

Application for resource consent or fast-track resource consent

(Or Associated Consent Pursuant to the Resource Management Act 1991 (RMA)) (If applying for a Resource Consent pursuant to Section 87AAC or 88 of the RMA, this form can be used to satisfy the requirements of [Form 9](#)). Prior to, and during, completion of this application form, please refer to [Resource Consent Guidance Notes](#) and [Schedule of Fees and Charges](#) — both available on the Council's web page.

1. Pre-Lodgement Meeting

Have you met with a council Resource Consent representative to discuss this application prior to lodgement?

Yes No

2. Type of consent being applied for

(more than one circle can be ticked):

- Land Use
- Fast Track Land Use*
- Subdivision
- Consent under National Environmental Standard
(e.g. Assessing and Managing Contaminants in Soil)
- Other (please specify) _____
- Discharge
- Change of Consent Notice (s.221(3))
- Extension of time (s.125)

**The fast track is for simple land use consents and is restricted to consents with a controlled activity status.*

3. Would you like to opt out of the fast track process?

Yes No

4. Consultation

Have you consulted with Iwi/Hapū? Yes No

If yes, which groups have you consulted with?

Who else have you consulted with?

For any questions or information regarding iwi/hapū consultation, please contact Te Hono at Far North District Council, tehonosupport@fndc.govt.nz

8. Application site details

Location and/or property street address of the proposed activity:

Name/s:

Site address/
location:

 Postcode

Legal description:

Val Number:

Certificate of title:

Please remember to attach a copy of your Certificate of Title to the application, along with relevant consent notices and/or easements and encumbrances (search copy must be less than 6 months old)

Site visit requirements:

Is there a locked gate or security system restricting access by Council staff? Yes No

Is there a dog on the property? Yes No

Please provide details of any other entry restrictions that Council staff should be aware of, e.g. health and safety, caretaker's details. This is important to avoid a wasted trip and having to re-arrange a second visit.

9. Description of the proposal

Please enter a brief description of the proposal here. Please refer to Chapter 4 of the *District Plan, and Guidance Notes*, for further details of information requirements.

If this is an application for a Change or Cancellation of Consent Notice conditions (s.221(3)), please quote relevant existing Resource Consents and Consent Notice identifiers and provide details of the change(s), with reasons for requesting them.

10. Would you like to request public notification?

Yes No

11. Other consent required/being applied for under different legislation

(more than one circle can be ticked):

Building Consent

Regional Council Consent (ref # if known)

National Environmental Standard Consent

Other (please specify)

12. National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health:

The site and proposal may be subject to the above NES. In order to determine whether regard needs to be had to the NES please answer the following:

Is the piece of land currently being used or has it historically ever been used for an activity or industry on the Hazardous Industries and Activities List (HAIL)? Yes No Don't know

Is the proposed activity an activity covered by the NES? Please tick if any of the following apply to your proposal, as the NESCS may apply as a result? Yes No Don't know

Subdividing land

Disturbing, removing or sampling soil

Changing the use of a piece of land

Removing or replacing a fuel storage system

13. Assessment of environmental effects:

Every application for resource consent must be accompanied by an Assessment of Environmental Effects (AEE). This is a requirement of Schedule 4 of the Resource Management Act 1991 and an application can be rejected if an adequate AEE is not provided. The information in an AEE must be specified in sufficient detail to satisfy the purpose for which it is required. Your AEE may include additional information such as written approvals from adjoining property owners, or affected parties.

Your AEE is attached to this application Yes

14. Draft conditions:

Do you wish to see the draft conditions prior to the release of the resource consent decision? Yes No

If yes, please be advised that the timeframe will be suspended for 5 working days as per s107G of the RMA to enable consideration for the draft conditions.

15. Billing Details:

This identifies the person or entity that will be responsible for paying any invoices or receiving any refunds associated with processing this resource consent. Please also refer to Council's Fees and Charges Schedule.

Name/s: (please write in full)

Evan Hamlet

Email:

Phone number:

Postal address:

(or alternative method of service under section 352 of the act)

Fees Information

An instalment fee for processing this application is payable at the time of lodgement and must accompany your application in order for it to be lodged. Please note that if the instalment fee is insufficient to cover the actual and reasonable costs of work undertaken to process the application you will be required to pay any additional costs. Invoiced amounts are payable by the 20th of the month following invoice date. You may also be required to make additional payments if your application requires notification.

16. Billing Details:

This identifies the person or entity that will be responsible for paying any invoices or receiving any refunds associated with processing this resource consent. Please also refer to Council's Fees and Charges Schedule.

Name/s: (please write in full)

EVAN CHARLES HAMLET

Email:

Phone number:

Postal address:

(or alternative method of service under section 352 of the act)

Fees Information

An instalment fee for processing this application is payable at the time of lodgement and must accompany your application in order for it to be lodged. Please note that if the instalment fee is insufficient to cover the actual and reasonable costs of work undertaken to process the application you will be required to pay any additional costs. Invoiced amounts are payable by the 20th of the month following invoice date. You may also be required to make additional payments if your application requires notification.

Declaration concerning Payment of Fees

I/we understand that the Council may charge me/us for all costs actually and reasonably incurred in processing this application. Subject to my/our rights under Sections 357B and 358 of the RMA, to object to any costs, I/we undertake to pay all and future processing costs incurred by the Council. Without limiting the Far North District Council's legal rights if any steps (including the use of debt collection agencies) are necessary to recover unpaid processing costs I/we agree to pay all costs of recovering those processing costs. If this application is made on behalf of a trust (private or family), a society (incorporated or unincorporated) or a company in signing this application I/we are binding the trust, society or company to pay all the above costs and guaranteeing to pay all the above costs in my/our personal capacity.

Name: (please write in full)

EVAN CHARLES HAMLFT

Signature:

(signature of bill payer)

Date 19/05/2026

MANDATORY

17. Important Information:

Note to applicant

You must include all information required by this form. The information must be specified in sufficient detail to satisfy the purpose for which it is required.

You may apply for 2 or more resource consents that are needed for the same activity on the same form.

You must pay the charge payable to the consent authority for the resource consent application under the Resource Management Act 1991.

Fast-track application

Under the fast-track resource consent process, notice of the decision must be given within 10 working days after the date the application was first lodged with the authority, unless the applicant opts out of that process at the time of lodgement.

A fast-track application may cease to be a fast-track application under section 87AAC(2) of the RMA.

Privacy Information:

Once this application is lodged with the Council it becomes public information. Please advise Council if there is sensitive information in the proposal. The information you have provided on this form is required so that your application for consent pursuant to the Resource Management Act 1991 can be processed under that Act. The information will be stored on a public register and held by the Far North District Council. The details of your application may also be made available to the public on the Council's website, www.fndc.govt.nz. These details are collected to inform the general public and community groups about all consents which have been issued through the Far North District Council.

18. Declaration

The information I have supplied with this application is true and correct to the best of my knowledge.

Name (please write in full)

EVAN CHARLES HAMLFT

Signature

Date 19/05/2026

A signature is not required if the application is made by electronic means

See overleaf for a checklist of your information...

Checklist

Please tick if information is provided

- Payment (cheques payable to Far North District Council)
- A current Certificate of Title (Search Copy not more than 6 months old)
- Details of your consultation with Iwi and hapū
- Copies of any listed encumbrances, easements and/or consent notices relevant to the application
- Applicant / Agent / Property Owner / Bill Payer details provided
- Location of property and description of proposal
- Assessment of Environmental Effects
- Written Approvals / correspondence from consulted parties
- Reports from technical experts (if required)
- Copies of other relevant consents associated with this application
- Location and Site plans (land use) AND/OR
- Location and Scheme Plan (subdivision)
- Elevations / Floor plans
- Topographical / contour plans

Please refer to Chapter 4 of the District Plan for details of the information that must be provided with an application. Please also refer to the RC Checklist available on the Council's website. This contains more helpful hints as to what information needs to be shown on plans.

Application for subdivision consent

EVAN HAMLET

26 Selwyn Road, Paihia

A topographic map with contour lines and a grid, rendered in white lines on a dark background, serving as a background for the bottom section of the page.

**reyburn
& bryant**

PLANNERS • SURVEYORS

Application for subdivision consent

EVAN HAMLET

26 Selwyn Road, Paihia

Report prepared for:	Evan Hamlet
Author	Thomas Keogh, <i>Associate</i>
Reviewed by:	Phillip Lash, <i>Director</i>
Consent authority:	Far North District Council
Report reference:	18810
Report status:	Final
Date:	May 2026

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FORM 9

APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991

To Far North District Council
Private Bag 752
Kaikohe 0440

1. **Evan Hamlet** applies for resource consent to undertake a unit title subdivision around the 17 existing units located on the site.
2. The location of the proposed subdivision is 26 Selwyn Road, Paihia. The legal description is Lot 62 DP 11040 and the title reference is 1281544.
3. The applicant is the owner of the site.
4. There are no other activities that are part of the proposal to which this application relates.
5. No additional resource consents or statutory approvals are needed for the activity to which this application relates that are not being applied for as part of this application.
6. We attach an assessment of effects on the environment that:
 - (a) includes the information required by clause 6 of Schedule 4 of the Resource Management Act 1991; and
 - (b) addresses the matters specified in clause 7 of Schedule 4 of the Resource Management Act 1991; and
 - (c) includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.
7. We attach an assessment of the proposed activity against the matters set out in Part 2 of the Resource Management Act 1991.

-
8. We attach an assessment of the proposed activity against any relevant provisions of a document referred to in section 104(1)(b) of the Resource Management Act 1991, including information required by clause 2(2) of Schedule 4 of that Act.
 9. No other information is required to be included in the district or regional plan(s) or regulations.



