

PART 3 - REGIONAL AND DISTRICT RULES»Chapter K: Precinct rules»5 North»

**5.63 Huapai 2 - OPERATIVE**

The activities, controls and assessment criteria in the underlying Mixed Housing Suburban zone and Auckland-wide rules apply in the precinct unless otherwise specified below:

**1. Activity Table**

The activities in the Mixed Housing Suburban zone apply in the Huapai 2 precinct unless otherwise specified in the activity table below:

Table 1

Activity	Activity status
Dwellings	P
Restaurants and cafes up to 100m <sup>2</sup> GFA per site located on a site having frontage to Oraha road	D

**2. Land Use Controls**

The land use controls for the underlying Mixed Housing Suburban zone apply except where specified below:

**2.1 Maximum Density**

1. The number of dwellings on a site within the Huapai 2 precinct must not exceed the limits specified below.
  - a. one dwelling per site; or

**2.2 Affordable Housing**

Purpose:

To ensure that the precinct contains affordable housing to help address Auckland’s housing affordability needs.

1. New residential developments containing 15 or more dwellings/vacant sites must provide for affordable dwellings/ vacant sites that are either relative affordable or retained affordable that will meet the requirements of clauses 2-9 below.
2. All resource consent applications requiring the provision of affordable dwellings/vacant sites must be accompanied by details of the location, number and percentage of relative and/or retained affordable dwellings/vacant sites.
3. Affordable dwellings/vacant sites must be spread throughout the development, with no more than six in any one cluster.
4. For staged developments, a proportionate number of affordable dwellings and/or vacant sites must be provided at each respective stage on a pro rata basis and spread throughout the development in accordance with clause 3 above.
5. For apartments, no more than one-third of the total number of identified affordable dwellings shall be located on a single building level/storey, unless the development is two levels, in which case no more than half of the identified affordable dwellings shall be located on a single building level.
6. If the calculation of the percentage of dwellings (and/or vacant sites) that must be affordable dwellings (and/or vacant sites) results in a fractional dwelling (or vacant site) of one-half or more, that fraction is counted as 1 dwelling (or vacant site), and any lesser fraction may be disregarded.
7. For avoidance of doubt, the land use rules do not apply to resource consent applications processed under the Housing Accords and Special Housing Areas Act 2013 (HASHAA) as the provisions specified within the relevant Order in Council amendment to that Act apply. The above provisions apply to consents that are not processed under HASHAA.
8. Affordable housing that does not comply with clauses 2.2 above is a discretionary activity.

**2.3 Relative Affordable**

### Number of Relative Affordable Dwellings or Sites

Purpose:

To ensure that the precinct contains price relative affordable housing available to first home buyers to help address Auckland's housing affordability needs.

1. For new residential developments containing 15 or more dwellings or involving the creation of 15 or more vacant sites, (or a mixture of both with the total cumulative number of dwellings and/or vacant sites being 15 or more), at least 10 percent of the total number of dwellings/vacant sites must be relative affordable and meet the following criteria:
  - a. the price at which a dwelling may be sold does not exceed 75 percent of the Auckland region median house price (calculated as an average of 3 calendar months previous to the date the application for resource consent is approved or the date on which all appeals on the resource consent application are finally resolved, whichever is the later) that is published by the Real Estate Institute of New Zealand.
  - b. if the application is for a subdivision consent, the applicant must identify the sites of the subdivision allocated for the building of relative affordable dwellings and must specify the mechanism (consent notice for example) for ensuring that the combined value of the building and the land upon completion will meet that criterion or is a building associated with such a dwelling.
  - c. dwellings must be sold to first home buyers who intend to reside in the dwelling and retain ownership for three years from the date of first transfer. Any dwellings built on vacant sites identified for affordable housing must be sold to first home buyers who intend to reside in the dwelling and retain ownership for 3 years from the date of transfer.

