

Reprint
as at 1 October 2017



Housing Accords and Special Housing Areas (Auckland— New January 2015 Areas) Order 2015 (LI 2015/10)

Housing Accords and Special Housing Areas (Auckland—New January 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).

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 2nd day of February 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) 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 January 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 that 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

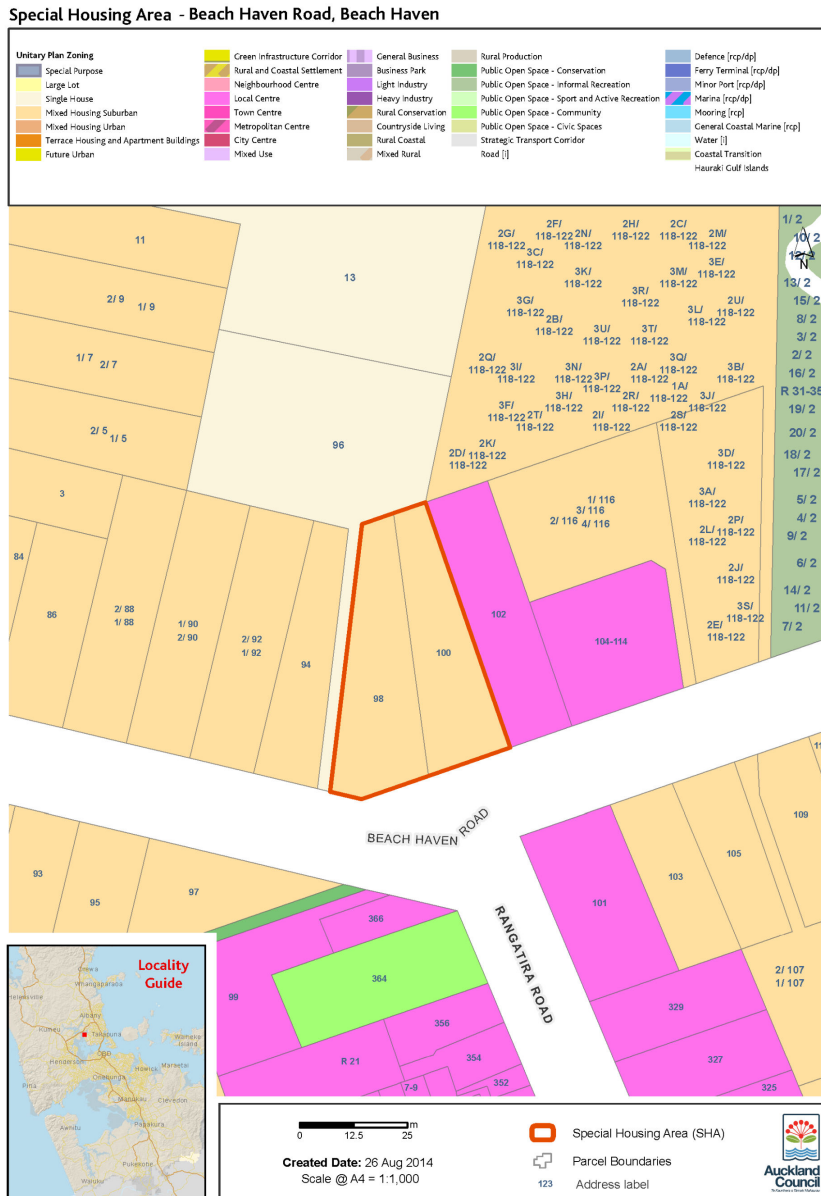
- (1) The following criteria apply for qualifying developments in each special housing area declared by clause 4:
- (a) the maximum number of storeys that buildings may have is 6;
 - (b) the maximum calculated height that buildings must not exceed is 27 metres;
 - (c) the minimum number of dwellings to be built per qualifying development is 4.
- (2) The additional criterion set out in subclause (3) applies for qualifying developments in each of the following special housing areas:
- (a) Beach Haven Road, Beach Haven special housing area (*see* Schedule 1);
 - (b) Mt Eden Road and Haul Road, Three Kings special housing area (*see* Schedule 2);
 - (c) Point View Drive, East Tamaki special housing area (*see* Schedule 3).
- (3) The additional criterion is that the percentage of dwellings that must be affordable dwellings, for qualifying developments relating to 15 or more dwellings only, is—
- (a) 10%, according to criteria A; or
 - (b) 5%, according to criteria B.
- (4) In subclause (3)(a), a qualifying development relating to 15 or more dwellings 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.
- (5) For the purposes of calculating whether a development meets the 10% threshold in subclause (4)(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 (6)(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.
- (6) In subclause (3)(b), a development relating to 15 or more dwellings 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
Beach Haven Road, Beach Haven special housing area**

cl 4

Map of special housing area



Description of area declared to be Beach Haven Road, Beach Haven special housing area