Signature of person authorised to sign on behalf of applicant

Thomas Keogh

20 May 2026

Date

Address for service:

Reyburn and Bryant 1999 Ltd
PO Box 191, Whangarei

Telephone:

(09) 438 3563

Email:

thomas@reyburnandbryant.co.nz

Contact person:

Thomas Keogh

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1. Unit title subdivision scheme plan
2. Rule assessment
3. Record of title and memorial

ABBREVIATIONS

AEE	Assessment of Environmental Effects
FNDC	Far North District Council
FNPDP	Far North Proposed District Plan
NES-CS	National Environmental Standard – Contaminated Soils
NPS-NH	National Policy Statement for Highly Productive Land
OFNDP	Operative Far North District Plan
RMA	Resource Management Act, 1991

1. INTRODUCTION

1.1 Report basis

This report has been prepared for Evan Hamlet (the applicant) in support of an application to undertake a unit title subdivision around 17 existing units at 26 Selwyn Road, Paihia (the site).

The application has been prepared in accordance with Section 88 and the Fourth Schedule of the Resource Management Act 1991 (RMA). Section 88 of the RMA requires that resource consent applications be accompanied by an Assessment of Environmental Effects (AEE) in accordance with the Fourth Schedule.

The report also includes an analysis of the Operative Far North District Plan (OFNDP), Far North Proposed District Plan (FNPDP)¹, National Policy Statement for Natural Hazards (NPS-NH), and National Environmental Standards for Contaminated Soils (NES-CS), which are pertinent to the assessment and decision required under Section 104 of the RMA.

1.2 Site details

Applicant and landowner	Evan Hamlet
Location	26 Selwyn Road, Paihia
Legal description	Lot 62 DP 11040
Title reference	1281544
Area	2,428m ²
Operative District Plan	Operative Far North District Plan
Zone	Commercial Zone – Paihia Commercial Zone A3
Overlays	None

¹ While none of the operative rules are relevant to this application, the rules under which the proposal would require consent and an assessment in the context of the relevant objectives and policies is provided in Section 5.3 of this report for completeness. A weighting assessment is also provided, where it is concluded that more weight should be applied to the OFNDP.

Proposed District Plan	Far North Proposed District Plan
Zone	Mixed Use Zone
Overlays	Pedestrian Frontage, Building Height Control (Area B), Coastal Environment, Coastal Flood Zone 3

Table 1: Site details.

1.3 Proposal summary

The applicant recently purchased the site at 26 Selwyn Road, Paihia. The site accommodates two existing buildings that collectively comprise a total of 17 self-contained units. The development also includes parking areas on the ground and first floor, an elevated deck containing a swimming pool, and a basement area beneath the rear (southern) building that accommodates a passage and games room. Access to the site is from Selwyn Road via an existing formed vehicle crossing. The site is connected to Council's reticulated water, wastewater, and stormwater networks.

A unit title subdivision was previously in place over the site, with each unit subject to a timeshare ownership structure. This resulted in a significant number of individual titles being associated with the site (approximately 224). That historic unit title and timeshare arrangement was recently terminated through a court order, with the land consolidated back into a single fee simple title.

The applicant now proposes to reinstate a unit title subdivision over the site, creating individual titles for each of the 17 existing units, together with associated accessory units for parking. Minor adjustments to some unit boundaries are proposed relative to the previous subdivision arrangement. These changes reflect the inclusion of defined outdoor areas and amendments to internal access arrangements for certain units. The underlying built form remains unchanged. A copy of the proposed unit title subdivision scheme plan is attached in **Appendix 1**.

The definition for “allotment” under the OFNDP includes “any unit on a unit plan”. Each of the units are therefore subject to the minimum lot sizes specified for the Commercial Zone. Only one of the proposed units meets the minimum 250m² lot size. The proposal therefore defaults to a **non-complying activity** under Rule 13.11 of the OFNDP.

1.4 Resource consent sought

The proposal requires resource consent under the following rule from the OFNDP:

- 13.11 ‘Non-Complying (Subdivision) Activities’ – **non-complying activity**.
Only one of the proposed units meets the minimum 250m² lot size specified in Table 13.7.2.1 for sewerage sites in the Commercial Zone.

A full assessment of the OFNDP rules is attached in **Appendix 2**.

Overall, the proposal requires resource consent as a **non-complying activity** from the Far North District Council (FNDC).

1.5 Relevant title memorial

There is a single interest registered on RT 1281544. This is a land covenant (Deed B709470.1) that was registered in 1987. It imposes a height restriction along a portion of the eastern boundary. The covenant is of no relevance to this application given that the buildings around which the subdivision is proposed are existing.

Copies of the title and memorial are attached in **Appendix 3**.

1.6 Other approvals required

No other approvals are required to give effect to the proposal.

1.7 Processing requests

Please forward the draft conditions for review.

2. THE SITE AND SURROUNDING ENVIRONMENT

2.1 The site

Location

The site is located on the south-western side of Selwyn Road within the Paihia township. It is shown in **Figure 1** below.



Figure 1: The site.

Built development and existing use

The site is developed with the Bishop Selwyn Apartment Complex, comprising two substantial multi-storey buildings that together accommodate 17 self-contained residential units. The buildings are north-facing and are connected via a central elevated deck which incorporates a swimming pool and spa facilities.

The buildings comprise a mix of one- and two-bedroom units, together with associated internal circulation, lift access, and ancillary spaces such as storage and a games room located within the lower levels of the development. The buildings have been in existence for several decades.

The existing built development is shown in **Figure 2** below.



Figure 2: Existing built development (source: realestate.co.nz).

Access and parking

Vehicular access to the site is provided directly from Selwyn Road via an existing formed vehicle crossing. Internal vehicle manoeuvring and access to parking areas occur within the site, including ground-level and first-floor parking areas. Pedestrian access is also from Selwyn Road and facilitated internally via established pathways, stairs, and lifts.

Servicing arrangements

The site is fully serviced by existing Council reticulated infrastructure. Water supply, wastewater disposal, and stormwater services are already connected and currently service the 17 existing units.

Vegetation and landscaping

The site is largely developed and built-over, with landscaping primarily limited to planted areas around the buildings and along site boundaries. Vegetation consists predominantly of ornamental planting and established landscaping associated with the apartment complex and pool deck areas.

Topography

The front of the site is generally flat. The topography increases considerably in the southern half of the site, where the existing development has been designed to step with the landform. The topography is shown in **Figure 3** below.

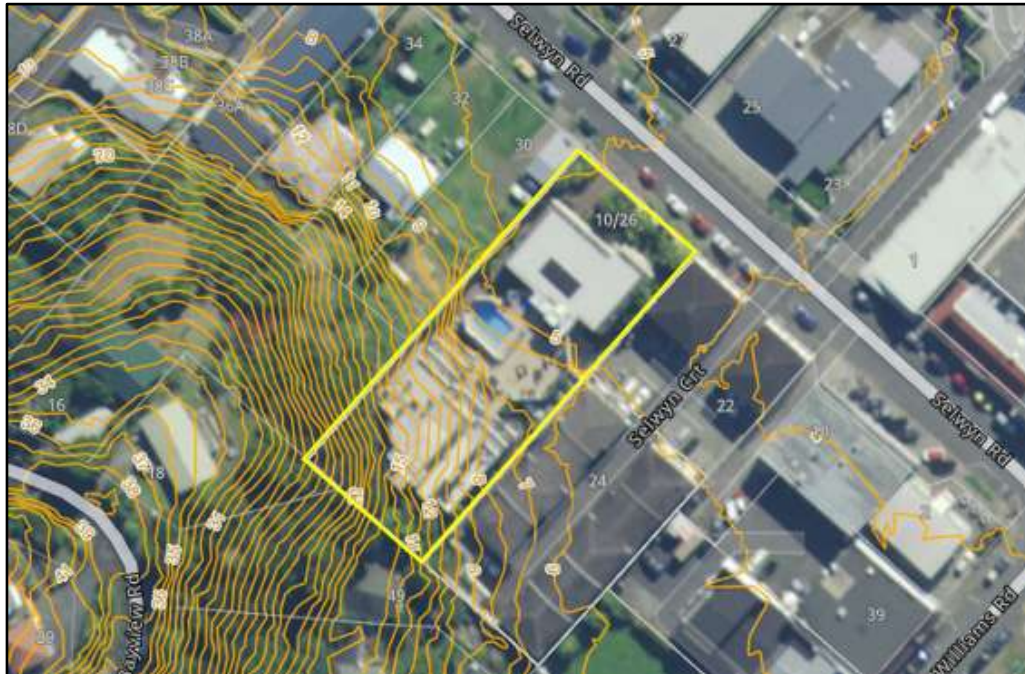


Figure 3: Site topography.

2.2 The surrounding environment

The surrounding environment is characterised by a mixed-use coastal township context, reflecting the site's central location within Paihia. Land uses in the vicinity comprise a combination of visitor accommodation, apartment developments, commercial activities, and residential dwellings, consistent with the established pattern of development near the Paihia waterfront and town centre.

Selwyn Road functions as a local road providing access to the range of activities with the immediately surrounding area, as well as facilitating connections between the commercial core of Paihia and the surrounding residential areas. Built development in the vicinity is generally of a moderate to intensive scale, including multi-storey buildings and sites developed with higher densities than would typically be found in suburban residential areas.

The site sits in close proximity to the Paihia waterfront and associated coastal infrastructure, including walkways, tourism-related activities, and supporting commercial services.

Overall, the surrounding environment is one where commercial, visitor, and residential activities coexist, and where apartment-style development forms an established and anticipated component of the local built environment.

3. THE PROPOSED SUBDIVISION

3.1 General

This application seeks consent to undertake a unit title subdivision around the 17 existing units and associated areas located on the site. The proposed configuration is depicted on the unit plan (**Appendix 1**) and is summarised in **Table 2** below. The areas shown are approximate and are subject to final survey.

