

Additional Dwelling FAQs

Purpose: This guidance note provides answers to frequently asked questions about the resource consent process to allow additional (more than one) dwelling on a site. This guidance is focused on applications under Rule 12.10.3.a (Rural Zone) and Rule 13.10.3.a (Residential Zone) of the Kaipara District Plan 2013.

What is a ‘dwelling’ under the Kaipara District Plan 2013?

A ‘dwelling’ is defined in the Kaipara District Plan as:

“Any self-contained residence of one or more persons as a single household which in each case contains one kitchen, and includes any dwelling house, flat, home unit or townhouse or papakainga housing on ancestral land, but does not include a sleep out.”

Based on this definition there are two ‘qualifying factors’ which need to be considered when determining whether a building, or part of a building is defined as a ‘dwelling’, these being:

- i. Whether a building, or part of a building, has the functionality to operate as a ‘self-contained residence’; and
- ii. Whether a building, or part of a building, has a kitchen.

Determining whether a space is ‘self-contained’ requires consideration of the available living facilities (i.e. bedroom(s), bathroom, laundry, living areas) and the relationship with any other buildings or parts of the building on the site. A kitchen includes any food preparation facilities which may include a sink and cooking facilities. Where both of these criteria are met, a building, or part of a building will be considered a dwelling.

When does an additional dwelling require resource consent?

In the Rural Zone and Residential Zone one dwelling per site is permitted regardless of the area of the site. Whether any additional dwellings are permitted is dependent on the area of the site and the applicable Zone and Overlays of the site under the District Plan. The table below provides a summary of these standards for the Rural and Residential Zones:

Rural Zone (no overlay)	Rural Zone (overlay)	Residential Zone (no overlay)	Residential Zone (overlay)
1 dwelling per 12ha	1 dwelling per 20ha	1 dwelling per 600m ²	1 dwelling per 1,000m ²

Where a site does not meet the relevant area requirements, any additional dwellings require resource consent as a Discretionary Activity. Where resource consent is required for an additional dwelling, it is recommended that the applicant engage a planning specialist to support with the preparation of the resource consent application.

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What factors will Council consider when assessing an application for an additional dwelling?

Council will consider any application for an additional on a case-by-case basis and may either grant or decline the application. As a Discretionary Activity, Council is unrestricted in its assessment and may consider any details which it considers relevant to the assessment of the proposal. Key factors of consideration may include:

- Building location and size and site size and layout
- Availability of appropriate utility services (i.e. stormwater, wastewater, potable water, electricity, telecommunications, etc.)
- Visual effects of the dwelling on the surrounding landscape and the potential effects on the locality, particularly the rural/residential character and amenity values
- The extent to which proposed landscaping is consistent with the character of the area, provides screening from adjoining public places and dwellings
- Effects on the safety and efficiency of vehicles and pedestrians using the site and affected roads and private ways; and
- The extent to which the secondary dwelling is required to support the primary activity on site and delivers social and economic benefits.

Proposals which provide a clear relationship between the primary and secondary dwellings are likely to be more favourable than those without. This can be achieved through the clustering of buildings (having the new dwelling close to the existing dwelling) and shared access.

Landscaping should be considered to screen the proposed dwelling from adjacent properties. In particular, planting and/or fencing should be considered along boundaries of the site to provide screening from the immediately adjacent properties.

Council is unlikely to support applications which enable future fragmentation through subdivision. Therefore, applicants may wish to consider proposing controls such as a 'No Subdivision Covenant' which provide certainty to Council that the proposal will not be used to enable undesirable subdivision.

If the Applicant can obtain 'affected parties' approval' from all immediately neighbouring properties this limits the risk of notification.

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Do I still require resource consent for a 'Minor Dwelling' (i.e. a granny flat or tiny home)?

The District Plan does not have provisions for 'Minor Dwellings'. Therefore, any building, regardless of size, which meets the definition of 'dwelling' must be considered under the relevant dwelling rules. This may include buildings such as granny flats or tiny homes which often meet the definition of 'dwelling'. However, an application for a 'minor dwelling' may be assessed more favourably compared with a conventional (full sized) dwelling typology, particularly when a clear relationship with the primary dwelling on the site can be demonstrated.

Do I require resource consent for a sleepout?

Sleep outs are excluded from the definition of dwelling and therefore do not require resource consent (subject to compliance with the relevant development standards). While there is no definition of a 'Sleep out' in the district plan, a sleep out is considered to be a building which may contain living facilities (i.e. bedroom(s) bathroom, laundry, living areas), but does not include a kitchen and is functionally connected to a dwelling.

What other planning standards do I need to consider?

There are a range of other planning standards which need to be considered with regard to the design of any building, which include:

- Minimum floor level
- Maximum height
- Building coverage
- Setbacks
- Private open space
- Permeable surfaces
- Height in relation to boundary
- Vehicle access
- Minimum parking

A full planning assessment against all relevant rules should be completed for any proposal. Where a dwelling does not comply with one or more of these standards, resource consent is required.

What engineering factors do I need to consider?

The Applicant should provide the following as part of the applications:

- Geotech assessment demonstrating building site suitability
- Stormwater design demonstrating management of run-off control
- Wastewater provision including demonstrating an appropriate effluent field location
- Sufficient potable (drinking) water provision
- Compliance with the Kaipara District Engineering Standards (link provided below):

<https://www.kaipara.govt.nz/services/engineering-standards>

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Will I need to pay additional development contributions and/or financial contributions for an additional dwelling?

A second dwelling may require additional development contributions and/or financial contributions as a result of the additional capacity generate by the activity. For more information on development contributions and financial contributions refer to the relevant policies below:

- [Development Contributions Policy - Kaipara District Council 2020](#)
- [Chapter 22 Financial Contributions – Kaipara District Plan 2013](#)

If I need resource consent, does this need to be prepared by a planner?

A resource consent application for a second dwelling will need to comprehensively address the relevant planning matters in accordance with the Resource Management Act 1991. Council generally encourages applicants to engage a professional planner to assist with the preparation of an application, particularly when the applicant has limited experience in the resource consent process.

Further information and direction regarding the resource consent process is provided in the links below:

- [Quality Planning New Zealand](#)
- [Ministry for the Environment - Applying for Resource Consent Guidance](#)
- [New Zealand Planning Institute – Planning Consultant Directory](#)

Glossary

<i>Permitted activity</i>	An activity that does not require resource consent.
<i>District Plan</i>	The 'Kaipara District Plan 2013'.
<i>Zone</i>	Provisions relating to land use, development and subdivision for a particular area. Identified in the District Plan maps .
<i>Overlay</i>	Environment specific provisions which apply in addition to Zone provisions. Identified in the District Plan maps .
<i>Development Contributions</i>	Funds required to support additional or new infrastructure which is required by growth.
<i>Financial Contribution</i>	Funds required to address adverse effects of development which are not address through development contributions.

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