
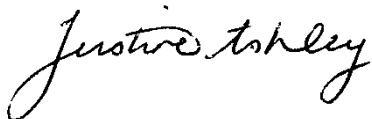


Baseline Assessment

Family Flats (RE014)



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Contents

1.0	Introduction.....	4
2.0	Operative District Plan Provisions	4
3.0	Canterbury Regional Policy Statement.....	6
4.0	Mahaanui Iwi Management Plan	7
5.0	Review of Consents Issued	8
6.0	Consultation with Council Staff	9
7.0	Comparison with Other District Plans	11
8.0	Other consideration:	16
9.0	Issues	17
10.0	Options	20
11.0	Recommendations	22
	Appendix A: Operative District Plan Provisions	24
	Appendix B Comparison with Other District Plans	33

1.0 Introduction

The Operative District Plan makes provision in both the Living and Rural Zones for family flats. The purpose of this scope is to investigate if family flats remain an effective and appropriate provision in the Proposed District Plan.

Family flats can, and do, take many forms in the District. They can be integrated fully into the design of the main dwelling, attached to the main dwelling or another building on the site, such as a garage, or a completely detached stand alone structure.

Regardless of the building form, the definition of the family flats requires a dependency of occupation – that is that the family flat must be occupied by a member of the same immediate family that occupies the main dwelling.

The only exception to this is the use of a family flat for use as temporary workers accommodation associated with the Greater Christchurch rebuild, as set out in Part D/A Workers Temporary Accommodation. As these provisions have a sunset clause, they have not been reviewed as part of this report.

2.0 Operative District Plan Provisions

The key District Plan objectives, policies and rules relevant to family flats are outlined below and identified in **Appendix A**.

2.1 Definitions

The Township and Rural Volumes of the Plan define a family flat as:

“any dwelling up to 70m² in gross floor area, excluding garaging, which is located on the same site as an existing dwelling and the family flat is occupied by a member of the same immediate family as a person residing in the main dwelling on the site. A family flat may be attached to either the dwelling or an accessory building, or be freestanding”.

Both volumes of the District Plan also define a dwelling as:

“any building or buildings or any part of a building or buildings which is used as a self-contained area for accommodation or residence by one or more persons; where that area collectively contains: bathroom facilities, kitchen facilities and a sleeping/living area. The term dwelling includes a family flat up to 70m², except where the Plan has separate provisions that apply specifically to family flats.

...

Where any buildings, building or part of a building on a site contains more than one set of bathroom facilities, kitchen facilities and a sleeping/living area such that they can be used as self-contained residences by different households, then each separate set of facilities shall be deemed to be one dwelling.”

On the basis of the above definitions, the key elements that define a family flat are:

- the floor area of the structure;
- the relationship of the occupants of the family flat to those occupying the main dwelling; and
- the amenities provided within the structure.

Where a family flat meets the permitted standards, namely floor area and family occupation, it only requires a building consent. However, where a family flat does not meet the definition, a resource consent is required for a non-complying activity.

2.2 Objectives and Policies

Both volumes of the Operative District Plan seek to ensure that the District is a pleasant place to live and work in (Objective B3.4.1 in both volumes). There are no specific objectives or policies in either volume that address family flats.

In the Township Volume, Objective B3.4.4 and Policy B3.4.3, under the broader heading of Quality of the Environment, seek to provide a variety of living environments and housing choices for residents. While choice of design of building is supported, consideration needs to be given to the impact on the character and amenity of areas, including the spaciousness of those areas. The 'spacious' character of Living Zones is also the result of the overall density of an area and Policies B4.1.8 and B4.1.9 seek to limit either the number of sites with more than one dwelling in Living 1 or X Zones or, in the case of Living 2 and 3 zones, to prohibit the erection of more than one dwelling altogether.

In the Rural Volume, the objectives and policies also seek to ensure that residential density is low enough to maintain the character of the area. Policy B4.1.1 discourages densities higher than 1 dwelling per 4 hectares in the Rural Zone, with this being the minimum area per dwelling in the Inner Plains area and increasing as through the Outer Plains, Hills and High Country areas.

2.3 Rules

In Living Zones, in the Township Volume, Rule 4.6.1 Buildings and Building Density provides for the erection on one allotment (other than at Castle Hill) of a dwelling and one family flat as a permitted activity. This provision is confusing as, by the nature of the definition, a dwelling includes a family flat. This rule could be read as allowing for a second family flat to be erected on the site. While this has never been tested within the District by way of a proposal for a second family flat on a site, clarification that only one family flat per site is permitted is needed.

While the definition of family flat establishes a maximum gross floor area, additional rules within the building chapter of the Township Volume establish other bulk and location requirements for sites that are applicable to family flats, including height, site coverage and setbacks, however these relate to the overall site boundaries. Family flats are specifically identified in those rules which seek to protect sensitive uses against noise intrusion from major roads and State Highways. There are no provisions within the Township Volume that address the bulk and location of a family flat relative to the main dwelling on the site.

If a family flat is proposed in excess of 70m², it is considered to be a second dwelling and assessed as either a restricted discretionary activity in most Living 1 zones (Rule 4.6.3) or a non-complying activity (Rule 4.6.6) in all other Living Zones¹.

In exercising its discretion for a second dwelling, Council is restricted to the consideration² of the adequacy of outdoor living space and its access to sunlight, whether there is sufficient privacy between the habitable rooms of the two dwellings and the impact on the sense of spaciousness of the area, having regard to the number of other sites in the street or subdivision where there is already more than one dwelling.

No additional car parking is required for family flats in Living Zones where they are under 70m² in floor area.

¹ Living Z, 1A, 1A2, 1A3, 1A4, 1A6, 2, 2A and 3.

² Township Volume Part C Rule 4.6.4

In the Business 1, 1A and 1B, Zones, the erection of a dwelling is a permitted activity as long as it can comply with all the provisions of Rules C14 to C23 inclusive that relate to permitted activities. Outside of these zones, dwellings are a controlled activity, if necessary for custodial or security purposes, in Business 2 and 2A zone, a restricted discretionary activity in the West Melton Business 1 zone, and a restricted discretionary activity in Key Activity Centres. As the definition of dwelling includes a family flat, by extension a family flat can be constructed within Business Zones. However, Council records do not show that any family flats have been constructed in any Business Zones.

In the Rural Volume of the District Plan, no specific provision is made for a family flat to be erected in association with a dwelling, as in Rule 4.6.1 in Township Volume. Rather this is implied by the definition of 'dwelling'.

Like in the Township Volume, while permitted, a family flat needs to comply with the relevant bulk and location rules applicable to the zone. Again, there are no specific provisions that address the bulk and location of a family flat in relation to the main dwelling on the site. This can lead to the disbursement of family flats throughout the Rural Zone as land holdings are large.

The Rural Volume requires an additional car parking space where a family flat is provided on site (Rule 4.6.1.2).

If a family flat is greater than the permitted 70m², it is no longer deemed a family flat and is instead treated as a second dwelling. In this regard, Rule 3.10.1.1 Buildings and Residential Density states that the minimum land area required to erect any dwelling:

- (a) *Complies with the minimum land area per dwelling shown in Table C3.1; and*
- (b) *Is held in one, separately saleable allotment which is the same allotment on which the dwelling(s) are to be erected.*

In regards to density, the manner in which the provisions are applied may enable an oversized family flat as a permitted activity. In this regard, if the underlying certificate of title is more than twice the minimum area required by the zone, then two dwellings would be permissible. However, if the area of the site is less than twice the minimum, then an over sized family flat would be considered as a second dwelling and would be deemed a non-complying activity.

3.0 Canterbury Regional Policy Statement

The Canterbury Regional Policy Statement (CRPS) gives an overview of the significant resource management issues facing the region, including issues of resource management significance to Ngāi Tahu. The purpose of the CRPS is to set out objectives, policies and methods to achieve the integrated management of the natural and physical resources of Canterbury.

Chapter 6 – Recovery and Rebuilding of Greater Christchurch contains specific objectives, policies and definitions which apply to an area delineated on Map A. This area includes some towns within Selwyn including Lincoln, Prebbleton, Rolleston, Tai Tapu, West Melton and Springston and well as a significant rural area.

Relevant definitions in the Greater Christchurch section include:

Rural activities - means activities of a size, function, intensity or character typical of those in rural areas and includes ... residential activity on lots of 4 ha or more.

Rural residential activities – means residential units outside the identified Greenfield Priority Areas at an average density of between 1 and 2 households per hectare.

Urban activities – means activities of a size, function, intensity or character typical of those in urban areas and includes ... Residential units (except rural residential activities) at a density of more than one household unit per 4 ha of site area.

As such, in relation to the area delineated by Map A, the CRPS establishes a maximum density of residential activity in a rural area of 1 household per 4 hectares, an average density of 2 households per hectare in rural residential areas (as defined in Councils Rural Residential Strategy 2014) and a density of more than 1 household per 4 hectares in urban areas. The CRPS uses the term household but this is not defined further within the CRPS. Selwyn District Plan is required to give effect to the CRPS and the District Plan cannot establish densities which are beyond those set out in the CRPS.

Chapter 5 – Land Use and Infrastructure is applicable to the balance of the Council area and this chapter does not contain any reference to residential densities.

The current definition of dwelling in the District Plan includes a family flat, so it is considered that the plan already envisages densities beyond those set out in the CRPS. However, as the definition of family flat requires that it be located on the same site as an existing dwelling, combined with relevant rules within the District Plan related to building density and allotment sizes, it is not considered that family flats are likely to be of a scale or nature that challenge the provisions of the CRPS.

4.0 Mahaanui Iwi Management Plan

The Mahaanui Iwi Management Plan provides a policy framework for the “protection and enhancement of Ngāi Tahu values, and for achieving outcomes that provide for the relationship of Ngāi Tahu with natural resources across Ngā Pākihi Whakatekateka o Waitaha and Te Pātaka o Rākaihautū”.

The Mahaanui Iwi Management Plan provides statements of Ngāi Tahu objectives, issues and policies for natural resource and environmental management in the takiwa that express kaitiakitanga and protect taonga. The plan is divided into eight policy sections addressing:

- Kaitiakitanga
- Wai Māori (freshwater)
- Ngā Tūtohu Whenua (cultural landscapes)
- Ranginui (sky)
- Papatūānuku (land)
- Tāne Mahuta (mahinga kai and biodiversity)
- Tangaroa (oceans)
- Tāwhirimātea (climate change).

Section 5.4 Papatūānuku addresses issues of significance in the takiwa relating to land. Issue P3 Urban and Township Planning seeks Ngāi Tahu participation in urban and township planning development. Policies responding to this issue focus on the involvement of Papatipu Rūnanga in the development and implementation of broader development plans and strategies. Issue P4 Subdivision and Development acknowledges that development can have significant effects on Tāngata whenua values but can also present opportunities to enhance those values. Policies encourage engagement with Papatipu Rūnanga by local authorities and developers and refer to subdivision and development guidelines which state (in part) that new developments should incorporate design guidelines to reduce the development footprint on existing infrastructure and the environment.

There are no specific provisions with the Mahaanui Iwi Management Plan related to family flats aside from the overarching policies related to development and subdivision.

5.0 Review of Consents Issued

Analysis of the number of family flats within the district is problematic due to the difficulty in sourcing accurate information from Council's building and resource consent databases.

If a family flat is less than 70m², only building consent is required. However, in AlphaOne, which is the system used to record and track building consents since 2013, there is not a specific code in the database that identifies this form of development. Therefore, analysis has to be made on a combination of the floor area information entered and the description of the proposal, which generally only refers to the development as a 1 or 2 bedroom domestic dwelling.

