



# RESIDENTIAL FLATS UNDER THE OPERATIVE DISTRICT PLAN

## INTRODUCTION – WHAT IS A RESIDENTIAL FLAT?

In brief, a **Residential Flat** is a self-contained residential space that is on the same site as and directly associated with and subordinate to a Residential Unit (or primary dwelling). To be a residential flat it must meet specific design criteria.

A **Residential Unit** (primary dwelling), is a single self-contained household unit, including accessory buildings. However, if more than one kitchen and/or laundry facility exists or is proposed on a site, e.g. another kitchen or laundry beyond that within the primary dwelling, this is considered as a second residential unit, or alternatively if the design meets the specified requirements - a **Residential Flat**.

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## THE DEFINITIONS OF A KITCHEN AND LAUNDRY FACILITY

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## CAN MY DEVELOPMENT BE CONSIDERED A RESIDENTIAL FLAT?

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## DEVELOPMENT CONTRIBUTIONS & RATES

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### KITCHEN FACILITY

A **Kitchen Facility** means any space, facilities and surfaces for the storage, rinsing preparation and/or cooking of food, the washing of utensils and the disposal of waste water, including a food preparation bench, sink, oven, stove, hot-plate or separate hob, refrigerator, dish-washer and other kitchen appliances.



### LAUNDRY FACILITY

A **Laundry Facility** is defined as facilities for the rinsing, washing and drying of clothes and household linen, and the disposal of waste water, and includes either a washing machine, tub or clothes dryer.

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If you want to establish a Residential Flat to allow the additional kitchen or laundry on a site, you need to meet a set of criteria to be considered as Residential Flat. These are as follows:



### A RESIDENTIAL FLAT

A **Residential Flat** means a residential activity that:

- Consists of no more than one flat in the same ownership as the residential unit; and

*One residential flat can be associated with a residential dwelling.  
This cannot be subdivided (same owner as the primary dwelling)*

- Is contained within the same residential unit; and

*Needs to be part of the primary dwelling – for example a  
downstairs flat*

- If attached to a detached accessory building, does not cover more than 50% of the total Gross Floor Area of the building containing the flat and detached accessory building; and

*Is restricted in size – for example cannot be bigger than the garage  
it is attached to*

- Contains no more than one kitchen and one laundry; and

*The flat itself can only be one household unit*

- Does not cover more than 35% of the total Gross Floor Area of the building(s) containing the residential unit and flat (but excluding accessory buildings).

*Another size restriction – this means that the flat will always be a  
smaller component when compared to the primary dwelling.  
Calculate the entire GFA, and the Flat must be less than 35% of this.*

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An important consideration in the establishment of a residential flat is the associated Development Contribution requirement and your obligations for Council Rates.

A residential flat will incur a Development Contribution. For more information and to request an estimate on development contributions, visit the QLDC webpage here – <https://www.qldc.govt.nz/planning/development-contributions/>

Your Council rates will also likely increase if you have a residential flat. For more information, contact QLDC's Rates Officer on 03 441 0499.

## WHAT ARE THE RULES FOR RESIDENTIAL FLATS IN MY AREA?

## INFORMATION REQUIREMENTS

## FAQS – RESIDENTIAL FLATS



The District Plan car parking standards require that (in all zones) a residential flat is provided with one car park on the site in addition to that required for a Residential Unit.



Outdoor Living Space for exclusive use of the occupant is also required to be provided for a residential flat.

In the *residential zones* (Low & High Density Residential) residential flats are anticipated. Therefore, a Residential Flat which meets the above criteria is a permitted activity.

The status (controlled, restricted discretionary, or non-complying) of a Residential Flat varies in other zones, but a resource consent **is** generally required.

To check rules for your zone, and in general, we recommend discussing your proposal/design with a Council Planner to ensure all requirements are met.

It is also recommended to check if any private covenants preclude the establishment of a Residential Flat.

For an application for resource consent (or building consent) you will be expected to provide:



Detailed plans of the Residential Flat and Residential Unit including accessory buildings.



A Site Plan illustrating an additional car park



Information as to how the flat will be serviced (any upgrades to services required?)

**NOTE:** in all cases a Building Consent will be required under the Building Act. Consultation with one of Council's Building Officers is recommended to establish any obligations under that Act for the construction of the flat.



*I have shown an area with sink for tea & coffee for my guests*

A flat-type arrangement with an area for a “bar”, “art studio”, or “tea/coffee facilities” will generally be deemed to be a residential flat (with kitchen).



*What about changing an area of my house into a flat later?*

Changing the use of an area into a ‘kitchen’ or establishing a flat without the necessary consents may be termed an offence under the Building Act, could result in prosecution in the event of a fire, and could affect insurance policies in the event of an incident.



*I am buying a property with a flat downstairs – what should I check?*

Given the potentially serious consequences associated with the establishment of an unlawful kitchen/flat or purchasing a dwelling with a second kitchen, it is recommended you ensure that the use of a building matches the existing consents. The building and resource consents for a property are available on Council's EDocs system or contact a Council planner on 03 441 0499.



*What can I do without it being classified as a Residential Flat?*

Having a sleepout with no kitchen or laundry facilities, does not constitute a residential flat.