Tasman Regional Policy Statement Change 1 and Tasman Resource Management Plan Change 81

Addendum to Hearing Stage 1 - Preliminary Matters Section 42A Report

New Legislation and Changes to National Direction

Addendum prepared by the Tasman District Council

27 October 2026

1. Purpose of this Addendum

1. The Section 42A (s 42A) Report for Hearing Stage 1 on Change 1 to the Tasman Regional Policy Statement (C1) and Plan Change 81 to the Tasman Resource Management Plan (PC81) [1] was circulated on 13 October 2026 (Principal s 42A Report). The s 42A Report addresses preliminary and procedural matters associated with C1 and PC81, including submission scope, late submissions, further submissions and other procedural matters.

2. On 16 October 2026, the Hearings Panel issued Minute 2 - Response to Procedural Matters Raised and Directions (Minute 2)[2]. At paragraphs 22 and 23, the Panel noted that the s 42A Report and Council's Legal Submissions did not address the implications of new legislation and changes to national direction relevant to C1 and PC81.

3. Direction 24(f) of Minute 2 requires Council to provide an Addendum s 42A Report (Addendum Report) and any associated legal submissions addressing the implications of the new legislation and changes to national direction by 27 October 2026.

4. This Addendum responds to that direction. Its purpose is to:

    a. outline the new legislative framework and transitional arrangements relevant to C1 and PC81;

    b. identify the changes to national direction relevant to C1 and PC81;

    c. set out the methodology for assessing the implications of those changes at the relevant substantive hearing stages; and

    d. identify provisions in C1 and PC81 that may be affected and provide a preliminary assessment of the implications for the PC81 medium density residential, Design Matrix, commercial and retail provisions.

5. The assessment in this Addendum Report is preliminary. As outlined in section 6, the implications for individual provisions will be considered in detail at the relevant substantive hearing stages, having regard to the submissions, evidence, planning considerations and legal submissions.

6. This Addendum Report has been prepared by the same authors who prepared the Principal s 42A Report. We reconfirm the details of the authors from the Principal s 42A Report at section 1.3 and that this report has been prepared in accordance with the Code of Conduct for Expert Witnesses set out in the Environment Court Practice Note 2023.

7. The opinions we express in this Addendum Report are within our expertise and represent our true and complete professional opinions. We have not omitted to consider material facts known to us that might alter or detract from those opinions. Where we rely on the opinions of others, we state the same. We understand it is our duty to assist the Hearing Panel impartially on matters within our area of expertise.

8. We confirm AI was not used to make planning judgments or recommendations in this report.

[1] Tasman District Council, Section 42A Report: Hearing Stage 1 – Preliminary Matters (13 October 2026)
[2] Hearings Panel, Minute 2 – Response to Procedural Matters Raised and Directions, 16 October 2026, at [22 - 23]

2. The Planning Act 2026 and the Phased Transition

9. This part of the Addendum Report relies on and should be read alongside Council's accompanying legal submissions filed with this report.

10. The Planning Act 2026[3] (PA) and Natural Environment Act 2026[4] (NEA) were enacted in September 2026 to replace the Resource Management Act (RMA). The new system separates matters previously managed together under the RMA across the two new Acts. The PA is concerned with the use and development of land, including housing, infrastructure, urban and rural areas, natural hazards and planning controls applying to land and development. The NEA is concerned with the use, protection and improvement of natural resources, including freshwater, coastal water, air, land, soil and indigenous biodiversity.

11. The new system also changes where planning decisions are intended to be made. It provides for greater use of national direction and national standards, requires regional spatial plans, and establishes new land use and natural environment plans.

12. The PA includes goals relating to well-functioning urban and rural areas, increased residential and business development opportunities, competitive urban land markets, infrastructure provision, natural hazard risk, and protection of identified environmental, historic and Māori values. These matters have clear subject matter overlap with C1 and PC81, particularly their urban growth, residential, commercial, infrastructure and natural hazard provisions.