Based on data extracted, over 350 building consent applications for development less than 70m² have been received by Council between 2013 and 2017. However, analysis of the data indicates that only a third of these are applications for family flats. The balance of the applications were development such as small dwellings, transportable buildings constructed within the District (like those built by Cosy Cottages on Main South Road or at Rolleston Prison) or sleepouts.

Building consents for development that are likely to be family flats have been located in the following areas:

RURAL ZONE			LIVING ZONE	
Inner Plains	Outer Plains	Other (EDA or Hills)	Living 1	Living 2
51	27	2	24	12
Total Building Consents in Rural Zone – 80			Total Building Consents in Living Zone – 36	

The current building consents system does not record if the family flat is located under the roof of the main dwelling, attached to another structure, or how far the flat may be from the main dwelling. It is noted that prior to 2013, building consent data did record some of this information.

Since 2010, approximately 105 resource consent applications have been considered by Council for family flats. These resource consent applications have been located in the following areas:

RURAL ZONE			LIVING ZONE				
Inner Plains	Outer Plains	Other (EDA or Hills)	Living 1	Living 2	Living WM	Living 2	Living 3
50	24	4	14	2	3	7	1
Total Resource Consents in Rural Zone – 78			Total Resource Consents in Living Zone – 27				

As can be seen, the majority of resource consent application for family flats have been received for development in the Rural Zone, with most of these being in the Inner Plains area. In this area, the minimum residential density is one dwelling per 4 hectares of site area.

The above applications have fallen into the following classes of activity:

CLASS OF ACTIVITY			
Controlled	Restricted Discretionary	Discretionary	Non-Complying
13	17	9	66

Controlled activity status application relate to family flats of a complying size (being 70m² or less) that take the form of a relocated building. These structures are constructed off site and transported to the site. All of these application have been located in the Rural Zone, with all but one being in the Inner Plains area. The discretionary applications have also been for family flats of a complying size but other matters, such

as the siting of the family flat or the desire for a second vehicle crossing, have necessitated a resource consent. These applications have been located across the district.

Of the 17 restricted discretionary applications, 11 of these are in the Living 1 zone and the remaining 6 in either Living 2 or Rural zones. Analysis of the applications indicates that they have either been for a family flat of a complying size that breaches another rule, such as a boundary setback, or for a family flat in excess of 70m². In the Living 1 zone, applications for an oversize family flat (that is greater than 70m²) have been assessed as second dwellings, as provided for by Rule 4.6.3, but have had conditions imposed limiting occupation of the dwelling to immediate family.

The balance of applications for family flats have been non-complying.

NON-COMPLYING APPLICATIONS				
RURAL ZONE			LIVING ZONE	
Inner Plains	Outer Plains	Other (EDA or Hills)	Living Z	Living 2
35	20	4	2	5

Almost 90% of non-complying applications are in the Rural Zone, with the majority of these being in the Inner Plains area. Almost all of the applications have been for a family flat larger than 70m², with the sizes ranging from 71m² to 125m²; the average being 90m². Over 75% of these family flats are detached structures. As with consent granted for the restricted discretionary applications above, conditions have been imposed on approval of non-complying consents limiting occupation of the family flat to either immediate family or, in some cases, specifically named family members. Further conditions have been generally imposed limiting occupation of the family flat to either immediate family or to named family members and requiring that the removal or decommissioning of the family flat once it ceases to be occupied by family. Decommissioning entails the removing of the kitchen and the capping of any associated piping. The applicant may also be required, by way of condition, to enter into a bond with Council, registered on the Certificate of Title, to ensure that within three months of the family flat ceasing to be occupied by immediate or named family members that the kitchen facilities be removed.

Without examining the specifics of each consent, it appears that most applications for resource consent have been granted, subject to conditions, having considered the nature and scale of the family flat on the surrounding environment. No applications have been declined, however some may have been subject to alteration of the scale and/or location originally proposed following discussions with staff.

6.0 Consultation with Council Staff

In preparing this report, meetings were held with the following staff members to discuss the ease of administration of the current family flat rules, compliance issues and urban design matters:

- Rachael Carruthers – Resource Management Planner
- Simon Thompson and Susan Atherton – Compliance Officers
- Gabi Wolfer – Senior Urban Designer

6.1 Resource Consent Staff

Acknowledging that a family flat of 70m² is a permitted activity in the Living and Rural zones, a resource consent is only required where a family flat is proposed larger than 70m².

The Resource Consent staff did not report any issues with the current policy structure in the Township Volume of the District Plan. In the Living Zones, an application for a family flat that is greater than 70m² (an 'oversize' family flat) is assessed as a second dwelling and consideration is given to the bulk and scale of

the development. The effect on the visual amenity and the residential density of the surrounding environment is assessed, along with consideration of possible traffic generation effects.

However in the Rural Volume staff indicated that the lack of policy for considering an oversized family flat is problematic and it has been important to establish consistency in determining effects across applications for oversized family flats. Consideration is given to the proximity of the family flat to the dwelling and the likely impact on the rural character in terms of visual amenity, traffic generation and vehicle access.

Given that most consents for oversized family flats have been granted, it would appear that they are appropriate in the receiving environment, subject to conditions that control their location and occupation.

6.2 Monitoring and Enforcement Staff

The primary issue for Council's Monitoring and Enforcement staff is the difficulty in enforcing the occupancy requirement of the family flat definition. Staff have advised that monitoring of family flats is largely reactive and generally the result of observations or concerns being raised by neighbours. In 2017, staff responded to 12 complaints regarding family flats. While this is a relatively small number, dealing with the issues is time consuming.

Council has not proceeded to prosecution to date in relation to a breach of the occupation rule as most complaints have been resolved by either changes being made to the family flat to remove the kitchen component, thereby making the space dependent on the main dwelling, or by the termination of the occupation.

It was also noted that the requirement, by way of condition, for the applicant to enter into a bond with the Council, and to have this bond registered on the Certificate of Title, to ensure that the family flat is decommissioned within three months of the family flat ceasing to be occupied by family members results in legal fees for the owner and creates additional administration for Council.

Staff highlighted an imbalance in the rules that limit the occupation of a family flat but not the occupation of an accessory building, such as a sleepout, which is able to contain ablution facilities but not a kitchen³.

Staff have noted that it is relatively easy to bypass the installation of a kitchen by washing dishes in the bathroom and using plug in appliances, but this may then lead to unsatisfactory, or in some cases insanitary, conditions, or by undertaking illegal modifications to the building such as back to backing plumbing through the wall.

Staff also highlighted an issue with the nature of the definition of family in modern society. The definition refers to 'immediate family' but this is not defined further in the Plan. Common usage would suggest that it includes a person's parents, spouses, siblings and children, but this may not cover all possibilities of modern family dynamics.

6.3 Senior Urban Designer

Consultation with Council's Senior Urban Designer has focused on the different effects that may need to be addressed from occupation of a family flat by non family members as opposed to family members.

Where a family flat is occupied by *a member of the same immediate family as a person residing in the main dwelling on the site*, it is anticipated that proximity of dwellings to each other is a desired outcome, allowing for interaction and engagement. Therefore the need for separation and privacy between the dwellings is less.

³ The Selwyn District Plan defines a kitchen as "a room or indoor area, the principal purpose of which is the preparation and cooking of food. A kitchen will generally include a sink bench, and a means of cooking food such as a stove, gas or electric cooker, or microwave (or have the facilities for the installation of these).

Where a family flat is occupied by persons who are not connected by way of family, this gives rise to the need to give greater consideration to separation distances between the dwellings, provision of private open space, car parking and shared access. Presently, the District Plan does not include any provisions to address these matters.

In a rural context, a maximum, rather than minimum, separation distance between the main dwelling and a family flat is an important consideration such that dwellings are part of a cluster of built form, including sheds for example. The clustering of built form is a typical rural characteristic and is anticipated in this environment. Clustering of development also enables utilisation of the same services, such as water and sewage.

7.0 Comparison with Other District Plans

7.1 Methodology and Comparisons

The district plans of the adjoining councils of Christchurch City and Waimakariri District have been examined in terms of their approach to managing family flats and/or minor dwellings. In addition, the district plans of Queenstown Lakes District Council, Dunedin City Council and Kapiti District Council have also been examined as these plans have been or are currently being reviewed.

The approaches of each of the above Councils to family flats has been assessed by comparing and summarising the relevant definitions, objectives and policies and rules. The details of the relevant provisions of the five district plans are set out in **Appendix B**.

Christchurch District Plan

The Christchurch District Plan was made fully operative on 19 December 2017.

Following on from the Land Use Recovery Plan (LURP) Amendment 1C to Christchurch City Plan removing occupancy restrictions in relation to family flats and allowing any family flat existing at 6 December 2013 to be converted into a separate residential unit, the Operative Plan permits a minor residential unit in most Residential and Rural Zones, recognising that the effects in terms of built form and amenity on the surrounding environment are the same regardless of who the occupants are. In turn, this provides for additional flexibility to meet the ongoing housing affordability and supply needs of the community. This aligns with Strategic Objectives 3.3.4 and 3.3.7.

In the Residential Zone, specific objective and policies support the provision of a wide range of housing types, including smaller residential units, which are well designed and have a high level of amenity and enhance the local character. In the Rural Zone, objectives and policies are also focused on the character and amenity of the rural environment but more consideration is given to the location of residential units, ensuring that the openness of the environment is retained.

A minor residential unit is a permitted activity where the minor unit is a detached building and the existing site it is to be built on contains only one residential unit. Additional activity standards related to floor area, minimum site area and shared access also apply. In some zones, additional standards relating to height and open space also apply. Minor residential units should not exceed 80m² gross floor area in Residential Zones or 70m² gross floor area in Rural Zones. In all zones, minor residential units require one additional car parking space, and all other built form standards such as setbacks and site coverage are also required to be met.

Where a minor residential unit cannot comply with the specific activity standards, resource consent is required for a restricted discretionary activity. In the Residential Zone, consideration is given to the visual effect of the minor unit as well as the effect on the amenity of future occupants of the site in terms of

outdoor living space (Rule 14.15.22). In the Rural Zone, Council will take into account the scale and location of the minor unit in relation to the principal residential unit and the maintenance of the rural character, as well as the necessity of any legal instruments to prevent subdivision that would create separate title to the minor residential unit (Rule 17.11.2.2). Should a minor unit be proposed on a rural site that does not meet the minimum site area requirement, it will be a non-complying activity.

While the Plan has retained a definition of family flat, being a self contained dwelling occupied by family members of the main household and legally encumbered as such, no specific bulk and location standards are included in the District Plan in relation to this form of development and they are not mentioned in activity tables.

Waimakariri District Council

Waimakariri's District Plan was declared operative on 3 November 2005 and is not as current as other plans reviewed in this report.

The Operative District Plan defines a *dwellinghouse* as:

Any habitable structure, occupies or intended to be occupied in part or in whole as a residence and, except in relation to any cluster housing with Maori Reserve 873, includes one additional physically separated dwellinghouse that is no more than 75 square metres in gross floor area and is located within 30 metres of the primary dwellinghouse. For the purpose of this definition there shall only be one kitchen facility under any individual roof structure.

This definition provides for a secondary dwelling to be established in conjunction with a primary dwelling. Neither the definition, nor any other provision of the District Plan, place limits on who may occupy a secondary dwelling.

While there are no specific objectives and policies addressing secondary dwellings, Policies 12.1.1.1 and 12.1.1.5 seek to ensure that the character and amenity of both urban and rural areas are maintained. Policy 12.1.1.5 specifically seeks to ensure that rural land is not dominated by dwellinghouses. Through Objective 17.1.1 and Policy 17.1.1.2, the District Plan seeks to provide a range of living environments in Residential Zones.