Land identification
Lot 186 DP 20048

CT number
NA681/251

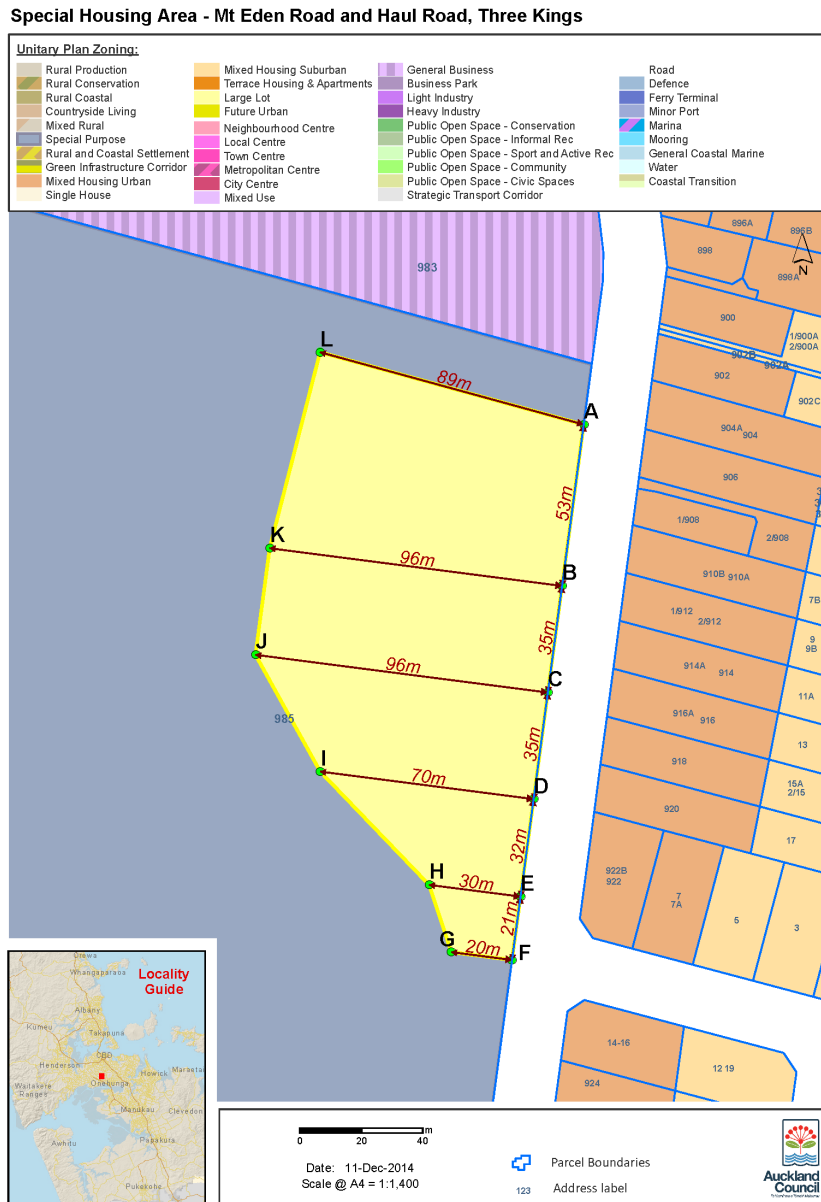
Area (ha)
0.0961

Lot 186 DP 20048 NA61A/42 0.0839

**Schedule 2
Mt Eden Road and Haul Road, Three Kings special housing area**

cl 4

Map of special housing area



Description of area declared to be Mt Eden Road and Haul Road, Three Kings special housing area

Area (ha)

1.4 (more or less)