13. Importantly, however, the replacement of the RMA is being implemented through a staged transition. During that period, existing plans and RMA consenting processes continue to operate, subject to amendments that take effect at different stages of the transition.

14. The published implementation programme[5] anticipates the first National Policy Direction (NPD) by September 2027, Initial National Standards (INS) from late 2027, draft regional spatial plans by June 2028 and proposed natural environment and land use plans by December 2029. The current implementation programme anticipates new system consenting from 2030.

15. C1 and PC81 will continue to be processed as plan changes under the RMA during the transition. Based on legal advice, we understand that the enactment of the PA and NEA does not require C1 or PC81 to be assessed under those Acts. However, amendments to the RMA that take effect during the transition must be taken into account to the extent relevant to C1 and PC81, including their subsequent operation through resource consenting.

Timing	Published milestone	Relevance to C1/PC81
1 October 2026	Transition begins; specified Planning Act provisions commence.	C1 and PC81 continue as RMA processes.
30 October 2026	Targeted transitional consenting amendments commence.	Amendments to the RMA take effect, with implications for certain proposed PC81 provisions.

[3] Planning Act 2026
[4] Natural Environment Act 2026
[5] Ministry for Cities, Environment, Regions & Transport, "Key milestones in the transition", Planning.govt.nz, updated 17 September 2026

Timing	Published milestone	Relevance to C1/PC81
By September 2027	First National Policy Direction expected.	Future statutory direction, distinct from the current Illustrative NPD.
Late 2027 onward	Initial national standards expected to be introduced progressively.	May introduce further nationally consistent requirements during the transition, depending on their commencement and application.
2028-2029	Regional spatial plans and replacement plans progress.	Part of the wider transition rather than the current statutory basis for PC81.
Specified transition date/current programme from 2030	RMA repeal and new-system consenting.	Future replacement of transitional RMA arrangements.

3. Transitional Amendments to the RMA

16. The PA makes a number of targeted amendments to the RMA that apply during the transition period. The amendments most relevant to C1 and PC81 concern matters that must be disregarded in district land use consenting, corresponding restrictions on district plan rules, and the ability for councils to align existing district plan provisions with those restrictions. These amendments are outlined below.

Section 104(1A): Matters to be disregarded

17. From 30 October 2026, s 104(1A)[6] requires consent authorities, when considering the effects of district land use activities, to disregard specified matters. This requirement applies notwithstanding that those matters may be addressed in existing district plans or proposed plans.

18. Section 104(1A) provides:

> "(1A) When considering any actual or potential effects on the environment of allowing a district land use activity, a consent authority must disregard any of the following:
>
> (a) the following matters relating to residential activities, except in relation to the protection of historic heritage:
>
> (i) the area of glazing:
>
> (ii) the presence or absence of balconies:
>
> (iii) the outdoor living space:
>
> (iv) the internal layout:
>
> (v) the size of a residential unit:
>
> (vi) the size of landscaped areas, except in relation to permeability:
>
> (b) negative effects of development on trade competition, including on competing providers of input goods and services:

[6] Resource Management Act 1991, s 104(1A), as inserted by the Planning Act 2026; Ministry for Cities, Environment, Regions & Transport, "Changes to the RMA"

(c) effects on retail distribution:

(d) any lack of demand for a project or the fact that a project is not financially viable:

(e) the type of residents to be housed in a new development:

(f) views from private property."

19. The exclusions in s 104(1A) are reflected in related amendments to the consenting process, as outlined in the Government's *Transitional consenting: Technical guidance for councils and decision-makers*[7]. In particular, the specified matters need not be addressed in assessments of environmental effects, consent authorities must not request further information or commission reports concerning those matters, and they must be disregarded when assessing the effects for notification decisions on district land use consent applications.