If a site complies with the minimum allotment area for the zone, then in addition to a primary dwelling, a secondary dwelling, that complies with the standards in the definition, can be established on the site, however it must also comply with the relevant bulk and location standards (such as height and setback from boundaries) set out in Chapter 31 – Health, Safety and Wellbeing Rules for the relevant zone if it is permitted.

The Waimakariri District Plan does not allow for a secondary dwelling to be accommodated under the same roof structure as the primary dwelling. Rather it must be a stand alone structure separated from the primary dwelling. This approach seems somewhat at odds with the objectives and policies which seek to limited the proliferation of dwellings, particularly in the rural area. Should a secondary dwelling be proposed under the main roof of the dwelling it requires consent and is assessed as two dwellinghouses on a site. It is noted that this issue has been identified through their District Plan Review.

Dunedin City Council

Dunedin's Proposed 2nd Generation Plan was notified in September 2015 and made provision for family flats as way of encouraging housing suitable for an aging population and a growing number of one and two person households. The 2006 Operative District Plan did not make any provision for this form of development.

In the 2nd Generation Plan, family flats are defined as:

A secondary residential unit occupied by a person or persons related to, dependent on, or, in the rural zones, employed by, the household that lives in the primary residential unit on the same site. To be considered a Family flat, the residential unit must be:

- *within the same site as the primary residential unit;*
- *on the same available water and waste infrastructure connection, or the same non-reticulated wastewater disposal system;*
- *on the same household electricity account; and*
- *share the same vehicle access as the primary residential unit.*

The above definition imposes a physical connection between the family flat and the primary dwelling by requiring that the two share infrastructure services and access, but also imposes an occupancy requirement such that the family flat cannot be rented out to third parties. Occupants must be related, dependent on or employed in some capacity by the primary household. As such, family flats can accommodate a wider range of persons than just immediate family.

Family flats are permitted activities in all Rural and Rural Residential Zones and in all bar two Residential Zones, where multiple dwellings are permitted. The inclusion of family flats support the broader strategic objectives and policies that promote housing choice and specific objectives and policies in the relevant zones.

In all zones, one family flat with a maximum floor area of 60m² can be provided within or attached to the primary residential unit or entirely detached, however in the Rural and Rural Residential Zones it must be within 30 metres of the primary dwelling. Further rules related to height and access to open space are applicable in the Residential Zone. Should a family flat exceed the permitted floor area or separation distance, resource consent is required for a restricted discretionary activity and regard will be had to the effects on the character and visual amenity of the receiving environment.

The inclusion of family flats in the Proposed 2nd Generation Plan has received submissions and been subject to hearings. Based on this minor amendments have been proposed to the definition in terms of occupancy, broadening it somewhat but still requiring a relationship dependency between the occupants of the primary and secondary units. To date, the Hearings Panel has yet to release any recommendations.

Queenstown Lakes District Council

Following a plan change in 2006, the Operative District Plan provides for a *residential flat* as a permitted activity and requires that the flat be attached to either the principal house or an accessory building. There is no scope for a flat to be provided as a detached structure. Rather than fixing a limit on floor area, the size is determined as a percentage of the gross floor area of the building containing the flat. If the flat is attached to the dwelling, it could cover up to 35% of the Gross Floor Area (GFA) of the dwelling. If it is attached to a freestanding garage, it is able to cover up to 50% of the GFA of the garage.

In undertaking their DPR, the Council acknowledged that there were limitations with the existing provisions including that it did not set a fixed limit on how big a residential flat could be, and actually facilitated some residential flats that could be the size of a small house. It also did not allow for a residential flat to be detached and did not provide clear guidance where a residential flat did not comply with the definition.

The Council notified Stage 1 of their Proposed District Plan in August 2015 and included the following definition:

Residential Flat means a residential activity that comprises a self-contained flat that is ancillary to a residential unit and meets all of the following criteria:

- *Has a total floor area not exceeding 70m², not including the floor area of any garage or carport;*
- *Contains no more than one kitchen facility*
- *Is limited to one residential flat per residential unit; and*

- *Is situated on the same site and held in the same ownership as the residential unit, but may be leased to another party.*

Notes:

- *A proposal that fails to meet any of the above criteria will be considered as a residential unit.*
- *Development Contributions and additional rates apply.*

Key changes to the definition between the Operative and Proposed Plans are that the floor area of residential flats is now limited to a total floor area not exceeding 70m², as a means of ensuring that they remain ancillary to the principal residential unit on the site and within the same ownership, but can be either attached or detached, but no guidance is provided on appropriate separation distances⁴. Residential flats must comply with the relevant bulk and location rules applicable for the zone and be provided with one car parking space. Rules in the subdivision chapter also make the subdivision of a residential flat from the residential unit it is ancillary to a non-complying activity.

The definition of residential flat attracted submissions and was raised in various hearings in 2017. Through this process it has been proposed that the definition be amended to allow for a larger floor area of 150m² in Rural and Rural Lifestyle Zones, where sites have a minimum area of one hectare. While the Hearings Panel has yet to make any decisions (these are expected in the early part of 2018), this approach has been followed in relevant chapters in Stage 2 of the Proposed District Plan which were notified in November 2017.

Unlike Selwyn and Dunedin, the occupancy of a residential flat has never been tied to that of the residents of the main dwelling and it is acknowledged that residential flats contribute to the range of housing choice in both the rental and visitor accommodation markets. It is noted that in Stage 2 of the DPR, the Council has notified provisions addressing visitor accommodation which incorporate policies and standards that would limit the time that a residential flat could be used for commercial purposes.

Kapiti Coast District Council

Kapiti Coast District Council adopted the Proposed District Plan on 22 November 2017. While there have been a number of appeals received, none relate to the provisions which provide for the form of development that is the subject of this report.

The previous version of the District Plan permitted family flats in both Residential and Rural Zones, provided that they did not exceed 50m² gross floor area and were capable of relocation. Occupation was restricted to socially dependent relatives or close family associates of the main dwelling.

In the research phase of their District Plan Review, the Council identified that it needed to improve housing choice and affordability. The research concluded that the family flats provisions as they existed only enhanced housing choice to a limited extent due to the definition limiting who could occupy the flat.

The Proposed District Plan recommended that family flats be replaced with minor flats, defined as:

A building used for small-scale self-contained residential activities which is ancillary to a household unit. In order to be self-contained a minor flat must contain a kitchen and bathroom.

Minor flats are permitted in both Living and Rural Zones, subject to standards related only to their floor area. The rules support a framework of objectives and policies that encourage housing choice and affordability while maintaining and enhancing the character and amenity of the various communities in the district.

⁴ In Chapter 24 Wakatipu Basin, notified as part of Stage 2 in November 2017, a residential flat that is not attached but is not separated from the principal residential unit by more than 6 metres is a discretionary activity. If this distance is exceeded, the activity is deemed to be non-complying.

This approach attracted a range of submissions both in support of and in opposition to both the policy framework and the rules proposed. While minor changes were made to both the policy and the rules, in terms of the permitted size of a minor flat, the Hearings Panel considered that the approach to providing for minor flats was appropriate. The Panel considered that if a site was able to meet the minimum lot size then it would be of a sufficient size to accommodate a minor flat. This was premised on the basis of a minor flat complying with the site coverage requirements and therefore not generating stormwater or waste water servicing issues above those generated by a large dwelling.

The maximum permitted floor area of a minor flat was increased from 50m² to 54m² in a Living Zone and 60m² in a Rural Zone. These areas are less than those provided for in other District Plans reviewed as part of this report. The Hearings Panel noted that there was 'no one right figure' when determining the appropriate area for minor flats, but were mindful that a minor unit needed to be subservient to the principal household. The floor areas proposed were reflective of the minimum lot sizes in the Proposed District Plan, which for the Living Zone was 450m² and 4,000m² for the Rural Zone. In all zones, only one minor flat is permitted to be erected on any property, in association with a household unit. Further, the sale or otherwise disposal of a minor flat which is not in conjunction with its associated household unit is specifically identified as a non-complying activity in the Living Zone.

7.2 Extent of Consistency

All of the district plans reviewed as part of this report have retained the concept of providing for a minor residential unit, subservient to and on the same site as the main dwelling in both rural and residential zones.

While all the plans reviewed vary in the quantitative provisions related to family flats, the majority of plans have removed occupancy restrictions in relation to family flats. Dunedin is the only plan reviewed that retains a restriction on who may occupy a minor residential unit, but even this is broader than family, in that in rural zones it allows for someone who is employed by someone who lives in the main dwelling to occupy the unit.

Plan provisions for minor residential units still limit the size of the units (typically 70m², single storey nature) and require them to meet all other bulk and location standards, but do not restrict how they may be used or by whom. The purpose of limiting both the size and scale of a minor residential unit is to manage any amenity effects of surrounding properties, such as visual amenity and character, be that residential or rural.

The relevant provisions are summarized below:

Authority	Terminology	Floor Area		Standards Separation from principal dwelling	Occupation Requirement	Oversize?
		Urban	Rural			
Selwyn	Family Flat	>70m ²		Not specified	Immediate family	NC
Christchurch	Minor residential unit	35-80	35-70	Must be detached but no distance specified	Not required	RD
Waimakariri	Included in definition of dwellinghouse	75	75	Must be detached but within 30m	Not required	RD
Dunedin	Family Flat	60	60	30m	Dependency required but does not have to be immediate family.	RD
Queenstown	Residential flat	70	150	Not specified	Not required	RD
Kapiti	Minor Flat	54	60	N/A	Not required	RD

7.3 Proposed National Planning Standards

As part of the 2017 amendments to the Resource Management Act 1991, the Ministry for the Environment (MfE) is developing proposed National Planning Standards in order to *'improve consistency in plan and policy statement structure, format and content'*.

This work has identified that district plans use various terms such as family flat, granny flat, dependent persons accommodation or minor unit, to refer to a small self contained residential unit that is ancillary to the main dwelling. As such, MfE has considered that there is merit in defining one term that would apply to all similar developments, as all of these activities have similar environmental effects in terms of character, amenity and scale.

Commentary from MfE seems to be following a path of ensuring that any dependence that a minor unit may have on the main dwelling is tied to ownership rather than occupation, acknowledging that there is no sound resource management reason for requiring a family linkage and that to do so creates a significant monitoring and enforcement burden for councils.

Metrics are also proposed to be removed from definitions, which should refer to the form only. Rather, any standards related to maximum size or separation distances should be incorporated into activity standards.

8.0 Other consideration:

Family flats have impacts on other areas of Council such as development contributions and ratings policies.

8.1 Development Contributions

Development Contributions (DCs) are a funding tool that enables Council to recover the cost of capital expenditure necessary to service growth from those undertaking the development. Objectives and policies in both volumes of the current District Plan identify that the parties creating the need for the provision of any additional services as a result of the development of land should meet the costs of establishing the associated infrastructure. DCs are collected at the time of consent for either building or subdivision.

Currently, Council determines development contributions for sewage, water, stormwater, reserves and transport, based on one Household Unit Equivalent⁵ (HUE). Recent internal staff discussions have highlighted that the DC policy make no allowance for smaller units other than retirement homes, which are assessed at a lesser rate. There was therefore considered a need to determine if family flats, and small or second dwellings, were equivalent to a standard HUE or entitled to an exemption or a reduction.

Currently Council does not levy a contribution for family flats that meet the permitted standards under the Plan. If a family flat exceeds the permitted standards then regard is had to the size of the unit and its configuration, with discretion being exercised to determine if DCs should be applied in full or in part.

