

Reprint
as at 1 October 2017



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

(LI 2015/165)

Housing Accords and Special Housing Areas (Auckland—New June 2015 Area) 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).

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 29th day of June 2015

Present:

His Excellency the Governor-General in Council

Pursuant to sections 15 to 17 of the Housing Accords and Special Housing Areas Act 2013, His Excellency the Governor-General 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 June 2015 Area) Order 2015.

2 Commencement

This order comes into force on the 28th 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 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.

5 Criteria for qualifying developments in special housing area

- (1) The following criteria apply for qualifying developments in the special housing area declared by clause 4:
 - (a) the maximum number of storeys that buildings may have is 5:

- (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 15;
 - (d) the percentage of dwellings that must be affordable dwellings in each qualifying development 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

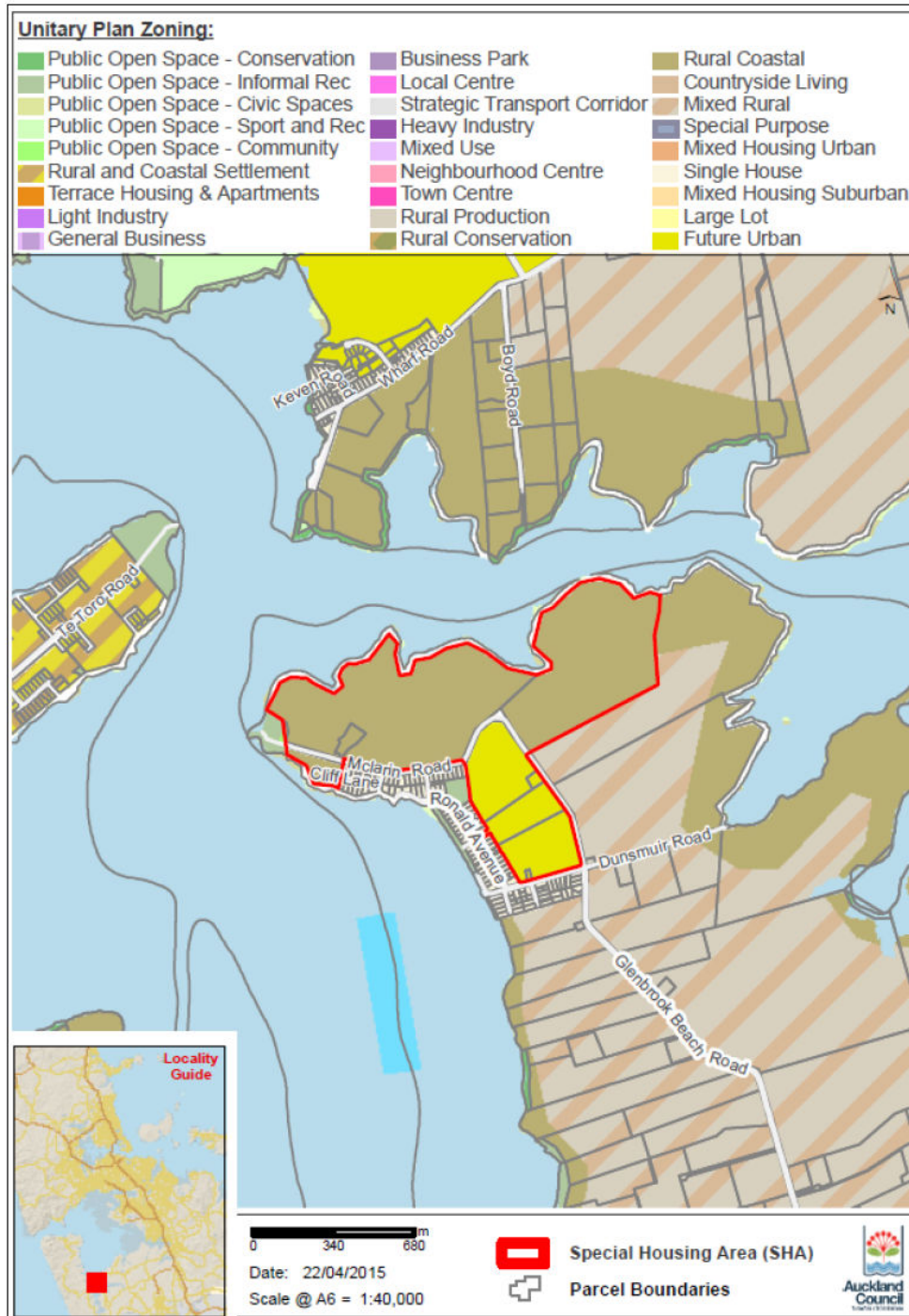
the relevant date) would not exceed 30% of the household's gross monthly income, based on the assumptions that—

- (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 McLarin Road, Glenbrook special housing area

cl 4

Map of special housing area



Description of McLarin Road, Glenbrook special housing area

Land identification	CT number	Area (ha)
Lot 1 DP 351480	210814	36.3183
Lot 2 DP 351480	210815	0.8130
Lot 1 DP 18680	NA56A/323	1.8775
Lot 1 DP 21692	NA56A/324	29.0488
Lot 2 DP 204733	NA132C/123	7.9870
Lot 1 DP 204733	NA132C/122	0.3082
Lot 3 DP 160963	NA96D/92	4.1980
Lot 4 DP 160963	NA96D/93	6.2850
Lot 1 DP 79908	NA36C/1036	0.0814

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 28th day after the date of its notification in the *Gazette*, declares an area in Auckland 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 a map in the *Schedule* of the order.

The 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, 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 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 fourth 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.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 2 July 2015.

Reprints notes

1 *General*

This is a reprint of the Housing Accords and Special Housing Areas (Auckland—New June 2015 Area) 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