20. Council's legal advice is that s 104(1A) excludes specified matters from consideration when assessing the effects of district land use activities. It does not impose an equivalent restriction on the matters that may be considered when preparing or evaluating district plan provisions. Accordingly, the fact that a proposed provision addresses a matter specified in s 104(1A) does not, of itself, mean that the provision must be removed or amended. The implications for individual PC81 provisions will depend on their purpose and operation, including whether a rule requires resource consent solely because of a matter specified in s 104(1A), contrary to s 76(6), and whether the operation or effectiveness of other provisions is affected by the restrictions applying to subsequent resource consent assessments.

Section 76(6): Restriction on District Rules

21. Section 76(6) is particularly relevant to PC81 because it limits when district plan rules can require resource consent. From 30 October 2026, a territorial authority must not include a rule in a district plan that requires resource consent for a district land use activity solely because the activity relates to a matter specified in s 104(1A). As this restriction applies where a rule requires resource consent "solely" because of a specified matter, a rule that also addresses other environmental effects is not necessarily prohibited. However, the matters specified in s 104(1A) must still be disregarded in any subsequent resource consent assessment.

22. The PC81 rules and standards will therefore need to be reviewed to determine whether non-compliance triggers a resource consent requirement solely because of a matter specified in s 104(1A). The review will also need to consider associated matters of control or discretion, assessment criteria and application requirements, and whether other provisions remain capable of operating as intended. This is particularly relevant to the medium density residential provisions, including the rules and standards associated with the Design Matrix. These matters will be considered in detail at Hearing Stage 3.

[7] Ministry for Cities, Environment, Regions & Transport, *Transitional consenting: Technical guidance for councils and decision-makers* (October 2026)

Section 76A: Plan alignment during transition

23. Section 76A[8] provides an optional process for councils to remove district plan provisions relating to matters specified in s 104(1A) or modify provisions so those matters no longer apply or are considered, without using the standard Schedule 1 plan change process. Council is currently reviewing the TRMP to determine whether any provisions should be removed or amended in response to the transitional amendments. This work is being undertaken jointly by resource consent and policy staff through a working group. No decisions have yet been made.

24. Council's review under s 76A is separate from the consideration of C1 and PC81 through the current plan change process. It is not necessary to rely on s 76A to address the implications of ss 104(1A) and 76(6) for PC81. Any necessary amendments to the proposed PC81 provisions can be considered through the current plan change process, subject to the applicable statutory requirements, including further evaluation under s 32AA where required. The Panel is not required to undertake a wider review of existing TRMP provisions as part of C1 and PC81. However, it will be appropriate to maintain consistency between any changes made to existing TRMP provisions and corresponding provisions considered through PC81.

4. Changes to RMA National Direction

25. The 2026 National Direction programme amended a range of existing national direction instruments and introduced four new instruments[9]. Government guidance states that the changes apply from their commencement dates and continue during the transition.

26. Of particular potential relevance to C1 and PC81 are the National Environmental Standards for Detached Minor Residential Units[10], the National Policy Statement for Natural Hazards[11], amendments to the National Policy Statement for Highly Productive Land[12], and the National Environmental Standards for Papakāinga[13].

27. Other new or amended instruments may be relevant to particular provisions or submissions, including the National Policy Statement for Infrastructure[14] and national direction concerning electricity networks[15], telecommunications[16], renewable electricity[17], the coastal

[8] Resource Management Act 1991, s 76A, as inserted by the Planning Act 2026; Ministry for Cities, Environment, Regions & Transport, "Changes to the RMA".
[9] Ministry for Cities, Environment, Regions & Transport, "National direction changes that affect consenting" Planning.govt.nz
[10] Resource Management (National Environmental Standards for Detached Minor Residential Units) Regulations 2025 (SL 2025/315).
[11] Ministry for the Environment, National Policy Statement for Natural Hazards 2025 (December 2025).
[12] National Policy Statement for Highly Productive Land Amendment 2025, effective 15 January 2026.
[13] Resource Management (National Environmental Standards for Papakāinga) Regulations 2026 (SL 2026/166).
[14] Ministry for the Environment, National Policy Statement for Infrastructure 2025 (December 2025)
[15] Ministry for the Environment, National Policy Statement for Electricity Networks 2008 (amended December 2025).
[16] Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 (as amended in 2026).
[17] Ministry for the Environment, National Policy Statement for Renewable Electricity Generation 2011 (amended December 2025).

environment[18], and amendments relating to quarrying and mining under the National Policy Statements for Freshwater Management and Indigenous Biodiversity and the National Environmental Standards for Freshwater[19]. Rather than addressing these instruments generically, their relevance and implications should be assessed in the context of the specific provisions considered at each hearing, having regard to the requirements of the relevant instrument.