The DC policy is being reviewed as part of the wider Long Term Plan policy review process and Council is investigating the inclusion of discount factors such as the household unit being attached or having a total GFA less than 100m², to reduce the amount that may be payable for smaller properties.

It is noted that the gross floor area being considered under the draft DC policy does not align with the current District Plan provisions in relation to the size of a permitted family flat.

⁵ 1 HUE is calculated as a normal residential house averaging 2.8 persons producing 250 litres of wastewater per person per day.

8.2 Ratings Policy

Under the Local Government Rating Act, Council defines a separately used or inhabited part of a rating unit (SUIP) as follows:

Separately used or inhabited part of a rating unit (SUIP)	<p>A SUIP is defined as any part of a rating unit separately used or inhabited by the ratepayer, or by any other person, having a right to use or inhabit that part by virtue of a tenancy, lease, licence, or other agreement, or any part or parts of a rating unit that are used or occupied by the ratepayer for more than one single use. Separately used or inhabited parts include:</p> <ul style="list-style-type: none"> • A residential, small holding, or farmland property that contains two or more separately occupiable units, flats or houses each of which is separately inhabited or is capable of separate habitation i.e. has independent kitchen facilities.
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While the Council has defined a SUIP for a number of years, the definition was amended in 2015 to specifically capture separately used residential units such as family flats. As such, properties with family flats attract additional rates. A family flat does not attract full rates but the majority of the targeted rates are charged twice where a family flat is located on the rateable property.

Although it is not the purpose of the District Plan Review to address either development contributions or rating policy, how this form of development is defined in the future is likely to impact on both levies. It is recommended that, where possible, the policies of Council should align with provisions that may be included in the proposed District Plan. It should also be noted in the proposed District Plan that development contributions and additional rates will apply to this form of development.

9.0 Issues

The issues associated with family flats can be summarised as:

9.1 Scale of Development

Currently, the maximum gross floor area of permitted family flats in the Selwyn District Plan is 70m². As with any threshold, there is no one correct figure. The current figure of 70m² is similar to the threshold adopted in the other district plans reviewed, which range from 60m² to 80m² in comparable Living Zones. Only one district plan reviewed allowed for a large unit, being Queenstown Lakes District Council which allows for 150m² maximum in Rural Zones.

Of the consents reviewed, where a family flat was over 70m², the sizes ranged from 70m² to 125m², with the average being 90m². The majority of the oversize family flats consented were in the Rural (Inner Plains) Zone, which gives support to a larger floor area being considered within the Rural Zone.

Based on a search of the internet for potential configurations of this type of development, it appears that there are a number of standard design options that provide for a two bedroom unit as a minor residential unit on a site, with kitchen and laundry facilities, which would meet the 70m² size limit.

Given that the intent of this form of development is that it is ancillary and subservient to the main dwelling, it is considered appropriate that the current maximum floor area of 70m² be retained in the Living Zones. This will reduce the potential amenity effects that may arise from the establishment of a new family flat on adjoining neighbours.

In Rural Zones, where neighbours are more dispersed, the maximum floor area of this form of development could be increased without giving rise to significant impacts on the character and amenity of the area.

9.2 Impact on Amenity and Character

Provisions within the District Plan that limit the size and scale of development, including family flats, are used to manage amenity effect on surrounding properties, such as visual amenity and character. Where a family flat is built under the main roof of the dwelling or attached to an accessory building the visual effect is the appearance of a single dwelling or accessory building. Therefore, in terms of the bulk and scale of a family flat, the impact on the character and amenity of the locality is generally relatively minor.

There is the potential that stand alone family flats can increase the perception of an increase in density, by way of creating the visual impact of two dwellings on one site, however, if the family flat is significantly smaller, the adverse effect of this is minor. Site coverage and setback provisions would still apply and provide some control over the spatial relationship with the surrounding sites.

Currently the District Plan does not contain any controls over the location of a family flat in relation to the main dwelling. While this is generally not an issue within the Living Zones, due to the smaller lot sizes, in the Rural Zone this can lead to the dispersal of housing over a property, which is more likely to result in fragmentation which would impact on productivity, rural character and amenity.

To lessen the impact of a family flat, and to reduce the pressure for future subdivision, a maximum separation distance between the main dwelling and the family flat should be instituted. This would assist in ensuring that the unit shares the same services (including non-reticulated wastewater disposal systems) and vehicle access as the main dwelling. This would also ensure that the impact on the amenity and character of the locality is not compromised by the appearance of separate residential activities occupying separate curtilages and reduce the potential for future subdivision.

9.3 Housing Choice

Changing demographics in the district, including an aging population and an increase in smaller person households, as evidenced in Dr. Natalie Jacksons⁶ work, gives rise to the need to provide greater flexibility in the size and type of dwelling options available, across a range of locations.

While the inclusion of family flat provisions within the District Plan provides housing choice, it only does so to a limited extent. The nature of the definition of family flats limits this opportunity to immediate family of the occupants of the main dwelling. This element of the definition, combined with conditions of consent requiring the removal or decommissioning of the family flat once no longer required by family, decreases the ability for family flats to be used for a wider range of people in need of a small dwelling. As such, the current provisions do not provide a range of housing choice for a variety of residents.

Some of the district plans reviewed only provide for minor residential units as stand alone development however the idea of providing for the conversion of or addition to an existing dwelling allows flexibility for existing home owners seeking to adapt their property to meet changing needs in a more cost effective manner than building a stand alone unit. This could also reduce the visual impact of a separate stand alone unit on the character of surrounding area.

If provided under the main roof of the dwelling it is likely that there will be some building regulations that may be triggered and attention will need to be paid to building consent applications to ensure that (for the purposes of calculating development contributions) a minor residential unit can be distinguished.

9.4 Enforcement of Occupancy

As identified by Council's Monitoring and Enforcement staff, enforcing the occupancy restriction of family flats is time consuming – both in terms of following up on the registration of bonds over title as required

⁶ Jackson, N.O. (2017) *Selwyn – Review of Demographics (Part A)* and *Selwyn – Review of Demographics (Part B) – Townships*. Commissioned by Selwyn District Council. Natalie Jackson Demographics Ltd.

by condition of consent and in following up on complaints received. Where staff find that a family flat is not being used by family members, often most effective way of resolving the breach is to require the decommissioning of those elements that make the space able to be occupied independently from the main dwelling, primarily through the capping of plumbing to the kitchen and removal of associated fixtures and fittings. However this brings into focus an argument about the efficiency of allowing a built form, but then either requiring its removal or alteration once no longer needed by family, or worse case leaving it unoccupied.

An implication of removing the occupancy provision may be that it results in a larger number of smaller units being built, either for family members or to provide a rental stream for the main dwelling. While it is highly unlikely that every property in the District would be developed to have an additional minor household unit on them, one consideration of possibly permitting a broader spectrum of population to occupy a minor residential unit is whether this would lead to an increase demand on the District's existing infrastructure capacity. A way to address this issue may be to charge DCs on all family flats, not just the ones that exceed the permitted standard.

While removing the limit on occupancy would provide for greater housing choice for a wider section of the community, requiring that the minor residential unit be in the same ownership and close proximity to the main dwelling significantly reduces the opportunity for subdivision.

If the occupancy requirements were to be removed, consideration should need to be given to the adequacy of the amenity of the occupants of both the main dwelling and the minor residential unit. Additional car parking and private open space should be provided to a reasonable level of amenity to both households.

Maintaining occupancy restrictions on future minor residential unit developments is unnecessary and inappropriate as the effects on the amenity and character of the surrounding environment arise from the bulk and scale of the development and are the same regardless of whom the occupants are.

9.5 Density

The District Plan currently specifies a minimum net site area for a dwelling across all zones in the district and the current objectives and policies seek to manage the overall density of zones, be they residential or rural. However, as the current definition of dwelling in both the Township and Rural Volumes includes a family flat, it is clear that some additional density is anticipated.

Based on the non-complying activity status of subdividing an allotment that cannot comply with the relevant minimum allotment size requirements as set out in either Table C12.1 of the Township Volume or Table C10.1 of the Rural Volume of the District Plan, and the requirement of the definition that a family flat be located on the same site as an existing dwelling and limited in size area, it is not anticipated that a family flat is anything other than an adjunct to the main dwelling.

However, there is a possibility that, in some circumstances, the density can be increased through the subdivision of the family flat from the main dwelling. If an allotment were of sufficient size to accommodate a second dwelling, that is the underlying allotment is at least twice that of the relevant standard for the zone, then there is the possibility that density could increase through the subdivision of the family flat from the main dwelling. This would be subject to the relevant subdivision provisions and all performance standards applicable to a dwelling in that zone.

As the size of a family flat is limited to 70m², the character and amenity sought by the objectives and policies of the District Plan is not likely to be compromised by the provision of family flats.

10.0 Options

It is recommended that the proposed District Plan continue to make provision for a form of minor residential development in association with the main dwelling in all zones. Based on the analysis above, it is considered that there are three options for managing family flats in the proposed District Plan. These are:

1. Retain the status quo
2. Retain the status quo but with amendments to improve clarity
3. Remove the occupancy restrictions and with amendments, as described in Option 2, to address amenity

10.1 Option 1: Status Quo

Option 1 would retain the current District Plan provisions for family flats. This would only allow for minor residential units to be erected on sites as a permitted activity where they do not exceed 70m² and are occupied by immediate family members of the people residing in the main dwelling.

While this option would not incur any additional costs through the District Plan Review process, it is not recommended for the following reasons:

- It does not address the issues with the current provisions, particularly the difficulty in enforcing compliance of occupation;
- The external effects of a family flat, principally the impact on the character of the receiving environment in terms of visual amenity, traffic generation and vehicle access, arise from its built form and not the occupation of the unit therefore it is difficult to justify the continued occupancy restrictions; and
- The potential that the built form of a family flat may be left vacant when not occupied by family is not an efficient or effective use of resources and does not allow for a variety of living environments and housing choices for residents.

10.2 Option 2: Retain the status quo but with amendments to improve clarity

Option 2 would see the existing approach to family flats retained, but with amendment to the current planning framework to address some of the issues raised and improve the ease of administration.

While family flats are defined in the District Plan, they are not considered to be an activity in their own right; rather they are included within the definition of dwelling. Therefore, it is recommended that the family flats be identified as a specific activity within both the Living and Rural Zones.

The existing metrics of a family flat, being the maximum gross floor area, should be removed from the definition and instead managed through activity standards. The requirement to meet all other bulk and location development standards relevant to the zone should be retained. However, for family flats in the Rural Zone, it is recommended that a maximum separation distance between the main dwelling and the family flat be adopted, such that the family flat is developed in close proximity to the main dwelling. Requiring a family flat to be within attached to, or in close proximity to the main dwelling is less likely to result in future subdivision which would impact on rural productivity, character and amenity.

Where a family flat meets the relevant standards, it shall be deemed permitted, as it currently is. However, where landowners seek to establish a family flat that is larger than 70m², resource consent is currently required for a non-complying activity. However, as highlighted by the consents granted, larger family flats can be established without significant adverse effects on the surrounding environment, taking into account factors such as the size of the site, the proximity of neighbours and the visibility of the family flat. As such,

it is recommended that the activity status of family flats that do not comply with the maximum floor area be amended from non-complying to restricted discretionary or discretionary.

This would allow the individual circumstances of each proposal to be considered and consent granted where proposals are considered to be consistent with relevant policy and that any adverse effects on the amenity and character of the locality are minimal. This approach is consistent with that taken by all of the other district plans reviewed. Possible matters for discretion should include an assessment of the nature, bulk, scale and location of the development, the effects on visual amenity, privacy and overshadowing, and the provision of on-site parking and maneuvering.

