

Reprint
as at 1 October 2017



Housing Accords and Special Housing Areas (Auckland— New December 2015 Areas) Order 2015

(LI 2015/305)

Housing Accords and Special Housing Areas (Auckland—New December 2015 Areas) Order 2015: revoked, on 1 October 2017, by clause 4 of the Housing Accords and Special Housing Areas Orders Revocation Order 2017 (LI 2017/240).

Rt Hon Dame Sian Elias, Administrator of the Government

Order in Council

At Wellington this 7th day of December 2015

Present:

Her Excellency the Administrator of the Government in Council

Pursuant to sections 15 to 17 of the Housing Accords and Special Housing Areas Act 2013, Her Excellency the Administrator of the Government makes the following order, acting—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for Building and Housing made in accordance with sections 15(2) 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 Business, Innovation, and Employment.

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Order

- 1 Title**
This order is the Housing Accords and Special Housing Areas (Auckland—New December 2015 Areas) Order 2015.
- 2 Commencement**
This order comes into force on the day after the date of its notification in the *Gazette*.
- 3 Interpretation**
In this order,—
Act means the Housing Accords and Special Housing Areas Act 2013
proposed Auckland combined plan, unless stated otherwise,—

- (a) means the proposed Auckland combined plan as at 30 September 2013; and
- (b) does not include an amendment or a variation that, but for this provision, would be included under paragraph (b) of the definition of that term in section 6(1) of the Act

relevant date means the date on which the relevant resource consent application or request to vary the proposed Auckland combined plan is made under the Act, whichever is the earlier.

4 Declaration of special housing areas

- (1) The area comprising all the land identified in each schedule of this order is severally 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 a special housing area and the map of that land, the description prevails.

5 Criteria for qualifying developments in special housing areas

- (1) The following criteria apply for qualifying developments in each special housing area declared by clause 4:
 - (a) the maximum number of storeys that buildings may have is 6 (as provided in section 14(1)(b)(i) of the Act);
 - (b) the maximum calculated height that buildings must not exceed is 27 metres (as provided in section 14(1)(b)(ii) of the Act);
 - (c) the minimum number of dwellings to be built in each qualifying development is,—
 - (i) in Takanini Strategic Extension special housing area (*see* Schedule 9), 50; and
 - (ii) in each other special housing area, 4;
 - (d) the percentage of dwellings that must be affordable dwellings, for qualifying developments relating to 15 or more dwellings only, is—
 - (i) 10%, according to criteria A; or
 - (ii) 5%, according to criteria B.
- (2) In subclause (1)(d)(i), a development meets **criteria A** for the percentage of dwellings that must be affordable dwellings if,—
 - (a) in relation to 10% of the proposed dwellings, the price at which a dwelling may be sold does not exceed 75% of the Auckland region median house price for the most recent full month of September (in relation to the relevant date) published by the Real Estate Institute of New Zealand Incorporated; and
 - (b) where the application is for a subdivision consent, the applicant—

- (i) identifies the lots of the subdivision allocated for the building of dwellings that meet the criterion in paragraph (a); and
 - (ii) specifies the mechanism for ensuring that any building built on any of those lots is a dwelling that will meet that criterion or is a building associated with such a dwelling.
- (3) For the purposes of calculating whether a development meets the 10% threshold in subclause (2)(a),—
 - (a) a proposed dwelling may be treated as if it were 2 dwellings that meet the requirements for criteria A if the price at which the dwelling may be sold would mean that the monthly mortgage payments for a household receiving the Auckland median household income (as published by Statistics New Zealand for the most recent June quarter before the relevant date) would not exceed 30% of the household's gross monthly income, based on the assumptions set out in subclause (4)(a)(i) and (ii); and
 - (b) if the calculation of the percentage of dwellings that must be affordable dwellings results in a fractional dwelling of one-half or more, that fraction is counted as 1 dwelling, and any lesser fraction may be disregarded.
- (4) In subclause (1)(d)(ii), a development meets **criteria B** for the percentage of dwellings that must be affordable dwellings if,—
 - (a) in relation to 5% of the proposed dwellings, the price at which a dwelling may be sold would mean that the monthly mortgage payments for a household receiving the Auckland median household income (as published by Statistics New Zealand for the most recent June quarter before the relevant date) would not exceed 30% of the household's gross monthly income, based on the assumptions that—
 - (i) the dwelling is purchased with a 10% deposit; and
 - (ii) the balance of the purchase price is financed by a 30-year reducing loan, secured by a single mortgage over the property, at a mortgage interest rate equal to the most recent average 2-year fixed rate (in relation to the relevant date) published by the Reserve Bank of New Zealand as part of the data for its key graph on mortgage rates offered to new customers for residential home loans; and
 - (b) where the application is for a subdivision consent, the applicant—
 - (i) identifies the lots of the subdivision allocated for the building of dwellings that meet the criterion in paragraph (a); and
 - (ii) specifies the mechanism for ensuring that any building built on any of those lots is a dwelling that will meet that criterion or is a building associated with such a dwelling; and

- (c) if the calculation of the percentage of dwellings that must be affordable dwellings results in a fractional dwelling of one-half or more, that fraction is counted as 1 dwelling, and any lesser fraction may be disregarded.

