

Practice and Guidance Note

Dwelling Conversion

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1 The Rule and its purpose

The conversion rule was developed to enable an existing dwelling to be converted into two dwellings to realise a form of development known as 'Gentle Density'. In the Single House zone this approach provides for additional, low impact density where denser, multi-unit development is not contemplated. As a result, the conversion rule is part of a wider suite of provisions and rules in the [Auckland Unitary Plan \(Operative in Part\)](#) (AUP(OP)) that enable additional housing supply in a variety of forms.

An integral part of the conversion rule is the reference to the dwelling existing as at 30 September 2013. The reason for this date is that this is when the Proposed Auckland Unitary Plan was notified, so this was a logical 'cut off' point in terms of a date to define 'existing' dwelling.

In addition to the rule applying in the Single House Zone (H3.6.3), it also applies in the Low Density Residential Zone (H3A.6.3), Mixed Housing Suburban Zone (H4.6.3), the Mixed Housing Urban Zone (H5.6.3), and the Rural Coastal Settlement Zone (H2.6.3).

2 Interpreting the Rule

The conversion rule follows the same format in each of the zones. It is a permitted activity in each of the residential zones except for the Rural and Coastal Settlement zone where it is a restricted discretionary activity. The conversion must comply with minimum outdoor living space requirements for the permitted activity status to apply in the residential zones.

The wording of the rule is clear that only a principal dwelling may be converted. No minor dwelling or accessory building may be converted.

2.1 Additions and Alterations and Private Outdoor Space

Conversion of a dwelling is listed as a separate activity to 'internal and external alterations to buildings' and 'Additions to an existing dwelling' in the residential chapters of the AUP(OP).

However, all conversions are likely to involve internal alterations of some form, and some would require external alterations or additions.

A key issue to consider here is that the Conversion of Dwelling standard requires the following in terms of private outdoor space:

- (a) at least 5m² for a studio or one-bedroom dwelling and 8m² for a two or more bedroom dwelling; and**
- (b) at least 1.8m in depth; and**
- (c) directly accessible from the dwelling.**

Meanwhile, the standards to be complied with for 'internal and external alterations to buildings' and 'Additions to an existing dwelling' include the Outdoor Living Space standard, which differs from the standard above when a dwelling is located at ground level, i.e. An area of at least 20m² with a minimum dimension of 4m.

Technically, any new dwelling at ground level created by a conversion which involves internal or external alterations or additions (likely all or almost all conversions) needs to comply with the Outdoor Living Space standard. However, when considering a resource consent for an infringement of this standard, a proportionate approach consistent with the intent of the conversion rule would be to give strong consideration to the lesser private outdoor space requirement for the converted dwelling, especially where the new dwelling resulting from the conversion is a small dwelling (i.e. a studio or one-bedroom dwelling).

2.2 What is and isn't a conversion?

A proposed activity is clearly a 'Conversion' of a dwelling when the two resulting dwellings are contained within the footprint of the dwelling existing as at 30 September 2013 (diagram 1 below).

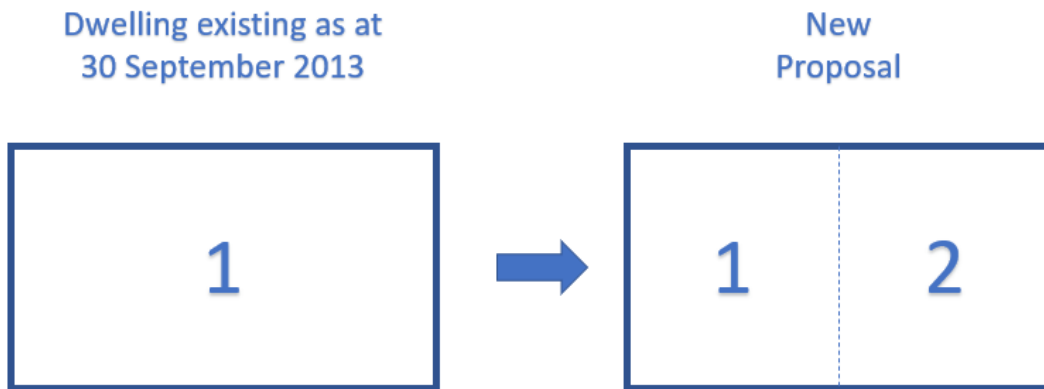


Diagram 1

However, a proposal may involve a combination of a conversion of an existing dwelling with additions / alterations to the existing building, where some of the resulting second dwelling sits outside the existing building footprint (diagram 2 below).