While Option 2 would improve clarity around the bulk and scale of family flats, as with Option 1, it does not address the issue of being able to effectively enforce the occupation of the family flat and is not consistent with the approaches of adjoining Councils, or of the other Council's reviewed as part of the report, or with the proposed National Planning Standards. For these reasons, Option 2 is not recommended.

Should Council wish to retain a restriction on who is able to occupy as family flat, it is recommended that this form of development only be allowed if it is transportable in nature so that it can be removed once no longer required.

10.3 Option 3: Remove occupancy restrictions

Option 3 would, in addition to improved clarity around the standards applicable to the built form as addressed in Option 2 above, see the removal of the occupancy element from the definition of family flat, thereby placing no limits on who may occupy the unit, or requiring that it be decommissioned once no longer required by family. This approach is consistent with the majority of the other plans reviewed in this report and with the proposed National Planning Standards.

The matter of dependency would shift from occupation⁷ to ownership⁸ and infrastructure⁹. As addressed above, relevant standards should focus on the size and scale of the unit in order to manage the effects on surrounding properties, such as visual amenity and character, through setback from boundaries and maximum separation distance from the main dwelling.

Removing the family occupancy reference could provide households with financial advantages if they chose to rent out the unit. If a minor residential unit is to be used by third parties, then relevant standards should also address on site matters such as private open space and car parking. While there may be opportunities for these areas to be shared with the main dwelling, these will need to be accessible to the occupants of the minor residential unit and, in some cases, additional areas will need to be provided to ensure that an adequate level of amenity is provided.

Option 3 is recommended as it increases housing choice in the District, is effective in enabling independent living, and is consistent with the direction of both the proposed National Planning Standards and adjoining district plans. It also addresses the difficulties in enforcement of occupation currently experienced and allows for the potential effects on amenity and density to be appropriately managed.

⁷ Occupation requires dependency between the residents of the main dwelling and the minor residential unit.

⁸ Ownership requires that the minor dwelling be retained in the same ownership as the main dwelling but may be leased to another party.

⁹ Infrastructure requires that the residential unit is connected to the same services as the main dwelling.

11.0 Recommendations

11.1 Definitions

It is recommended that a new 'minor residential unit' definition be developed and ensure that:

- The drafting of the new definition is cognisant of the definition proposed by Ministry for the Environment as part of the proposed National Planning Standards;
- It emphasizes the legal dependency of the unit on the main dwelling, that is that it must be held in the same ownership as the main dwelling, and the ancillary nature of the unit on the main dwelling;
- That any metrics associated with minor residential units not be included in the definition but rather in the development standards; and
- That it be noted in the definition that development contributions and additional rates would apply. This 'up-front' approach would help plan users with understanding the costs of establishing a minor residential unit.

11.2 Objectives and Policies

It is recommended that:

- Objectives continue to encourage housing choice at the same time as maintaining the character and visual amenity.
- Stand alone policy be developed in respect of minor residential units to provide clearer and more specific direction to this form of development. Particular matters that should be addressed in policy relating to minor residential units should include that it:
 - be ancillary to, and dependent on (by way of connection to the same services), a main dwelling;
 - should be undertaken on the same site as the main dwelling;
 - be of a scale suitable to accommodate 1-2 persons;
 - should not compromise the provision of sufficient outdoor space;
 - provides adequate on-site car parking (accessed from a common driveway); and
 - will not unreasonably affect the privacy, outlook or sunlight access of the main dwelling or adjoining properties and public spaces.

11.3 Activity Status:

It is recommended that:

- Minor residential units that meet the relevant development standards should be permitted.
- Where a minor residential unit fails to meet the permitted standards, the activity should then become either a restricted discretionary or discretionary activity, with consideration given to site area, access, car parking, private open space, and the building being designed in proximity to and to complement the main dwelling as well as effects on character and amenity values so as to ensure that minor residential unit is in character with locality.

11.4 Rules/Development Standards

It is recommended that development standards for minor residential units should address the following:

- That a maximum of one minor unit be allowed per site;
- That the floor area, excluding garaging be limited, depending on the zone;
- That a minor residential unit be located within a certain distance of the main dwelling, particularly within the Rural Zone;

- That additional car parking and open space area be provided for the use of the occupants of the minor residential unit;
- That the minor residential unit use the same accessway as the main dwelling;
- That the height be limited to single storey as well as a maximum height;
- That site complies with the relevant bulk and location standards applicable to the zone.

11.5 Subdivision

It is recommended that subdividing a minor residential unit from the main dwelling be established as a non-complying activity due to the inability to meet the minimum net site area requirements for a stand-alone dwelling.

Appendix A: Operative District Plan Provisions

Township Volume

Objectives and Policies

Quality of the Environment

- Objective B3.4.1** The District's townships are pleasant places to live and work in.
- Objective B3.4.4** Growth of existing townships has a compact urban form and provides a variety of living environments and housing choices for residents, including medium density housing typologies located within areas identified in an Outline Development Plan.
- Policy B3.4.1** To provide zones in townships based on the existing quality of the environment, character and amenity values, except within Outline Development Plan areas in the Greater Christchurch area where provision is made for high quality medium density housing.
- Policy B3.4.2** To provide for any activity to locate in a zone provided it has effects which are compatible with the character, quality of the environment and amenity values of that zone.
- Policy B3.4.3** To provide Living zones which:
- are pleasant places to live in and provide for the health and safety of people and their communities;
 - are less busy and more spacious than residential areas in metropolitan centres;
 - have safe and easy access for residents to associated services and facilities;
 - provide for a variety of living environments and housing choices for residents, including medium density areas identified in Outline Development Plans;
 - ... and
 -
- Policy B3.4.23** Allow people freedom in their choice of the design of buildings or structures except where building design needs to be managed to:
- Avoid, remedy or mitigate adverse effects on adjoining sites; or
 - Maintain the character of areas with outstanding natural features or landscapes values or special heritage or amenity values; or
 - Maintain and establish pleasant and attractive streets and public areas in the Business 1 zone.

Growth of Townships

- Objective B4.1.1** A range of living environments is provided for in townships, while maintaining the overall 'spacious' character of Living zones, except within Medium Density areas identified in an Outline Development Plan where a high quality, medium density of development is anticipated.
- Objective B4.1.2** New residential areas are pleasant places to live and add to the character and amenity values of townships.
- Policy B4.1.8** Manage the number of sites with more than one dwelling in Living 1 or X Zones, to maintain the overall residential density of the zone.

Policy B4.1.9 Avoid erecting more than one dwelling per site in low density living (Living 2 and 3) Zones.

Rules

4.6 Buildings and Building Density

Permitted Activities — Buildings and Building Density

- 4.6.1 The erection on an allotment (other than a site at Castle Hill) of not more than either:
One dwelling and one family flat up to 70m² in floor area; or
One principal building (other than a dwelling) and one dwelling, shall be a permitted activity, except that within a comprehensive residential development within a Living Z Zone, more than one dwelling may be erected on the balance lot prior to any subsequent subdivision consent that occurs after erection of the dwellings (to the extent that the exterior is fully closed in).
- 4.6.2 The erection of not more than one principal building on any site at Castle Hill shall be a permitted activity
- 4.6.2.1 The erection of any dwellings in the Living WM Zone shall comply with the building densities and locations shown on the Outline Development Plan and associated Layer Plans (Appendix 20A) for this zone.

Restricted Discretionary Activities — Buildings and Building Density

- 4.6.3 Except as provided in Rule 4.6.6 the erection of not more than two dwellings on an allotment in a Living 1 zone shall be a restricted discretionary activity.
- 4.6.4 Under Rule 4.6.3 the Council shall restrict the exercise of its discretion to:
- 4.6.4.1 Whether each dwelling has adequate outdoor living space for the exclusive use of that dwelling for residential activities; and
- 4.6.4.2 Whether each outdoor living space will receive direct sunlight on the shortest day of the year; and
- 4.6.4.3 Whether there is adequate privacy between the habitable rooms of the two dwellings erected on the same allotment; and
- 4.6.4.4 The proportion of allotments in the street or subdivision where there is more than one dwelling or principal building; and
- 4.6.4.5 Any adverse effects, including cumulative effects, on the residential density or sense of spaciousness of the area; and
- 4.6.4.6 ...
- 4.6.4.7

Note: Building density and site coverage rules both apply.

Discretionary Activities — Buildings and Building Density

- 4.6.5 Except as provided in Rule 4.6.6, the erection on any allotment of any building (other than an accessory building) which does not comply with Rule 4.6.1, 4.6.2.1 or Rule 4.6.3 shall be a discretionary activity in Living 1 zones and the Living WM Zone.

Non-Complying Activities — Buildings and Building Density

- 4.6.6 The erection on an allotment of any building (other than an accessory building) which does not comply with Rule 4.6.1 shall be a non-complying activity in the Living Z, 1A, 1A2, 1A3, 1A4 and Living 1A6 Deferred zones at Prebbleton and all Living Z, 2, 2A and Living 3 zones.

Note: There is no maximum number of accessory buildings allowed on an allotment, but Rule 4.7 – Site Coverage – applies to all buildings

4.9 Buildings and Building Position

Permitted Activities — Buildings and Building Position

Special Character Low Density Areas (Living 1C zoning)

- 4.9.41 Dwellings and family flats shall be positioned at least 6m from any existing dwelling or family flat (or footprint of a planned dwelling or family flat for which a building consent has been granted within the previous 2 years).

An exception is where family flats are attached to the principal dwelling.

Family flats are also mentioned in Rules 4.9.3, 4.9.4, 4.9.5, 4.9.6, 4.9.19, 4.9.38, 4.9.39 and 4.9.48.4 which all require setback distances to address potential noise effects from adjoining major roads or State Highways.

Rural Volume

Objectives and Policies

Quality of the Environment

- Objective B3.4.1** The District's rural area is a pleasant place to live and work in.
- Objective B3.4.2** A variety of activities are provided for in the rural area, while maintaining rural character and avoiding reverse sensitivity effects.
- Policy B3.4.6** Maintain low levels of building density in the Rural zone and the predominance of vegetation cover.

Residential Density and Subdivision in the Rural Area

- Objective B4.1.1** The provision of a variety of residential section sizes in the rural area, while maintaining a low overall residential density.
- Objective B4.1.2** Residential density is low enough to maintain the character of the rural area and to avoid adverse effects on natural and physical resources or reverse sensitivity effects.
- Policy B4.1.1** Discourage residential density greater than those shown below where these are outside the areas identified in policies B4.1.3 to B4.1.6.

Area shown on Planning Map	Dwellings per Hectare
Port Hills – Lower Slopes	1:40
Port Hills – Upper Slopes	1:100
Inner Plains	1:4
Outer Plains	1:20
Malvern Hills	1:20
High Country	1:120

- Policy B4.1.2** Except in the Inner Plains area, allow a house to be built on any sized allotment, provided:
- (a) The balance of land area needed to comply with Policy B4.1.1 is kept free of dwellings by covenant or some other method
 - (b) The house allotment is of an appropriate size and shape to avoid adverse effects on adjoining properties, the road network or potential reverse-sensitivity effects; and
 - (c) The number of houses clustered together on small allotments is kept small, to avoid creating new villages or settlements; and
 - (d) The balance of land area adjoins the house allotment and is of a shape that maintains the sense of “open space”.

Policy B4.1.3 relates to papakainga housing at Taumutu.