Schedule 1 Hillary Crescent, Belmont special housing area

cl 4

Map of special housing area



Description of Hillary Crescent, Belmont special housing area

Land identification	CT number	Area (ha)
Lot 36 DP 40536	547789	0.0784
Lot 37 DP 40536	547788	0.0807
Lot 38 DP 40536	547779	0.0857
Lot 39 DP 40536	547778	0.0728
Lot 40 DP 40536	547777	0.0728
Lot 41 DP 40536	547776	0.0827

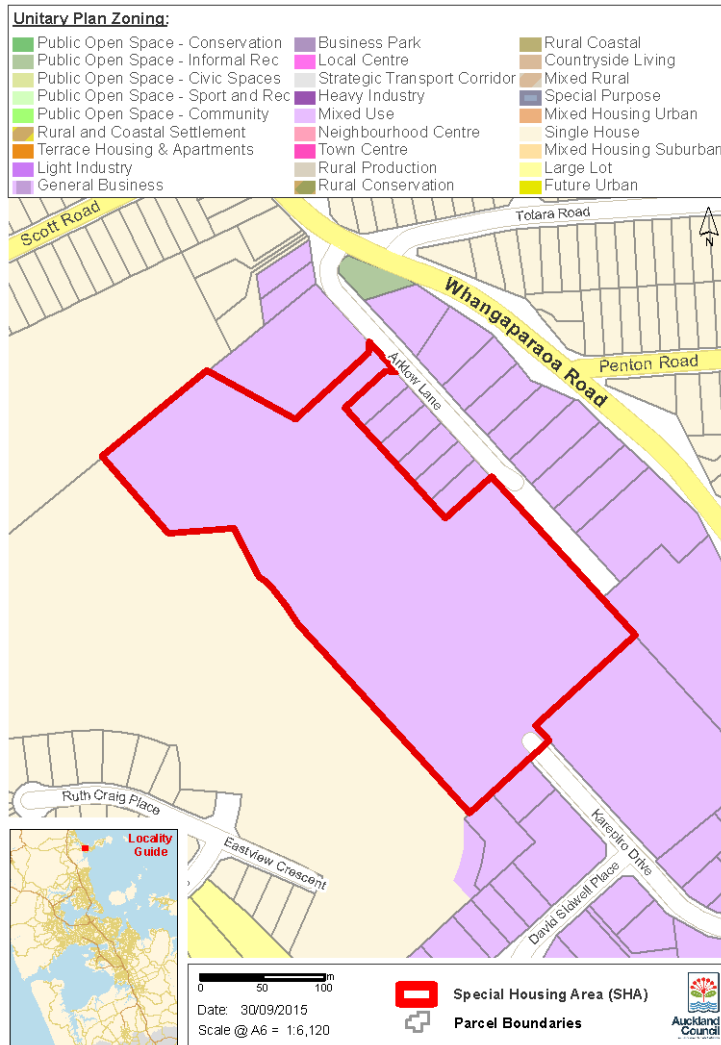
Land identification	CT number	Area (ha)
Lot 42 DP 40536	547722	0.0789
Lot 43 DP 40536	547723	0.0789
Lot 44 DP 40536	547724	0.0873
Lot 45 DP 40536	547725	0.0946
Lot 46 DP 40536	547726	0.0948
Lot 47 DP 40536	547727	0.0807
Lot 48 DP 40536	547728	0.0804
Lot 49 DP 40536	547729	0.0804
Lot 50 DP 40536	547730	0.0804
Lot 51 DP 40536	547731	0.0804
Lot 52 DP 40536	547732	0.0779
Lot 53 DP 40536	547733	0.0696
Lot 54 DP 40536	547734	0.0804
Lot 2 DP 40536	547749	0.0809
Lot 1 DP 40536	547748	0.0822
Lot 28 DP 40536	547775	0.0911
Lot 27 DP 40536	547774	0.0797
Lot 26 DP 40536	547773	0.0774
Lot 25 DP 40536	547772	0.1318
Lot 24 DP 40536	547771	0.1356
Lot 23 DP 40536	547770	0.0991
Lot 22 DP 40536	547769	0.0916
Lot 21 DP 40536	547768	0.1151
Lot 20 DP 40536	547767	0.0870
Lot 19 DP 40536	547766	0.0885
Lot 18 DP 40536	547765	0.0822
Lot 17 DP 40536	547764	0.0812
Lot 16 DP 40536	547763	0.0804
Lot 15 DP 40536	547762	0.0794
Lot 14 DP 40536	547761	0.0830
Lot 13 DP 40536	547760	0.0855
Lot 12 DP 40536	547759	0.0916
Lot 11 DP 40536	547758	0.1060
Lot 10 DP 40536	547757	0.0900
Lot 9 DP 40536	547756	0.0890
Lot 8 DP 40536	547755	0.1298
Lot 7 DP 40536	547754	0.1343
Lot 6 DP 40536	547753	0.1002
Lot 5 DP 40536	547752	0.1462
Lot 4 DP 40536	547751	0.1108
Lot 3 DP 40536	547750	0.0943
Lot 67 DP 40536	547747	0.1002
Lot 66 DP 40536	547746	0.0999
Lot 65 DP 40536	547745	0.0948