### 2.3.1 Eligibility for Relative Affordable Housing

Purpose:

To ensure relative affordable housing is purchased by appropriate persons

1. Prior to the first transfer of affordable dwellings (including new dwellings that have never been occupied and are built on vacant sites that are identified for affordable dwellings), the consent holder shall provide to Council a statutory declaration that confirms the sale complies with the following eligibility requirements:
  - a. the purchaser has a gross household income, as at the date of the statutory declaration, that does not exceed 120 percent of the Auckland median household income as set at the date of signing the unconditional sale and purchase agreement.
  - b. the consent holder has sold the dwelling (and any associated parking that is required by resource consent and storage) at a price which is not more than that defined by the 75 percent median price in accordance with rule 2.3.1(a) above.
  - c. the purchaser intends to own and occupy the affordable dwelling exclusively as their residence for no less than three years from the date of purchase.
  - d. the purchaser is a first home buyer and has never owned any other real property.
  - e. the purchaser is a natural person purchasing the affordable dwelling in their own name and not in the name of any other person or entity.
2. Prior to the transfer of a vacant site identified for affordable dwellings, the purchaser shall be made aware of the mechanism eg a consent notice required to ensure any building built on the site is a dwelling that will meet the relative affordable criteria in 2.3.1 above or is a building associated with such a dwelling.
3. Prior to the transfer of a vacant site identified for an affordable dwelling to a purchaser that intends to develop, own and occupy the affordable dwelling themselves, the consent holder shall provide to Council a statutory declaration executed by the intended purchaser that confirms the sale complies with the following eligibility requirements:
  - a. the purchaser has a gross household income, as at the date of the statutory declaration, that does not exceed 120 percent of the Auckland median household income as set at the date of signing

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the unconditional sale and purchase agreement.

- b. any development of the site shall be such that the combined value of the dwelling and the land upon completion, as confirmed by a valuation carried out by a registered valuer, shall be no more than that defined by the 75 percent median price in accordance with rule 2.3.1(a) above.
  - c. the purchaser intends to own and occupy the affordable dwelling exclusively as their residence for no less than three years from the date of purchase.
  - d. the purchaser is a first home buyer and has never owned any other real property.
  - e. the purchaser is a natural person purchasing the affordable dwelling in their own name and not in the name of any other person or entity.
4. A consent notice shall be placed on the computer freehold register for the respective affordable dwellings/vacant sites requiring the above eligibility criteria be met for 3 years from the date of the transfer to the eligible purchaser.
  5. Relative affordable housing that does not comply with clauses 2.3 and 2.3.1 above is a discretionary activity.

### 2.4 Retained Affordable

#### Eligibility for Retained Affordable Housing

Purpose:

To ensure that the precinct contains income related retained affordable housing to help address Auckland's housing affordability needs and to ensure retained housing is appropriately managed by Community Housing Providers to achieve ongoing provision and availability where required.

1. Purchasers in respect of retained affordable housing must be a registered community housing provider or Housing New Zealand Corporation. This rule does not apply to Retirement villages which are dealt with under rule 2.5 below.

#### 2.4.1 Number of Retained Affordable Dwellings or Sites

1. For new residential developments containing 15 or more dwellings or involving the creation of 15 or more vacant sites, (or a mixture of both with the total cumulative number of dwellings and/or vacant sites being 15 or more), at least 5 percent of the total number of dwellings, or vacant sites, in any development must be retained affordable and meet the following criteria.
  - a. 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 date the application for resource consent is approved or the date on which all appeals on the resource consent application are finally resolved, whichever is the later) would not exceed 30 percent of the household's gross monthly income, based on the assumptions that:
    - i. the dwelling is purchased with a 10 percent 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 two-year fixed rate. This interest rate used is that published most recently by the Reserve Bank of New Zealand, in relation to the date application for resource consent is made.
2. As part of the resource consent application evidence shall be provided to demonstrate a community housing provider will purchase the dwellings/sites. Prior to the transfer of the retained affordable dwellings/sites a Council approved statutory declaration must be returned by the consent holder to demonstrate the dwellings/sites are sold at the price point outlined in clause 1 above.
3. Retained Affordable housing that does not comply with clauses 2.4 and 2.4.1 above is a discretionary activity.

### 2.5 Affordable Housing in Retirement Villages

Purpose:

To ensure affordable housing is provided within retirement village complexes

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1. For retirement village developments (including any redevelopment creating additional units) containing 15 or more units, either:
  - a. at least 10 percent of the total number of units must be relative affordable for three years from the date of purchase. If a dwelling is sold within this timeframe it must continue to meet the required price point set out below in clause 1(a)(i) below until such time that it does not apply.
    - i. The units classed as relative affordable will be valued at no more than 65 percent of the Auckland region median house price that is published by the Real Estate Institute of New Zealand for the most recent full calendar month preceding the date on which the application for resource consent is approved or the date on which all appeals on the resource consent application are finally resolved, whichever is the later.
    - ii. The price point as required by 1(a) above shall include annual charges for maintenance and refurbishment at the retirement village but exclude entry costs, transfer costs, periodical charges, rates, and insurance.
    - iii. A disclosure statement as required by the Retirement Villages Act 2003 shall be provided to Council to ensure that the estimated financial return that a resident, former resident, or the estate of a former resident, could expect to receive on the sale or other disposal of a vacant residential unit is consistent with any other unit being sold at market rate within the retirement village complex.

