

# Definition of Residential Flat

**Changes are proposed to the current definition of Residential Flat to address a number of issues. The changes are intended to make it easier to establish a Residential Flat.**

## Current definition

Residential Flat means a residential activity that:

- Consists of no more than one flat in the same ownership as the residential unit; and
- Is contained within the same residential unit; and
- 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
- Contains no more than one kitchen and one laundry; and
- 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).

## ISSUES WITH THE CURRENT DEFINITION

- It doesn't set a fixed limit on how big a Residential Flat can be, and rather requires the Flat to be attached to either a house or an accessory building (e.g. a garage). The size of the Flat can be determined as a percentage of the gross floor area of the Flat and the building it is attached to. This means that there is currently no limit on the floor area of Flats. For example, a flat attached to a 350m<sup>2</sup> house could have a gross floor area of 122m<sup>2</sup>, which is the size of a modest 3 bedroom

house. Or, a 65m<sup>2</sup> flat that is not attached to the house would need to be attached to a 130m<sup>2</sup> garage, requiring a total building size of 195m<sup>2</sup>.

- It is confusing, and often requires interpretation from Council Planning Staff.
- It doesn't provide scope for a Residential Flat to be a detached structure.
- It mentions the presence of one kitchen and laundry, but no mention of bathrooms or whether a Flat is self-contained.
- It doesn't mention that additional rates and development contributions apply.
- It doesn't provide clear guidance for instances where a Flat does not comply with the definition.

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## The proposed definition

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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 70m<sup>2</sup>, 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.

**Please note:**

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

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## What will change?

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- Flats can have a maximum floor area of 70m<sup>2</sup>, excluding garaging or carports. This generally allows a 1 to 2 bedroom Flat and means that the use of any garage or carport can be shared between a Flat and the house it shares a site with. This removes the current complexity with determining floor area.
- Flats can either be detached or attached to another structure. This provides more flexibility for the arrangement of buildings on a site, and removes a requirement for an existing building to be extended to achieve the desired size of Flat.
- The size of the Flat will no longer be determined by the size of other structures on the site. This is a more equitable approach, where a large house or garage are no longer prerequisites for allowing large Flats.
- Removes the reference to laundries, and adds the qualifier that a Flat must be self-contained. This provides a clear distinction from other structures that might be used as bedrooms, such as sleep-outs.

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## What will stay the same?

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- A house (residential unit) needs to be present on the property.
- A Flat can still be leased, but can't be subdivided off or on-sold separately.
- Development contributions and rates still apply (this will now be highlighted in the definition).
- The limit of only one Flat per property will remain. This means there can only be up to two kitchens, one for the house and one for the Flat.
- If a proposal fails to meet the definition then it will be considered a residential unit (this is current practice, but will now be clarified in the definition)

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## Other things to note

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- Residential flats, even if listed as a permitted activity in the District Plan, must still comply with rules such as the maximum site coverage by buildings, building setbacks and onsite parking requirements, and located within the building platform (if applicable). These rules, among others will influence the scale and location of flats. This has particular relevance for more densely developed areas.

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## Early effect

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To help address the current housing and accommodation shortage while the District Plan review progresses, we will be making an application to the Environment Court to seek immediate legal effect for the changes to this definition. While the existing definition will still apply in the interim, facilitating early effect of the new definition could help people establish a residential flat that wouldn't be able to be considered under the existing definition.

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## Want to get into more detail?

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Visit [www.qldc.govt.nz/proposed-district-plan](http://www.qldc.govt.nz/proposed-district-plan) to read the full provisions or a range of other resources.