Land identification	CT number	Area (ha)
Lot 64 DP 40536	547744	0.0860
Lot 63 DP 40536	547743	0.0789
Lot 62 DP 40536	547742	0.0817
Lot 61 DP 40536	547741	0.0817
Lot 60 DP 40536	547740	0.0817
Lot 59 DP 40536	547739	0.0787
Lot 58 DP 40536	547738	0.0761
Lot 57 DP 40536	547737	0.0784
Lot 56 DP 40536	547736	0.0690
Lot 55 DP 40536	547735	0.0690
Lot 35 DP 40536	547787	0.0756
Lot 34 DP 40536	547786	0.0756
Lot 33 DP 40536	547785	0.1396
Lot 32 DP 40536	547784	0.1055
Lot 31 DP 40536	547783	0.0870
Lot 68 DP 40536	547782	0.1330
Lot 30 DP 40536	547781	0.0981
Lot 29 DP 40536	547780	0.0723
Lot 1 DP 41132	547802	0.0807
Lot 2 DP 41132	547801	0.0741
Lot 3 DP 41132	547800	0.0696
Lot 4 DP 41132	547799	0.0868
Lot 5 DP 41132	547798	0.1199
Lot 6 DP 41132	547797	0.1050
Lot 7 DP 41132	547796	0.0976
Lot 8 DP 41132	547795	0.1085
Lot 9 DP 41132	547794	0.0814
Lot 10 DP 41132	547793	0.0751
Lot 11 DP 41132	547792	0.0701
Lot 12 DP 41132	547791	0.0713
Lot 13 DP 41132	547790	0.0736
Lot 71 DP 40536	None	0.1672
Lot 69 DP 40536	None	1.2267
Lot 15 DP 41132	None	0.0144
Lot 14 DP 41132	None	0.2985
Lot 72 DP 40536	None	0.6639
Lot 1 DP 25049	None	0.0061

**Schedule 2
Karepiro Drive, Stanmore Bay special housing area**

cl 4

Map of special housing area



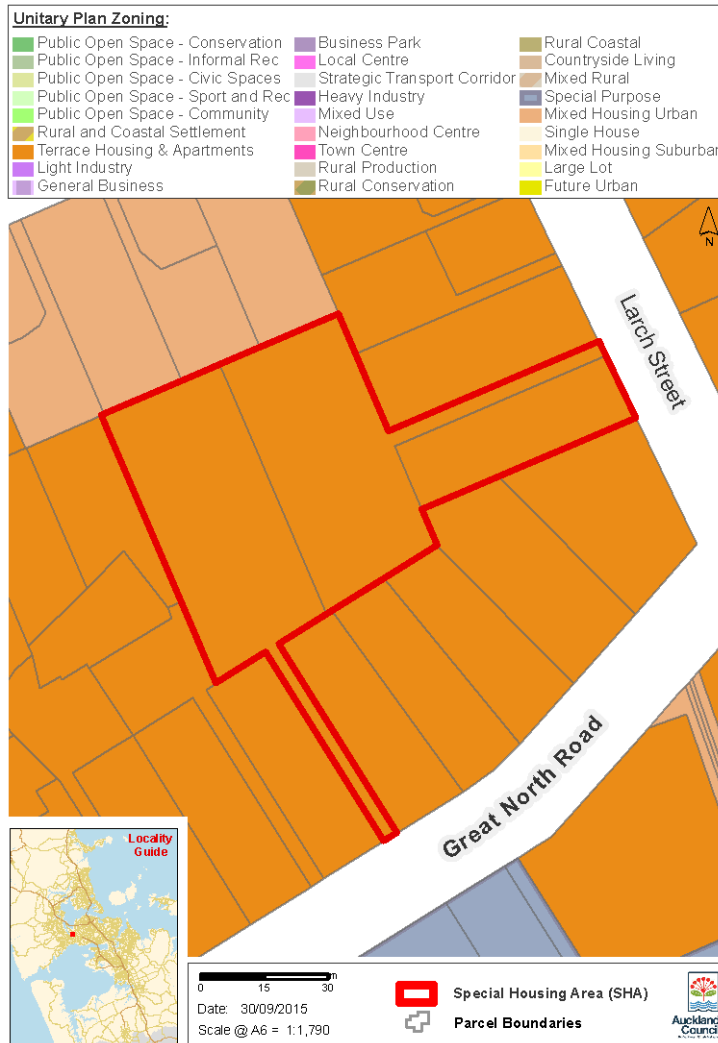
Description of Karepiro Drive, Stanmore Bay special housing area

