

Reprint
as at 1 October 2017



Housing Accords and Special Housing Areas (Tauranga— New October 2015 Area) Order 2015

(LI 2015/250)

Housing Accords and Special Housing Areas (Tauranga—New October 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 27th day of October 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 (Tauranga—New October 2015 Area) 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

nett developable area—

- (a) has the meaning given in Chapter 3 of the operative Tauranga City Plan; but
- (b) does not include land zoned Conservation or Greenbelt in the operative Tauranga City Plan

operative Tauranga City Plan—

- (a) means the Tauranga City Plan made operative on 5 July 2014; and
- (b) includes all amendments to that plan notified before 1 January 2015.

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 and parts of special housing area

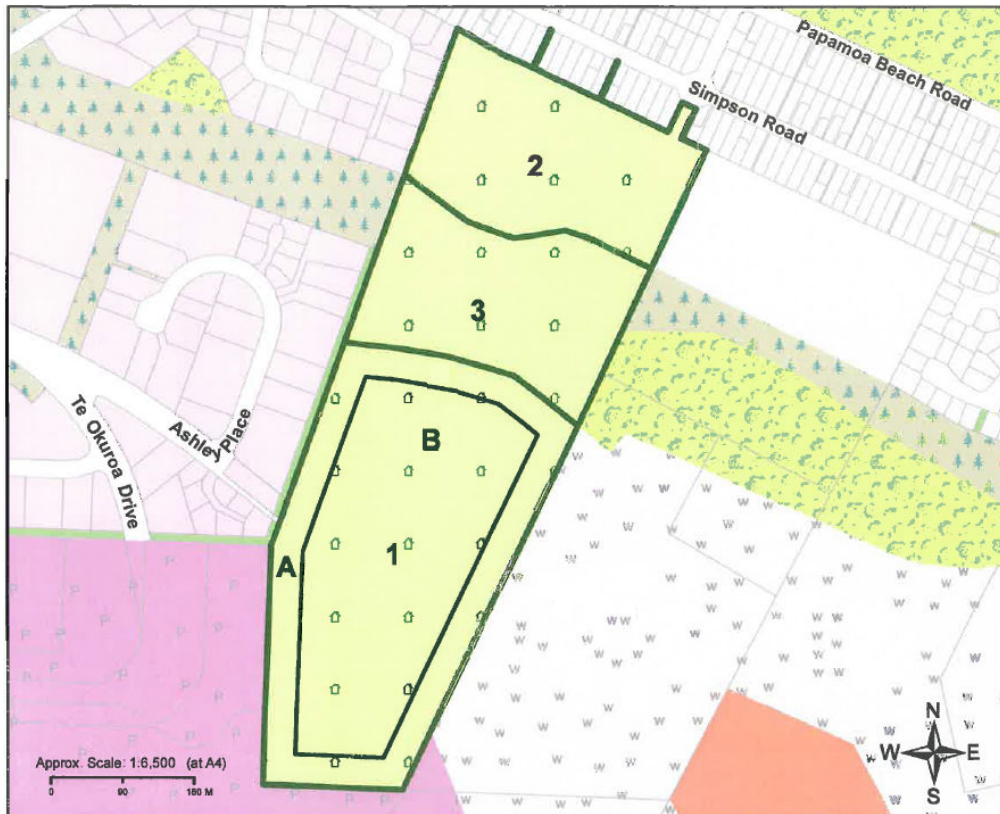
- (1) The following criteria apply for qualifying developments in the special housing area declared by clause 4:

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- (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,—
 - (i) for any part of Area 1 that lies within 40 metres of the western, southern, or eastern boundary of Section 2 SO 464062, 9.5 metres:
 - (ii) for any part of Area 1 that lies within 40 metres of the boundary of Area 3, 9.5 metres:
 - (iii) for any other part of Area 1, 13 metres:
 - (iv) for Area 2, 9 metres:
 - (v) for Area 3, 27 metres (as provided in section 14(1)(b)(ii) of the Act):
 - (c) the minimum number of dwellings that must be built is the product of 15 and the number of hectares of nett developable area.
- (2) For the purposes of subclause (1)(c), if the calculation of the number of dwellings results in a fractional dwelling of one-half or more, that dwelling is counted as 1 dwelling, and any lesser fraction may be disregarded.

Schedule
Expanded Ngā Pōtiki special housing area

cl 4

Map of special housing area



Description of Expanded Ngā Pōtiki special housing area

Land identification

Area 1

All land as part of Section 2 SO 464062 directly south of (and excluding) land zoned Conservation and Greenbelt in the operative Tauranga City Plan that lies within Section 2 SO 464062.

Area 2

All land as part of Section 2 SO 464062 directly north of (and excluding) land zoned Conservation and Greenbelt in the operative Tauranga City Plan that lies within Section 2 SO 464062.

Area 3

All land as part of Section 2 SO 464062 zoned Conservation and Greenbelt in the operative Tauranga City Plan.

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 Tauranga 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*.

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.

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 can (but do not have to) be made under the Act instead of under the Resource Management Act 1991. Also, because Tauranga City Council is a party to a housing accord under the Act, an applicant for a resource consent can request a variation to the Tauranga City Plan in certain circumstances where that is associated with the resource consent application.

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

- the Housing Accords and Special Housing Areas (Tauranga City) Order 2015;
- the Housing Accords and Special Housing Areas (Tauranga—New June 2015 Areas) Order 2015.

Reprints notes**1 *General***

This is a reprint of the Housing Accords and Special Housing Areas (Tauranga—New October 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