Unit reference	Area	Comment
PU1	142m ²	First floor unit in rear (southern) building. Includes some deck area at the front and rear of the unit. Associated with AU1A (parking).
PU2	131m ²	First floor unit in rear (southern) building. Includes some deck area at the front and rear of the unit. Associated with AU2A (parking).
PU3	122m ²	First floor unit in rear (southern) building. Includes some deck area at the front and rear of the unit. Associated with AU3A (parking).
PU4	140m ²	Second floor unit in rear (southern) building. Associated with AU4A (parking).
PU5	111m ²	Second floor unit in rear (southern) building. Associated with AU5A (parking).
PU6	113m ²	Second floor unit in rear (southern) building. Associated with AU6A (parking).
PU7	174m ²	Third floor unit in rear (southern) building. Associated with AU7A (parking).
PU8	174m ²	Third floor unit in rear (southern) building. Associated with AU8A (parking).
PU9	250m ²	Fourth floor unit in rear (southern) building. Associated with AU9A and AU9B (parking).
PU10	247m ²	Ground floor unit in front (northern) building. Includes an outdoor area at the front and rear of the unit. Associated with AU10A (parking).

PU11	179m ²	Ground floor unit in front (northern) building. Includes an outdoor area at the front and rear of the unit. Associated with AU11A (parking).
PU12	123m ²	First floor unit in front (northern) building. Associated with AU12A (parking).
PU13	103m ²	First floor unit in front (northern) building. Associated with AU13A (parking).
PU14	120m ²	First floor unit in front (northern) building. Associated with AU14A (parking).
PU15	122m ²	Second floor unit in front (northern) building. Associated with AU15A (parking).
PU16	104m ²	Second floor unit in front (northern) building. Associated with AU16A (parking).
PU17	121m ²	Second floor unit in front (northern) building. Associated with AU17A (parking).

Table 2. Proposed unit title configuration summary.

Areas that are not intended to be held in private ownership, including internal circulation spaces, structural elements, shared facilities, and common access areas, are proposed to be designated as common property in accordance with standard unit title practice. These areas will continue to support the shared use and functioning of the apartment complex.

3.2 Design rationale

The proposed unit title subdivision formalises the long-established physical configuration and use of the site as a 17-unit apartment complex. The subdivision is designed to align with the existing built form, layout, and functional arrangement of the development, without resulting in any changes to the buildings, external appearance, or intensity of use of the site.

Each principal unit corresponds directly with an existing self-contained apartment and incorporates associated private outdoor areas where these currently exist. Accessory units have been defined to allocate existing on-site parking spaces to individual principal units, reflecting the established parking arrangements and day-to-day operation of the complex.

The subdivision also includes common property areas for shared circulation, access, and facilities, consistent with the existing internal layout of the buildings and shared amenities such as stairs, lift access, and common spaces. Overall, the proposed unit configuration provides a clear, logical, and efficient title framework that reflects how the site is physically arranged and currently used.

3.3 Access arrangements

Vehicular and pedestrian access to the site will remain unchanged. Access will continue to be provided from Selwyn Road via the existing vehicle crossing. Internal circulation within the site, including access to parking areas and building entrances, will continue to operate in its current form.

3.4 Servicing arrangements

All units are currently connected to Council's reticulated water supply, wastewater, and stormwater networks. These servicing arrangements will remain unchanged as part of the proposed unit title subdivision. No additional servicing infrastructure is required.

4. ASSESSMENT OF ENVIRONMENTAL EFFECTS

4.1 Existing environment

Section 104(1)(a) of the RMA requires a consideration of any actual and potential effects on the environment of allowing an activity. The existing environment has been described in Section 2 of this report and comprises an established apartment complex containing 17 units within a mixed-use coastal township setting.

4.2 Permitted baseline

Section 104(2) of the RMA allows a consent authority to disregard an adverse effect if a plan permits an activity with that effect. This is commonly referred to as the permitted baseline.

Subdivision itself does not have an associated permitted baseline. However, the OFNDP enables a wide range of commercial, residential, and visitor accommodation activities within the Commercial Zone, and does not impose a density-based limitation on the number of residential units that may be accommodated on a site, subject to compliance with applicable development standards.

In this context, the permitted baseline includes the continuation of intensive residential and visitor accommodation activity on the site. The proposed unit title subdivision does not alter the scale, density, or intensity of development on the land, but instead formalises the existing use within a revised ownership framework.

4.3 Amenity, character, and landscape effects

The proposed subdivision will not result in any physical change to the site or its surroundings. No new buildings are proposed, and there will be no alteration to the existing layout, appearance, or scale of development. The existing apartment buildings shared outdoor areas, and parking areas will remain unchanged.

Given that the proposal does not enable additional development beyond what already exists on the site, there will be no adverse effects on visual amenity, neighbourhood character, or landscape values. The site is located within an established mixed-use area where apartment-style development and visitor accommodation are anticipated and well established.

Any adverse amenity, character, or landscape effects associated with the subdivision will therefore be negligible relative to the existing environment.

4.4 Traffic and access effects

The proposed unit title subdivision does not involve any changes to existing access arrangements. Vehicular access will continue to be taken from Selwyn Road via the existing vehicle crossing, and internal circulation within the site will remain unchanged.

The subdivision does not give rise to additional traffic generation, altered vehicle movements, or new access points. As a result, there will be no adverse effects on the safety or efficiency of the surrounding transport network.

4.5 Servicing and infrastructure effects

All units on the site are currently connected to Council reticulated water, wastewater, and stormwater infrastructure. These existing servicing arrangements will continue following the subdivision.

The subdivision does not increase demand on servicing infrastructure and does not require any upgrades, extensions, or changes to existing connections.

As such, any adverse servicing and infrastructure effects associated with the proposal will be negligible relative to the existing environment.

4.6 Cumulative and precedent effects

The proposed subdivision relates to a single, fully developed site and does not establish a pattern or precedent that would change the expected form or intensity of development in the surrounding area. It does not enable additional

units or development beyond what already exists and does not give rise to cumulative subdivision effects within the wider commercial area of Paihia.

There are no adverse cumulative or precedent effects associated with the proposal.

4.7 Adverse effects conclusion

Overall, any adverse effects associated with the proposal will be negligible relative to the existing environment and permitted baseline.

5. PLANNING ASSESSMENT

5.1 Relevant planning documents

Section 104(1) of the RMA sets out the matters that a consent authority must, subject to Part 2, have regard to when considering resource consent applications.

For this application, the relevant documents that require consideration are the OFNDP, FNPDP, NPS-NH, and NES-CS. An assessment in the context of these documents is provided below.

While an assessment is not required given that there are no issues of invalidity, incomplete coverage, or uncertainty in the provisions of the relevant planning documents,² an assessment of Part 2 matters under the RMA is also provided for completeness.

5.2 The Operative Far North District Plan

Context

Pursuant to section 104(b)(vi) of the RMA, the following considers the proposal in the context of the relevant objectives and policies from the OFNDP.

The objectives and policies relevant to this application are contained within Chapter 7 (Section 7 – Commercial Zone) and Chapter 13 (Subdivision). Collectively, these provisions seek to:

- Enable a wide range of activities within the Commercial Zone while managing effects.
- Ensure subdivision is consistent with zone purpose and amenity expectations.
- Ensure new allotments are appropriately designed, accessed, and serviced.

² R J Davidson Family Trust the Marlborough District Council [2018] NZCA 316

The relevant objectives and policies are identified and assessed below.

Assessment

Commercial Zone – enabling development and managing effects

Objective 7.7.3.1 To achieve the development of commercial areas in the District accommodating a wide range of activities that avoid, remedy or mitigate the adverse effects of activities on other activities within the Commercial Zone and on the natural and physical resources of the District.

Policy 7.7.4.1 That the Commercial Zone be applied to areas which are traditional commercial centres, and also to areas where the provision of commercial activity would not have adverse environmental effects, and would contribute to the needs and well being of the community.

Policy 7.7.4.2 That the range of activities provided for in the Commercial Zone be limited only by the needs for the effects generated by the particular activity to be consistent with other activities in the zone.

Policy 7.7.4.3 That standards be applied that protect visual and environmental amenity within the Commercial Zone, and the amenity of adjacent zones.

Policy 7.7.4.4 That stormwater disposal systems do not result in suspended solids, industrial by-products, oil, or other contaminated substance or waste entering the stormwater collection system in concentrations

The proposal involves a unit title subdivision around an existing, lawfully established 17-unit apartment complex. It does not introduce new land uses, increase development intensity, or alter the scale, appearance, or operation of activities on the site.

Residential and apartment-style accommodation is an established component of the Commercial Zone in Paihia. By formalising existing development into a unit title framework, the proposal enables efficient use of land while maintaining compatibility with surrounding commercial and residential activities.

As no physical works or changes to stormwater infrastructure are proposed, the subdivision does not give rise to adverse environmental effects. The proposal is therefore consistent with these provisions.

Subdivision chapter – form, effects, and compatibility

Objective 13.3.1 To provide for the subdivision of land in such a way as will be consistent with the purpose of the various zones in the Plan, and will promote the sustainable management of the

natural and physical resources of the District, including airports and roads and the social, economic and cultural well being of people and communities.

Objective 13.3.2 To ensure that subdivision of land is appropriate and is carried out in a manner that does not compromise the life-supporting capacity of air, water, soil or ecosystems, and that any actual or potential adverse effects on the environment which result directly from subdivision, including reverse sensitivity effects and the creation or acceleration of natural hazards, are avoided, remedied or mitigated.

