



Housing Accords and Special Housing Areas (Nelson) Order 2017

Patsy Reddy, Governor-General

Order in Council

At Wellington this 14th day of August 2017

Present:

Her 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 Construction made in accordance with sections 15(2) and (7) and 16(2), (3), and (4)(a)(i) of that Act.

Contents

		Page
1	Title	2
2	Commencement	2
3	Revocation of this order	2
4	Interpretation	2
5	Outline	2
6	Declaration of special housing areas	3
7	Criteria for qualifying developments in special housing areas	3
	Schedule 1	4
	Atawhai (Bay View Road) special housing area	
	Schedule 2	5
	Britannia Heights (Crown Terrace) special housing area	

Schedule 3	6
Enner Glynn (Cherry Avenue) special housing area	
Schedule 4	7
Marybank (Wastney Terrace) special housing area	
Schedule 5	8
Monaco (Quiet Woman Way) special housing area	
Schedule 6	9
Nelson South (Upper Trafalgar) special housing area	
Schedule 7	10
Nelson South (Van Diemen Street) special housing area	
Schedule 8	11
Stoke (Nayland Road) special housing area	
Schedule 9	12
The Wood (Cádiz Court) special housing area	
Schedule 10	13
Toi Toi (Parklands) special housing area	
Schedule 11	14
Wakapuaka (Taylor Estate) special housing area	
Schedule 12	15
Wakatu (Highview Drive) special housing area	

Order

1 Title

This order is the Housing Accords and Special Housing Areas (Nelson) Order 2017.

2 Commencement

This order comes into force on the day after the date of its notification in the *Gazette*.

3 Revocation of this order

This order is revoked on 16 September 2019.

4 Interpretation

In this order, unless the context otherwise requires, **Act** means the Housing Accords and Special Housing Areas Act 2013.

5 Outline

- (1) This order—

- (a) declares 12 areas in the district of Nelson City Council to be special housing areas for the purposes of the Act; and
 - (b) sets out criteria that apply for qualifying developments in those special housing areas.
- (2) This clause is only a guide to the general scheme and effect of this order.
- (3) *See also* <http://www.mbie.govt.nz/info-services/housing-property/housing-affordability/nelson-housing-accord> for associated maps and drawings.

6 Declaration of special housing areas

- (1) The area comprising all the land identified in Part 1 of each schedule of this order is severally declared to be a special housing area for the purposes of the Act.
- (2) If, in Part 1 of a schedule of this order, the land comprised in a special housing area is defined by reference to a named and dated drawing, subclause (3) applies.
- (3) If there is any inconsistency between the land as defined by the drawing and the more general description of the land in Part 1 of the schedule, the drawing prevails.

7 Criteria for qualifying developments in special housing areas

The criteria set out in Part 2 of each schedule of this order are criteria that apply for qualifying developments in the special housing area to which the schedule relates.

Schedule 1
Atawhai (Bay View Road) special housing area

cls 6, 7

Part 1
Description of area

All the land shown shaded on the drawing named Bayview SHA Site and dated 11 July 2017 (as available on <http://www.mbie.govt.nz/info-services/housing-property/housing-affordability/nelson-housing-accord> on the date of commencement of this order) (more generally being an area of approximately 39.8 hectares located to the east of Atawhai Drive, comprising Lot 19 DP 3717 and Part Section 8 Suburban North District (part computer register 164567), Lot 31 DP 487620 (computer register 703598), and part of Lot 34 DP 441653 (part computer register 550238)).

Part 2
Criteria for qualifying developments

Maximum number of storeys that buildings may have:	2
Maximum calculated height that buildings must not exceed:	8 metres
Minimum number of dwellings to be built:	100

Schedule 2

Britannia Heights (Crown Terrace) special housing area

cls 6, 7

Part 1

Description of area

All the land shown shaded on the drawing named Crown Terrace SHA Site and dated 4 July 2017 (as available on <http://www.mbie.govt.nz/info-services/housing-property/housing-affordability/nelson-housing-accord> on the date of commencement of this order) (more generally being an area of approximately 10.29 hectares located near Princes Drive, Crown Terrace, and Ariesdale Terrace, comprising part of Lot 65 DP 464769 (part computer register 619451)).

Part 2

Criteria for qualifying developments

Maximum number of storeys that buildings may have:	2
Maximum calculated height that buildings must not exceed:	8 metres
Minimum number of dwellings to be built:	60

Schedule 3
Enner Glynn (Cherry Avenue) special housing area

cls 6, 7

Part 1
Description of area

Land identification	Computer register	Area (ha)
Part Lot 13 DP 3850 and Lots 1 and 2 DP 4578	NL1A/536	0.3860

Part 2
Criteria for qualifying developments

Maximum number of storeys that buildings may have:	3
Maximum calculated height that buildings must not exceed:	9.5 metres
Minimum number of dwellings to be built:	4

Schedule 4

Marybank (Wastney Terrace) special housing area

cls 6, 7

Part 1

Description of area

All the land shown shaded on the drawing named Wastney SHA Site and dated 10 July 2017 (as available on <http://www.mbie.govt.nz/info-services/housing-property/housing-affordability/nelson-housing-accord> on the date of commencement of this order) (more generally being an area of approximately 8 hectares located near Wastney Terrace and Sunnybank Rise, comprising Lot 8 DP 349116 (computer register 201462), Lot 10 DP 349116 (computer register 201464), part of Part Section 14 Suburban North District (part computer register NL3A/1007), part of Lot 1 DP 494804 (part computer register 724959), and part of Lot 2 DP 494804 (part computer register 724960)).