Land identification

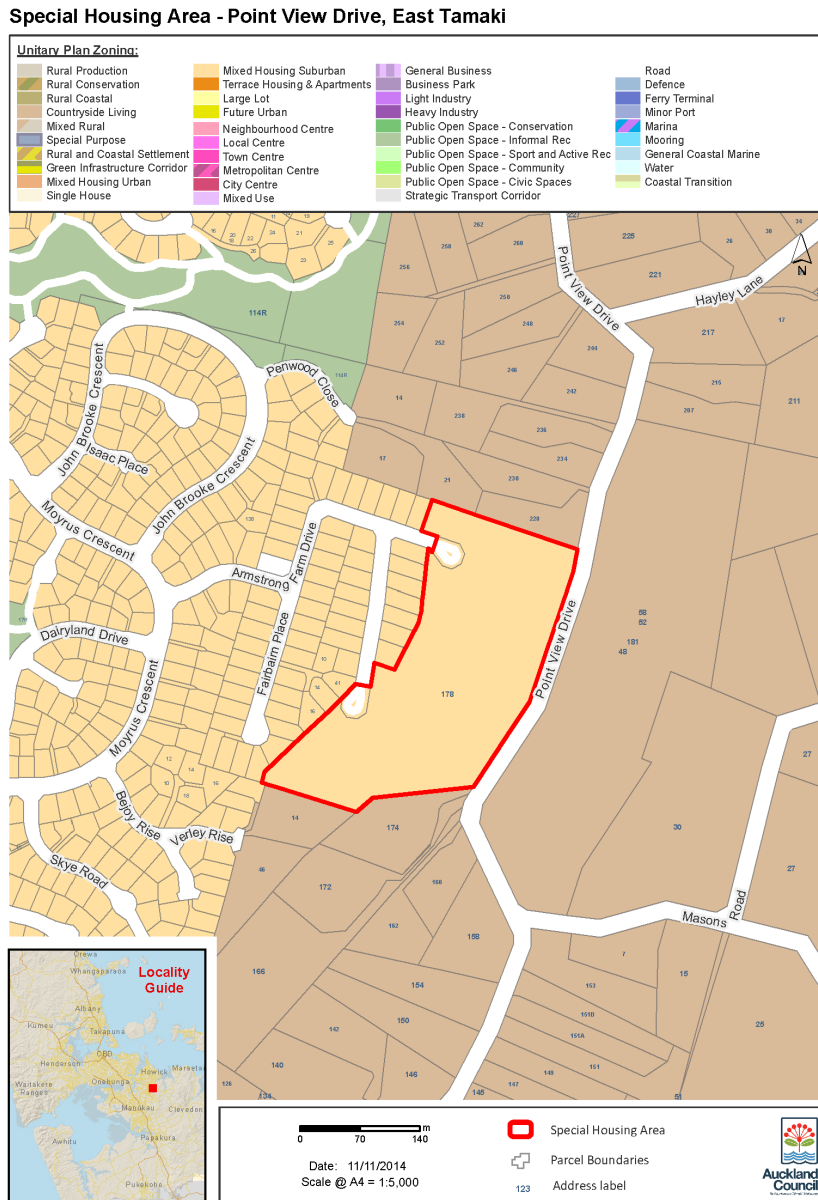
All of the land at 985 Mt Eden Road, Three Kings that is that part of Part Lot 1 DP 37020 (CT NA953/21) that is zoned Special Purpose Quarrying in the proposed Auckland combined plan that falls within a boundary marked by a line as follows:

- (a) commencing from Boundary Point A, a point 20 metres south along the eastern boundary of Lot 1 DP 37020 from the north-eastern corner of Lot 1 DP 37020:
- (b) to Boundary Point B, a point 53 metres south of Boundary Point A along the eastern boundary of Lot 1 DP 37020:
- (c) to Boundary Point C, a point 35 metres south of Boundary Point B along the eastern boundary of Lot 1 DP 37020:
- (d) to Boundary Point D, a point 35 metres south of Boundary Point C along the eastern boundary of Lot 1 DP 37020:
- (e) to Boundary Point E, a point 32 metres south of Boundary Point D along the eastern boundary of Lot 1 DP 37020:
- (f) to Boundary Point F, a point 21 metres south of Boundary Point E along the eastern boundary of Lot 1 DP 37020:
- (g) to Boundary Point G, a point 20 metres from Boundary Point F in a direction at right angles to the eastern boundary of Lot 1 DP 37020:
- (h) to Boundary Point H, a point 30 metres from Boundary Point E in a direction at right angles to the eastern boundary of Lot 1 DP 37020:
- (i) to Boundary Point I, a point 70 metres from Boundary Point D in a direction at right angles to the eastern boundary of Lot 1 DP 37020:
- (j) to Boundary Point J, a point 96 metres from Boundary Point C in a direction at right angles to the eastern boundary of Lot 1 DP 37020:
- (k) to Boundary Point K, a point 96 metres from Boundary Point B in a direction at right angles to the eastern boundary of Lot 1 DP 37020:
- (l) to Boundary Point L, a point 89 metres from Boundary Point A in a direction parallel to the northern boundary of Lot 1 DP 37020:
- (m) to Boundary Point A.