### 2.5.1 Eligibility for Relative Affordable in a Retirement Village

Purpose:

To ensure relative affordable housing is purchased by appropriate persons

1. The purchaser(s)/ resident(s) shall have a gross household income that does not exceed 150 percent of the NZ superannuation income receivable, current at the date of purchase.
2. Affordable Housing in Retirement Villages that does not comply with clauses 2.5 and 2.5.1 above is a discretionary activity.

## 3. Development Controls

The Development controls for the Mixed Use Housing Suburban zone apply in the Precinct unless otherwise specified below.

### 3.1 Yards

1. The yard controls for the underlying zone apply unless otherwise specified below:
  - a. Front Yard: 3m

Note: On a lot with dual road frontage (corner lots), the frontage containing the main entrance to the dwelling (front door) must be the front yard. The other frontage shall be deemed a side yard.

### 3.2 Maximum Impervious Area

1. Maximum impervious area: 70 percent.
2. Maximum impervious area within a riparian yard: 10 percent.

### 3.3 Building coverage

1. Maximum building coverage 50 percent.

### 3.4 Landscaping

All sites must comprise at least 30 percent landscaped area.

1. The following must be met:
  - a. at least 10 percent of the required landscaped area must be planted with shrubs including at least one tree that is pB95 or larger at the time of planting
  - b. at least 40 percent of the front yard must comprise landscaped area.

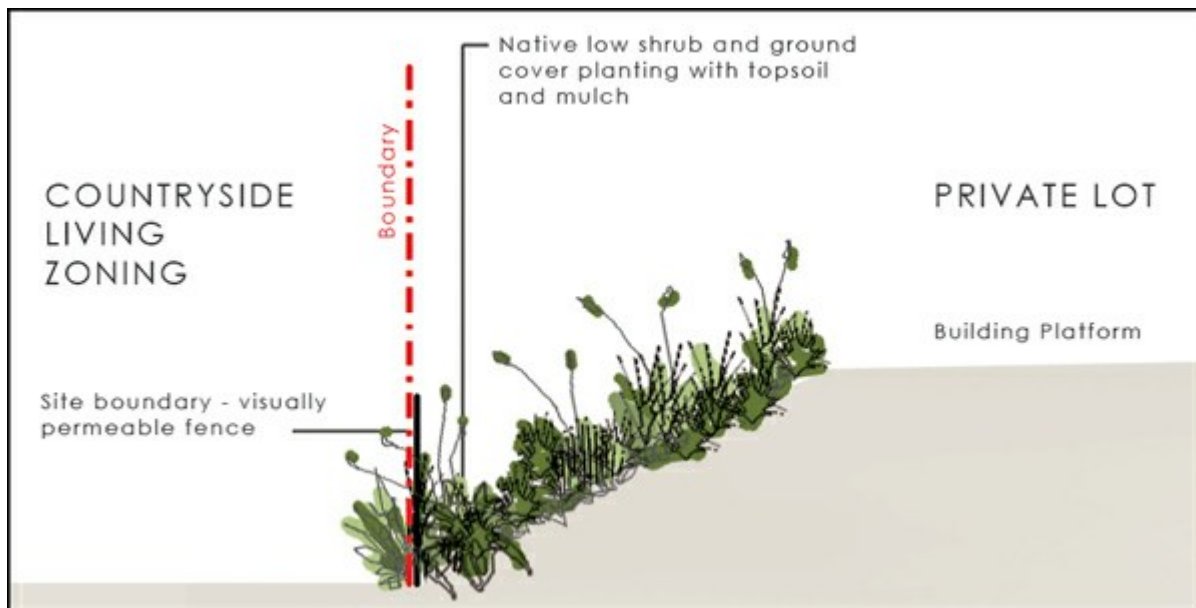
### 3.5 Landscaping adjoining the Countryside living zone

Purpose:

To provide a buffer between the development and the adjoining countryside living zone.

1. Any fencing adjoining the countryside living zone, must be limited to black powder coated visually permeable pool fencing not exceeding 1.8m in height.
2. A minimum 3m depth planting strip must be established along any boundary adjoining the countryside living zone, planted with a mix of native shrub and ground cover.
3. Any infringement of this of clause 1 – 2 above is a discretionary activity.