Land identification	CT number	Area (ha)
That Part of Lot 800 DP 480643 that is zoned Mixed Use in the proposed Auckland combined plan.	672109	6.4800 (approx)

**Schedule 3
Larch Street, Avondale special housing area**

cl 4

Map of special housing area



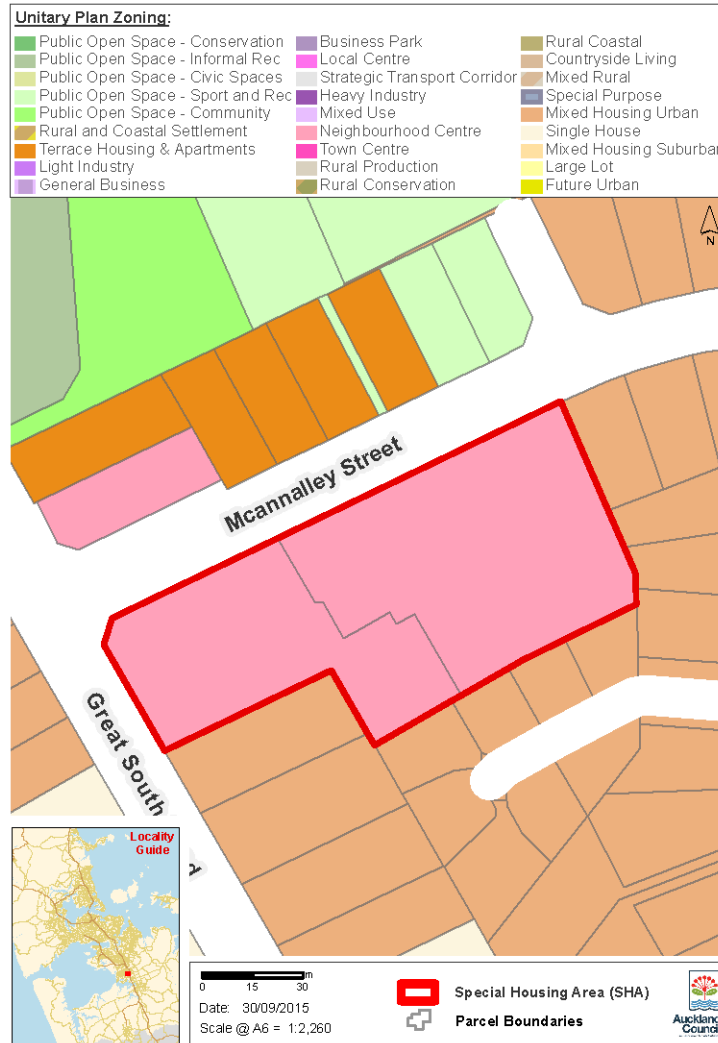
Description of Larch Street, Avondale special housing area

Land identification	CT number	Area (ha)
Lot 20 DP 38924	NA1072/131	0.0898
Lot 19 DP 38924	NA10D/682	0.2084
Lot 13 DP 38924	NA41D/433	0.2223