- Policy B4.1.4(a)** Recognise Existing Development Areas, Ski and Recreation Areas and Tourist Resort Areas within the Rural Zone, but ensure new residential development at densities higher than those provided for in Policy B4.1.1, to occur within townships that are located outside the Greater Christchurch area covered by Chapter 6 to the Canterbury Regional Policy Statement.

- Policy B4.1.4(b)** Within the Greater Christchurch area covered by Chapter 6 to the Canterbury Regional Policy Statement, any new residential development at densities higher than those provided for in Policy B4.1.1 shall only be provided for in the Living 3 Zone in locations identified in the adopted Selwyn District Council Rural Residential Strategy 2014.

Policy B4.1.5 allows for exemptions from the residential ratios recognising that the effects may already exist or have been envisaged at some point in the past.

- Policy B4.1.6** Allow subdivision of existing houses or boundary adjustments between allotments with existing houses, that do not comply with the residential density standards in Policy B4.1.1, provided the subdivision does not create any potential for additional residential development on the property.

- Policy B4.1.12** Ensure subdivisions do not create separately saleable allotments which due to their size, shape, location or legal restrictions on the Certificate of Title, cannot be used to erect a dwelling as a permitted activity, unless that allotment shall be used as a utility lot or for some other specified purpose; and that purpose is unlikely to result in the need to erect a dwelling at some stage.

Rules

3.10 Buildings and Residential Density

Permitted Activities — Buildings and Residential Density

- 3.10.1** Erecting any building or any additions or alterations to, or modification or demolition of any building shall be a permitted activity if the following conditions are met:

- 3.10.1.1** The minimum land area required to erect any dwelling:
- (a) Complies with the minimum land area per dwelling shown in Table C3.1; and
 - (b) Is held in one, separately saleable allotment which is the same allotment on which the dwelling(s) are to be erected

Notes: Dwelling is defined in Part D. It includes a house and a family flat up to 70m² in gross floor area.

3.10.2 Any dwelling on any allotment which does not comply with Rule 3.10.1 shall be a permitted activity if all of the following conditions are met:

3.10.2.1 The allotment is a separately saleable allotment with a continuous area of not less than 4 hectares; and

3.10.2.2 The allotment has been bought, sold or created by subdivision within the ten years immediately preceding notification of the Rural Volume of the Proposed District Plan (that is on or after 12 September 1991 but before 12 September 2001) or a subdivision consent has been granted to create the allotment within this timeframe and that subdivision consent has not lapsed.

Restricted Discretionary Activities — Buildings and Residential Density

3.10.3 Erecting any dwelling on an allotment which does not comply with Rule 3.10.1 shall be a restricted discretionary activity if all of the following standards and terms are met:

3.10.3.1 The site is not an area shown on the Planning Maps as the Inner Plains or an Existing Development Area;

3.10.3.2 The balance area of land required to comply with the minimum area under Rule 3.10.1, Table C3.1, is:

- (a) Included within the area of land subject to the subdivision consent application; or
- (b) Subject to a mechanism (as a condition of the consent) to prevent the erection of any dwelling on that land;

3.10.3.3 The balance amount of land which is needed to comply with the residential density standard set out in Table C3.1 is not used to erect any dwelling or other principal building;

3.10.3.4 The balance area of land (which is to be kept free of any dwelling or other principal building), adjoins the allotment on which the dwelling is to be erected, along at least one property boundary;

3.10.3.5 The balance area of land needed to comply with the minimum area in Rule 3.10.1, Table C3.1 does not include:

- (a) the bed of any lake or river;
- (b) any legal road;
- (c) land which is vested in any form of reserve; or
- (d) any other land which, due to its legal tenure, could not be used to erect a dwelling;

Note: Rule 3.10.3.5 does not apply to land which is identified within the District Plan as an area of Outstanding Landscape, and which (if not for the District Plan provisions) could have a dwelling erected on it. Nor does it apply to land held in pastoral lease.

3.10.3.6 The total number of dwellings which may be erected on any one allotment or on any separate but adjoining allotments under Rule 3.10.3 does not exceed:

- (a) Five in that area shown on the Planning Maps as the High Country;
- (b) Three in other areas.

Note: Rule 3.10.3.6 applies to dwellings provided for under Rule 3.10.3, and not to dwellings erected on adjoining allotments which comply with the minimum allotment sizes under Rule 3.10.1

3.10.3.7 In the area shown on the Planning Maps as the High Country, any dwelling is erected within an existing building node.

3.10.4 Under Rule 3.10.3, the Council shall restrict its discretion to consideration of:

3.10.4.1 The allotment on which any dwelling is to be erected is of a suitable size and shape to avoid adverse effects on surrounding properties. Such effects include (but are not limited to): effects from the zones of influence of wells or on-site effluent treatment and disposal systems; and potential 'reverse sensitivity' effects with activities on surrounding sites;

3.10.4.2 The maximum number of small allotments which may be located together, under this rule;

3.10.4.3 Any effects of access from the allotment on the safety and efficiency of the road network, including cumulative effects from several allotments, and whether a shared vehicular accessway is appropriate for more than one allotment;

3.10.4.4 The shape of the balance land to be kept free of dwellings, to maintain the 'open space' around the dwellings;

3.10.4.5 Within the area shown on the Planning Maps as the Port Hills, whether the location of any allotment on which a dwelling may be erected is consistent with Rule 3.2.2;

3.10.4.6 Whether the mechanism proposed to ensure that the balance is free of any dwelling is appropriate, considering:

- (a) The applicant's understanding of the restrictions placed on future uses of the land;
- (b) Whether the mechanism is a condition by which the consent is granted;
- (c) Enforceability of the condition;
- (d) Any administration costs to the Council; and
- (e) The ease with which any future buyer of the land can be made aware that a dwelling cannot be erected on the land;

Note: In relation to Rule 3.10.4.6, see the Council's Pamphlet for more information on the types of mechanisms.

3.10.4.7 Any positive effects which may offset any adverse effects.

Discretionary Activities — Buildings and Residential Density

3.10.5 Any activity which does not comply with Rule 3.10.3.7 shall be a discretionary activity if the following standard and term is met:

3.10.5.1 The maximum number of dwellings erected is 5 per property (excluding existing dwellings established prior to 1 August 2001).

Non-Complying Activities — Buildings and Residential Density

3.10.6 Any activity which does not comply with Rules 3.10.3.1 to 3.10.3.5 shall be a non-complying activity unless the activity complies with Rule 3.10.2.

3.10.7 Any activity which does not comply with Rule 3.10.5 shall be a non-complying activity.

3.10.8 Any activity which does not comply with Rule 3.10.2 shall be a non-complying activity unless it complies with Rule 3.10.3 as a restricted discretionary activity

4.6 Vehicle Parking and Cycle Parking

Permitted Activities — Vehicle Parking and Cycle Parking

4.6.1 Any activity in the Rural Zone which provides car parking in accordance with the following standards shall be a permitted activity.

- 4.6.1.1 Two car parking spaces on-site for each dwelling without a family flat; or
- 4.6.1.2 Three car parking spaces on-site for each dwelling with a family flat; and
- 4.6.1.3 ...; and
- 4.6.1.4

Appendix 25 - E25.1 Porters Ski and Recreation Area

- E25.3.1.2** The total number of dwellings in the Porters Ski and Recreation Area shall not exceed 45 and there shall be no more than one dwelling located on a residential allotment. There shall be no family flats.

Definitions

The following definitions are included in both volumes of the Operative District Plan.

Accessory building means any building which is separate from the principal building or buildings on the site, the use of which is incidental to the use of the principal building or buildings on the site or to the use of a site. In respect of land used for a residential activity “accessory building” extends to include a sleepout (but not a family flat), garage or carport (whether freestanding or attached to any other building) shed, glasshouse, fence over 2 metres in height, swimming pool or similar structure. Accessory buildings also include implement sheds, storage sheds, and commercial glasshouses and packing facilities which generate less than 15 equivalent car movements/day (refer to the definition of Equivalent Car Movements Per Day).

Dwelling means any building or buildings or any part of a building or buildings which is used as a self-contained area for accommodation or residence by one or more persons; where that area collectively contains: bathroom facilities, kitchen facilities and a sleeping/living area. The term dwelling includes a family flat up to 70m², except where the Plan has separate provisions that apply specifically to family flats.

A dwelling does not include any part of a farm building, business building or accessory building which contains bathroom or kitchen facilities which are used solely for the convenience of staff, or contract workers who reside off-site, or day visitors to the site; unless that building or part of a building is being used for overnight accommodation.

Where any buildings, building or part of a building on a site contains more than one set of bathroom facilities, kitchen facilities and a sleeping/living area such that they can be used as self-contained residences by different households, then each separate set of facilities shall be deemed to be one dwelling.

Family Flat means any dwelling up to 70m² in gross floor area, excluding garaging, which is located on the same site as an existing dwelling and the family flat is occupied by a member of the same immediate family as a person residing in the main dwelling on the site. A family flat may be attached to either the dwelling or an accessory building, or be free-standing.

Kitchen means a room or indoor area, the principal purpose of which is the preparation and cooking of food. A kitchen will generally include a sink bench, and a means of cooking food such as a stove, gas or electric cooker, or microwave (or have the facilities for the installation of these).

Residential Activity means the use of land and buildings for the purpose of living accommodation and ancillary activities. For the purpose of this definition, residential activity shall include:

- a) Accommodation offered to not more than five guests for reward or payment where the registered proprietor resides on-site
- b) Emergency and/or refuge accommodation
- c) Supervised living accommodation and any associated caregivers where the residents are not detained on the site

‘Residential Activity’ does not include:

- a) Travelling accommodation activities (other than those specified above)
- b) Custodial and/or supervised living accommodation where the residents are detained on site.

Canterbury Earthquake Recovery D/A.1 Workers Temporary Accommodation for the Greater Christchurch Rebuild

The following provisions are included in both volumes of the Operative District Plan.

Objective Suitable accommodation is available to meet the needs of workers supporting the rebuild of greater Christchurch following the 2010/11 earthquakes without creating significant effects over its duration or long term impacts beyond the rebuild period.

Policies

Providing for workers’ accommodation for the greater Christchurch rebuild

- A To recognise the importance of the availability of workers’ accommodation during the peak rebuild period of greater Christchurch by providing for workers’ accommodation through:
- Permanent accommodation that is consistent with the long term outcomes anticipated for the locality; or
- Temporary use of permanent accommodation buildings where the temporary use will be discontinued by 31 December 2022 and the temporary use may not be consistent with the long term outcomes anticipated for the locality but will not result in significant adverse effects for that duration; or
- Temporary buildings that will be removed in the period up to 31 December 2022 where the erection and use of buildings may not be consistent with the long term outcomes anticipated for the locality but will not result in significant adverse effects for that duration.

Temporary use of permanent buildings for workers’ temporary accommodation

- B To enable temporary use up to 31 December 2022 of accommodation and non-accommodation buildings where use of that building for workers’ temporary accommodation will not result in significant adverse effects for that duration.

Temporary buildings for workers’ temporary accommodation

- C To manage the potential adverse effects of workers’ temporary accommodation for the rebuild of greater Christchurch in accordance with the “Guideline for Temporary Accommodation for Workers” managing:
- a) Decommissioning; and
 - b) Location and size of the development; and

- c) Site layout and building design; and
 - d) On-site management.
- D To maintain the zone and neighbourhood characteristics anticipated in the longer term by requiring that before 31 December 2022, all temporary accommodation buildings be removed; all use for workers' temporary accommodation cease; and the site restored in accordance with a project decommissioning strategy and the "Guideline for Temporary Accommodation for Workers".
- E To ensure location choice and project design achieves quality living for occupants while avoiding, remedying or mitigating significant adverse effects on the characteristics of local neighbourhoods in accordance with the "Guideline for Temporary Accommodation for Workers".
- F To recognise that effective operation of workers' temporary accommodation contributes significantly to its quality and effects by requiring workers' temporary accommodation to be owned and managed as one development including on-site management in accordance with the "Guideline for Temporary Accommodation for Workers".