Figure 1: Landscaping controls adjoining the Countryside living zone



### 3.6 Outlook Space

1. The minimum dimensions for a required outlook space are as follows:
  - a. principal living room: 4m in depth and 4m in width
  - b. principal bedroom: 3m in depth and 3m in width
  - c. all other habitable rooms: 1m in depth and 1m in width

### 3.7 Dwellings Fronting the street

1. The front facade of a dwelling or dwellings on a front site must contain:
  - a. glazing that is cumulatively at least 20 percent of the area of the front facade (excluding the garage door)
  - b. a door that is the main entrance to the dwelling.

Note: Where a site adjoins both Oraha road and any other road within the precincts then both frontages shall be considered front sites for the purpose of this rule.

### 3.8 Garages

1. A garage door facing a street must be no greater than 50 percent of the width of the front facade of the dwelling to which the garage relates.
2. Garage doors must not project forward of the front façade of a dwelling.
3. The garage door facing the street must be set back at least 5m from the site's frontage.

### 3.9 Retaining Walls

Purpose:

To avoid visual dominance or overshadowing effects as viewed from the street or the boundary of the precinct.

- Any retaining walls on or within 1m of the future urban zone boundary must not exceed 1.2m and fencing on the retaining wall must not be greater than 1.2m in height and be visually permeable.

### 3.10 Sites adjoining Open Space

Purpose:

To provide privacy for dwellings while enabling opportunities for passive surveillance of the open space.

To ensure dwellings are orientated to provide for passive surveillance of the open space contribute to open space amenity.

- Where a site or dwelling adjoins open space shown on the precinct plan clause 3.7 above for dwellings fronting the street applies to dwellings fronting the open space and clause 7.15 fences in I1.7 Residential applies to the yard that adjoins the open space.

### 3.11 On-site Stormwater management - new impervious areas

- New impervious areas (including roads created through subdivision of land) exceeding 50m<sup>2</sup> must achieve hydrology mitigation on-site by:
  - Provision of retention and detention of stormwater by implementing one or more of the approved devices illustrated below; or
  - Provision of retention (volume reduction) of 5mm runoff depth for the impervious area for which hydrology mitigation is required; and
  - Provision of detention (temporary storage) and a drain down period of 24 hours for the difference between the pre-development and post-development runoff volumes from the 95th percentile, 24 hour rainfall event minus the 5 mm retention volume, over the impervious area for which hydrology mitigation is required.