**Schedule 3
Point View Drive, East Tamaki special housing area**

cl 4

Map of special housing area



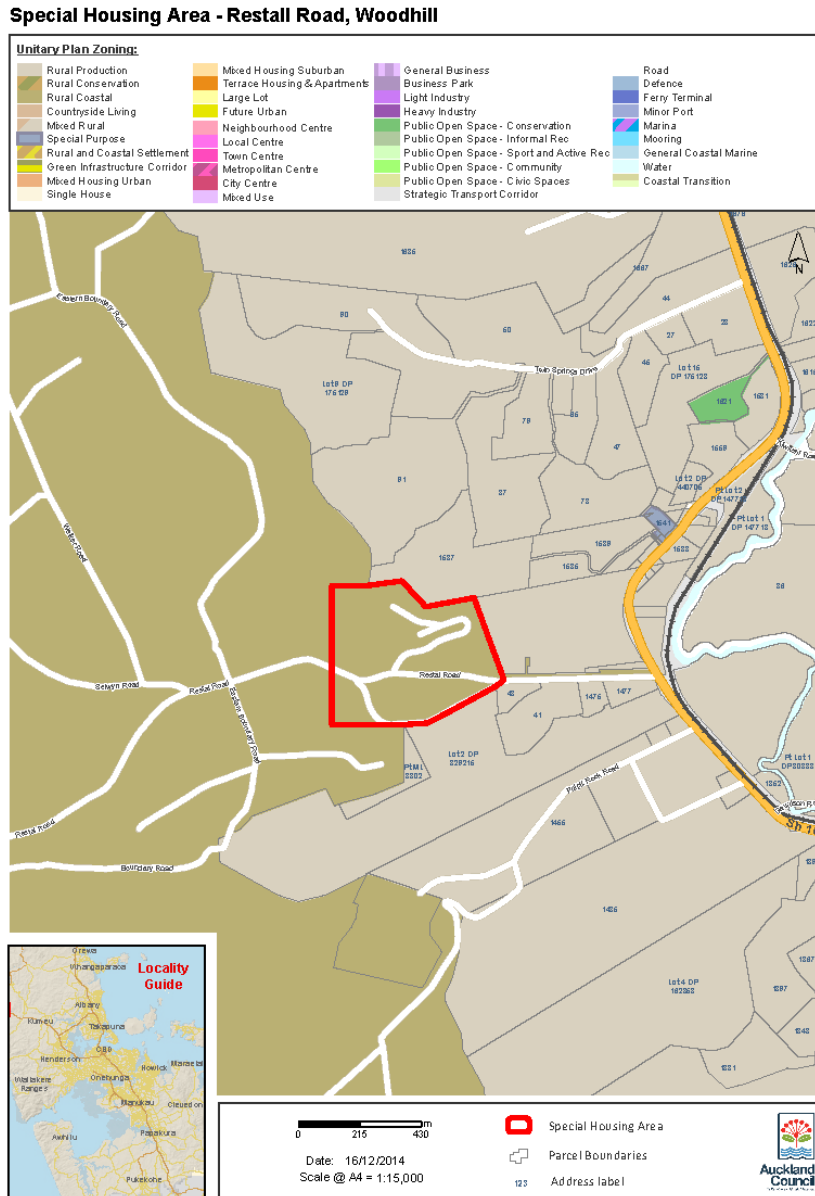
Description of area declared to be Point View Drive, East Tamaki special housing area

Land identification	CT number	Area (ha)
Lots 100, 101, and 102 DP 387801	362864	6.2623

Schedule 4
Restall Road, Woodhill special housing area

cl 4

Map of special housing area



Description of area declared to be Restall Road, Woodhill special housing area

Area (ha)

24.3 (more or less)

Land identification

All of the land at 417 Rimmer Road, Te Pua that is that part of Part Lot 1 DP 138527 (CT NA100A/7) that is zoned Rural Production in the proposed Auckland combined plan bounded—

- (a) to the east by the western boundary of Te Ketī A4 Block; and
- (b) to the north by the southern boundary of Lot 2 DP 135416 and a line extending directly west from the westernmost boundary point of Lot 2 DP 135416 for a distance of 125 metres; and
- (c) to the west by a line extending directly south from the point 125 metres directly west of the westernmost boundary point of Lot 2 DP 135416 for a distance of 488 metres; and
- (d) to the south by a line extending eastwards from the aforementioned point for a distance of 254 metres to the northernmost boundary point of Part Kopironui B2D2 Block; and
- (e) to the south by the northern boundary of Lot 2 DP 329215 and the northwestern boundary of Lot 1 DP 162292; and
- (f) by a right line across Restall Road to the south-western boundary point of Te Ketī A4 Block.

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 4 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 any one 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 to be built:
- the maximum number of storeys that buildings in the development may have and the maximum height that they may be:
- for 3 of the special housing areas, where the development relates to 15 or more dwellings, the percentage of dwellings that must be affordable dwellings:
- the affordability criteria for those special housing areas in which a percentage of dwellings must be affordable.

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 relating to the development can (but do not have to) be made under the Act instead of 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 this is associated with the resource consent application.

Explanatory note

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

Reprinted as at
1 October 2017

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 5 February 2015.

Reprints notes

1 *General*

This is a reprint of the Housing Accords and Special Housing Areas (Auckland—New January 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