

**Appendix 1 to Evidence – Susan Olivia Jones (3 September 2026) – Potentially Relevant District Plan Provisions
Operative KCDC District Plan**

Topic	Activity	Rule	Activity Status	Considerations at Consenting Stage
District Wide Matters - Natural Hazards Chapter				
Flood Hazards – Residual Overflow Path	New or relocated building in a residual overflow path	NH-FLOOD-R16	Discretionary	Considerations are not limited. Refer to NHFLOOD-P12 which states: <i>Development in the river corridor, stream corridor, overflow path, and residual overflow path areas will be avoided unless the 1% AEP hazard can be mitigated on-site to avoid damage to property or harm to people, and the following criteria are met:</i> 1. <i>no increase in flood flow or level on adjoining sites or other parts of the floodplain;</i> 2. <i>no reduction in storage capacity on-site; and</i> 3. <i>all flow corridors or overflow paths are kept clear to allow flood waters to flow freely at all times.</i>
Flood Hazard – Stream Corridor	The construction, placement or erection of any building (excluding minor buildings) in a stream corridor.	NH-FLOOD-R17	Non-Complying. <i>NB: Site design could avoid construction in a stream corridor overlay.</i>	Considerations are not limited. Refer to NH-FLOOD-P12 as quoted above.

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Topic	Activity	Rule	Activity Status	Considerations at Consenting Stage
Flood Hazard – Ponding and Residual Ponding	New or relocated buildings (excluding minor buildings) in ponding, residual ponding and shallow surface flow areas.	NH-FLOOD-R3 or default to NH- FLOOD-R9	Permitted Activity subject to: <i>“The building floor level of any new or relocated building (excluding minor buildings) in the ponding, shallow surface flow or residual ponding area shall be constructed above the 1% AEP flood event level.”</i> If this cannot be met the application is considered a Restricted Discretionary Activity under NH-FLOOD-R9. Matters of Discretion: > Consideration of the effects of the standard not met. > Measures to avoid, remedy or mitigate adverse effects. > Cumulative effects	Refer to NH-FLOOD-P13: When assessing applications for <i>subdivision, use or development</i> within a <i>ponding, residual ponding, shallow surface flow, flood storage or fill control area</i>, consider the following: 1. the <i>effects</i> of the <i>development</i> on existing flood mitigation <i>structures</i>; 2. the <i>effects</i> of the <i>development</i> on the flood hazard – in particular flood levels and flow; 3. whether the <i>development</i> redirects floodwater onto adjoining <i>sites</i> or other parts of the floodplain; 4. whether access to the <i>subject site</i> will adversely affect the flood hazard; 5. the extent to which <i>buildings</i> (excluding <i>minor buildings</i>) can be located on areas of the <i>site</i> not subject to flooding; and 6. whether any <i>subdivision</i> or <i>development</i> will or may result in damage to property or harm to people.

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Flood Hazard – Ponding and Residual Ponding	In a ponding or shallow surface flow area, earthworks which do not comply with one or more of the permitted activity standards under NH-FLOOD-R4.	NH-FLOOD-R11	Restricted Discretionary (if earthworks cannot comply with NH-FLOOD-R4 standards)	Matters of Discretion: 1. The effect of the earthworks on the effective functioning of the overflow path, residual overflow path or ponding or shallow surface flow. 2. The avoidance or mitigation of adverse effects on the effective functioning of the overflow path, residual overflow path or ponding or shallow surface flow.
Flood Hazard - residual overflow path	In an overflow path, or residual overflow path, fill earthworks, or earthworks which do not comply with one or more of the permitted activity standards under NH-FLOOD-R4.	NH-FLOOD-R10	Restricted Discretionary (if earthworks cannot comply with NH-FLOOD-R4 standards)	Matters of Discretion: 3. The effect of the earthworks on the effective functioning of the overflow path, residual overflow path or ponding or shallow surface flow area. 4. The avoidance or mitigation of adverse effects on the effective functioning of the overflow path, residual overflow path or ponding or shallow surface flow.
Flood Hazard - stream corridor	In any a stream corridor, or river corridor, fill earthworks, or earthworks that do not comply with one or more of the permitted activity standards in NH-FLOOD-R4.	NH-FLOOD-R15	Discretionary Activity	Considerations are not limited.