Policy 13.4.1 That the sizes, dimensions and distribution of allotments created through the subdivision process be determined with regard to the potential effects including cumulative effects, of the use of those allotments on:

- (a) natural character, particularly of the coastal environment;
- (b) ecological values;
- (c) landscape values;
- (d) amenity values;
- (e) cultural values;
- (f) heritage values; and
- (g) existing land uses.

Policy 13.4.13 Subdivision, use and development shall preserve and where possible enhance, restore and rehabilitate the character of the applicable zone in regards to s6 matters. In addition subdivision, use and development shall avoid adverse effects as far as practicable by using techniques including:

- (a) clustering or grouping development within areas where there is the least impact on natural character and its elements such as indigenous vegetation, landforms, rivers, streams and wetlands, and coherent natural patterns;
- (b) minimising the visual impact of buildings, development, and associated vegetation clearance and earthworks, particularly as seen from public land and the coastal marine area;
- (c) providing for, through siting of buildings and development and design of subdivisions, legal public right of access to and use of the foreshore and any esplanade areas;
- (d) through siting of buildings and development, design of subdivisions, and provision of access that recognise and provide for the relationship of Maori with their culture, traditions and taonga including concepts of mauri, tapu, mana, wehi and karakia and the important contribution Maori culture makes to the character of the District (refer Chapter 2 and in particular Section 2.5 and Council's "Tangata Whenua Values and Perspectives" (2004);
- (e) providing planting of indigenous vegetation in a way that links existing habitats of indigenous fauna and provides the opportunity for the extension, enhancement or creation of habitats for indigenous fauna, including mechanisms to exclude pests;

(f) protecting historic heritage through the siting of buildings and development and design of subdivisions.

(g) achieving hydraulic neutrality and ensuring that natural hazards will not be exacerbated or induced through the siting and design of buildings and development.

The proposed subdivision is purely legal in nature and reflects the existing built form, layout, and use of the site. No additional development capacity is created, and no physical changes are proposed.

Given the site's location within the Commercial Zone and its long-established use for apartment accommodation, the resulting allotment pattern is consistent with zone character and expectations. The subdivision does not generate amenity, character, heritage, or landscape effects beyond those already present.

Accordingly, the proposal is consistent with the relevant provisions.

Conclusion

For the reasons outlined above, the proposed subdivision is consistent with the relevant objectives and policies of the OFNDP.

5.3 District Plan integrity

Given the non-complying activity status of the proposal under the OFNDP, consideration has been given to whether approval would undermine the integrity of the Plan.

The proposed subdivision is highly site-specific and arises from a unique factual context. The site is fully developed with an established 17-unit apartment complex, which was previously subject to a unit title timeshare arrangement involving a large number of titles. That arrangement has since been lawfully terminated through court proceedings, resulting in the consolidation of the land onto a single title.

The current application seeks only to re-establish a unit title framework around the existing development. It does not authorise additional units, does not enable increased development intensity, and does not alter the physical form,

layout, or servicing of the site. The non-complying activity status arises solely from technical non-compliance with minimum allotment size requirements, rather than from adverse environmental effects.

As a result, approval would not create an expectation that further non-compliant subdivision within the Commercial Zone would be supported. Each subdivision proposal would continue to require individual assessment based on its own site-specific circumstances and effects.

Accordingly, the proposal does not undermine the integrity of the OFNDP.

5.4 The Far North Proposed District Plan

Context

As outlined in section 1.1 of this report, the proposal does not require consent under any of the operative rules from the FNPDP.

The below identifies the inoperative rules that the proposal would require consent under and provides an assessment against the relevant objectives and policies.

Relevant rules and overall activity status

If operative, the proposal would require resource consent under the following rules from the FNPDP:

- SUB-R3 'Subdivision to create a new allotment' – **discretionary activity**. Only one of the proposed units meets the minimum 250m² lot size specified for sewerred sites in the Mixed Use Zone.
- SUB-R12 'Subdivision of a site within coastal hazard areas' – **restricted discretionary activity**. None of the buildings or accesses are impacted by the hazard overlay.
- SUB-R20 'Subdivision of a site within the Coastal Environment (excluding Outstanding Natural Character Areas)' – **discretionary activity**. The site is located within the coastal environment.

Overall, the subdivision would be a **discretionary activity** under the FNPDP.

Assessment – objectives and policies

Pursuant to section 104(b)(vi) of the RMA, the following considers the proposal in the context of the relevant objectives and policies from the FNPDP.

The proposal would require consent under the subdivision rules of the FNPDP due to non-compliance with minimum allotment sizes, the site's location within the Coastal Environment, and its partial overlap with a coastal hazard overlay.

The assessment below focuses on the subdivision objectives and policies that are directly relevant to a unit title subdivision of an existing, fully developed site within the Coastal Environment.

Efficient land use, effects, and zone outcomes

SUB-O1 Subdivision that results in the efficient use of land, which:

- a. achieves the objectives of each relevant zone, overlays and district wide provisions;
- b. contributes to the local character and sense of place;
- c. avoids reverse sensitivity issues that would prevent or adversely affect activities already established on land from continuing to operate;
- d. avoids land use patterns which would prevent land from achieving the objectives and policies of the zone in which it is located;
- e. does not increase risk from natural hazards or risks are mitigated and existing risks reduced;
and
- f. manages adverse effects on the environment.

SUB-P3 Provide for subdivision where it results in allotments that:

- a. are consistent with the purpose, characteristics and qualities of the zone;
- b. comply with the minimum allotment sizes for each zone;
- c. have an adequate size and appropriate shape to contain a building platform; and
- d. have legal and physical access.

SUB-P11 Manage subdivision to address the effects of the activity requiring resource consent including (but not limited to) consideration of the following matters where relevant to the application:

- a. consistency with the scale, density, design and character of the environment and purpose of the zone;
- b. the location, scale and design of buildings and structures;

- c. the adequacy and capacity of available or programmed development infrastructure to accommodate the proposed activity; or the capacity of the site to cater for on-site infrastructure associated with the proposed activity;
- d. managing natural hazards;
- e. any adverse effects on areas with historic heritage and cultural values, natural features and landscapes, natural character or indigenous biodiversity values; and
- f. any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.

The proposal formalises the long-established use and built form of the site by providing a unit title framework around the existing 17 residential units. It does not enable any additional development, alter the physical layout of the site, or change the scale or density of activity.

The subdivision is consistent with the Mixed Use zone outcomes anticipated in this location and represents an efficient use of an already developed urban coastal site. No new reverse sensitivity issues arise, and the proposal does not increase exposure to natural hazard risk, noting that buildings and access are already established outside of areas subject to identified hazard effects.

Accordingly, the proposal satisfies the intent of SUB-O1 and the relevant subdivision management policies.

Coastal Environment and natural values

SUB-O2 Subdivision provides for the:

- a. Protection of highly productive land; and
- b. Protection, restoration or enhancement of Outstanding Natural Features, Outstanding Natural Landscapes, Natural Character of the Coastal Environment, Areas of High Natural Character, Outstanding Natural Character, wetland, lake and river margins, Significant Natural Areas, Sites and Areas of Significance to Māori, and Historic Heritage.

SUB-P4 Manage subdivision of land as detailed in the district wide, natural environment values, historical and cultural values and hazard and risks sections of the plan.

The proposal is located within the Coastal Environment but does not involve land disturbance, vegetation clearance, earthworks, or changes to built form. No Outstanding Natural Features, Significant Natural Areas, or scheduled heritage or cultural sites are present on the site.

Given that the subdivision is legal only and does not alter the physical relationship between development and the coastal environment, the proposal does not adversely affect coastal natural character or related values and is consistent with SUB-O2 and SUB-P4.

Infrastructure, access, and servicing

SUB-O3 Infrastructure is planned to service the proposed subdivision and development where:

- a. there is existing infrastructure connection, infrastructure should be provided in an integrated, efficient, coordinated and future-proofed manner at the time of subdivision; and
- b. where no existing connection is available infrastructure should be planned and consideration be given to connections with the wider infrastructure network.

SUB-O4 Subdivision is accessible, connected, and integrated with the surrounding environment and provides for:

- a. public open spaces;
- b. esplanade where land adjoins the coastal marine area; and
- c. esplanade where land adjoins other qualifying waterbodies.

SUB-P6 Require infrastructure to be provided in an integrated and comprehensive manner by:

- a. demonstrating that the subdivision will be appropriately serviced and integrated with existing and planned infrastructure if available; and
- b. ensuring that the infrastructure is provided in accordance with the purpose, characteristics and qualities of the zone.

All units are already connected to Council reticulated water, wastewater, stormwater, and electricity infrastructure. Vehicular and pedestrian access arrangements are existing and unchanged. The subdivision does not increase infrastructure demand, require upgrades, or introduce new access points.

As such, the proposal is appropriately serviced and well integrated with the surrounding environment, satisfying SUB-O3, SUB-O4, and SUB-P6.

Weighting and conclusion

Overall, the proposed unit title subdivision does not strictly follow the regulatory direction of the FNPDP in relation to minimum allotment size and subdivision within the Coastal Environment, as reflected in the discretionary activity status that would apply if the Plan were operative.

Notwithstanding this, the proposal achieves many of the outcomes sought by the FNPDP. It represents an efficient use of an existing developed site, does not increase development intensity, avoids reverse sensitivity issues, does not increase exposure to natural hazards, and relies on established access and servicing arrangements. The subdivision also does not give rise to adverse environmental effects.

Given the non-operative status of the FNPDP and the absence of material effects, the relevant objectives and policies should be afforded limited weight in the overall assessment.

5.5 National Policy Statement for Natural Hazards

Pursuant to section 104(b)(iii) of the RMA, the following considers the proposal in the context of the NPS-NH.