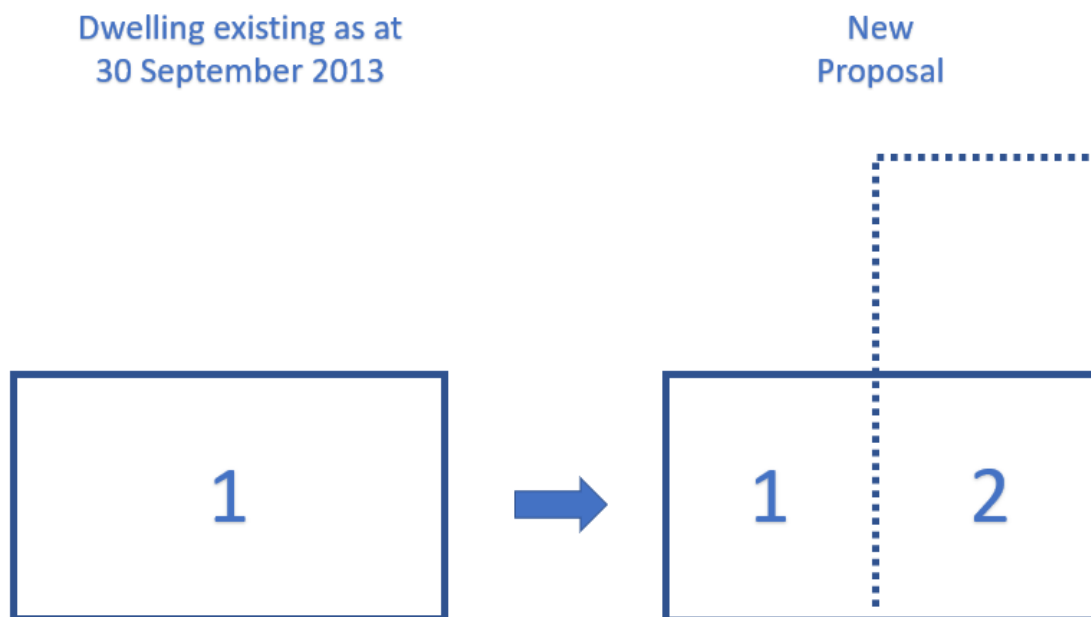


Diagram 2

Conversion of an existing dwelling and additions / alterations to a building are separate activities in the activity tables. Therefore, a proposal that involves converting an existing dwelling together with extensions of the existing building footprint is possible, as two discrete but related land use activities. In this case the conversion and additions are permitted activities in the Single House Zone and Low Density Residential Zone, noting that resource consent approval may be required for other reasons (eg. where standards are not complied with, or where the site is subject to the Special Character Overlay).

It is not credible to argue that an additional dwelling that does not contain *any* of the footprint of the dwelling existing as at 30 September 2013 is part of a dwelling conversion proposal. This is shown in Diagram 3 below. In this case, the second resulting dwelling is not a conversion, but a second dwelling - a non-complying activity in the Single House Zone and Rural and Coastal Settlement zone.

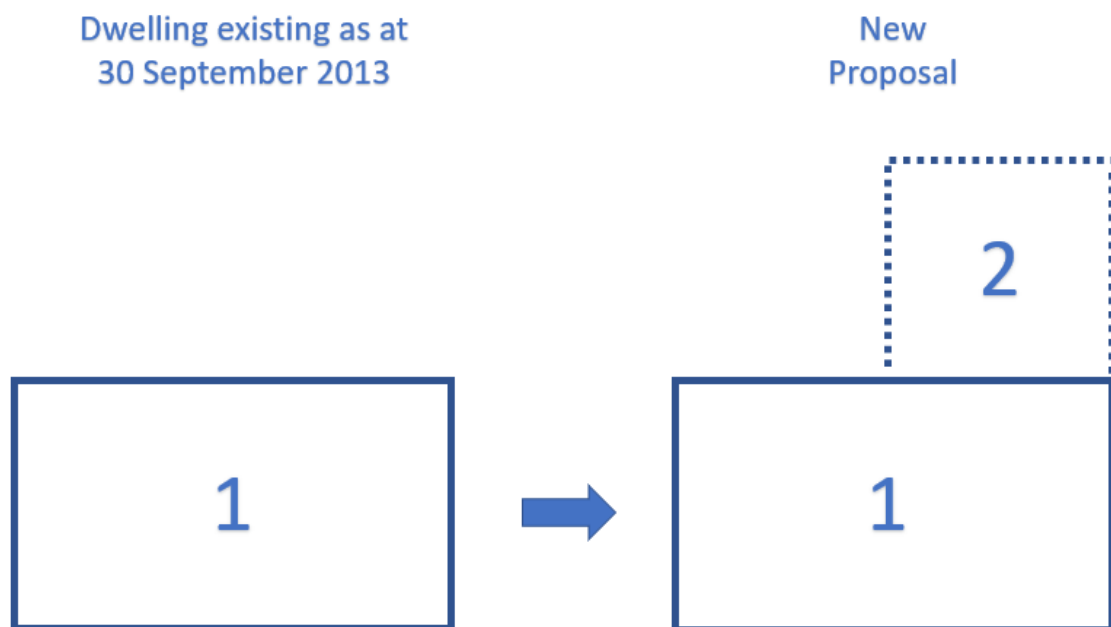


Diagram 3

Another potential scenario is where there is a proposal to 'infill' the void space beneath a dwelling elevated above a slope, on pole structures. While the addition of a dwelling in this void space may not increase the plan footprint of the dwelling, the new dwelling is not being formed from any existing floor space (habitable or non-habitable). This scenario is not considered to constitute a dwelling 'conversion'.

2.4 More than one conversion per site

The rule refers to the conversion of a principal dwelling. There is no reference to 'site'. In some instances, such as a cross-lease, there may be more than one principal dwelling on a site so therefore the rule would apply to all principal dwellings on a site i.e. each dwelling on the site could potentially be converted.