28. The National Policy Statement on Urban Development remains central to the strategic urban development framework for C1 and PC81. Its application, together with any relevant new or amended national direction, will be addressed in the subsequent s 42A reports, as appropriate.

5. Illustrative National Policy Direction

29. The Illustrative National Policy Direction[20] (NPD) was published to demonstrate how national policy direction may be structured under the new planning system. It identifies five broad themes: housing and development, infrastructure, primary production, resources, and public values.

30. The Illustrative NPD is not statutory national direction applying to C1 or PC81 and does not impose any requirements on those plan changes. It may provide context for understanding the anticipated direction of the new planning system but does not establish requirements against which the provisions of C1 and PC81 must be assessed. Given its illustrative status, limited weight, if any, should be placed on its substantive content when considering C1 and PC81.

31. It is understood from legal submissions that the Illustrative NPD does not qualify as an initial national standard under s 2 RMA and cl 10 Schedule 1 PA. No national instruments have yet been notified under s 65 of the PA.

6. Proposed Methodology

32. A staged methodology is proposed to respond to Direction 24(f) of Minute 2. This allows the Addendum to identify where the new legislation and changes to national direction may affect C1 and PC81. TDC will then call evidence at the appropriate hearing stage to assess and consider the content of the provisions and make recommendations on any changes to the notified provisions that are necessary. The methodology has two stages:

    a. the preliminary review in this Addendum identifies the C1 and PC81 provisions that may be affected and the hearing stage where they will be considered; and

[18] Department of Conservation and Ministry for the Environment, *New Zealand Coastal Policy Statement 2010* (amended December 2025).
[19] Ministry for the Environment, *Updating National Direction: Changes to Multiple Instruments for Quarrying and Mining Provisions* (December 2025).

[20] Ministry for Cities, Environment, Regions & Transport, *New Zealand's New Planning System: Testing the Approach to National Policy Direction* (25 August 2026)

b. the relevant hearing stage will consider those provisions in detail, including their wording and purpose, the submissions and evidence, any legal advice, and whether amendments are needed and within scope.

7. Preliminary Review of C1 and PC81 Implications

33. We have undertaken an initial review of the notified provisions of C1 and PC81. The main immediate implications identified relate to PC81, particularly Chapter 6.4A Land for Residential Activities, Chapter 6.6 Land for Commercial Activities, the related rules and standards in Chapters 16 and 17, Schedule 17.1AA Medium Density Residential Design Matrix, and the supporting Design Matrix assessment.

34. The preliminary review did not identify any equally direct implications for the notified C1 provisions. Any relevant changes to national direction can be considered at the hearing stage dealing with those provisions.

35. Consistent with the methodology set out in Section 6 of this Addendum, the potential implications for the medium density residential and Design Matrix provisions will be considered at Hearing Stage 3, and those for the commercial centres and retail provisions will be considered at Hearing Stage 5.

8. Chapter 6.4A and the Medium Density Residential Framework

36. Objective 6.4A.2.2 seeks a well-functioning urban environment that provides more housing choice and responds to housing demand, land prices and planned urban character. It also seeks urban design and amenity outcomes appropriate to a more intensive urban environment.

37. Policies 6.4A.3.7 and 6.4A.3.8 recognise that good urban design and amenity outcomes depend on several design elements working together and cannot be achieved through prescriptive standards alone. PC81 therefore proposes two approaches to medium density development: Outline Spatial Plans for larger or undeveloped sites, and the Design Matrix for comprehensive redevelopment of sites outside those areas (i.e. brownfield locations).