**Schedule 4
Mcannalley Street, Manurewa special housing area**

cl 4

Map of special housing area



Description of Mcannalley Street, Manurewa special housing area

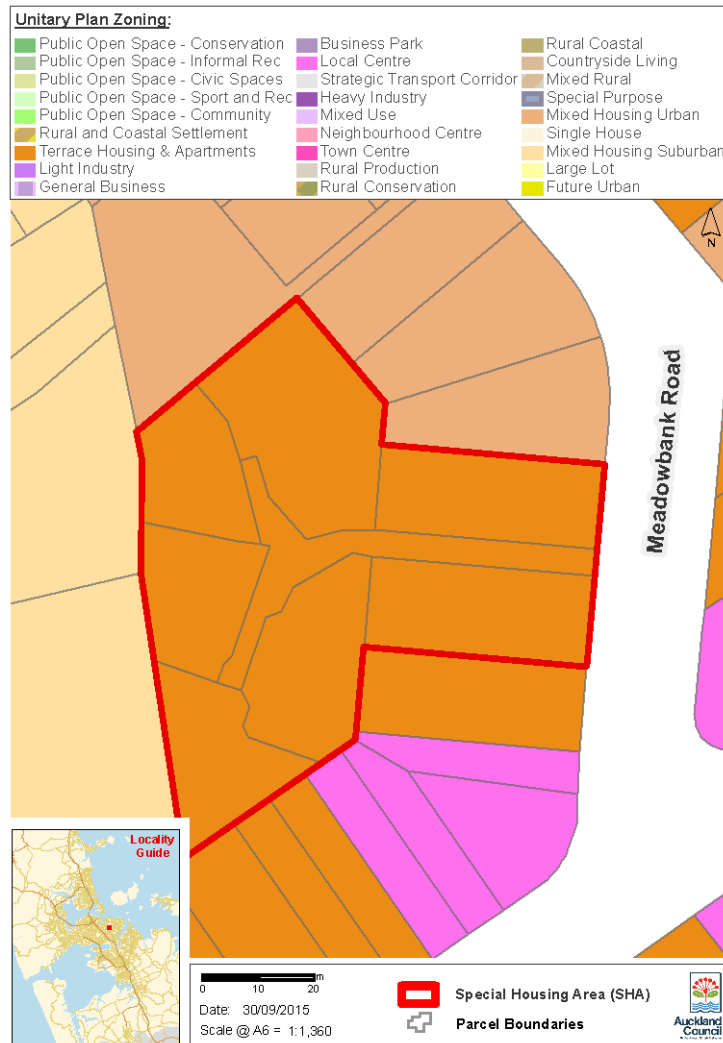
Land identification	CT number	Area (ha)
Lot 10 DP 167753	NA101D/165	0.5107
Lot 9 DP 167753	NA101D/164	0.3522

Schedule 5

Meadowbank Road, Meadowbank special housing area

cl 4

Map of special housing area



Description of Meadowbank Road, Meadowbank special housing area

Land identification	CT number	Area (ha)
Lot 13 DP 17585	NA424/68	0.0663
Lot 1 DP 182412	NA113C/436	0.0609
Lot 3 DP 182412	NA113C/438	0.0457
Lot 2 DP 182412	NA113C/437	0.0502
Lot 6 DP 182412	NA113C/436, NA113C/437, NA113C/438, NA113C/439, NA113C/440	0.0478

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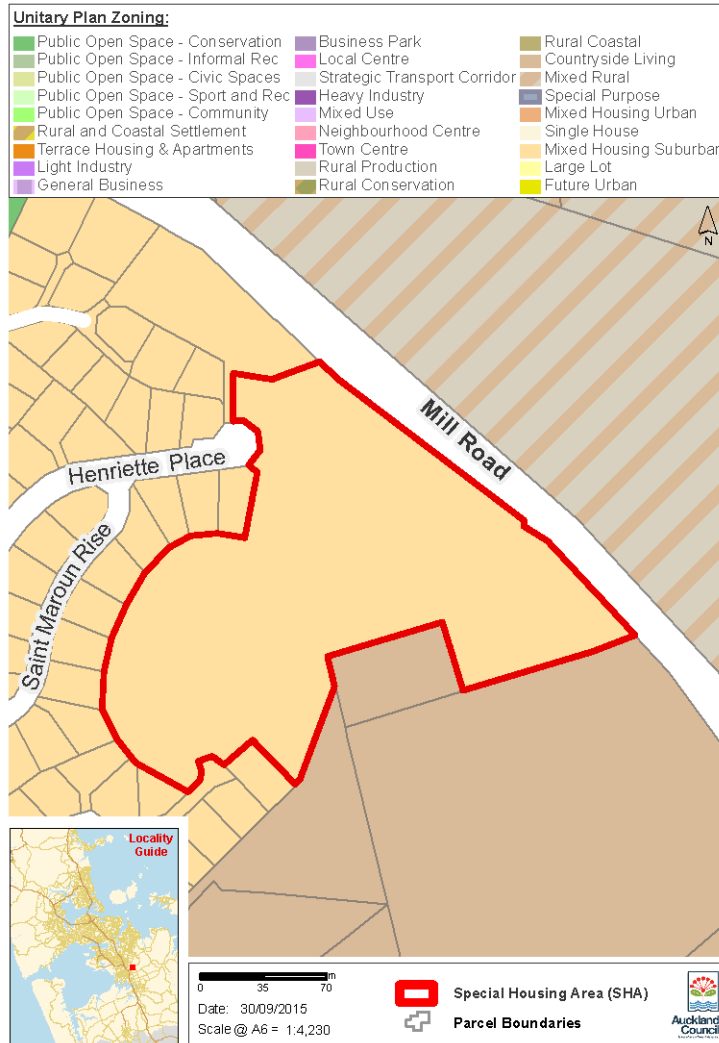
Schedule 5