Figure 2: Private raingarden for impervious surface areas

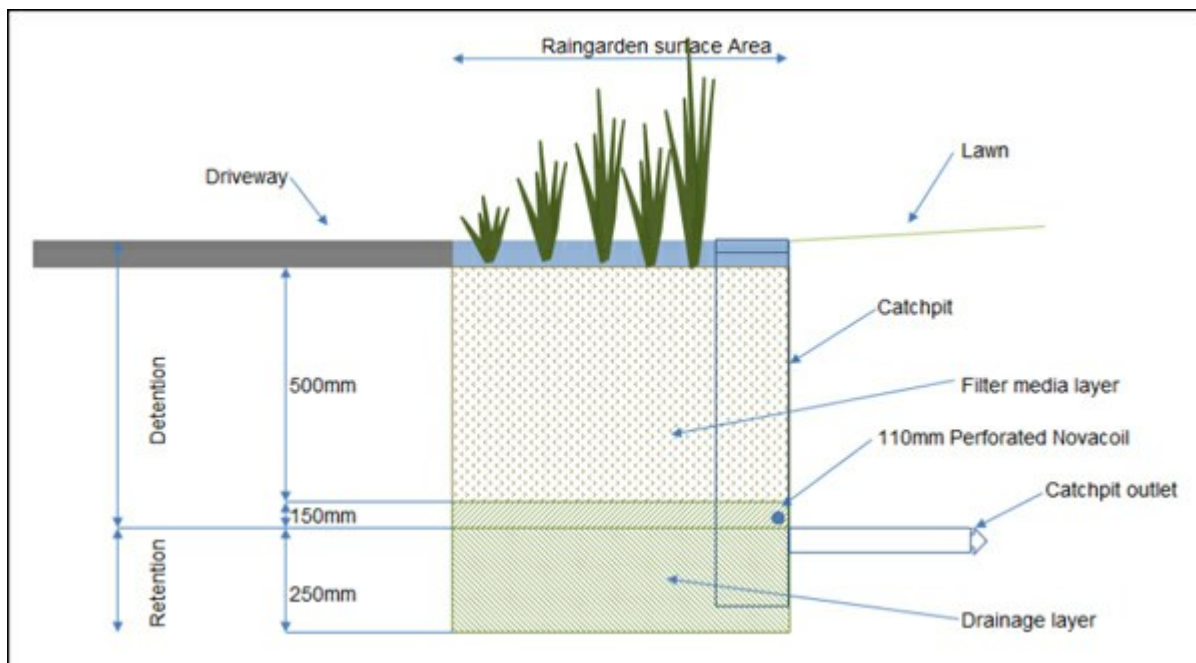


Table 2: Private raingarden for impervious surface areas

Driveway / Other Impervious Surface Area (m <sup>2</sup> )	Retention Volume - 10 mm Retention (m <sup>3</sup> )	Detention Volume - 25 mm Detention (m <sup>3</sup> )	Total Runoff Volume Requirement (m <sup>3</sup> )	Raingarden Area Requirement (m <sup>2</sup> )
50	0.25	0.90	1.15	2.50
100	0.50	1.80	2.30	5.0
150	0.75	2.70	3.45	7.50



200	1.00	3.60	4.60	10.00
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Figure 3: Private rainwater reuse tank for roof areas

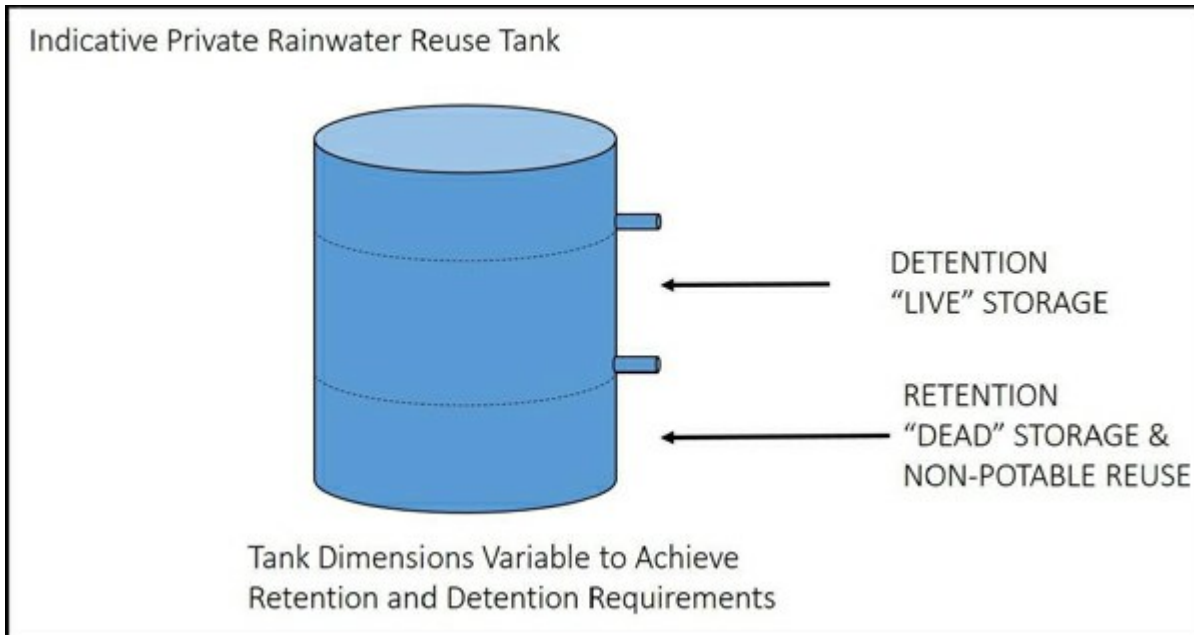


Table 3: Private rainwater reuse tank for roof areas

Roof Area (m <sup>2</sup> )	Rainwater Tank Volume - 5 mm Retention (m <sup>3</sup> )	Rainwater Tank Volume - 18 mm Detention (m <sup>3</sup> )	Rainwater Tank Total Volume Requirement (m <sup>3</sup> )
100	0.50	1.80	2.30
150	0.75	2.70	3.45
200	1.00	3.60	4.60
250	1.25	4.50	5.75
300	1.50	5.40	6.90

#### 4. Subdivision Controls

The controls in H5 Subdivision shall apply in the Huapai 2 precinct unless specified in the following provisions.

##### 4.1 Activity Table

The Activity Table 1 – General and Activity Table 2 – Residential zones in Chapter H Section 5 apply to the Huapai 2 precinct, except as specified in Table 4 below.