Definitions

Accommodation building means residential unit, traveler or visitor accommodation, family flat, student or educational accommodation, elderly persons housing, retirement complex, or care home, or similar such activities, and any related accessory buildings, as provided for in the district plan.

Appendix B Comparison with Other District Plans

Status of Plan	Christchurch District Plan Operative 19 December 2017	Waimakariri District Plan Operative 3 November 2005	Proposed Dunedin District Plan Notified September 2015 Hearings have been held	Proposed Queenstown Lakes District Plan Notified August 2015 Hearings have been held	Proposed Kapiti Coast District Plan Adopted 22 November 2017
Definitions	<p>Family flat means self-contained living accommodation, whether contained within a residential unit or located separately to a residential unit on the same site, which is occupied by family member/s who are dependent in some way on the household living within that residential unit, and which is encumbered by an appropriate legal instrument which ensures that the use of the Family flat is limited to dependent family members of the household living in the residential unit.</p> <p>Residential unit means a self-contained building or unit (or group of buildings, including accessory buildings) used for a residential activity by one or more persons who form a single household. For the purposes of this definition:</p> <p>...</p> <p>2. where there is more than one kitchen on a site (other than a kitchen within a family flat or a kitchenette provided as part of a bed and breakfast or farm stay) there shall be deemed to be more than one residential unit;</p> <p>3. a residential unit may include no more than one family flat as part of that residential unit;</p> <p>...</p>	<p>Dwellinghouse means any habitable structure, occupied or intended to be occupied in part or in whole as a residence and, except in relation to any cluster housing within Maori Reserve 873, includes one additional physically separated dwellinghouse that is no more than 75 square metres in gross floor area and is located within 30 metres of the primary dwellinghouse. For the purposes of this definition there shall be only one kitchen facility under any individual roof structure.</p>	<p>Family flats means a secondary residential unit occupied by a person or persons related to, dependent on, or, in the rural zones, employed by, the household that lives in the primary residential unit on the same site. To be considered a family flat, the residential unit must be:</p> <ul style="list-style-type: none"> • within the same site as the primary residential unit; • on the same available water and waste infrastructure connection, or the same non-reticulated wastewater disposal system; • on the same household electricity account; and • share the same vehicle access as the primary residential unit. <p>This definition excludes sleep outs.</p> <p>Residential Unit means for the purposes of determining density, a residential unit is any building, or part of a building, that is capable of being used as a self-contained residence with sleeping, cooking, bathing, and toilet facilities.</p>	<p>Residential Flat means a residential activity that compromises a self-contained flat that is ancillary to a residential unit and meets all of the following criteria:</p> <ul style="list-style-type: none"> • Has a total floor area not exceeding 70m², not including the floor area of any garage or carport; • Contains no more than one kitchen facility • Is limited to one residential flat per residential unit; and • Is situated on the same site and held in the same ownership as the residential unit, but may be leased to another party. <p>Notes:</p> <ul style="list-style-type: none"> • A proposal that fails to meet any of the above criteria will be considered as a residential unit. • Development Contributions and additional rates apply <p>Residential Unit means a residential activity (including a dwelling) which consists of a single self contained household unit, whether of one or more persons, and includes accessory buildings. Where more than one kitchen and/or laundry facility is provided on the site, other than a kitchen and/or laundry facility in a residential flat, there shall be deemed to be more than one residential unit.</p>	<p>Minor Flat means a building used for small-scale self-contained residential activities which is ancillary to a household unit. In order to be self-contained a minor flat must contain a kitchen and bathroom.</p> <p>Household Unit means all or part of a residential building that is capable of, or is being used as a self-contained unit for a residential activity. For the purposes of this definition:</p> <ol style="list-style-type: none"> 1. one household unit has one kitchen and at least one bathroom. If two kitchens and more than one bathroom are present, there will be two household units; 2. a household unit may consist of one primary residential building and any accessory buildings; 3. a minor flat is ancillary to a household unit; and 4. a building used for emergency or refuge accommodation shall be deemed to be one household unit so long as the above requirements are met. <p>Note: For further clarification refer to the definitions of residential activity, residential building and minor flat.</p>
Objectives/Policies	<p>Strategic Directions Objectives</p> <p>Objective 3.3.4 – Housing capacity and choice</p> <ol style="list-style-type: none"> a. For the period 2012 to 2028, an additional 23,700 dwellings are enabled through a combination of residential intensification, brownfield and greenfield development; and b. There is a range of housing opportunities available to meet the diverse and changing population and housing needs of Christchurch residents, including: <ol style="list-style-type: none"> i. a choice in housing types, densities and locations; and ii. affordable, community and social housing and papakāinga. <p>Objective 3.3.7 – Urban growth, form and design</p> <ol style="list-style-type: none"> a. A well-integrated pattern of development and infrastructure, a consolidated urban form, and a high quality urban environment that: <ol style="list-style-type: none"> i. Is attractive to residents, business and visitors; and ... iv. Increases the housing development opportunities in the urban area to meet the intensification targets specified in the Canterbury Regional Policy Statement, Chapter 6, Objective 6.2.2 (1) ... <p>Residential Zone</p> <p>Objective 14.2.1– Housing supply</p> <ol style="list-style-type: none"> a. An increased supply of housing that will: <ol style="list-style-type: none"> i. enable a wide range of housing types, sizes, and densities, in a manner consistent with Objectives 3.3.4(a) and 3.3.7; ii. meet the diverse needs of the community in the immediate recovery period and longer term, including social housing options; and 	<p>Health, Safety and Wellbeing</p> <p>Objective 12.1.1</p> <p>Maintain the amenity values and a quality of environment appropriate for different parts of the District which protects the health, safety and wellbeing of present and future generations, and ensure that any potential adverse environmental effects from buildings and structures, signs, glare, noise and hazardous substances are avoided or mitigated.</p> <p>Policy 12.1.1.1</p> <p>Maintain and enhance the positive contribution that buildings and structures, and the spaces between them, make to the character and amenity of urban areas where people reside, the neighbourhood and streetscape.</p> <p>Policy 12.1.1.5</p> <p>In the Rural Zones maintain the amenity values and quality of the environment by ensuring that the land is not dominated by dwellinghouses.</p> <p>Rural Zones</p> <p>Objective 14.1.1</p> <p>Maintain and enhance both rural production and the rural character of the Rural Zones, which is characterised by:</p> <p>...</p> <ol style="list-style-type: none"> b. separation between dwellinghouses to maintain privacy and a sense of openness; c. a dwellinghouse clustered with ancillary buildings and structures on the same site; ... <p>Policy 14.1.1.1</p>	<p>Objective 2.2.4 Compact and accessible city</p> <p>Dunedin stays a compact and accessible city with resilient townships based on sustainably management urban expansion. Urban expansion only occurs if required and in the most appropriate form and location.</p> <p>Policy 2.2.4.4</p> <p>Avoid subdivision that provides for residential activity of a fundamentally different type than provided for in the various zones, through:</p> <p>...</p> <ol style="list-style-type: none"> d. rules that do not provide for family flats, that are provided solely to allow extended or large families to live together, to be converted into primary residential units through subdivision or other means <p>Objective 2.6.1 Housing choices</p> <p>There is a range of housing choices in Dunedin that provides for the community's needs and supports social well-being.</p> <p>Policy 2.6.1.2</p> <p>Encourage more residential housing suitable for our ageing population and growing number of one and two person households, through:</p> <ol style="list-style-type: none"> a. zoning of areas that provide for medium density housing to enable transition to lower maintenance housing in existing neighbourhoods ('ageing in place'); b. rules that enable family flats, other than in General Residential 2 and inner city residential zones and areas subject to natural hazards. <p>Residential Zone</p> <p>Objective 15.2.4</p> <p>Subdivision activities and development maintain or enhance the amenity of the streetscape, and reflect the</p>	<p>Strategic Directions</p> <p>Goal 3.2.3 - A quality built environment taking into account the character of individual communities</p> <p>Objective 3.2.3.1</p> <p>Achieve a built environment that ensures our urban areas are desirable and safe places to live, work and play.</p> <p>Policy 3.2.3.1.1</p> <p>Ensure development responds to the character of its site, the street, open space and surrounding area, whilst acknowledging the necessity of increased densities and some change in character in certain locations.</p> <p>Goal 3.2.6 - Enable a safe and healthy community that is strong, diverse and inclusive for all people.</p> <p>Objective 3.2.6.1</p> <p>Provide access to housing that is more affordable</p> <p>Policy 3.2.6.1.1</p> <p>Provide opportunities for low and moderate income Households to live in the District in a range of accommodation appropriate for their needs.</p> <p>Objective 3.2.6.2</p> <p>Ensure a mix of housing opportunities.</p> <p>Policy 3.2.6.2.1</p> <p>Promote mixed densities of housing in new and existing urban communities.</p> <p>Residential Zones</p> <p>Objective 7.2.4</p> <p>Allow low rise, discrete infill housing as a means of providing a more diverse and affordable housing stock.</p>	<p>Objective 2.3 – Development Management</p> <p>To maintain a consolidated urban form within existing urban areas and a limited number of identified growth areas which can be efficiently serviced and integrated with existing townships, delivering:</p> <ol style="list-style-type: none"> a) urban areas which maximise the efficient end use of energy and integration with infrastructure; ... g) an adequate supply of housing and areas for business/employment to meet the needs of the District's anticipated population which is provided at a rate and in a manner that can be sustained within the finite carrying capacity of the District; and <p>Objective 2.11 – Character and Amenity</p> <p>To maintain and enhance the unique character and amenity values of the District's distinct communities so that residents and visitors enjoy:</p> <ol style="list-style-type: none"> a) relaxed, unique and distinct village identities and predominantly low-density residential areas characterised by the presence of mature vegetation, a variety of built forms, the retention of landforms and unique community identities; ... <p>Objective 2.12 – Housing Choice and Affordability</p> <p>To meet diverse community needs by increasing the amount of housing that:</p> <ol style="list-style-type: none"> a) is of densities, locations, types, attributes, size and tenure that meets the social and economic wellbeing needs of households in suitable urban and rural locations; b) is affordable and adequate for lower income households; and c) can respond to the changing needs of residents, regardless of age, mobility, health or lifestyle preference;