Part 2

Criteria for qualifying developments

Maximum number of storeys that buildings may have:	2
Maximum calculated height that buildings must not exceed:	8 metres
Minimum number of dwellings to be built:	15

Schedule 5
Monaco (Quiet Woman Way) special housing area

cls 6, 7

Part 1
Description of area

Land identification	Computer register	Area (ha)
Lot 1 DP 394234	376937	0.1170

Part 2
Criteria for qualifying developments

Maximum number of storeys that buildings may have:	3
Maximum calculated height that buildings must not exceed:	10.2 metres
Minimum number of dwellings to be built:	5

Schedule 6
Nelson South (Upper Trafalgar) special housing area

cls 6, 7

Part 1
Description of area

Land identification	Computer register	Area (ha)
Lot 2 DP 11078	NL5D/1083	0.2076

Part 2
Criteria for qualifying developments

Maximum number of storeys that buildings may have:	2
Maximum calculated height that buildings must not exceed:	8.5 metres
Minimum number of dwellings to be built:	5

Schedule 7
Nelson South (Van Diemen Street) special housing area

cls 6, 7

Part 1
Description of area

Land identification	Computer register	Area (ha)
Lot 1 DP 431	NL37/175	0.1667

Part 2
Criteria for qualifying developments

Maximum number of storeys that buildings may have:	2
Maximum calculated height that buildings must not exceed:	7.5 metres
Minimum number of dwellings to be built:	3

Schedule 8
Stoke (Nayland Road) special housing area

cls 6, 7

Part 1
Description of area

Land identification	Computer register	Area (ha)
Lot 1 DP 15135	NL9C/498	0.2345

Part 2
Criteria for qualifying developments

Maximum number of storeys that buildings may have:	2
Maximum calculated height that buildings must not exceed:	8 metres
Minimum number of dwellings to be built:	8

Schedule 9
The Wood (Cádiz Court) special housing area

cls 6, 7

Part 1
Description of area

Land identification	Computer register	Area (ha)
Lot 1 DP 12674	NL7C/1324	0.1002
Part Lot 4 DP 93	NL7C/1325	0.0607

Part 2
Criteria for qualifying developments

Maximum number of storeys that buildings may have:	3
Maximum calculated height that buildings must not exceed:	11.9 metres
Minimum number of dwellings to be built:	12

Schedule 10

Toi Toi (Parklands) special housing area

cls 6, 7

Part 1

Description of area

Land identification	Computer register	Area (ha)
Lot 19 DP 428416	515052	1.1979

Part 2

Criteria for qualifying developments

Maximum number of storeys that buildings may have:	2
Maximum calculated height that buildings must not exceed:	7.5 metres
Minimum number of dwellings to be built:	8

Schedule 11

Wakapuaka (Taylor Estate) special housing area

cls 6, 7

Part 1

Description of area

All the land shown shaded on the drawing named SHA-Part of Lot 1 DP 351115-12 Wakapuaka Road Dimensioned Boundaries and dated 30 June 2017 (as available on <http://www.mbie.govt.nz/info-services/housing-property/housing-affordability/nelson-housing-accord> on the date of commencement of this order) (more generally being an area of approximately 12 hectares located at 12, 12A, and 12B Wakapuaka Road, comprising part of Lot 1 DP 351115 (part computer register 209520)).

Part 2

Criteria for qualifying developments

Maximum number of storeys that buildings may have:	2
Maximum calculated height that buildings must not exceed:	7.5 metres
Minimum number of dwellings to be built:	70

Schedule 12

Wakatu (Highview Drive) special housing area

cls 6, 7

Part 1

Description of area

All the land shown shaded on the drawing named Highview SHA Site and dated 11 July 2017 (as available on <http://www.mbie.govt.nz/info-services/housing-property/housing-affordability/nelson-housing-accord> on the date of commencement of this order) (more generally being an area located near Beatson Road, Highview Drive, and Whakatu Drive, comprising Lot 58 DP 464769 (computer register 619449) and part of Lot 67 DP 464769 (part computer register 619453)).

Part 2

Criteria for qualifying developments

Maximum number of storeys that buildings may have:	2
Maximum calculated height that buildings must not exceed:	8 metres
Minimum number of dwellings to be built:	40

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 12 areas in the district of Nelson City Council 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 severally described in *Part 1* of each schedule of the order.

Maps or drawings of special housing areas are available on the Ministry of Business, Innovation, and Employment's website (*see clause 5(3)*). For some special housing areas, the land is defined by reference to a named and dated drawing. The Act requires the chief executive of the Ministry to make copies of incorporated material available, free of charge, on the Ministry's website, unless doing so would infringe copyright, and to make incorporated material available for inspection during working hours, free of charge, at the Ministry's head office (*see section 52 of the Legislation*

Act 2012 as applied by section 16(4B) of the Housing Accords and Special Housing Areas Act 2013).

This order also specifies, for each special housing area, 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, relate to—

- the maximum number of storeys that buildings in the development may have and the maximum height that they may be;
- the minimum number of dwellings to be built.

This order does not prescribe affordability criteria for any of the special housing areas.

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 in that special housing area, 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 Nelson City Council is a party to a housing accord under the Act, an applicant for a resource consent can request a change to or variation of the relevant plan or proposed plan in certain circumstances where that is associated with the resource consent application.

Three earlier orders created special housing areas in the district of Nelson City Council that are now disestablished. *See* Schedule 3 of the Act for transitional provisions applying in respect of things done in relation to qualifying developments in those special housing areas before the relevant special housing area was disestablished. The special housing areas created under this order are new special housing areas; they do not include any land previously included in the special housing areas that are now disestablished.

See also the Nelson City Council's website for more information about special housing areas in the district.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 17 August 2017.

This order is administered by the Ministry of Business, Innovation, and Employment.