38. For sites not subject to an Outline Spatial Plan, Policy 6.4A.3.13 provides for approval of consent where the required Design Matrix score is achieved and the relevant development standards are met. Policy 6.4A.3.14 supports that approach by recognising that changes to existing amenity values are not necessarily adverse where they contribute to greater housing choice and a more efficient urban environment.

39. The Design Matrix is therefore more than design guidance. It forms part of the proposed resource consent framework for qualifying comprehensive development and must be read alongside the Chapter 6.4A objectives and policies, the zone rules and the relevant development standards.

40. The Design Matrix sets optional acceptable outcomes across three parts: neighbourhood character and amenity; effects on neighbouring properties; and on-site safety and functionality. Applicants nominate the criteria they meet, and Council awards points on a pass-or-fail basis. Achieving the minimum score in each applicable part is intended to

demonstrate that the applicable design criteria have been satisfied and provide greater certainty in the consent process.

41. The Design Matrix includes criteria relating to the amount of glazing, the presence or absence of balconies, the size of landscaped areas and outdoor living space. The transitional amendments may therefore have implications for individual criteria and the operation of the overall scoring framework. The extent of those implications, including whether any amendments are necessary, will be considered at Hearing Stage 3 in the context of the full Chapter 6.4A framework, including Policies 6.4A.3.13 and 6.4A.3.14 and the related rules and standards.

9. Design Matrix Assessment Against Section 104(1A)

42. The table below provides a preliminary review of the Design Matrix criteria to identify those that may engage matters specified in s 104(1A). Criteria are identified as having a potential "direct" implication where they expressly address a specified matter, or as having a potential "mixed" implication where they may also address other environmental effects. "No apparent direct implication" indicates that no immediate relationship with a specified matter has been identified. These classifications are preliminary and do not determine whether individual criteria are inconsistent with ss 104(1A) or 76(6). That assessment will be undertaken at Hearing Stage 3, having regard to the purpose and operation of the criteria, their relationship with the relevant rules and the overall consent framework.

Design Matrix criterion	What the Design Matrix criterion requires	Relationship to section 104(1A)	Reason for preliminary assessment
A1	Building orientation and street overlooking	No apparent direct implication	This is about how buildings face and connect with the street. It is not a s 104(1A) matter.
A2-A3	20% / 30% street-facing glazing	Direct	This sets the amount of glazing, which is listed in s 104(1A).
A4	Kitchen or living room facing the street	Mixed	This affects which rooms face the street, so it relates to internal layout. It also helps connect the dwelling with the street.
A5	Front door faces street or accessway	No apparent direct implication	This makes each dwelling easy to find and access. It is not a s 104(1A) matter.
A6	80% / 100% landscaped front yard	Direct	This sets how much of the front yard must be landscaped. It is not about permeability.
A7	Specimen trees along street frontage	No apparent direct implication	This requires individual trees for shade, character and visual relief. It does not set the size of a landscaped area.
A8	Garage and parking dominance	No apparent direct implication	This controls where garages and parking are placed so they do not dominate the street. It is not a s 104(1A) matter.
A9	Location/screening of storage and utilities	No apparent direct implication	This keeps storage and utilities away from the street or screened from view. It is not a s 104(1A) matter.
A10	Roofed verandah	Mixed	A verandah may be used as outdoor living space or be similar to a balcony. It can also provide a covered area next to the street.