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Earthworks Chapter				
Earthworks	Earthworks near wetlands	EW- R2 or default to EW-R5	Controlled Activity if these standards are met: 1. Earthworks must not be undertaken: a. on slopes of more than 28 degrees; or b. within 20 metres of a waterbody, including wetlands and coastal water.	
	Earthworks changing dune profile	ES-R2 or default to EW-R5	Controlled Activity if these standards are met: 1. Earthworks must not result in a vertical change (cut or fill) that exceeds 1 metre. 2. Volume of earthworks must not exceed 50m ³ per site within a 5 year period in residential zones, the natural open space zone and open space zones (excluding the Private Recreation and Leisure Precinct), and 100m ³ per site within a 5 year period in rural zones. This standard applies whether in relation to a particular earthwork or as a total of cumulative earthworks within the specified period.	

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	Earthworks causing stormwater runoff	ES-R2 or default to EW-R5	Controlled Activity if these standards are met: 1. surface runoff from the subject site is isolated from other subject sites and existing infrastructure; and 2. surface runoff from the subject site containing silt and sediment is prevented from entering the stormwater system or waterbodies; and 3. erosion and sediment control measures are installed and maintained for the duration of the construction period, where necessary.	
SUB-DW - District Wide Subdivision Matters				

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Topic	Activity	Rule	Activity Status	Considerations at Consenting Stage
District Wide Subdivision Rules	Subdivision of land with peat or sand soils	SUB-DW-9	Controlled subject to Standard being met (otherwise Discretionary under SUB-DW-R15) > Geotechnical information must be provided by a suitably qualified and experienced person (to building consent level) on liquefaction risk.	Matters of Control 1. The outcomes of the geotechnical investigation on liquefaction risk. 2. Whether the potential risk to the health and safety of people, and property from liquefaction can be avoided or mitigated. 3. The design and layout of the subdivision including earthworks, servicing and the location of any building platforms. 4. Council's Land Development Minimum Requirements. 5. The imposition of financial contributions in accordance with the Financial Contributions chapter.

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District Wide Subdivision Rules	Subdivision of land creating new allotments in the General Residential Zone and High Density Residential Zone that complies with all controlled activity standards under rule SUB-RES-R33.	SUB-DW-R25 or default to SUB-DW-R15 (Discretionary)	Controlled Activity subject to Standards below (otherwise Discretionary under SUB-DW-R15): Hydraulic neutrality > Stormwater systems must be designed to ensure that the stormwater runoff from all new impermeable surfaces will be disposed of or stored on-site and released at a rate that does not exceed the peak stormwater runoff when compared to the pre-development situation for the 50%, 20%, 10% and 1% Annual Exceedance Probability flood events. > Existing waterbodies and stormwater detention areas must be retained. Note: Any stormwater discharge may need to meet threshold limits for the receiving waters under Council's network discharge consent or under the National Policy Statement for Freshwater Management. Underground Services > Where any subdivision of land involves the construction of a new road or the extension of an existing road all electric, gas and telecommunication services to the land in the subdivision shall be reticulated underground. Water Supply > All new allotments, other than allotments for access, roads, utilities or reserves, where the allotments are in or adjoining areas which are served with a Council reticulated water supply, must be provided with a connection to the	
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			Council reticulated water supply laid to the boundary of the allotment. Effluent Disposal > All new allotments, other than allotments for access, roads, utilities or reserves, where the allotments are in or adjoining areas which are served by the public wastewater reticulation and treatment system must be provided with a piped sewage outfall for disposing of sanitary sewage to a reticulated system, laid to the boundary of each allotment. Telecommunication and electricity supply > Provision must be made to the boundary of each proposed allotment for a connection to a telecommunication network and energy supply network.	

