

The Proposed Auckland Unitary Plan (notified 30 September 2013)

6.6 Affordable housing

1. The following development controls do not have legal effect until the Unitary Plan is operative.

1 Development controls

1.1 Number of retained affordable housing dwellings

1. Where a new development within the RUB contains more than 15 dwellings or involves the creation of more than 15 vacant sites, at least 10 per cent of the total number of dwellings or vacant sites within the development must be retained affordable housing. Where a framework plan applies, this requirement applies to the entire framework plan area.
2. The requirement for retained affordable housing does not apply to any development that is solely providing social housing delivered by Housing New Zealand or a community housing provider.
3. Where the calculation of the required retained affordable housing results in a fractional dwelling, any fraction will be disregarded.

1.2 Location of retained affordable housing

1. Within housing developments of detached and terraced dwellings:
 - a. the retained affordable housing must be spread throughout the development, with no more than three in any one cluster
 - b. the floor area of the retained affordable housing must be similar to that of market rate housing within the development, although site sizes may be smaller
 - c. the retained affordable housing must have a similar range of dwelling types and sizes to that provided elsewhere in the development.
2. For apartments, the retained affordable housing must not comprise more than one-third of the dwellings on a single building level.

1.3 Securing retained affordable housing

1. Except for retained affordable housing provided by a community housing provider, retained affordable housing must have a legally enforceable retention mechanism, including, but not limited to, a covenant supported by a memorandum of encumbrance registered on the certificate of title or consent notice under the RMA, that:
 - a. limits rent or re-sale (including a future dwelling in the case of a vacant site subdivision) to an occupier who is approved by the council as meeting the eligibility criteria below, or
 - b. limits resale to a community housing provider approved by the council, or
 - c. limits rent and resale to a formula that ensures that the dwelling remains affordable into the long term, including a future dwelling in the case of vacant site subdivision, and
 - d. provides for monitoring of the terms of the covenant or consent notice and the process should those terms be breached including where occupiers have defaulted on the mortgage and lenders seek to recover their interests in the property, and
 - e. is legally enforceable by the council in perpetuity.

1.4 Eligibility for retained affordable housing

1. Retained affordable housing must only be sold or rented to eligible households. An eligible household is either:
 - a. a community housing provider who is registered with the council as being a pre-approved

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purchaser, and whose criteria for renting and/or sale meets the eligibility criteria set out in 2 below

- b. a household assessed by the council as meeting the eligibility criteria in 2 below.
2. To be eligible for retained affordable housing:
 - a. at least one member of the household must be and will remain a New Zealand resident or citizen
 - b. at least one member of the household at the time of the application to council must be employed on at least a part-time basis (more than 20 hours a week) with an employer within Auckland
 - c. the property must be used exclusively as the household's primary residence
 - d. households that seek to purchase dwellings must have sufficient assets to provide the required deposit
 - e. Households must have an income of between 80 and 120 per cent of the regional median household income.
3. Households who have assets that would enable them to meet their housing needs in Auckland without recourse to affordable housing will not be eligible to rent or own retained affordable housing.

2. Assessment - Development control infringements

2.1 Matters of discretion

In addition to the general matters in [clause 2.3](#) of the general provisions, the council will restrict its discretion to the matters below for the listed development control infringement.

1. Number of retained affordable housing dwellings and location of retained affordable housing
 - a. provision of retained affordable housing off-site
 - b. location of affordable housing within a development.

2.2 Assessment criteria

In addition to the general assessment criteria in [clause 2.3](#) of the general provisions, the council will consider the relevant criteria below for the listed development control infringement.

1. Number of retained affordable housing dwellings and location of retained affordable housing
 - a. Provision of retained affordable housing off-site
 - i. Retained affordable housing should be provided within the development, however, off-site locations may be considered for all or part of the requirement if:
 - i. the alternative sites are in close proximity to the development (i.e. within 1km) and offer a superior outcome in terms of access to services and transport and community mix. Particular consideration will be given to whether the off-site provision will lead to a more balanced community and whether the alternative location will better address priority needs, particularly family housing, or
 - ii. the applicant has entered into a legally binding agreement with a community housing provider who can demonstrate that on-site provision will not meet their operational requirements and that an off-site location will deliver a superior outcome in terms of the number, mix and/or on-going management of the required retained affordable housing.
 - ii. The provision in whole or in part, of the required retained affordable housing in the form of land only, rather than dwellings, may be appropriate where the applicant has secured an agreement with a community housing provider that will provide a superior outcome. In this case, the value of the land to be transferred to the community housing provider should be at least equal to the inferred value of the retained affordable housing requirements, as determined by a valuation by a registered valuer.

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- b. Location of affordable housing within a development
 - i. Where a development does not comply with the location controls for retained affordable housing, the applicant will need to demonstrate that the retained affordable housing is spread throughout the development and are of a size consistent with other dwellings within the development.
 - ii. Some clustering of retained affordable housing within a site may be preferable where the dwellings are managed by one entity and from an operational perspective, clustering will provide long-term benefits in terms of management and maintenance of the retained affordable housing.

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3. Special information requirements

Affordable housing assessment

1. All resource consent applications involving the provision of retained affordable housing must be accompanied by an affordable housing assessment. The assessment must specify how the development will meet the development controls for retained affordable housing and include details of:
 - a. the expected total number and type of all dwellings within the development, including retained affordable housing
 - b. the percentage of new dwellings that will be retained affordable housing
 - c. where relevant, the staging of the development, including the timing of provision of the retained affordable housing
 - d. for the retained affordable housing component of the development:
 - i. the proposed price (including any proposed variances for approval)
 - ii. the location, design and form of the dwellings, including the exterior design, their size and internal layout, including number of bedrooms
 - iii. if the retained affordable housing is proposed to be provided off-site, details of how that will be provided in a manner that meets the relevant assessment criteria.
 - iv. details of the proposed retention mechanism if the retained affordable housing is not provided by a community housing provider.

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