Land identification	CT number	Area (ha)
Lot 5 DP 182412	NA113C/440	0.0874
Lot 4 DP 182412	NA113C/439	0.0417
Lot 10 DP 17585	NA678/263	0.0612

Schedule 6
Mill Road, Alfriston special housing area

cl 4

Map of special housing area



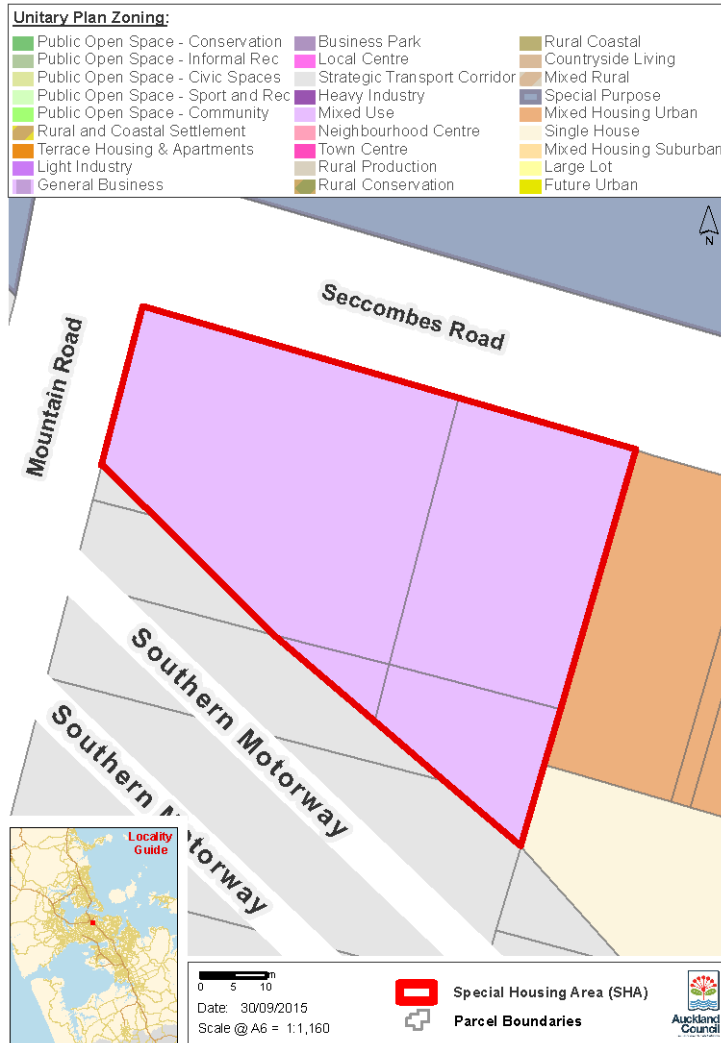
Description of Mill Road, Alfriston special housing area

Land identification	CT number	Area (ha)
Lot 1000 DP 473204	646909	3.4172

**Schedule 7
Mountain Road, Epsom special housing area**

cl 4

Map of special housing area



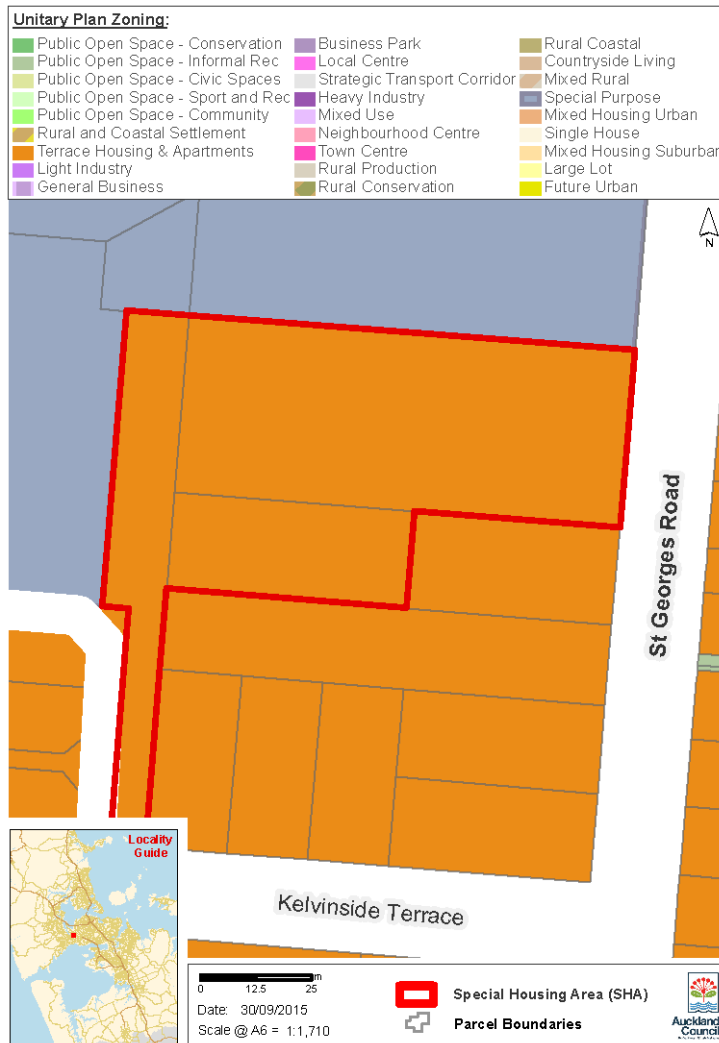
Description of Mountain Road, Epsom special housing area