Design Matrix criterion	What the Design Matrix criterion requires	Relationship to section 104(1A)	Reason for preliminary assessment
A11	Elevated floor level and accessibility	No apparent direct implication	This is about floor level and accessible entry. It is not a s 104(1A) matter.
A12-A14	Façade modulation, materials and built form	No apparent direct implication	These criteria shape the appearance and form of buildings. They are not s 104(1A) matters.
B1-B2	Building length/height near boundaries	No apparent direct implication	These criteria limit the height and length of buildings near boundaries to reduce their impact on neighbours. They do not protect private views.
B3	Roof form near boundaries	No apparent direct implication	This manages roof height and shape near boundaries to reduce shading and building bulk. It does not protect private views.
B4	Boundary specimen trees	No apparent direct implication	This requires individual trees for privacy and amenity. It does not set the size of a landscaped area.
B5-B6	Roof/façade variation and cladding	No apparent direct implication	These criteria break up the appearance of long or bulky buildings. They are not s 104(1A) matters.
B7	Location of outdoor living spaces	Direct	This controls where outdoor living spaces can be located, which is listed in s 104(1A).
B8	Window orientation, sill heights and screening	No apparent direct implication	This limits overlooking of neighbouring properties. It does not control the amount of glazing or protect private views.
C1	Outdoor living space 20% above minimum	Direct	This sets the size of outdoor living space, which is listed in s 104(1A).
C2	Storage kept outside outdoor living space	Mixed	This controls where storage is placed so outdoor living space remains usable. Storage itself is not listed in s 104(1A).
C3	Communal open space	Mixed	This sets the size and sunlight requirements for shared open space. It is unclear whether shared open space counts as outdoor living space under s 104(1A).
C4	On-site lighting	No apparent direct implication	This controls lighting to keep the site safe and avoid glare and light spill. It is not a s 104(1A) matter.
C5–C6	Accessible dwellings	No apparent direct implication	This is about providing accessible homes. It is not a s 104(1A) matter.
C7(i)-(v)	Pedestrian accessways	No apparent direct implication	These criteria make pedestrian routes clear, safe and easy to use. They are not s 104(1A) matters.
C7(vi)	300 mm landscaped strip	Direct	This requires a landscaped strip of a set width. It is not required for permeability, so it is a s 104(1A) matter.
C8	Rear doors plus 20% glazing	Mixed	The door position is not listed in s 104(1A), but the 20% glazing requirement is.

Direct Implications

43. The preliminary review identifies A2 and A3 (amount of glazing), A6 (size of landscaped areas not related to permeability), B7 (location of outdoor living spaces), C1 (size of outdoor living spaces), C7(vi) (width of a landscaped strip), and the glazing component of C8 as criteria that may directly engage matters specified in s 104(1A). The implications for these criteria will be considered further at Hearing Stage 3.

Mixed Purpose Criteria

44. The preliminary review also identifies A4, A10, C2, C3 and C8 as criteria that may engage matters specified in s 104(1A), while also serving other planning purposes, such as connecting dwellings with the street, providing a usable covered area next to the street, keeping outdoor areas usable, and providing shared open space.

45. Hearing Stage 3 will consider the purpose and operation of these criteria, including whether any amendments are necessary having regard to ss 104(1A) and 76(6).

No apparent direct implication

46. Many criteria do not appear to relate directly to matters specified in s 104(1A). These include the position of doors and buildings, parking and storage areas, accessibility, pedestrian access, lighting, building appearance and measures that help connect dwellings with streets and accessways.

47. The remaining criteria have no apparent direct implication arising from s 104(1A). These criteria will be considered on their planning merits at Hearing Stage 3, including whether their purpose or operation engages any of the matters specified in s 104(1A). Section 104(1A) does not exclude consideration of urban design or amenity effects generally, and its application will depend on the particular effects addressed by the relevant provision.

Effect on the Design Matrix scoring system

48. Any amendments to individual criteria may affect the points available in Parts A, B and C, the ability to achieve the minimum score, and the balance between the different outcomes addressed by the Design Matrix.

49. The Hearing Stage 3 assessment will therefore consider, as necessary:

    a. whether any amendments to the criteria would affect the available points or minimum scores;
    b. whether the remaining criteria would continue to support the intended design outcomes and certainty provided by Policy 6.4A.3.13; and
    c. whether consequential amendments to related policies, rules or application requirements would be appropriate.

50. Any amendments to individual criteria will need to be considered in the context of the Design Matrix scoring framework as a whole and its relationship with the relevant policies, rules and consent requirements.

