

Reprint
as at 16 September 2019



Housing Accords and Special Housing Areas (Western Bay of Plenty) Order 2017

(LI 2017/36)

Housing Accords and Special Housing Areas (Western Bay of Plenty) Order 2017: revoked, on 16 September 2019, by clause 3.

Patsy Reddy, Governor-General

Order in Council

At Wellington this 27th day of February 2017

Present:

The Right Hon Bill English presiding in Council

This order is made under sections 15 to 17 of the Housing Accords and Special Housing Areas Act 2013—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for Building and Construction made in accordance with sections 15(2), (6), and (7) and 16(2), (3), and (4)(a)(i) of that Act.

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

This order is administered by the Ministry of Housing and Urban Development.

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Order

1 Title

This order is the Housing Accords and Special Housing Areas (Western Bay of Plenty) Order 2017.

2 Commencement

This order comes into force on the day after the date of its notification in the *Gazette*.

3 Revocation of this order

This order is revoked on 16 September 2019.

4 Interpretation

In this order, unless the context otherwise requires,—

Act means the Housing Accords and Special Housing Areas Act 2013

operative Western Bay of Plenty District Plan—

- (a) means the Western Bay of Plenty District Plan made operative on 16 June 2012; and
- (b) includes all amendments to that plan notified before 1 January 2017.

5 Declaration of special housing area

- (1) The area comprising all the land identified in the Schedule is declared to be a special housing area for the purposes of the Act.
- (2) If there is any inconsistency between the description of the land comprising the special housing area and the map of that land, the description prevails.

6 Criteria for qualifying developments in special housing area

- (1) The following criteria apply for qualifying developments in the special housing area declared by clause 5:

Maximum height of buildings

- (a) the maximum number of storeys that buildings may have is 2:

- (b) the maximum calculated height that buildings must not exceed is 9 metres:

Minimum number of dwellings

- (c) the minimum number of dwellings that must be built in each qualifying development is the product of 15 and the number of hectares of nett developable land in that qualifying development.

- (2) In this clause, unless the context otherwise requires,—

nett developable land—

- (a) means a given area of land for greenfield subdivision or development; and
- (b) includes land used for—
 - (i) residential activity purposes, including all open space and on-site parking associated with dwellings; and
 - (ii) local roads and roading corridors, including pedestrian and cycleways (but excluding expressways, motorways, strategic roads, and arterial roads as defined in the roading hierarchy); and
 - (iii) collector roads and roading corridors (as defined in the roading hierarchy) where direct access from allotments is obtained; and
 - (iv) neighbourhood reserves; but
- (c) excludes land that is—
 - (i) stormwater ponds and detention areas; or
 - (ii) geotechnically constrained (such as land subject to subsidence or inundation); or
 - (iii) set aside to protect significant ecological, cultural, heritage, or landscape values; or
 - (iv) set aside for non-local recreation, esplanade reserves, or access strips that form part of a larger regional, sub-regional, or district network; or
 - (v) identified or used for non-residential activities, including business activities, schools, network utilities, health centres, or other district, regional, or sub-regional facilities

roading hierarchy has the meaning given in section 4B.4.1 of the operative Western Bay of Plenty District Plan.

- (3) If direct access from allotments is obtained on only 1 side of the collector road or roading corridor, only 50% of the area of the collector road or roading corridor may be counted when calculating the nett developable land.
- (4) If a calculation of the number or percentage of dwellings under this clause results in a fractional dwelling of one-half or more, that dwelling is counted as 1 dwelling, and any lesser fraction may be disregarded.

