

Reprint
as at 1 October 2017



Housing Accords and Special Housing Areas (Selwyn District) Order 2016

(LI 2016/7)

Housing Accords and Special Housing Areas (Selwyn District) Order 2016: revoked, on 1 October 2017, by clause 4 of the Housing Accords and Special Housing Areas Orders Revocation Order 2017 (LI 2017/240).

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 15th day of February 2016

Present:

His Excellency the Governor-General 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 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 (Selwyn District) Order 2016.

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

relevant date means the date on which the relevant resource consent application or request to vary the Selwyn District 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

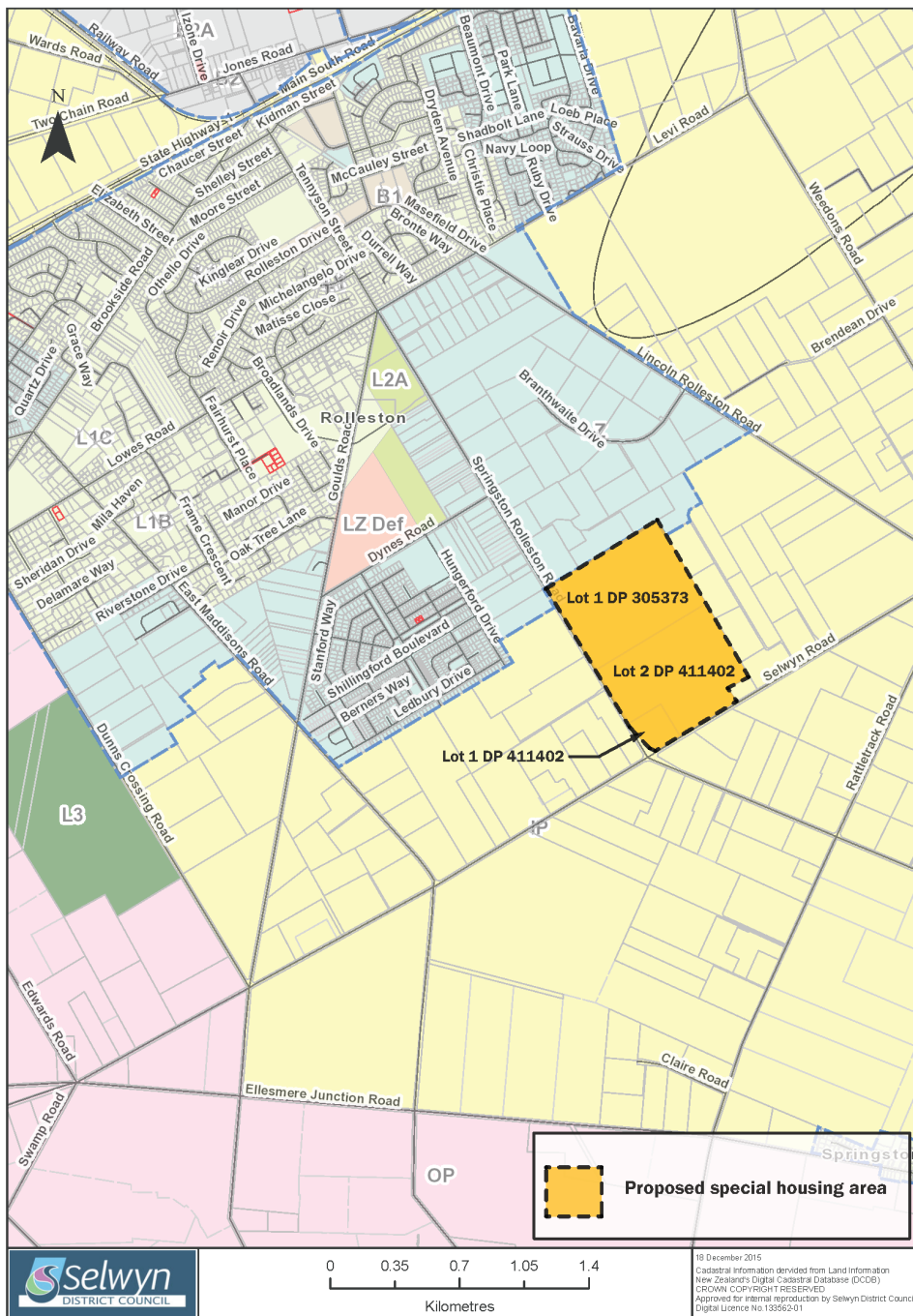
- (1) The following criteria apply for qualifying developments in each special housing area declared by clause 4:
 - (a) the maximum number of storeys that buildings may have is 2;
 - (b) the maximum calculated height that buildings must not exceed is 8 metres;
 - (c) the minimum number of dwellings to be built in each qualifying development is 30:

- (d) the percentage of dwellings that must be affordable dwellings is 10% in accordance with the criteria in subclause (2) or (3), as applicable.
- (2) For any part of a special housing area that falls within a proposed development that is not a staged development, the development meets the criteria in subclause (1)(d) 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 Rolleston Township of Selwyn District median house price for the period that comprises the most recent full consecutive months of July, August, and September (in relation to the relevant date) supplied by the Real Estate Institute of New Zealand Incorporated and published on an Internet site maintained by the Selwyn District Council; 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 any part of a special housing area that falls within a proposed development that is a staged development, the development meets the criteria in subclause (1)(d) for the percentage of dwellings that must be affordable dwellings if,—
- (a) in relation to 10% of the proposed dwellings in each stage of the development, the price at which a dwelling may be sold does not exceed 75% of the Rolleston Township of Selwyn District median house price for the period that comprises the most recent full consecutive months of July, August, and September (in relation to the relevant date) supplied by the Real Estate Institute of New Zealand Incorporated and published on an Internet site maintained by the Selwyn District Council; and
 - (b) where the application is for a subdivision consent, the applicant—
 - (i) identifies the lots of the subdivision in each stage of the development 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.
- (4) For the purposes of calculating whether a development meets the 10% threshold in subclause (2)(a) or (3)(a), 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 Dryden Trust and Dean Geddes Blocks special housing area

cl 4

Map of special housing area



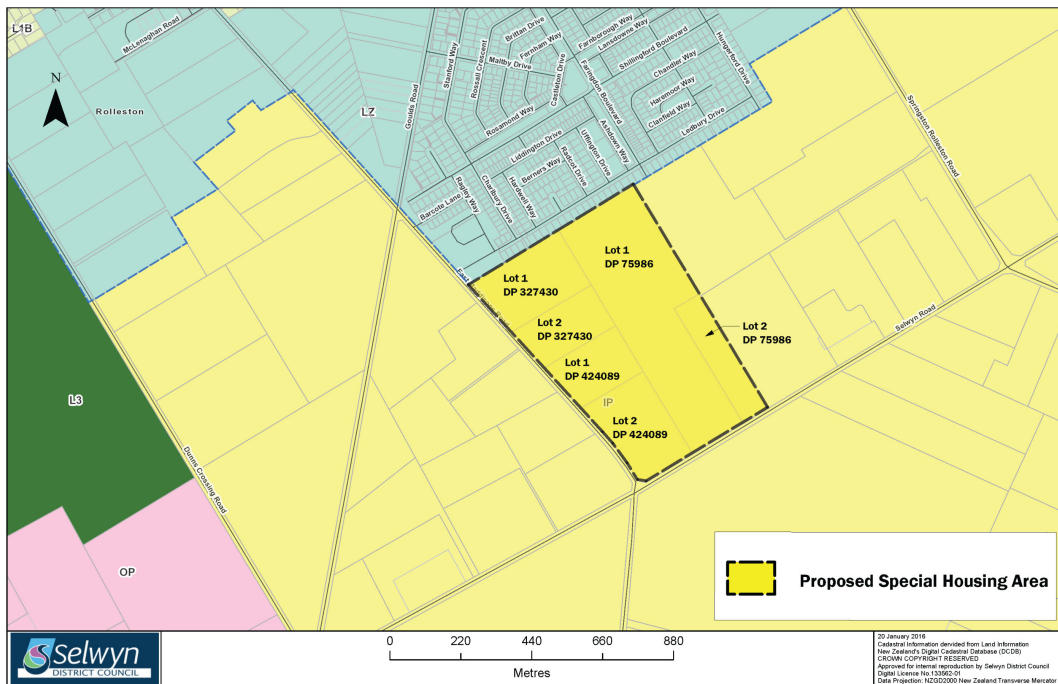
Description of Dryden Trust and Dean Geddes Blocks special housing area

Land identification	CT number	Area (ha)
Lot 1 DP 305373	21597	36.2200
Lot 1 DP 411402	44342	35.9773
Lot 2 DP 411402	44343	

Schedule 2
Faringdon South 1 special housing area

cl 4

Map of special housing area



Description of Faringdon South 1 special housing area

Land identification	CT number	Area (ha)
Lot 1 DP 327430	111423	6.0000
Lot 2 DP 327430	111422	4.0000
Lot 1 DP 424089	493558	4.0000
Lot 2 DP 424089	493559	6.0000
Lot 1 DP 75986	CB430/256	18.3000
Lot 2 DP 75986	CB430/257	3.7200

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 2 areas in Selwyn District 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:
- 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 the Selwyn District Council is a party to a housing accord under the Act, an applicant for a resource consent can request a variation to the Selwyn District Plan in certain circumstances where that is associated with the resource consent application.

This order is the first to create special housing areas in Selwyn District.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 18 February 2016.

Reprints notes

1 *General*

This is a reprint of the Housing Accords and Special Housing Areas (Selwyn District) Order 2016 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