10. Other Chapter 6.4A Implications

51. The implications of the legislative amendments should be considered in the context of the wider Chapter 6.4A framework, rather than by reference to the Design Matrix alone. This includes Objective 6.4A.2.2, Policies 6.4A.3.7, 6.4A.3.8, 6.4A.3.13, 6.4A.3.14 and 6.4A.3.15, the methods in 6.4A.20, relevant definitions, zone rules, standards, matters of control or discretion, and application information requirements.

52. Policy 6.4A.3.15 concerns the loss of tree cover from medium density development and promotes more trees on development sites and in public spaces. Its purpose is broader than controlling the size of landscaped areas and may be distinguished from requirements directed specifically at the extent of landscaped areas.

53. Chapter 6.4A also identifies infrastructure, stormwater and flooding as key constraints on intensification. Provisions addressing these matters do not necessarily engage s 104(1A) merely because they influence site design. Their purpose and operation will be relevant to determining whether the statutory exclusions have any implications.

54. The related definitions and standards for impervious surfaces, pervious surfaces and site coverage may also warrant consideration. The exclusion concerning the size of landscaped areas in s 104(1A) expressly preserves consideration of permeability. The implications for individual provisions will therefore depend on their purpose and operation, including whether they address permeability or other environmental effects that remain capable of consideration.

11. Chapter 6.6 Commercial and Retail Framework

55. The notified PC81 provisions in Chapter 6.6 propose a hierarchy of commercial centres, with objectives and policies addressing the role and function of the Richmond Metropolitan Centre, Town Centres, Local Centres and Neighbourhood Centres.

56. Several provisions expressly refer to maintaining or protecting the vibrancy, vitality or economic viability of centres. Policy 6.6.3.10 enables commercial activity in the Medium Density Residential Zone where it does not compromise the vibrancy and economic vitality of commercial centres. Policy 6.6.3.13 enables complementary Mixed Business activity that does not compromise centre vitality. Policy 6.6.3.15 provides for large format retail while seeking to ensure centres are not undermined or compromised. Policy 6.6.3.21 seeks to avoid smaller format pedestrian focused retail outside centres unless it will not compromise or undermine their vibrancy and economic viability.

57. Method 6.6.20.1(c) anticipates rules limiting specified retail activities in the Mixed Business Zone where they could undermine the vitality and function of the Richmond Metropolitan and Motueka Town Centres. The principal reasons also refer to significant commercial development outside centres undermining their role and function and to redistribution of activities from central business areas.

58. These provisions may engage the exclusions concerning negative effects on trade competition and effects on retail distribution under s 104(1A). However, the Chapter 6.6 centres hierarchy also serves wider planning purposes, including the efficient use of infrastructure, compact

urban form, pedestrian-oriented development, accessibility, community and entertainment activities, land use compatibility, public space relationships, and environmental effects within and beyond zone boundaries. These wider planning outcomes are not necessarily excluded by s 104(1A) simply because the provisions relate to commercial or retail activities.

59. The preliminary review identifies provisions that may warrant further consideration in light of s 104(1A). The extent of any implications will depend on their purpose and operation, including whether they address excluded matters or other environmental effects that remain capable of consideration. The relationship between these provisions and the relevant rules will be considered at Hearing Stage 5.

PC81 provision	Potential issue	Matters for further consideration
6.6.1.1 and centres vitality	Possible reliance on commercial dispersal undermining centre vitality.	Consider whether the provision addresses retail distribution or other planning outcomes, including land use, accessibility and urban form.
6.6.1.4 and 6.6.2.4 centres hierarchy	Hierarchy justified partly by centre vibrancy/efficiency.	Consider the purposes of the centres hierarchy, including infrastructure, community needs, accessibility, and the extent to which these are distinguishable from excluded effects.
6.6.3.10 commercial activity in MDRZ	Express protection of centres' economic vitality.	Consider whether the reference to economic vitality relies on effects on retail distribution or other environmental and planning outcomes.
6.6.3.13 and 6.6.3.15 Mixed Business / large-format retail	Express concern with compromising or undermining centres.	Consider whether the policies address retail distribution effects or other planning outcomes, having regard to their wording, supporting evidence and related rules.
6.6.3.21 smaller-format retail	Direct test against centre vibrancy/economic viability.	Consider whether the policy relies on an excluded effect or other environmental and planning outcomes.
6.6.20.1(c) regulatory method	Rules proposed to avoid retail undermining centre vitality/function.	Identify the related rules and consider whether any resource consent requirement arises solely because of a matter specified in s 104(1A), or whether the rules also address other environmental effects or planning purposes.
Principal reasons and retail evidence	References to redistribution and protection of centre role/function.	Distinguish evidence concerning trade competition or retail distribution from evidence supporting other environmental and planning outcomes.