Table 4: Huapai Precinct

Subdivision Activity	Activity status
Subdivision in accordance with the Huapai 2 precinct plan	RD
Subdivision not in accordance with the Huapai 2 precinct plan	NC
Subdivision of a vacant site in accordance with Rule 4.2.1	RD

##### 4.2 Development Controls

The development controls in H5.2 Subdivision apply in this precinct except as specified below.

###### 4.2.1 Site Size

Site sizes for proposed sites must comply with the following minimum net site areas:

1. Within Sub-Precinct A – 525m<sup>2</sup>.

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2. Outside Sub-Precinct A – 300m<sup>2</sup>, or
3. 200m<sup>2</sup>, provided that no more than a total of 25 sites are created within the precinct and none are located within Sub-Precinct A.

Subdivision that does not comply with this control is a non-complying activity.

### 4.2.2 Riparian Margins

1. Riparian margins identified in the precinct plan must:
  - a. be established either side of the bank of a stream to a minimum width of 10m measured from the top of the bank of the stream, where the location of the bank can be physically identified by ground survey, or the edge of the stream determined by the extent of the 1 year ARI flow level.
  - b. be planted with native vegetation either side along the full 10m width in accordance with a landscape plan approved by council at a density of 10,000 plants per hectare, using eco-sourced native vegetation consistent with local biodiversity.
2. The riparian margins created in clause 1 above must be offered to Council for vesting.
3. Subdivision that does not comply with this control is a non-complying activity.

### 4.2.3 Roading Standards

Purpose:

Provide a safe and legible street network within the Huapai 2 precinct.

1. All roads within the precinct must be located in general accordance with the Huapai 2 precinct plan.
2. All road provided within the precinct must be constructed to the standards contained within Table 5: Road Construction Standard within the Huapai 2 precinct plan area and cross-section diagrams in Figures 4, 5, 6, 7 and 8 below or, where not contained in Table 5, the relevant Auckland-wide rules shall apply.

Table 5: Road Construction Standards within the Huapai 2 precinct

Type	Road	Road Width	Carriageway	Footpath Width	Combined Cycle / Footpath
A	Green Link Collector Road	19.0m	7.0m	1.8m (east side)	3.0m (west side)
B	Local Road	16.0m	6.0m	1.8m	N/A
C	Local Road	15.0m	6.0m	1.8m	N/A
D	Local Road	12.8m	6.0m	1.8m	N/A
E	Local Road	15.5m	6.5m	1.8m	N/A

Figure 4: Type A road





All services trench (no laterals)

Gas Power Comms	Water SS
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**Greenway: Collector Road (19m)**

Note: Driveways one side only

Note: raised tables along the shared cycleway / footpath to be adopted across intersections.

Figure 5: Type B road



Figure 6: Type C road



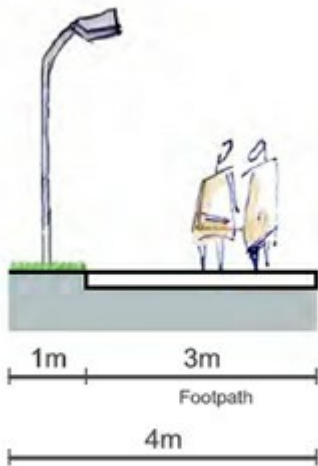
Figure 7: Type D road



Figure 8: Type E road

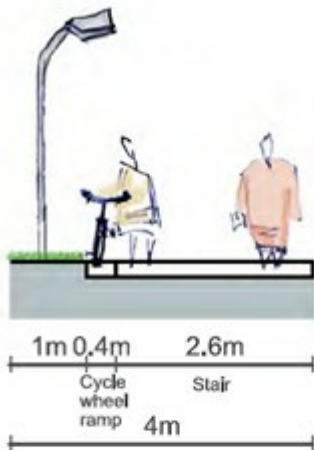


Figure 9: Pedestrian Connection Type A



Pedestrian Connection Type (A)

Figure 10: Pedestrian Connection Type B



Pedestrian Connection Type (B)

## 5. General Controls

The following controls apply to all subdivision that is a permitted, controlled, restricted discretionary or discretionary activity.

### 5.1 Precinct Plan

1. All subdivision in the precinct must be in accordance with the approved precinct plan including the location and layout of:
  - a. roads and access
  - b. public open space
  - c. infrastructure
  - d. density and site size/design
  - e. any environmental protection or restoration areas
  - f. any other relevant subdivision component.
2. Subdivision that does not comply with the following controls is a discretionary activity unless otherwise specified.