The NPS-NH came into effect on 15 January 2026. Its objective is to reduce natural hazard risk to people and property using a risk-based and proportionate approach, informed by the likelihood and consequences of hazard events and the best available information.

The site is located in the Coastal Environment, while a small portion is subject to the Coastal Flood Zone 3 under the FNPDP. However, the proposal is limited to a unit title subdivision around existing buildings and access arrangements. No new building platforms are proposed, no earthworks are involved, and no changes to the location of development or access are sought. As such, the likelihood and consequences of natural hazard effects remain unchanged relative to the existing environment.

Having regard to the above, the proposal applies a risk-based and proportionate approach to natural hazards, avoids the creation or increase of risk, and is consistent with the objective and relevant policies of the NPS-NH.

5.6 National Environmental Standard – Soil Contamination

Pursuant to section 104(b)(i) of the RMA, the following considers the proposal in the context of the NES-CS.

Based on an analysis of aerial photography, and a review of the Northland Regional Councils 'selected land use sites' database, there is no evidence to suggest that the site has ever accommodated an activity from the HAIL.

The subject site is therefore not a piece of land described in clause 5(7) or (8) and the NES-CS regulations are not relevant to this application.

5.7 Part 2 – Resource Management Act, 1991

The proposal accords with the purpose of the RMA for the following reasons:

1. Sustainable management is promoted by formalising the ownership structure of an existing, fully developed site through a unit title subdivision in a manner that does not enable additional development or intensification of use.
2. The social and economic wellbeing of people and communities is supported by enabling the efficient use of land and housing stock within an established commercial and coastal township environment, while maintaining existing access to services and infrastructure.
3. Adverse effects are avoided or mitigated as the proposal is legal in nature only and does not involve physical works, changes to built form, alterations to access or servicing arrangements, or increased exposure to natural hazards.
4. Natural and physical resources are safeguarded by retaining the existing development footprint, relying on established infrastructure, and applying a risk-based and proportionate approach to natural hazards consistent with the NPS-NH.

5. Sections 6, 7, and 8 have been appropriately considered. The proposal does not adversely affect matters of national importance, has particular regard to the efficient use of land and the maintenance of amenity values, and does not give rise to effects on cultural values or sites of significance.

Overall, the proposal represents an efficient and effects-based use of land, avoids or mitigates adverse effects, and promotes the sustainable management purpose of the RMA. It is therefore consistent with Part 2 of the RMA.

6. NOTIFICATION

Public notification

The steps under s95A of the RMA are addressed as follows.

- Step 1: There is no requirement for mandatory public notification as the applicant has not requested it, notification is not required under s95C, and the proposal does not include any exchange of recreation reserve land.
- Step 2: Public notification is not precluded by any provisions in the OFNDP, while the proposal is not a controlled activity and is not a boundary activity.
- Step 3: Pursuant to s95D, any adverse effects on the environment will be less than minor as outlined in Section 4 of this report.
- Step 4: There are no special circumstances in relation to the proposed activity.

Having regard to the above, the proposal can proceed without public notification.

Limited notification

The steps under s95B are addressed below in the context of s95E-G of the RMA.

- Step 1: There are no affected protected customary rights groups or customary marine title groups, and the proposal is not adjacent to land that is subject to a statutory acknowledgement.
- Step 2: There are no rules in the OFNDP that preclude limited notification, while the application is not a controlled activity.
- Step 3: Pursuant to s95E of the RMA, Section 4 of this report confirms that no parties are adversely affected by the proposal.

Having regard to the above, the proposal can proceed without limited notification.

Notification conclusion

The application can proceed on a **non-notified** basis.

7. CONCLUSION

The proposal seeks consent for a unit title subdivision around the existing 17-unit apartment development at 26 Selwyn Road, Paihia. The subdivision is legal in nature and does not result in any physical changes to the site, the built form, access arrangements, or servicing infrastructure.

The proposal represents a logical and efficient response to the established development on the site, formalising the existing use through a clear and functional ownership framework. No increase in development intensity is enabled, and the subdivision does not give rise to reverse sensitivity issues, servicing constraints, or increased exposure to natural hazards.

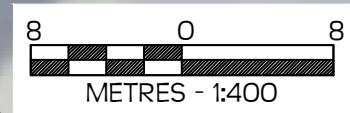
The actual and potential environmental effects of the proposal have been assessed and will be negligible relative to the existing environment and permitted baseline. Appropriate regard has therefore been given to Section 104(1)(a) of the RMA.

The proposal has also been assessed against the relevant provisions of the OFNDP, the FNPDP, the NPS-NH, and Part 2 of the RMA. While limited weight applies to the non-operative provisions of the FNPDP, the proposal is consistent with the relevant operative planning framework and the purpose and principles of the RMA. Appropriate regard has therefore been given to Section 104(1)(b) of the RMA.

Having regard to the relevant matters under Sections 104(1), 104B, and 104D of the RMA, the proposal can be approved subject to appropriate conditions of consent.

APPENDIX 1

UNIT TITLE SUBDIVISION SCHEME PLAN



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 9. 0.1m URBAN AERIAL PHOTO (2014-2015)
SOURCE: TOITŪ TE WHENUA LAND INFORMATION NEW ZEALAND
 10. BOUNDARIES SOURCED FROM GRIP. COORDINATES IN TERMS OF MOUNT EDEN 2000.

TOTAL TITLE AREA: 2428m²
 THIS SITE IS ZONED 'COMMERCIAL' AND THERE ARE NO BUILDING SETBACK REQUIREMENTS.

D	15.05.26	AREAS ADDED TO UNITS - TK/AA
C	14.04.26	ADDED PARKING - PL/AA
A	24.03.26	FIRST ISSUE - PL/AA
REV	DATE	DESCRIPTION

REF. DATA:

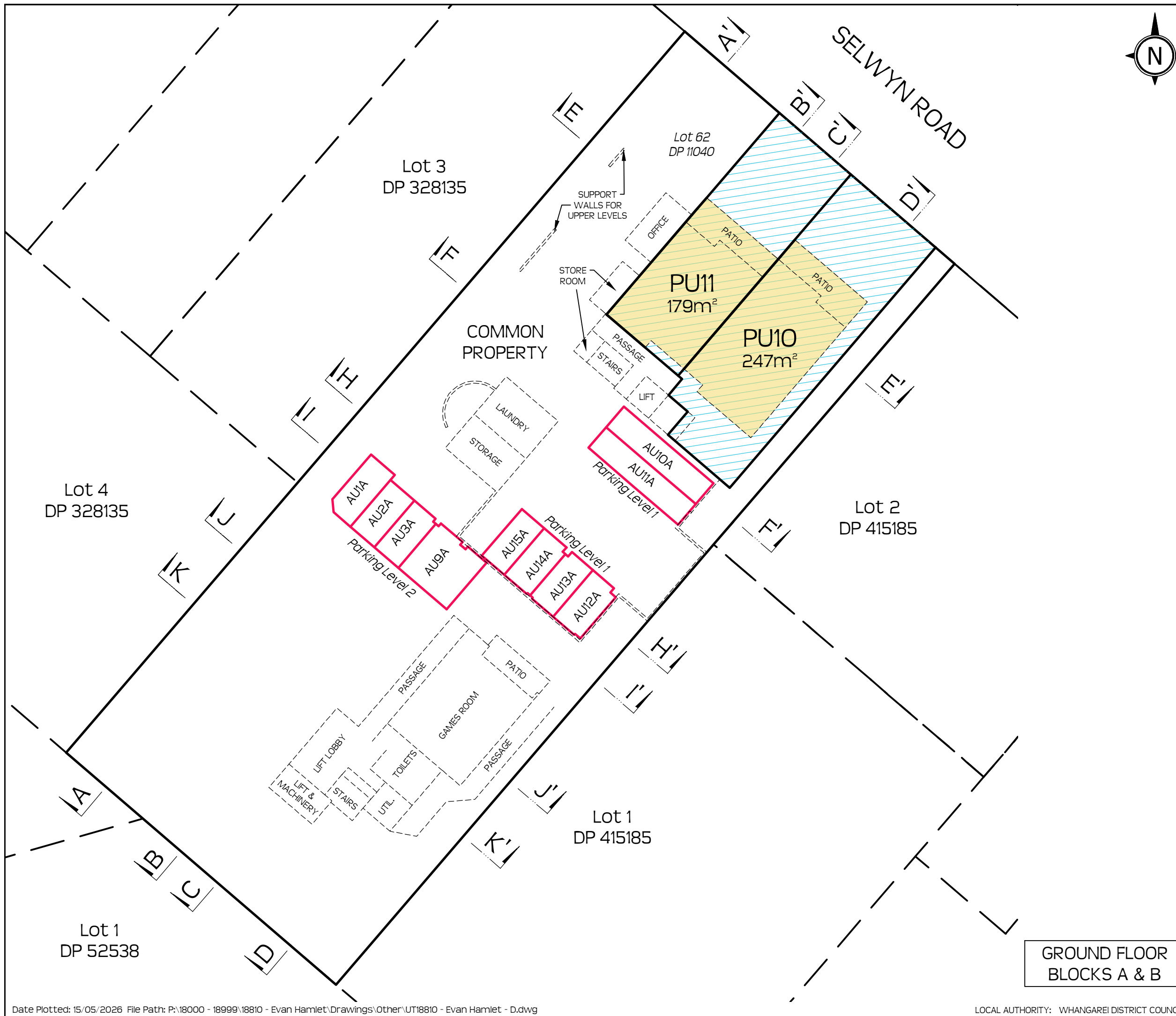
reyburn & bryant
 Ph: 09 438 3563 PO Box 191, Whangarei 0140
 7 Selwyn Ave, Whangarei www.reyburnandbryant.co.nz

CLIENT
EVAN HAMLET
 26 SELWYN ROAD
 PAIHIA

TITLE
REDEVELOPMENT OF UNIT TITLES ON LOT 62 DP 11040

DATE **MAY 2026** SCALE **1:400 @A3**

DRAWING REF. UT18810	SHEET 01 OF 09	REV D
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SOURCE: TOITŪ TE WHENUA LAND INFORMATION NEW ZEALAND
 - BOUNDARIES SOURCED FROM GRIP. COORDINATES IN TERMS OF MOUNT EDEN 2000.

