 refers to “area” this suggests a zone could be changed through a consent process even if was inconsistent with the original intent of the regional spatial plan.</p> <p>Relief sought: Amend either CI 42, or CI 97/98 to confirm the instances where a schedule 3 process should apply.</p>
<p>CI 52 Grounds for rejecting request</p>	<p>Oppose in part</p>	<p>MPDC seeks clarity as CI 52(c) makes reference to a plan change not in accordance with sound planning practice as a reason to reject a plan change. Given the newness of the PB, MPDC considers there would be benefit in providing some examples of sound planning practice, for example a plan change that is contrary to regional spatial plan or located within a designation shown in a regional spatial plan could be identified as reasons to reject. In the alternative should a fast-track consent that consists predominantly of bespoke provisions be the subject of a plan change. This clarification may reduce the use of CI 53 Requestor may appeal decision on process.</p> <p>Relief sought: Amend CI 52 (c) to give examples of sound planning practice to both include or reject a plan change request or include it as part of a defined term or as part of secondary legislation.</p>
<p>CI 58 When rules in proposed plans have legal effect</p>	<p>The provisions in CI 97/98</p>	<p>MPDC consider the extent of matters to which CI 58 applies should be extended to include sites and areas of significance to Māori and areas of high natural character within the coastal environment, wetlands, and lakes and rivers and their margins, and outstanding natural features and landscapes, as all these matters have been elevated in the goals for higher protection.</p> <p>Relief sought: Amend CI 58 to also include sites and areas of significance to Māori, areas of high natural character within the coastal environment, wetlands, and lakes and rivers and their margins, outstanding natural features and landscapes, as matters to have immediate legal effect.</p>
<p>Schedule 4 Independent hearing panels</p>		
<p>CI 2 Direction on skills, experience, or</p>	<p>Oppose</p>	<p>MPDC is concerned this clause does not provide as a minimum, those who should sit on an independent hearing panel. In addition, any direction on skills, experience, or qualifications of panel members, is to be part of secondary legislation not in the Bill itself. MPDC considers at a</p>

<p>qualifications of panel members</p>		<p>minimum the panel should include iwi representation, direction on skills, experience, or qualifications of panel members should be the subject of consultation as part of a regulation.</p> <p>Relief sought: Amend CI 2 to include as a minimum iwi representation as part of the independent hearing panels and allow consultation to occur through regulations regarding any direction on skills, experience, or qualifications of panel members.</p>
--	--	--