	Christchurch District Plan	Waimakariri District Plan	Proposed Dunedin District Plan	Proposed Queenstown Lakes District Plan	Proposed Kapiti Coast District Plan
	<p>v. assist in improving housing affordability.</p> <p>Policy 14.2.1.1 – Housing distribution and density</p> <p>a. Provide for the following distribution of different areas for residential development, in accordance with the residential zones identified and characterised in Table 14.2.1.1a, in a manner that ensures:</p> <p>...</p> <p>vi. low density residential environments in other existing suburban residential areas and in the residential areas of Banks Peninsula, and in small settlements are maintained, but limited opportunities are provided for smaller residential units that are compatible with the low density and township suburban environment; and</p> <p>...</p> <p>Policy 14.2.1.8 – Provision of housing for an aging population</p> <p>a. Provide for a diverse range of independent housing options that are suitable for the particular needs and characteristics of older persons throughout residential areas.</p> <p>Objective 14.2.2 – Short term residential recovery needs</p> <p>a. Short-term residential recovery needs are met by providing opportunities for:</p> <p>i. an increased housing supply throughout the lower and medium density residential areas;</p> <p>...</p> <p>Policy 14.2.2.1– Short term recovery housing</p> <p>a. Provide for and incentivise a range of additional housing opportunities to meet short term residential recovery needs through redevelopment and additions to the existing housing stock and/or vacant land, that:</p> <p>i. are appropriately laid out and designed to meet the needs of current and future residents; and</p> <p>ii. avoid significant adverse effects on the character or amenity of existing residential areas.</p> <p>Objective 14.2.4 – High quality residential environments</p> <p>a. High quality, sustainable, residential neighbourhoods which are well designed, have a high level of amenity, enhance local character and reflect the Ngāi Tahu heritage of Ōtautahi.</p> <p>Policy 14.2.4.8 – Best practice for health, building sustainability, energy and water efficiency</p> <p>a. Promote new residential buildings that:</p> <p>i. provide for occupants’ health, changing physical needs, and life stages; and</p> <p>Rural Zone</p> <p>Objective 17.2.1.1 – The rural environment</p> <p>a. Subdivision, use and development of rural land that:</p> <p>i. supports, maintains and, where appropriate, enhances the function, character and amenity values of the rural environment and, in particular, the potential contribution of rural productive activities to the economy and wellbeing of the Christchurch District;</p> <p>...</p>	<p>Avoid subdivision and/or dwellinghouse development that results in any loss of rural character or is likely to constrain lawfully established farming activities.</p> <p>Residential Zones</p> <p>Objective 17.1.1</p> <p>Residential Zones that provide for residents’ health, safety and wellbeing and that provide a range of living environments with distinctive characteristics.</p> <p>Policy 17.1.1.2</p> <p>Recognise and provide for differences between Residential Zones reflecting the community’s expectations that a range of living environments will be maintained and enhanced.</p>	<p>current or intended future character of the neighbourhood.</p> <p>Policy 15.2.4.3</p> <p>Limit the size of family flats to a size that:</p> <p>a. reflects their purpose as providing a second residential unit for people related to residents of the main residential unit; and</p> <p>b. minimize any adverse effects on the amenity and character of the neighbourhood.</p> <p>Rural Zones</p> <p>Objective 16.2.1</p> <p>Rural zones are reserved for productive rural activities and the protection and enhancement of the natural environment, along with certain activities that support the well-being of rural communities where these activities are most appropriately located in a rural rather than an urban environment. Residential activity in rural zones is limited to that which directly supports farming or which is associated with papakāika</p> <p>Policy 16.2.1.6</p> <p>Require any family flat to be of a size and location in relation to the primary residential building (house) that:</p> <p>a. reflects its use for housing a person or persons related to, dependent on, or employed by the household that lives in the primary residential building on the same site; and</p> <p>b. adequately discourages future pressure to subdivide the family flat.</p>	<p>Policy 7.2.4.1</p> <p>Provide for compact, low rise infill housing that does not fundamentally compromise the integrity of the zone’s low density character and amenity values.</p> <p>Medium Density Residential</p> <p>Objective 8.2.1</p> <p>Medium density development will be realised close to town centres, local shopping zones, activity centres, public transport routes and non-vehicular trails in a manner that is responsive to housing demand pressures.</p> <p>Policy 8.2.1.1</p> <p>The zone accommodates existing traditional residential housing forms (dwelling, residential flat), but fundamentally has the purpose to provide land close to town centres, local shopping zones, activity centres and public transport routes that is appropriate for medium density housing uses.</p> <p>Arrowtown Residential Historic Management Zone</p> <p>Objective 10.2.2</p> <p>Enable residential flats as a means of providing affordable housing while generating minimal adverse effects on amenity values.</p> <p>Policy 10.2.2.1</p> <p>Provide for residential flats of a compact size that do not compromise the integrity of the zone’s special character.</p> <p>Large Lot Residential</p> <p>Objective 11.2.1</p> <p>High levels of residential amenity within the Large Lot Residential Zone.</p> <p>Policy 11.2.1.1</p> <p>Maintain character and amenity through minimum allotment sizes, with particular emphasis on maintaining the character and amenity of established areas.</p> <p>Policy 11.2.1.2</p> <p>Recognise opportunities for infill and subdivision to higher densities providing the amenity, open character and privacy of established neighbourhoods are not degraded and opportunities for garden and landscape plantings are retained.</p> <p>Rural Zone</p> <p>Objective 21.2.1</p> <p>Enable farming, permitted and established activities while protecting, maintaining and enhancing landscape, ecosystem services, nature conservation and rural amenity values.</p> <p>Rural Residential and Rural Lifestyle Zones</p> <p>Objective 22.2.2</p> <p>Ensure the predominant land uses are rural, residential and where appropriate, visitor and community activities.</p>	<p>while enhancing the amenity of living environments and contributing to the sustainability of communities and compatibility with the goals of environmental sustainability, in particular resource, water and energy efficiency.</p> <p>Living Zones</p> <p>Policy 5.17 – Minor Flats</p> <p>A minor flat will be provided for where it is ancillary to a household unit and is undertaken in the following manner:</p> <p>a) it will be of a scale suitable to accommodate 1 or 2 persons;</p> <p>b) it will not compromise the provision of sufficient outdoor living court areas;</p> <p>c) adequate on-site car parking (accessed from a common driveway) will be provided; and</p> <p>d) it will not unreasonably affect the privacy, outlook or sunlight access of the primary residential building or adjoining properties and public spaces.</p> <p>Rural Zones</p> <p>Policy 7.10 – Household Units and Buildings</p> <p>New household units and other buildings in all the Rural Zones will be provided in a manner which avoids, remedies or mitigates adverse environmental effects (including cumulative effects) on the productive potential and landscape character of the rural area, including:</p> <p>a) limiting the number of household units and minor flats to one of each per site, except where Development Incentive Guidelines are complied with;</p> <p>b) managing the location and scale of buildings; and</p> <p>c) recognising the operational requirements for buildings that are ancillary to primary production activities.</p>

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	<p>Policy 17.2.2.3 – Contributing elements to rural character and amenity values</p> <p>a. Recognise that the elements that characterise an area as rural, from which desired amenity is derived, include the predominance of:</p> <ol style="list-style-type: none"> a landscape dominated by openness and vegetation; significant visual separation between residential buildings on neighbouring properties; <p>Policy 17.2.2.7 – Density and distribution of residential units</p> <p>a. Ensure a density and distribution of residential units that:</p> <ol style="list-style-type: none"> maintains and enhances the working function of the rural environment; ... avoids the expectation of land use change of rural land to urban activities or for rural residential development; ... retains a low density of built form with a high degree of openness appropriate to the surrounding environment. 				
Activity Status	Permitted – in most Residential and Rural zones	Permitted – default status as not listed	Permitted – in Rural and Rural Residential Zones and most Residential Zones, Not permitted in General Residential 2 or in Inner City Residential Zone as these zones already allow for multiple dwellings	Permitted where Residential Units are permitted (by virtue of definition)	Permitted – in Living and Rural Zones subject to standards
Standards	<p>Residential Zones</p> <p>Minor residential units shall be detached, between 35m² and 80m² in gross floor area and share parking from the same access as the primary residential unit. The site on which the minor unit is to be developed must also have a minimum site area which varies depending on the zone. In some zones there shall be a minimum total private open space area of 90m² for both units and the height of the minor unit is limited to single storey, to a maximum of 5.5 metres.</p> <p>Rural Zones</p> <p>A minor residential unit shall have a minimum gross floor area of 35m² and a maximum gross floor area of 80m², share vehicle access with the primary residential unit and be located on a site with a minimum site area specific to the zone.</p> <p>Transport Chapter Rule 7.4.3.1 (refers to Table 7.5.1.1) 1 car parking space per unit where that unit has less than 150m² gross floor area</p>	<p>There are no specific standards listed for secondary dwelling, beyond those set out in the definition. As a secondary dwelling is included in the definition of dwellinghouse, it must comply with the relevant bulk and location requirements for the relevant zone.</p>	<p>Residential Zone Rule 15.5.2 Density</p> <p>5. family flats must not exceed 60m² and must be ancillary to a primary residential unit on the same site</p> <p>Rule 15.5.12 Outdoor Living Space A family flat should have direct access to at least 25m² of outdoor living space – but this can be shared with the primary residential unit.</p> <p>Rule 15.6.7.2 Maximum height The maximum height for a stand alone family flat is 4.5m.</p> <p>Rural Zones Rule 16.5.2 Density</p> <p>2. One family flat is allowed per site in association with a standard residential activity that meets this performance standard for density, provided:</p> <ol style="list-style-type: none"> the family flat is either attached to or located in the same residential building as the primary residential unit, or is located within 30m of the primary residential building, as measured as the closest distance between any wall of the primary residential building and any wall of the family flat; and the family flat has a maximum gross floor area of 60m². <p>Rural Residential Zones Rule 17.5.2 Density</p> <p>d. In all rural residential zones, one family flat is allowed per site in association with a standard residential activity that meets this performance standard for density, provided:</p> <ol style="list-style-type: none"> the family flat is either attached to or located in the same residential building as the primary residential unit, or is located within 30m of the primary residential building (house), as 	<p>Beyond the standards set out in the definition, a residential flat must also comply with the relevant bulk and location requirements of the relevant zone.</p> <p>One car parking space per residential flat is required in all zones unless indicated otherwise (Rule 29.9.7)</p>	<p>Living Zones – Table 5A.1.6 Permitted Activities Minor flats</p> <p>3. A maximum of one minor flat may be erected as ancillary to a household unit on any lot that meets the applicable minimum lot size requirements in Rules 5A.2.3 or 5A.3.3.</p> <p>4. The maximum floor area of a minor flat shall be 54m² (excluding decks and covered outdoor living areas).</p> <p>5. A minor flat must not be sold or otherwise separately disposed of except in conjunction with the household unit.</p> <p>Height</p> <p>8. The maximum height of any building shall be 8 metres except:</p> <p>a) any minor flat shall have a maximum height of 4.5 metres</p> <p>Rural Zones – Table 7A.1.4 Permitted Activities</p> <p>1. The maximum number of residential buildings on any site shall be one household unit and one minor flat (except on Kāpiti Island and the outer islands which have specific requirements). The maximum total floor area of a minor flat shall be 60m² and the maximum total floor area for a sleep out shall be 30m²</p>

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			measured as the closest distance between any wall of the primary residential building and any wall of the family flat; and ii. the family flat has a maximum gross floor area of 60m ² .		
If non-compliance?	Restricted Discretionary – Residential Zones (Rule 14.15.22) If a minor residential unit does not meet the minimum site area, maximum floor area, access or private open space standards. Rural Zone (Rule 17.11.2.2) If a minor residential unit does not meet the maximum floor area or access standards.	Discretionary or Non-complying depending on the rule(s) which cannot be complied with.	Restricted Discretionary – Residential Zones If a family flat fails to comply with performance standard for density Rural and Rural Residential Zones If family flats exceed the distance from the primary residential building or maximum gross floor area.	Restricted Discretionary	Restricted Discretionary if it does not comply with one or more of the associated standards in Living Zones and Rural Zones .
Other	In Rural Zones , if the minimum net site area is not met, the activity is non-complying .			Rule 27.4.2 – Subdivision d. The subdivision of a residential flat from the residential unit it is ancillary to shall be a non-complying activity, except where this is permitted in the Low Density Residential Zone. In the Mount Cardrona Station Special Zone, a secondary unit has a similar definition as a residential flat	The sale or otherwise disposal of a minor flat which is not in conjunction with its associated household unit is a non complying activity in a Living Zone .