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District Wide Subdivision Rules	Subdivision where any part of the land contains flood storage, ponding, residual ponding or shallow surface flow areas.	SUB-DW-R7	Restricted Discretionary Activity if Standards are met: - Each vacant allotment shall have a building area located outside any river or stream corridor, overflow path or residual overflow path. - The building area for each vacant allotment shall be located above the estimated 1% AEP flood event level. - Formed vehicle access does not adversely affect the 1% AEP flood hazard risk on other properties in the same flood catchment. - Compliance with all other relevant subdivision rules and standards in other chapters.	Matters of Discretion - The design and layout of the subdivision. - Council's Land Development Minimum Requirements. - The imposition of financial contributions in accordance with the Financial Contributions chapter. - The location of any building platform or area relative to the natural hazards, historic heritage features, ecological sites, outstanding natural features and landscapes, and geological sites. - The location and design of any servicing of the subdivision. - The extent and effects of earthworks.
District Wide Subdivision Rules	Subdivision where any part of the land contains an overflow path or residual overflow path.	SUB-DW-R16	Discretionary Activity	

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District Wide Subdivision Rules	Subdivision of land partially within stream corridor	SUB-DW-R17	Discretionary Activity if standards are met (otherwise Non-Complying under SUB-DW-R19 or R20) Subdivision of land located partly within the river corridor or stream corridor where each allotment has building areas which are: 1. located outside any river or stream corridor, overflow path or residual overflow path; and 2. located above the estimated 1% AEP flood event level. 3. formed vehicle access which does not adversely affect the flood hazard risk on other properties in the same flood catchment.	

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Topic	Activity	Rule	Activity Status	Considerations at Consenting Stage
District Wide Subdivision Rules	Subdivision of land which contains Ecological Site	SUB-DW-R6	Restricted Discretionary	Matters of Discretion 1. The location of building areas and allotment boundaries relative to ecological sites and geological features. 2. Potential adverse or positive effects of subsequent development on ecological sites and geological features and on the values of outstanding natural features and landscapes identified in Schedule 4. 3. The design and layout of the subdivision including earthworks. 4. Council's Land Development Minimum Requirements. 5. The imposition of financial contributions in accordance with the Financial Contributions chapter. 6. The imposition of conditions in accordance with sections 108 and 220 of the Resource Management Act.
SUB-RES - Subdivision in Residential Zones				

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Subdivision in Residential Zones	The subdivision of the site into residential allotments.	SUB-RES-R33 or default to SUB-RES-30	Controlled Activity subject to a range of standards being met (if not met the activity status moves to Discretionary under SUB-RES-R30: - Where the parent allotment does not contain an existing residential unit: - it must be demonstrated that it is practicable to construct residential units on the parent allotment that comply with Rules GRZ-R33, GRZ-R34, HRZ-R6 or HRZ-R7; or - the subdivision must comply with an approved land use resource consent. - Each allotment must have legal and physical access to a legal road. - Each vacant allotment must have a flood free building area above the estimated 1% Annual Exceedance Probability flood event. Minimum allotment size and shape factor - Compliance with SUB-RES-Table 1. Infrastructure, access and services - Access, water supply, wastewater and stormwater drainage systems, and underground power and telecommunications must be provided in accordance with the Council's Land Development Minimum Requirements. - The maximum number of allotments gaining legal and physical vehicle access by rights of way shall be 6. - Access to all allotments must comply with the standards in the Transport chapter. Advice Note: Applicants should consult with Fire and Emergency New Zealand on a specific method of	Matters of Control - The design and layout of the subdivision (excluding allotment size, shape, or other size-related subdivision requirements) and any associated earthworks. - The imposition of conditions to manage character and amenity effects. - The design and location of reserves and esplanade reserves. - The imposition of conditions in accordance with Council's Land Development Minimum Requirements. - The imposition of financial contributions in accordance the Financial Contributions chapter. Note: Other contributions may be applicable under the provisions of the Local Government Act 2002. - Vehicle access points onto legal road including the State Highway network and any transport effects. - Any legal mechanisms required for legal access. - The location of any associated building area(s) relative to any identified natural hazards, natural wetland, historic heritage feature, place or area of significance to Māori, notable tree, ecological site, key indigenous tree, rare and threatened vegetation species, geological feature, outstanding natural feature and landscape or area of high natural character.
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			complying with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008, as part of preparing an application. Wastewater disposal – non-sewered allotments 8. Any subdivision occurring on land that is not serviced by an existing community sewerage scheme must provide evidence from a suitably qualified and experienced person that on-site domestic wastewater disposal is suitable for each allotment in accordance with AS/NZS 1547:2012 “On-site Domestic Wastewater Management.” Note: Attention is drawn to the requirements for on-site domestic wastewater disposal enforced by the Regional Council.	
TR - Transport				
Vehicle Movements	Limits on vehicle movements per day	TR-R2 and TR-R10	Permitted Activity subject to the following movement limit (otherwise they are assessed as a Restricted Discretionary Activity under TR-R10): > In all other zones, any activity must not generate more than 100 vpd.	