- PREVIOUS UNIT EXTENT
- PROPOSED UNIT EXTENT
- PARKING SPACES
- PHYSICAL FEATURES

- NOTE:**
- ACCESS TO PARKING LEVEL 1 IS FROM BLOCK A GROUND FLOOR.
 - ACCESS TO PARKING LEVEL 2 IS FROM BLOCK A FIRST FLOOR & BLOCK B GROUND FLOOR.
 - ACCESS TO COMMON DECK AREA IS FROM BLOCK A SECOND FLOOR & BLOCK B FIRST FLOOR.
 - SEE SECTIONS SHEETS 05-09 OF 09 FOR MORE INFORMATION ON LEVELS.

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REF. DATA:

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CLIENT
EVAN HAMLET
 26 SELWYN ROAD
 PAIHIA

TITLE
REDEVELOPMENT OF UNIT TITLES ON LOT 62 DP 11040

DATE	MAY 2026	SCALE	1:300 @A3
DRAWING REF.	UT18810	SHEET	02 OF 09
REV			D

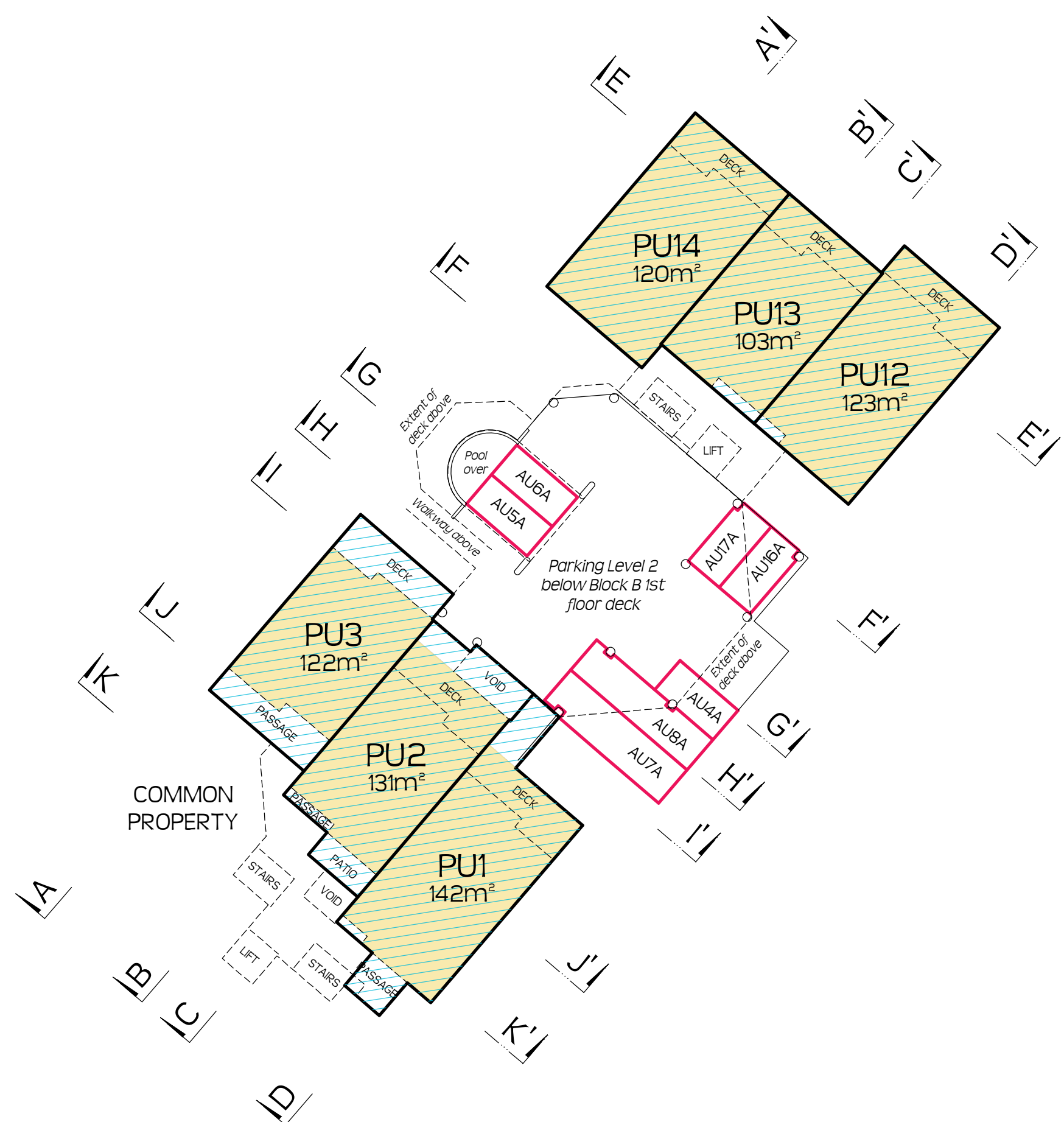
**GROUND FLOOR
 BLOCKS A & B**



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- PROPOSED UNIT EXTENT
- PARKING SPACES
- PHYSICAL FEATURES



TOTAL TITLE AREA: 2428m²

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CLIENT

EVAN HAMLET
26 SELWYN ROAD
PAIHIA

TITLE

REDEVELOPMENT OF UNIT
TITLES ON LOT 62 DP 11040

DATE MAY 2026 SCALE 1:300 @A3

DRAWING REF. UT18810	SHEET 03 OF 09	REV D
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FIRST FLOOR
BLOCK A & B



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- PROPOSED UNIT EXTENT
- PHYSICAL FEATURES

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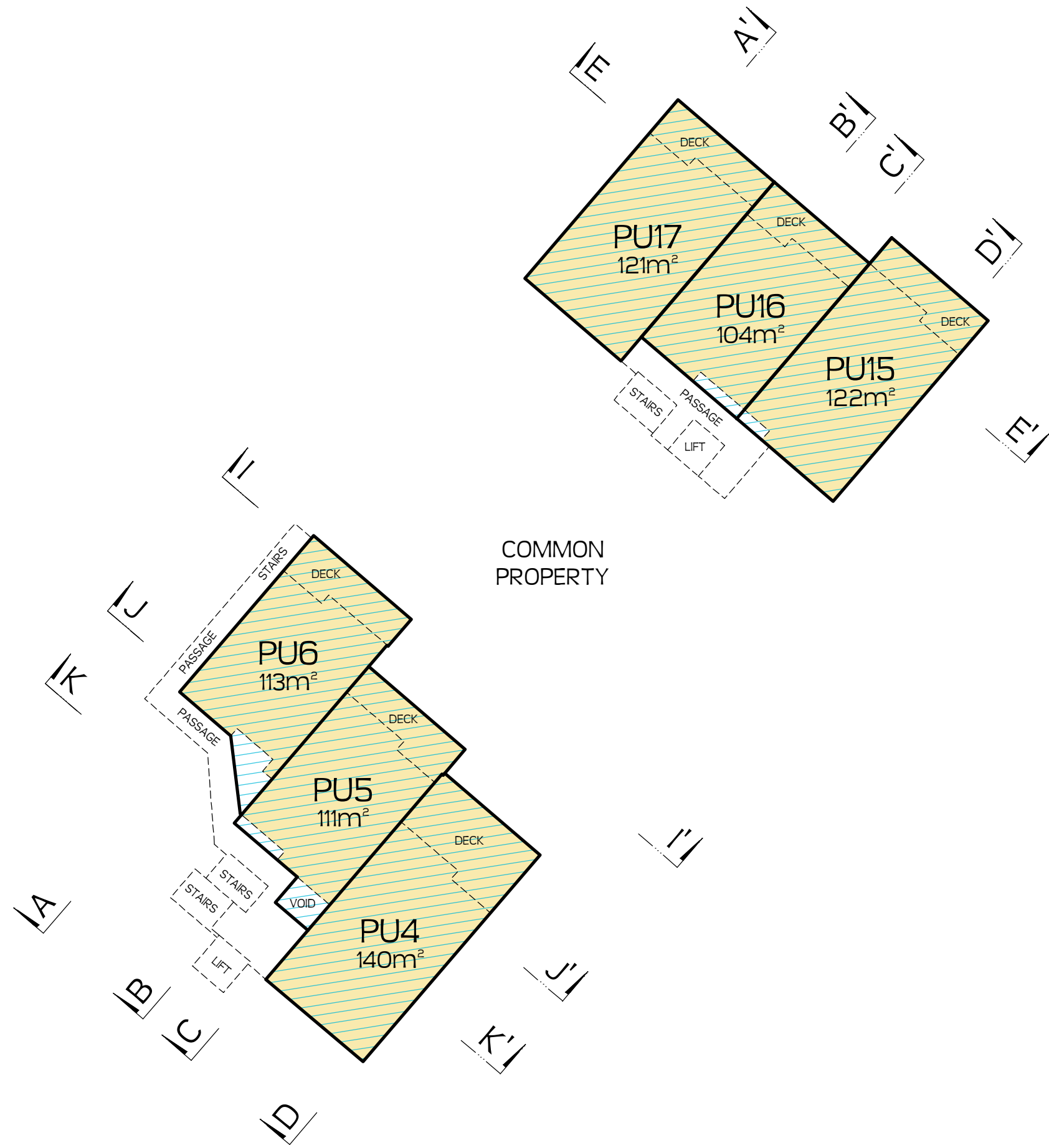
EVAN HAMLET
 26 SELWYN ROAD
 PAIHIA