## 6. Transport

The controls in H1.2 Transport apply in the Huapai 2 Precinct unless otherwise specified below

### 6.1 Activity Table

Table 6

Activity	Activity status
Construction of a vehicle crossing within the area identified as Vehicle access restriction 1 on the Huapai 2 precinct plan	NC
Construction of a vehicle crossing within the area identified as Vehicle access restriction 2 on the Huapai 2 precinct plan	RD

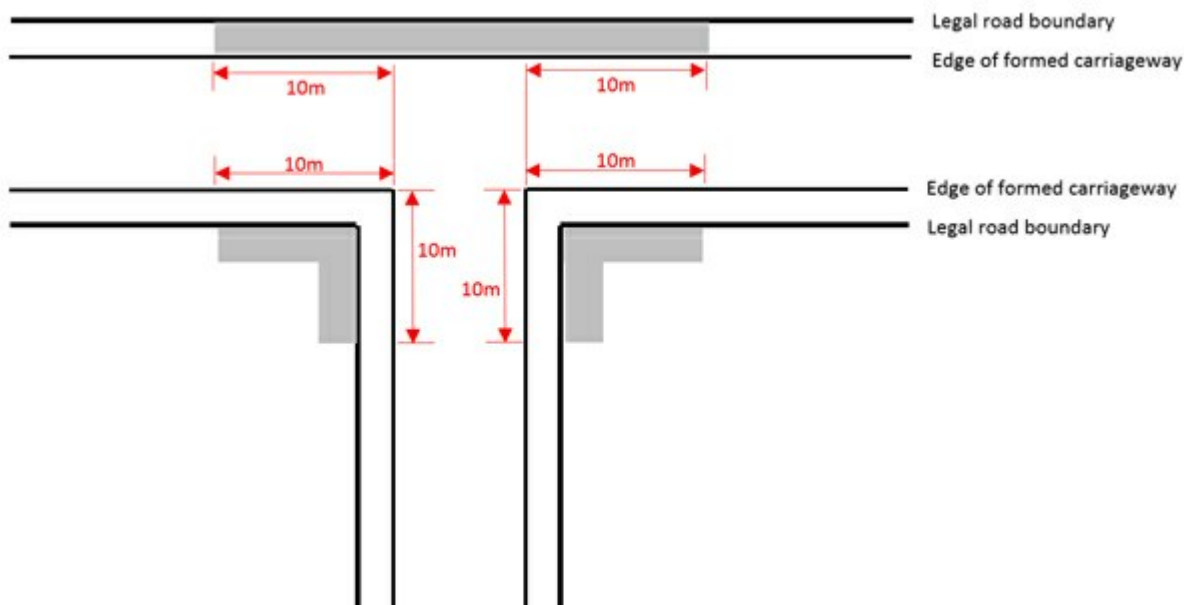
### 6.2 Development controls

#### 6.2.1 Access

Where access is located within 10m of any intersection, as illustrated in Figure 11 (below) consent shall be required as a restricted discretionary activity provided that;

1. Any site having a boundary abutting the road that is wholly or partly within the shaded area may have one independent vehicle crossing within this area; and
2. The location of the crossing is the subject of a consent notice attached to the title of the Lot; and
3. Reverse manoeuvring from each vehicle crossing is permitted.

Figure 11: Vehicle crossing restrictions



#### 6.2.2 Footpath

1. As part of first stage of the development a footpath of 1.8 metres in width shall be constructed predominantly along north side of Oraha Road to connect into the existing footpath across the bridge west of 30 Oraha Road as (partially) shown on the precinct plan.

#### 6.2.3 Roading upgrades

1. As part of stage one of the development short right turn bays from Oraha into Koraha Road and from Oraha Road into the development must be constructed.

## 7. Assessment – Restricted Discretionary Activities

### 7.1 Matters of Discretion



## The Proposed Auckland Unitary Plan (notified 30 September 2013)

In addition to the general matters set out in G2.3 of the general provisions and the matters of discretion for development control infringements in the underlying Mixed Housing Suburban zone the council will restrict its discretion to the matters listed below for the relevant development control infringement within the Huapai 2 precinct:

1. Landscaping adjoining the country side living zone
  - a. effects of the development on the Countryside Living zone
  - b. the purpose of the controls
2. Retaining walls
  - a. the purpose of the control
3. Sites adjoining open space
  - a. effects on open space amenity and safety
  - b. the purpose of the control

### 7.2 Assessment Criteria

In addition to the general assessment criteria for development control infringements in G2.3 of the general provisions and the assessment criteria in the underlying mixed housing suburban zone the council will consider the relevant criteria below for the listed development control infringements.