Land identification	CT number	Area (ha)
Lot 1 DP 209454	NA134D/789	0.1865
Section 1 SO 69497	NA134D/789	0.0084
Lot 1 DP 10962	NA138A/43	0.1161
Lot 1 DP 195525		0.0419

Schedule 8
St Georges Road, Avondale special housing area

cl 4

Map of special housing area



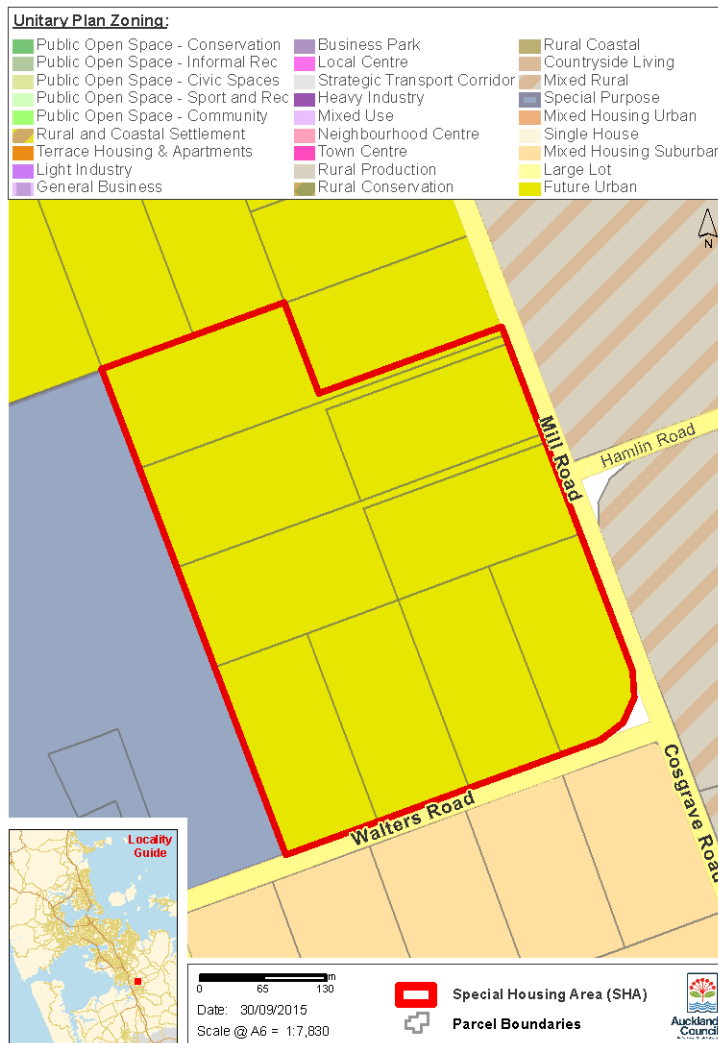
Description of St Georges Road, Avondale special housing area

Land identification	CT number	Area (ha)
Lot 2 DP 392084	370399	0.4060
Lot 1 DP 73282	NA29B/722	0.1191
Lot 1 DP 392084	370398	0.1380