TITLE

REDEVELOPMENT OF UNIT
 TITLES ON LOT 62 DP 11040

DATE	MAY 2026	SCALE	1:300 @A3
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COMMON
PROPERTY

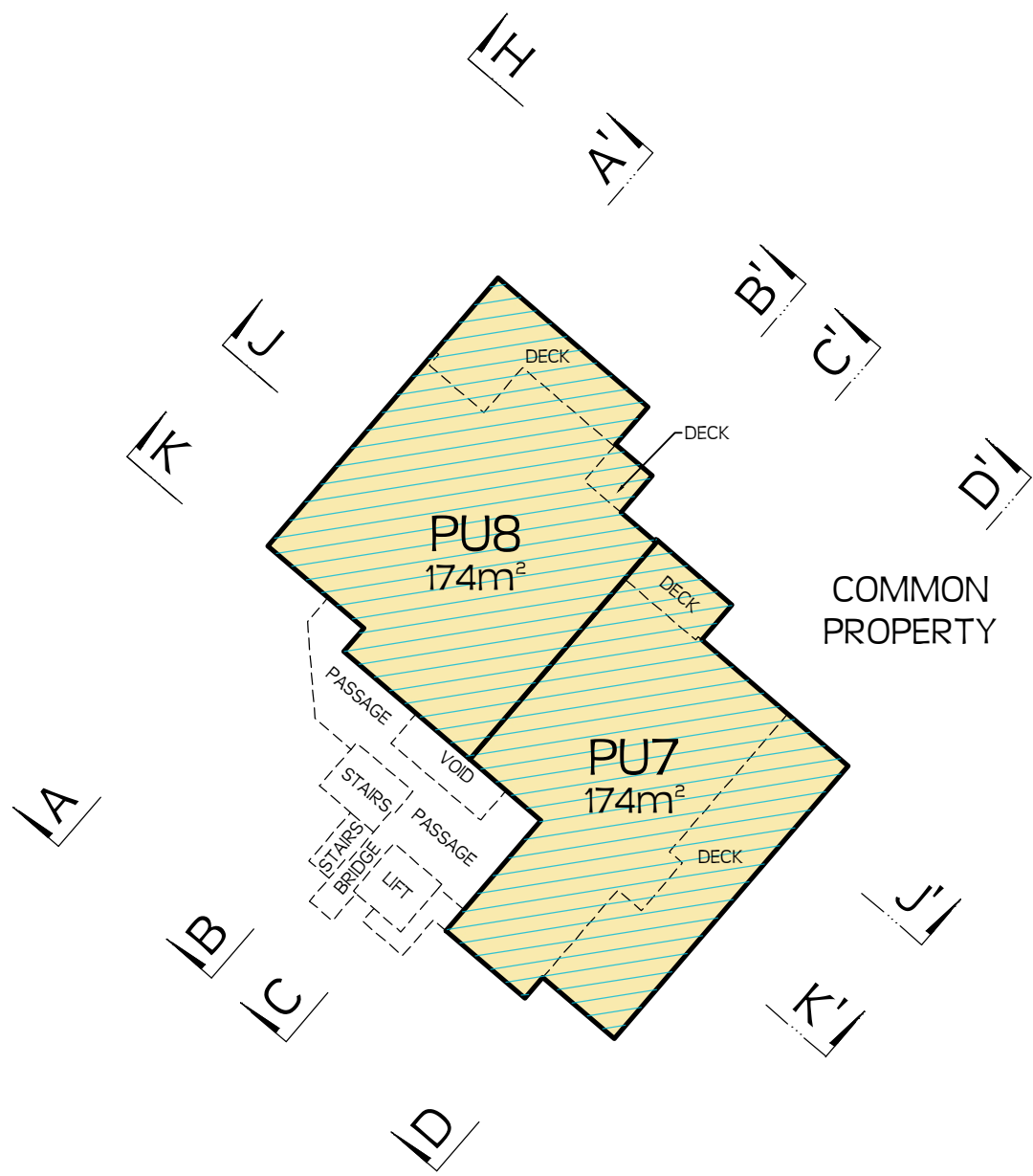
SECOND FLOOR
BLOCKS A & B



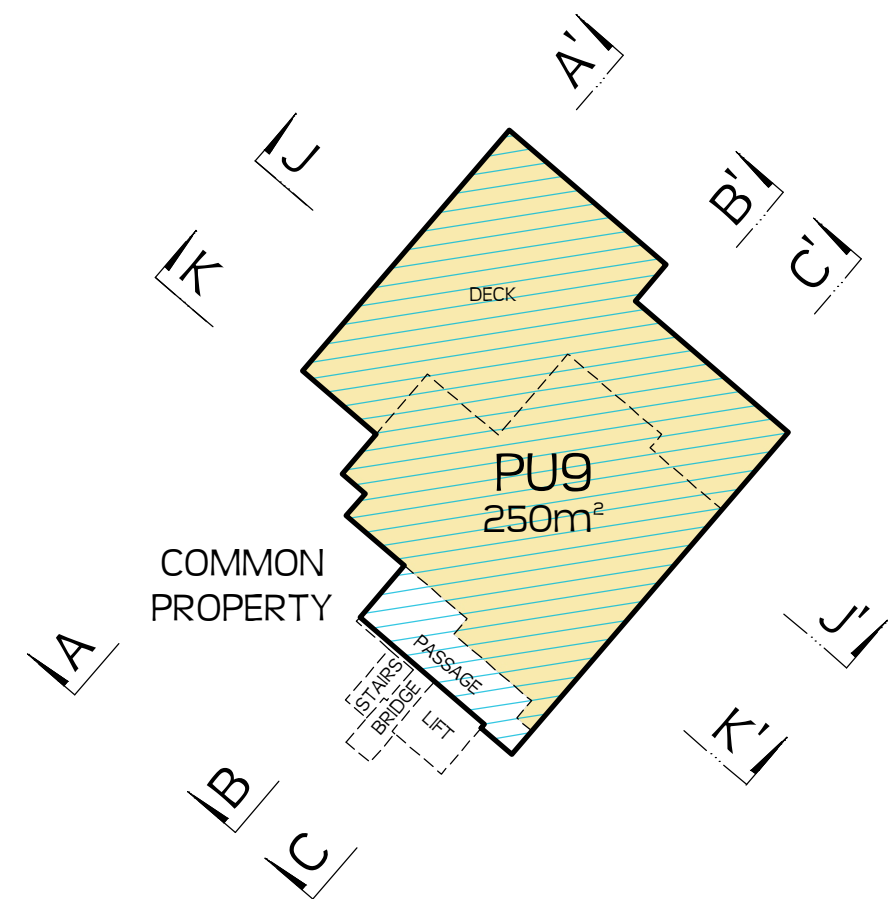
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- PREVIOUS UNIT EXTENT
- PROPOSED UNIT EXTENT
- PHYSICAL FEATURES



BLOCK B:
THIRD FLOOR



BLOCK B:
FOURTH FLOOR

TOTAL TITLE AREA: 2428m²
 THIS SITE IS ZONED 'COMMERCIAL' AND THERE ARE NO BUILDING SETBACK REQUIREMENTS.

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TITLE
REDEVELOPMENT OF UNIT TITLES ON LOT 62 DP 11040

DATE MAY 2026 SCALE 1:300 @A3

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10. SOURCE: TOITŪ TE WHENUA LAND INFORMATION NEW ZEALAND BOUNDARIES SOURCED FROM GRIP. COORDINATES IN TERMS OF MOUNT EDEN 2000.

BLOCK B
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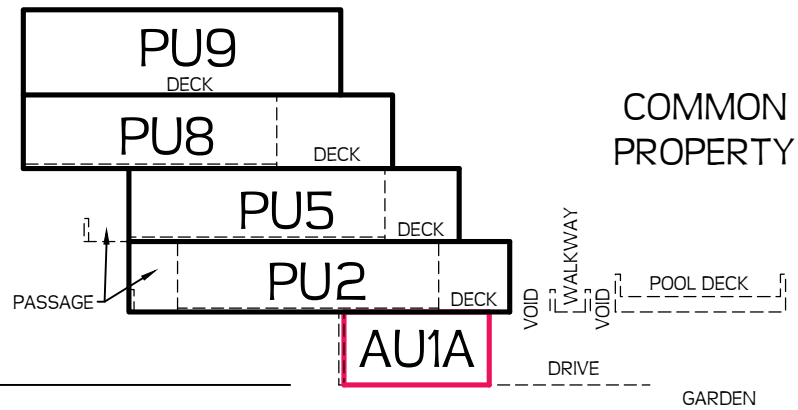
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3RD FLOOR
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2ND FLOOR
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1ST FLOOR
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GROUND FL.
RL= 6.84



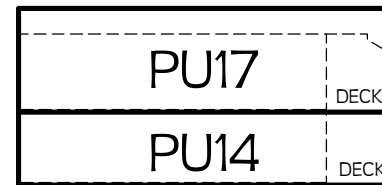
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1ST FLOOR
RL= 7.00