12. The Medium Density Residential Zone Rules – Chapter 17

60. Section 17.1A contains the proposed rules for the Medium Density Residential Zone and gives regulatory effect to the Chapter 6.4A policy framework. We have undertaken a preliminary review of the land use activity rules in section 17.1A.2 and the building construction or alteration rules in section 17.1A.3 in light of ss 104(1A) and 76(6).

61. The preliminary review has not identified any apparent direct implications for the land use activity rules in section 17.1A.2. These provisions principally establish the activity status for different land uses within the zone rather than regulating the residential design matters listed

in s 104(1A). They will nevertheless be considered again as part of the detailed assessment at Hearing Stage 3.

62. The building rules and standards in section 17.1A.3 have a more direct relationship with the transitional amendments. Some of these provisions address matters specified in s 104(1A), including outdoor living space, glazing and landscaped areas. Where compliance with those standards determines whether resource consent is required, consideration will also need to be given to whether the relevant rules require consent solely because of an excluded matter, having regard to s 76(6).

63. This does not necessarily mean that every rule or standard addressing residential amenity or building design is affected. As outlined in Section 3 of this Addendum, s 104(1A) identifies specific matters that must be disregarded rather than excluding amenity or urban design effects generally. Some standards in section 17.1A.3 also address matters outside s 104(1A), including building bulk and location, access, infrastructure and other effects of development.

64. A detailed provision-by-provision assessment will therefore be undertaken to determine the extent to which individual standards engage the statutory exclusions, including whether they also address other environmental effects capable of consideration. The assessment will also consider any implications for activity status, matters of control or discretion, application requirements and the relationship between the rules and the Design Matrix.

65. That assessment will be undertaken at Hearing Stage 3 alongside the Chapter 6.4A provisions and Design Matrix. It will identify any amendments necessary to ensure compliance with s 76(6), and any other amendments that may be appropriate having regard to the implications of s 104(1A) for the operation and effectiveness of the Medium Density Residential Zone framework. Any amendments will be subject to further evaluation under s 32AA, where required.

13. Conclusion

66. The preliminary review in this Addendum identifies PC81 provisions that may be affected by ss 104(1A) and 76(6) of the RMA. Section 104(1A) excludes specified matters from consideration when assessing the effects of district land use activities. It does not impose an equivalent restriction on the matters that may be considered when preparing or evaluating district plan provisions. However, s 76(6) prevents a rule from requiring resource consent solely because an activity relates to a matter specified in s 104(1A).

67. The principal potential implications for the residential provisions concern particular Design Matrix criteria and rules and standards in section 17.1A.3 addressing glazing, outdoor living space and the size of landscaped areas. The Hearing Stage 3 assessment will distinguish between amendments necessary to comply with s 76(6) and other amendments that may be appropriate because the exclusions affect the operation or effectiveness of the proposed framework. It will also consider any implications for the Design Matrix scoring system, the Medium Density Residential Zone rules and the wider Chapter 6.4A framework.

68. The principal potential implications for the commercial provisions concern reliance on effects on retail distribution and, where relevant, negative effects on trade competition. The Hearing Stage 5 assessment will consider these exclusions separately and distinguish them from other

environmental effects and planning outcomes, including infrastructure efficiency, accessibility, compact urban form and land use compatibility.