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Site access and loading	Site access and distance from intersections	TR-R3	Permitted Activity subject to compliance with standards (otherwise assessed as a Discretionary Activity under TR-R11) Standards 1. Access - every site must provide either: a. vehicular access over land or by mutual right of way or service lane for parking and/or loading and shall be in accordance with TR-Diagram - 2; or b. for sites with no carparking or loading spaces, pedestrian access over land or by mutual right of way with a minimum 1.8 metre legal width may be provided as an alternative to vehicle access. 2. Vehicle access and pedestrian access - all vehicle accesses and pedestrian accesses must be designed, constructed and maintained to ensure that: a. they are able to be used in all weather conditions; b. they have no adverse impact on the roadside drainage system; and c. surface water and detritus (including gravel and silt) does not migrate onto the highway pavement. 3. Vehicle access - all vehicle accesses must meet the following: a. be a minimum of 3.5 metres wide, except for as set out in TR-Table 1.	
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			b. be a maximum of 9 metres wide, except in the Beach Residential Zone at Waikanae Beach where the maximum shall be 6.0 metres wide. 4. Vehicle access - sites containing non-residential activities and which provide more than 6 carparks, shall provide two-way vehicle accesses which must be a minimum of 6 metres wide. 5. Vehicle access to/from a state highway - sites that only have vehicle access via a state highway must only have one crossing point and shall be in accordance with Diagrams TR-Diagram - 1 and TR-Diagram - 2. 6. Vehicle access spacing - at intersections (except on strategic arterial routes) carrying traffic volumes of 1,000 vehicles or more in any peak hour, or at which traffic signals are operating, no part of a crossing point must be located within 30 metres of an intersection or within 60 metres on the departure side of an urban state highway intersection. Note: The distance is measured from the intersecting point of the kerb lines or road edge lines. 7. Vehicle access spacing - Where a site is located near an intersection having volumes less than 1,000 vehicles in any peak hour; the minimum distance between the crossing point and the roadway edge or kerb line must be: a. 9 metres measured from the intersecting point of the kerb lines or road edge lines or 4.5 metres from the tangent point of the kerb lines or road edge whichever is greater; and b. 12 metres where a "Stop" or "Give Way" control exists on the roadway measured from	
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			the intersecting point of the kerb lines or road edge lines. 8. Vehicle access spacing for major traffic activities - no crossing point must be located closer to any intersection than the distance specified in TR-Table 2 - Access Distance Dimensions. Distances are measured in metres (m) to the intersecting kerb line. 9. Vehicle access spacing sight distances - the required minimum sight distance between the vehicle access and the road must be in accordance with TR-Diagram - 3 and TR-Table 3 - Sight Distance Dimensions} (where m = metres) 10. Vehicle access spacing for state highways - the minimum distance between vehicle accesses on the same side of the road must be 7.5 metres for residential activities (excluding visitor accommodation that is not temporary residential rental accommodation) and 15 metres for all other activities. 11. The minimum separation distances between vehicle access to/from a state highway/rural road and an intersection on that state highway/rural road, between a vehicle access to/from a local road and the intersection of that local road with a state highway/rural road and between vehicle accesses to/from a state highway/rural road must meet the provided distances in TR-Table 4 - Access Distance Dimensions for State Highways and Rural Roads (where m = metres, km/h = kilometres per hour, and vpd = vehicles per day) 12. Manoeuvring –	
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			a. Private residential access - unless the driveway accesses directly from a Neighbourhood Access Route, sufficient manoeuvring space must be provided on-site to ensure no reversing onto the road is necessary. Note: for clarification see the Transport Network Hierarchy. b. Commercial properties – must ensure that all buildings and parking areas are designed so that sufficient manoeuvring space is provided on-site to ensure no reversing onto the road is necessary. 13. Loading spaces - every property in all Working Zones, the layout of loading spaces must comply with the 90 percentile design two-axled truck as defined by the Ministry of Transport and shall be designed in accordance with TR-Diagram - 7 . 14. Landscaping - for all non-residential activities, any parking, loading or trade vehicle storage area must be separated from adjoining sites by a minimum depth of 2 metres of landscaping. 15. Landscaping - all landscaping adjoining the road boundary of subject sites, must be designed and maintained so that visibility to and from the crossing point complies at all times with the minimum standards sight distances set out in TR-Table 3 Sight Distance Dimensions.	
GRZ - General Residential Zone				

