

Using our Residential land better – ADU Potential

Accessory Dwelling Units (ADUs) are already a feature of New Zealand’s towns and cities. They are often informal and illegal. Some are only marginally habitable. Some are carefully designed, functional solutions for increasing affordable housing stock.

Accessory Dwelling Units(ADUs)

What constitutes an ADU is not easy to define. Perhaps the broadest and most universally applicable definition is that it is an independent dwelling but one created subsequent to the primary dwelling with which it is associated. In New Zealand, various terms are used for ADUs. In undertaking an analysis of council plans the following terms were searched and ADUs were found to be referred to under many of these:

- detached additional dwelling
- minor dwelling/minor unit
- dependent persons dwelling
- second/subsequent dwelling
- independent dwelling unit/dwelling unit
- ancillary residential unit
- accessory building for habitation/habitable building
- family flat/granny flat
- supplementary unit/supplementary residential building.

Table 1 Councils and Allowed ADU Uses

Allow ADUs for general use	Allow ADUs for the purpose of housing family or workers
Kaipara District Council	
Whangarei District Council	
Auckland Unitary Council	
Thames-Coromandel District Council	
Waikato District Council	Waikato District Council
Hamilton City Council	
Otorohanga District Council	
Waipa District Council	
South Waikato District Council	
Tauranga City Council	
Western Bay of Plenty District Council	
Rotorua District Council	Rotorua District Council
Whakatane District Council	
Opotiki District Council	
Gisborne District Council	
New Plymouth District Council	
South Taranaki District Council	
Whanganui District Council	
Manawatu District Council	Manawatu District Council
Napier City Council	
Hastings District Council	
Central Hawkes Bay District Council	
Tararua District Council	
Palmerston North City Council	Palmerston North
Horowhenua District Council	Horowhenua District Council
	Kapiti Coast District Council ²
Masterton District Council	Masterton District Council
Carterton District Council	Carterton District Council
South Wairarapa District Council	South Wairarapa District Council
Porirua City Council	
Upper Hutt City Council	Upper Hutt City Council
Wellington City Council	
Hutt City Council	Hutt City Council
Nelson City Council	
Tasman District Council	Tasman District Council
	Marlborough District Council ³
Buller District Council	
	Grey District Council ⁴
Hurunui District Council	
Waimakiri District Council	
	Selwyn District Council ⁵
Christchurch City Council	Christchurch City Council
Westland District Council	
Timaru District Council	
Mackenzie District Council	
	Waitaki District Council ⁶
	Waimate District Council ⁷
Queenstown-Lakes District Council	Queenstown-Lakes District Council
	Central Otago District Council ⁸
	Dunedin City Council ⁹
Clutha District Council	Clutha District Council

Unlike subdivision, addition of new builds on existing built-on residential sites have no title requirements, although they are required to conform to district planning rules as well as the consenting associated with the Building Act. In some cases, development levies or contributions are required.

Providing for ADUs in New Zealand

The addition of another dwelling on a single site is allowed by 51 of New Zealand’s 67 local authorities. There is considerable variation across New Zealand councils. Of the 51 councils outlining provisions for ADUs,¹ seven councils permitted ADUs for the sole purpose of housing a family member (a further nine cited housing a family member as one of the uses of ADUs), and eight permitted ADUs for housing employees (Table 1).

The controls councils impose on ADUs are diverse, both within council jurisdictions and across them. Within a council they may vary according to the range of residential zones and the addition of an ADUs may, according to zone, range from permitted, to discretionary to requiring public notification. Auckland Council’s unitary plan is such an example. In that plan distinction is also made in some zones between minor dwellings and other dwellings.

Other councils such as Tauranga have rules in some zones that an accessory dwelling be within the envelope of the main residential building or on the second level of a garage for the principal dwelling. Some councils specify the maximum size of an accessory dwelling or building. The Far North District Council, for instance, specifies that a detached accessible dwelling cannot exceed 45m² while Hamilton City Council specifies 60m². Thames-Coromandel District Council allows a maximum floor area for LifeMark or similarly accredited ADUs.

A further set of councils specify the function or amenity of ADUs. Franklin allows ADUs with ablutions but not for food preparation or cooking facilities, while Napier requires that an accessory dwelling must consist only of a single bedroom unit, albeit one of up to 80m². There are also a variety of conditions related to impacts on neighbours. Opotiki District Council, for instance, requires that neighbours provide written consent except where an ADU is beyond 1.5m from the boundary. There are, too, a variety of rules relating to car parking and access to the ADU.

The logics underpinning the diversity of different provisions and rules associated with ADUs are not always clear. For some councils:

- There is implicitly an aesthetic concern. Waipa District Council, similar to Tauranga City Council, require ADUs to be largely within the envelope of the principal dwelling. For Waipa this is so “it has the appearance of a single dwelling.”
- ADUs are seen as a form of older persons or special housing. Recognition of LifeMark and the incentives associated with building an ADU to universal design suggests that Thames-Coromandel District is concerned with ADUs primarily as an opportunity to provide for older people or possibly adult dependents with a disability. The Kapiti Coast District Council requirement that ADUs are restricted to ‘family flats’ and must be relocatable both reinforces the notion of the ADU as a form of ‘special’ housing and appears to be a rejection of intensification. Marlborough District Council has similar requirements in both its plans. Christchurch City Council has a similar restriction on what they refer to as family flats, although it does allow partitioning in some zones.
- There is anxiety about ADUs being used as a wedge into the prevailing district plan. The Gisborne District Council’s requirement that ADUs must be on the same title as the principal dwelling is designed to prevent subdivision by stealth. The Manawatu District Council also has similar restrictions on the possibility of splitting the ownership of dwellings on a site.

The diversity and opaque logics associated with ADUs suggests that ADU provisions:

- Have been given little attention over various iterations of district planning.
- Are defined by rules which have little connection to the RMA.

If there is some national continuity, or a logic that appears to shape those provisions, it tends to be around the notion of providing for dependents. But this is by no means universal. What is less apparent is the use of ADUs to meet other forms of housing need, address problems of under-supply or housing affordability.

1 Note, this only includes councils permitting an independent unit. Those allowing units with sleeping and bathroom facilities, but no kitchen facilities, have been excluded.

2 Kapiti Coast only permits ADUs for the purpose of housing family members.

3 Marlborough District Council only permits ADUs for the purpose of housing family members.

4 Grey District Council only permits ADUs for the purpose of housing family members.

5 Selwyn District Council only permits ADUs for the purpose of housing family members.

6 Waitaki District Council only permits ADUs for the purpose of housing family members.

7 Waimate District Council only permits ADUs for the purpose of housing family members.

8 Central Otago District Council only permits ADUs for the purpose of housing family members.

9 Dunedin City Council only permits ADUs for the purpose of housing family members or workers.

See the full report http://www.buildingbetter.nz/publications/SRA1/Saville-Smith_et_al_2017_ADU_Potential.pdf