Schedule 9 Takanini Strategic Extension special housing area

cl 4

Map of special housing area



Description of Takanini Strategic Extension special housing area

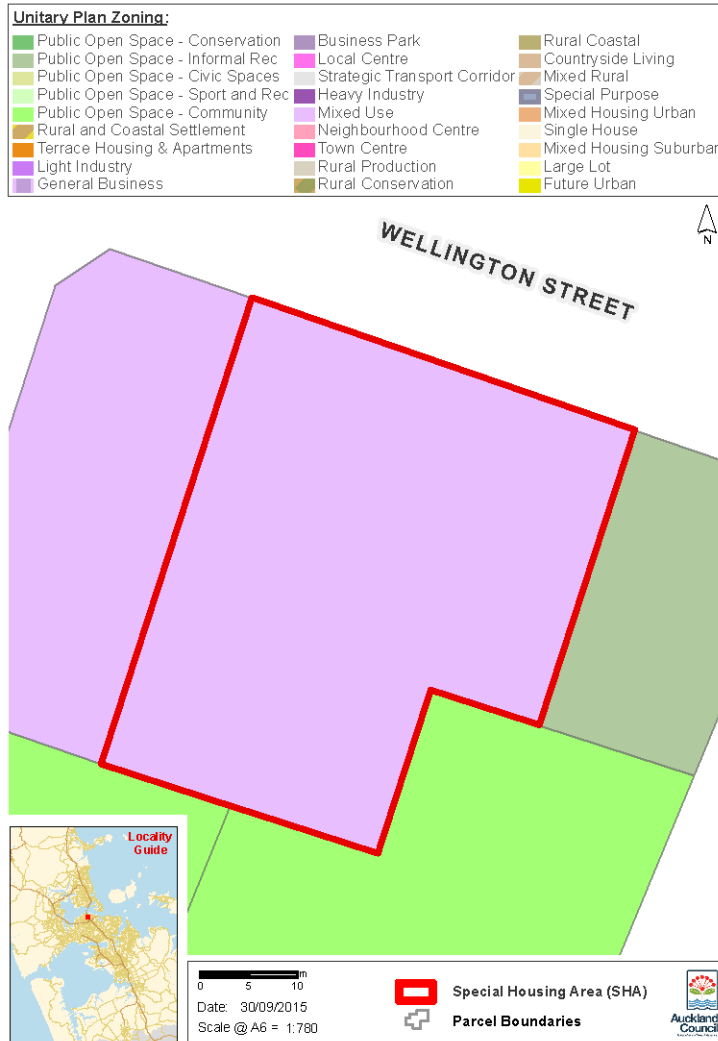
Land identification	CT number	Area (ha)
Lot 1 DP 85918	NA47A/883	2.1108
Lot 2 DP 85918	NA47A/884	2.1022
Lot 3 DP 85918	NA47A/885	2.1119
Lot 9 DP 85918	NA47A/891	2.3932
Lot 8 DP 85918	NA47A/890	2.3939
Lot 7 DP 85918	NA47A/889	2.0278

Land identification	CT number	Area (ha)
Lot 6 DP 85918	NA47A/888	2.3946
Lot 5 DP 85918	NA47A/887	2.0280
Lot 4 DP 85918	NA47A/886	2.0046

**Schedule 10
Wellington Street, Freemans Bay special housing area**

cl 4

Map of special housing area



Description of Wellington Street, Freemans Bay special housing area

Land identification	CT number	Area (ha)
Lot 1 DP 83910	NA89C/359	0.1887
	NA86C/375	
	NZ86C/232	
	NA86C/236	
	NA86C/237	
	NA86C/238	

Land identification	CT number	Area (ha)
	NA86C/239	
	NA86C/240	
	NA86C/233	
	NA86C/234	
	NA86C/235	

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 10 areas in Auckland to be special housing areas for the purposes of the Housing Accords and Special Housing Areas Act 2013 (the **Act**). The land comprising each special housing area is described and shown on a map in a schedule of the order.

The order also specifies the criteria that a development in each of the special housing areas 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, are—

- the minimum number of dwellings that must be built:
- the maximum number of storeys that buildings in the development may have and the maximum height that buildings may be:
- where the development relates to 15 or more dwellings, the percentage of dwellings that must be affordable dwellings and the affordability criteria.

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

This order is the seventh to create special housing areas in Auckland. The preceding orders are—

- the Housing Accords and Special Housing Areas (Auckland) Order 2013:
- the Housing Accords and Special Housing Areas (Auckland—New September 2014 Areas) Order 2014:

- the Housing Accords and Special Housing Areas (Auckland—New January 2015 Areas) Order 2015:
- the Housing Accords and Special Housing Areas (Auckland—New June 2015 Area) Order 2015:
- the Housing Accords and Special Housing Areas (Auckland—New August 2015 Areas) Order 2015:
- the Housing Accords and Special Housing Areas (Auckland—New October 2015 Areas) Order 2015.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 10 December 2015.

Reprints notes

1 *General*

This is a reprint of the Housing Accords and Special Housing Areas (Auckland—New December 2015 Areas) Order 2015 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 Orders Revocation Order 2017 (LI 2017/240): clause 4