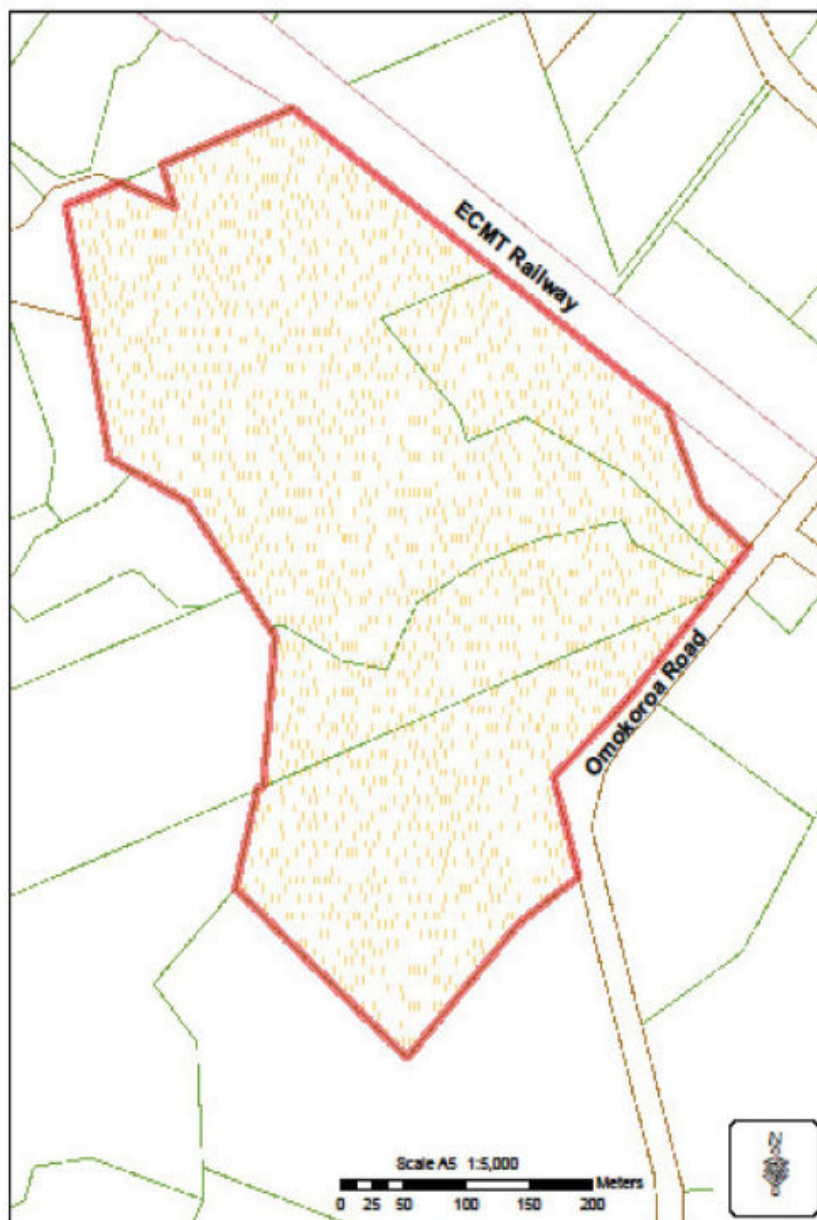
7 Revocation

The Housing Accords and Special Housing Areas (Western Bay of Plenty District) Order 2015 (LI 2015/49) is revoked.

**Schedule
Omokoroa special housing area**

cl 5

Map of special housing area



Description of area declared to be Omokoroa special housing area

Land identification	CT number	Area (ha)
Lot 1 DPS 4524	SA24A/1220	5.0972
Part Lot 1 DPS 65560	SA52D/195	2.6623
Part Lot 2 DPS 65560	SA52D/196	9.8971
SEC 1 SO 348720	246522	2.0061

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order, which comes into force on the day after the date of its notification in the *Gazette*, declares an area in Western Bay of Plenty District to be a special housing area for the purposes of the Housing Accords and Special Housing Areas Act 2013 (the **Act**).

The land comprising the special housing area is described and shown on the map in the *Schedule*.

This order also specifies the criteria that a development in the special housing area must meet in order to be a qualifying development for the purposes of the Act. Those criteria, which are additional to the requirement under the Act that the development will be predominantly residential, relate to—

- the maximum number of storeys that buildings in the development may have and the maximum height that they may be;
- the minimum number of dwellings to be built.

This order does not prescribe affordability criteria for the special housing area.

The overall effect of the order is that if a proposed development in the special housing area will be predominantly residential and meets the criteria specified for qualifying developments, applications for resource consents relating to the development can (but do not have to) be made under the Act instead of the Resource Management Act 1991. Also, because Western Bay of Plenty District Council is a party to a housing accord under the Act, an applicant for a resource consent can request a variation to the operative Western Bay of Plenty District Plan in certain circumstances where that is associated with the resource consent application.

This order is the second to create a special housing area comprising the land described in the *Schedule*. The same land was declared to be Omokoroa Tranche 1 special housing area under the Housing Accords and Special Housing Areas (Western Bay of Plenty District) Order 2015 (the **2015 order**). The Omokoroa Tranche 1 spe-

cial housing area was disestablished on 16 September 2016. This order revokes the obsolete 2015 order.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 2 March 2017.

Reprints notes

1 *General*

This is a reprint of the Housing Accords and Special Housing Areas (Western Bay of Plenty) Order 2017 that incorporates all the amendments to that order as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Housing Accords and Special Housing Areas (Western Bay of Plenty) Order 2017 (LI 2017/36): clause 3