



Minor Residential Units

When you seek to build a new dwelling or make extensions to an existing dwelling the District Plan contains rules controlling how and where these building works may occur. If these rules are not met then a resource consent application will be required. Please also note any relevant Plan Change.

Note: This extract forms only a summary of parts of the North Shore District Plan, and should always be read in conjunction with the full plan. Please contact the Environmental Services' planning information officers for further information. Further information about the District Plan is also available on the Council's website: www.northshorecity.govt.nz

What is a minor residential unit?

A minor residential unit is secondary unit under 60m² or up to 80m² in some rural zones, which can be used either as a rental property or to house a dependent relative and is subservient to the larger residential unit on the site. The minor residential unit may be separate, or be part of a main residential unit. The Council often considers a kitchen sink/dishwashing facility as the trigger for a minor residential unit. It is not entitled to be further subdivided from the associated larger residential unit on the site. For this reason, you may wish to consider establishing another residential unit rather than a minor residential unit.

Buyer concerns

The financial benefit from such an arrangement has prompted vendors and real estate agents to highlight this advantage when selling a property. In some cases, however, minor units have been established without an approved building consent/permit and these units are therefore unauthorised, or illegal. Unfortunately, an unsuspecting buyer can easily fall into the trap of buying such a property thinking only of the financial benefits of an extra home or income. You may wish to establish the legality of the minor unit before purchasing a property by contacting the council and requesting a Land Information Memorandum (LIM) and seeking professional planning advice.

Please check whether any unit was established as a granny flat – established only for the use of family members and not able to be rented (a provision previously allowed in the District Plan rules).

What are the basic District Plan requirements for minor residential units?

The North Shore City District Plan splits the City into zones. The rules regarding minor units vary for each zone. The following is a brief summary:

Zone	Activity Status	Max. size (excludes parking)
Residential 1, 4, 5 (excluding certain sites in Birkenhead area ¹), 6, 7, Albany ² and Greenhithe Structure Plans Area A, B, C and D and Residential Expansion Zones	Permitted	60m ² if site 600m ² or larger.
Residential 2, 3, certain Residential 5 sites in Birkenhead area ¹ , Albany ² and Greenhithe Structure Plans Area A, B, C and D and Residential Expansion Zones	Land use consent required always in Albany & Greenhithe Structure Plan Areas A, B, C and D and only in Residential 2 & 3 and Residential Expansion Zones if site less than 600m ² .	60m ²
Rural 1	Permitted	80m ²
Rural 2, 3	Land use consent required (Controlled)	80m ²
Rural 4 (i), Rural 4(ii)	Land use consent required (non-complying activity)	Not provided for
All zones	No more than one minor residential unit may be erected on any site.	

1. Residential 5 zone in Birkenhead area: Mokoia Road, Chelsea View Drive, Balmain Road, Onetaunga Road, Harper Street, Bragato Place, Ravenstone Place, Murano Place, Homewood Place, Mossman Place, Portsea Place, Fitzpatrick Place, Barlow Place, Heaton Grove, Mappin Place, Makepiece Place, Langstone Place, Porritt Ave, and Chatswood Grove. As per Consent Order 27 May 2008.

2. The activity status for Albany Structure Plans Area A, C and D will be affected by Proposed Plan Change 32 requiring a resource consent regardless of the site size. Please confirm the activity status with information officers at Environmental Services at the time of your application.

Plans accompanying applications also need to show the following:

Item	Main dwelling	Minor residential unit
Parking & manoeuvring area	2 carparks	1 for units less than 50m ² , 2 for units more than 50m ²
Outdoor living court (No dimension less than 4m, 6m diameter circle with maximum gradient of 1:5 (after siteworks), no more than 50% of it located to the south of any part of the unit to which it relates to)	80m ²	40m ²
Service Court (min. dimension 3m)	20m ²	20m ²

Additional Planning controls

The minor residential unit must also comply with the bulk and location controls in the District Plan as well as the underlying site specific controls. These are listed in pamphlet: R12 – Residential Controls and include some of the following:

- Site coverage, yards, height in relation to boundary, building length, visual privacy, permeable area, siteworks, etc.,
- Capacity constraints in the upper sections of Birkdale Wastewater catchment C014 (please speak to an engineer),
- Site suitability (land use consent is required to build in a floodplain, flood sensitive area, or within an overland flow path, or on land with a gradient steeper than 1:4),
- Residential units adjacent to a high noise route require a report from an Acoustic Engineer,
- Designations (e.g. site of geological significance, coastal conservation area (land use consent required),
- Protected trees (land use consent required to remove) and work within the rootzone of certain trees (land use consent required),
- Stormwater management area (determines maximum impermeable area/mitigation measures),
- Flood sensitive areas and/or overland flow paths.

Please speak to a planner for additional information.

What are the basic Building Act requirements?

The conversion of an existing basement and/or garage, or the establishment of a new separate unit, will require a building consent. It is important that sufficient headroom is provided (minimum 2.1m) and that the headroom complies with New Zealand Building Code clause D.1 when establishing habitable areas.

If the minor unit is to be used for letting purposes, then fire ratings will be required together with a fire summary for the proposal. Specific New Zealand Building Code requirements that must be complied with are:

- i Fire ratings complying with Clauses C1, C2, C3 and C4 of the Building Code are required.
- ii Airborne and impact ratings complying with Clause G6 of the Building Code are required between abutting occupancies i.e. floors/walls.
- iii External moisture must be prevented from entering the area when basements and/or garages are converted into habitable areas by complying with Clause E2 of the Building Code.
- iv Any wet areas above a downstairs unit require floor wastes and impervious floor coverings to comply with Clause E3 of the Building Code.
- v Insulation must meet the requirements of Clause H1 of the Building Code for all alterations and additions as from 30 September 2008.

Other Building Code Clauses may also be applicable and must be complied with – evidence of how this will be achieved must be demonstrated on the plans when the building consent application is submitted.

If an application is for housing a dependent relative, then no fire and sound rating is required. This is only IF the occupier of the housing is a member of the immediate family of the occupiers of the main dwelling.

The above fire requirement is very important because your insurance company may question the validity of insurance cover in the case of a fire. You may also be held liable in court if a life is lost during a fire.

Development Contributions

Minor residential units are eligible to incur a development contribution requirement. Development Contributions are contributions of money or land to fund the costs of providing the additional infrastructure needed when a new development, that will increase the demand for services, is undertaken. Please contact the Development Contributions Team for more information on Development Contributions.

Where do I get more detailed information?

The planning information officers and building staff at Environmental Services can be contacted for more detailed information on a particular site.

Professional independent planning advice can be attained from the private sector.

Environmental Services is located at 1 The Strand, Takapuna with information services available to the public from 8am to 5pm, Monday to Friday.

Lodgement of consent applications now by appointment only – please telephone 486-8600 to make an appointment.