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Topic	Activity	Rule	Activity Status	Considerations at Consenting Stage
General Residential Zone	Amenity considerations	GRZ-R33	Permitted Activity to develop up to 3 residential units or retirement units per site subject to standards including (and summarised): > Buildings and structures must not exceed: 11 metres in height, except that 50% of a building's roof in elevation > Buildings and structures must not project beyond a 60° recession plane > Yards – 1.5m front yard, 1m side and rear yard setback > Site Coverage – 50% > Landscaping (A residential unit or retirement unit at ground floor level must have a landscaped area of a minimum of 20% of a developed site). The landscaped area may be located on any part of the development site, and does not need to be associated with each residential unit or retirement unit.	
ECO - Ecosystems and Indigenous Biodiversity				

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Ecosystems and Indigenous Biodiversity	Modification of indigenous vegetation - QEII Wetland (Ecological Site listed in Schedule 1) or within 20m of waterbody	ECO-R6	Controlled Activity The modification of indigenous vegetation, that is: - located within an ecological site listed in Schedule 1 excluding trees on an urban environment allotment that are not listed in Schedule 2; or - a key indigenous tree species listed in ECO-Table 1 and exceeds either of the maximum size criteria diameter or height (excluding trees planted by humans; and excluding trees on an urban environment allotment that are not listed in Schedule 2); or - a key indigenous tree listed in Schedule 2; or - a rare and threatened vegetation species listed in Schedule 3; or - in or within 20 metres of a waterbody or the coastal marine area where it is not within the urban environment (excluding planted vegetation); is a controlled activity within the following zones and precincts: General Residential Zone	Matters of Control: - The necessity, extent and method of the proposed modification of indigenous trees to address the imminent demonstrated risk. - The species, size, location, and timing of planting of replacement indigenous vegetation to remedy the loss of indigenous tree(s). - Any remedial work necessary to restore the site after the modification activity is complete. - Public safety. - Measures to avoid, remedy or mitigate effects on tangata whenua values. - Methods and activities to ensure the maintenance of indigenous biodiversity. - Methods and activities to ensure positive ecological contributions of the modified trees on the application property.

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	Trimming or modification of any indigenous vegetation - QEII Wetland (Ecological Site listed in Schedule 1) or within 20m of waterbody	ECO-R7	Restricted Discretionary Trimming or modification of any indigenous vegetation that is: 1. within an ecological site (Schedule 1); 2. a key indigenous tree species (ECO-Table 1) (excluding trees planted by humans); 3. a key indigenous tree (Schedule 2); 4. a rare and threatened vegetation species (Schedule 3); 5. in or within 20 metres of a waterbody or the coastal marine area where it is not within an urban environment (excluding planted vegetation). and does not meet the permitted activity standards in ECO-R3, and is not a controlled activity under ECO-R6, is a restricted discretionary activity within the following zones and precincts: General Residential Zone	Matters of Discretion 1. Effects on: • biodiversity values; • visual, urban character and amenity values; • the natural character of the coastal environment; • public safety; • any vegetation loss. • Tangata whenua values. 2. The degree to which the trimming or removal of affected vegetation will provide for the health and safety of people, property and the environment through the management of fire risk.

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Ecosystems and Indigenous Biodiversity	Trimming or modification of indigenous vegetation in Rural Dunes Precinct	ECO-R10	Restricted Discretionary if ECO-R4 can't be met. Trimming or modification of indigenous vegetation that is within the Rural Production Zone, Rural Dunes Precinct, Natural Open Space Zone or a River Corridor that does not comply with one or more of the permitted activity standards in ECO-R4.	Matters of Discretion: 1. Consideration of the effects of the standard not met. 2. Effects on the indigenous vegetation and/or habitats of indigenous fauna including: • habitat loss; • biodiversity values; • visual and amenity values; 3. Measures to avoid, remedy or mitigate adverse effects.
<i>NB: NES-F and Natural Resources Plan provisions apply to wetlands and waterbodies.</i>				