1. Landscaping in adjoining the country side living zone
  - a. Development that infringes the landscaping adjoining the countryside living zone should demonstrate how the development is blended into the adjacent countryside living zone and how a buffer is provided between the development site and the countryside living zone.
2. Retaining walls
  - a. The degree of overshadowing or adverse visual amenity effects from the retaining walls on neighbours
  - b. The degree to which the retaining visible to the neighbours, is attractively designed and incorporates modulation, landscaping and quality materials.
3. Sites adjoining open space
  - a. Development that infringes the fences control will need to demonstrate that the proposed fence will enable direct sightlines to the dwelling from any adjoining open space and vice versa.
  - b. Development that infringes the dwellings fronting the open space control will need to demonstrate how the dwelling actively contributes to the visual amenity and pedestrian safety of the open space.

## 8. Assessment – Transport

### 8.1 Matters of Discretion

In addition to the matters set out in G2.3 and H1.2 Transport, the council will restrict its discretion to the matters below for the listed development control infringement:

1. Construction of a vehicle crossing within the area identified as Vehicle access restriction 2 on the Precinct Plan
  - a. Refer to matters of discretion in clause 5.1.5 in H1.2 Transport.

### 8.2 Assessment Criteria

When considering an application for a restricted discretionary activity for a proposal listed below, the council will consider the whether the proposal meets the criteria listed.

1. Construction of a vehicle crossing within the area identified as Vehicle access restriction 2 on the precinct plan
  - a. Refer to the assessment criteria in clause 5.2.6 in H1.2 Transport.

## 9. Assessment – Subdivision

### 9.1 Matters of Discretion

In addition to the matters set out in H5 Subdivision, the council will restrict its discretion to the matters below for activities listed as restricted discretionary in the subdivision activity table.

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1. Subdivision in accordance with the Huapai 2 precinct plan
  - a. The Huapai 2 precinct plan
  - b. The design and location of the subdivision.
  - c. The matters for discretion outlined in H5.4, Table 13.
  - d. In respect of the location of vehicle crossings subject of clause 3a in G1.2 of the General Provisions matters set out in clause 5.1.5 of Section H1.2.

### 9.2 Assessment Criteria

The council will consider the relevant assessment criteria below for activities listed as restricted discretionary in the subdivision activity table.

1. Subdivision in accordance with the Orahā road Huapai 2 precinct plan
  - a. Subdivision should implement and generally be consistent with the:
    - i. Huapai 2 precinct plan,
    - ii. roading and pedestrian connection typologies of the precinct plan set out in Table 5 and cross sections illustrated in Type A to C above,
    - iii. objectives and policies for the precinct,
    - iv. rules of the Mixed Housing Suburban zone,
    - v. assessment criteria set out in H5.4, Table 14.
    - vi. In respect of the location of vehicle crossings subject of clause 3a in Section G1.2, the matters set out in clause 5.1.5 of G1.2 with the additional consideration of the position of the crossing in relation to proposed street trees, street furniture, raingardens and landscaping.

### 10. Definitions

#### Retained affordable

Housing that is:

- a. built by a registered community housing provider or Housing New Zealand Corporation; or
- b. sold to a registered community housing provider or Housing New Zealand Corporation; and
- c. sold at a price defined by the Auckland median household income as published by Statistics New Zealand for the most recent June quarter before the date the application for resource consent is approved or the date on which all appeals on the resource consent application are finally resolved, whichever is the later.

#### Relative Affordable

Housing that is:

- a. bought by first home buyers with the intention to remain in the same ownership for three years from the date of first transfer, where the purchaser has a gross household income that does not exceed 120 percent of the Auckland median household income as set at the date of signing the unconditional sale and purchase agreement.
- b. sold at a price that does not exceed 75 percent of the Auckland region median house price published by the Real Estate Institute of New Zealand and calculated as an average of 3 calendar months previous to the date the application for resource consent is approved or the date on which all appeals on the resource consent application are finally resolved, whichever is the later

#### Community Housing Provider

means a housing provider (other than Housing New Zealand Corporation) that has, as one of its objectives, the provision of one or both of the following types of housing:

- a. social rental housing;
- b. affordable rental housing



**Household Income**

Household income shall include all taxable income as defined by the New Zealand Inland Revenue Department.

**11. Precinct Plan**