GROUND FL.
RL= 4.00



BLOCK B
RL= 21.74

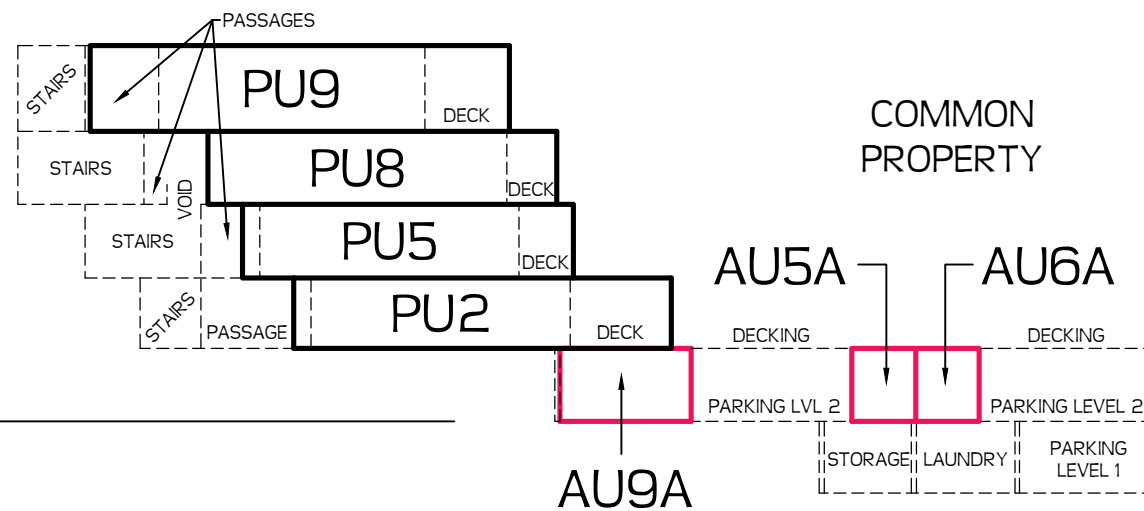
4TH FLOOR
RL= 18.34

3RD FLOOR
RL= 15.44

2ND FLOOR
RL= 12.54

1ST FLOOR
RL= 9.74

GROUND FL.
RL= 6.84



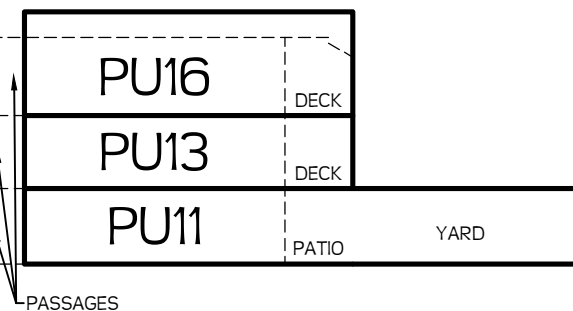
SECTION B-B'

BLOCK A
RL= 14.00

2ND FLOOR
RL= 9.90

1ST FLOOR
RL= 7.00

GROUND FL.
RL= 4.00



TOTAL TITLE AREA: 2428m²

THIS SITE IS ZONED 'COMMERCIAL' AND THERE ARE NO BUILDING SETBACK REQUIREMENTS.

REV	DATE	DESCRIPTION
D	15.05.26	AREAS ADDED TO UNITS - TK/AA
C	14.04.26	ADDED PARKING - PL/AA
A	24.03.26	FIRST ISSUE - PL/AA

REF. DATA:



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7 Selwyn Ave, Whangarei www.reyburnandbryant.co.nz

CLIENT

EVAN HAMLET
26 SELWYN ROAD
PAIHIA

TITLE

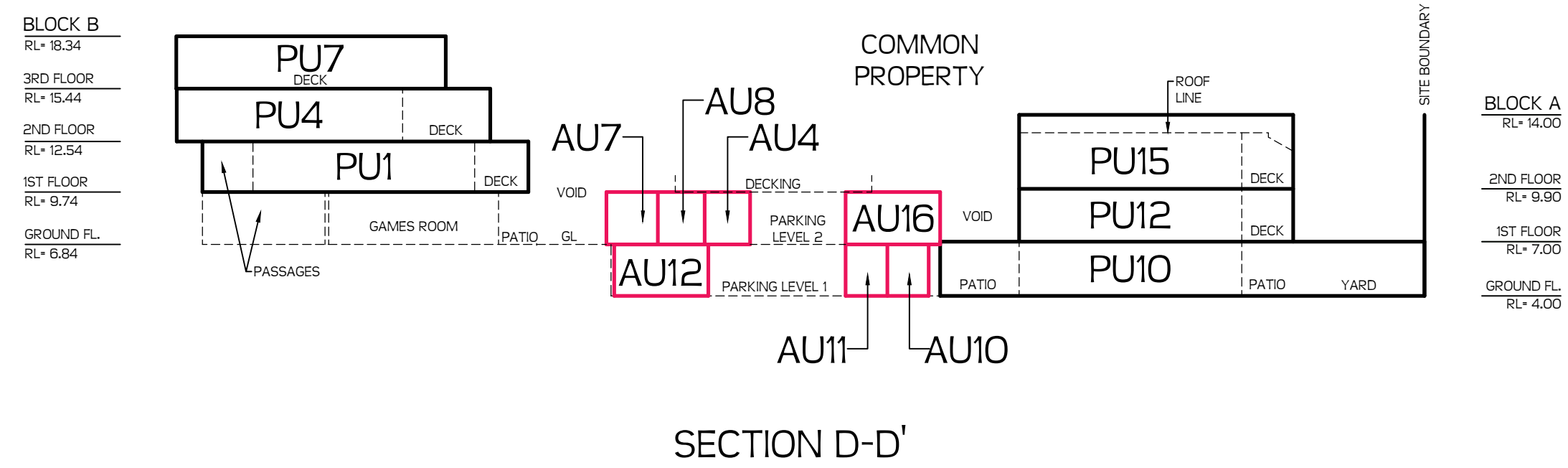
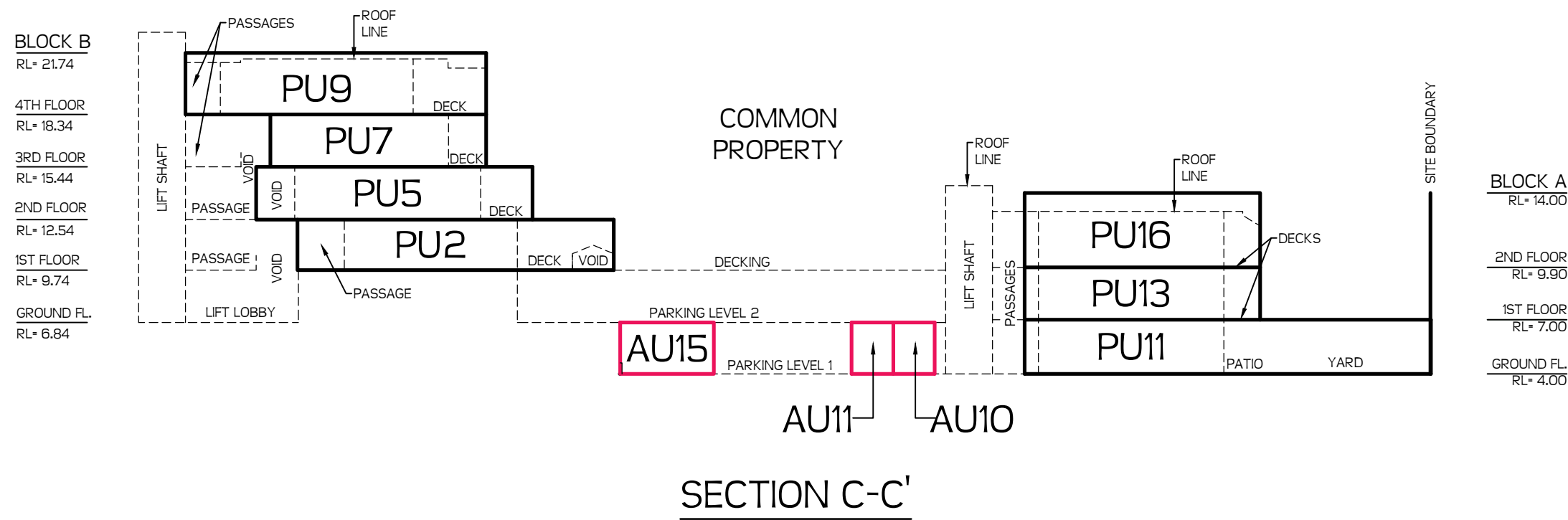
**SOUTH-NORTH SECTIONS
REDEVELOPMENT OF UNIT
TITLES ON LOT 62 DP 11040**

DATE MAY 2026 SCALE 1:300 @A3

DRAWING REF.	SHEET	REV
UT18810	06 OF 09	D

CAUTION:

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2. AREAS & DIMENSIONS ARE APPROXIMATE ONLY AND ARE SUBJECT TO FINAL SURVEY.
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5. DO NOT SCALE OFF DRAWINGS.
6. THIS PLAN IS COPYRIGHT TO REYBURN & BRYANT (1999) LIMITED.
7. DESIGNED BY REYBURN & BRYANT - WHANGAREI - NEW ZEALAND
8. 0.3m RURAL AERIAL PHOTO (2023-2024)
SOURCE: TOITŪ TE WHENUA LAND INFORMATION NEW ZEALAND
9. 0.1m URBAN AERIAL PHOTO (2014-2015)
SOURCE: TOITŪ TE WHENUA LAND INFORMATION NEW ZEALAND
10. BOUNDARIES SOURCED FROM GRIP. COORDINATES IN TERMS OF MOUNT EDEN 2000.



TOTAL TITLE AREA: 2428m²
THIS SITE IS ZONED 'COMMERCIAL' AND THERE ARE NO BUILDING SETBACK REQUIREMENTS.

REV	DATE	DESCRIPTION
D	15.05.26	AREAS ADDED TO UNITS - TK/AA
C	14.04.26	ADDED PARKING - PL/AA
A	24.03.26	FIRST ISSUE - PL/AA

REF. DATA:

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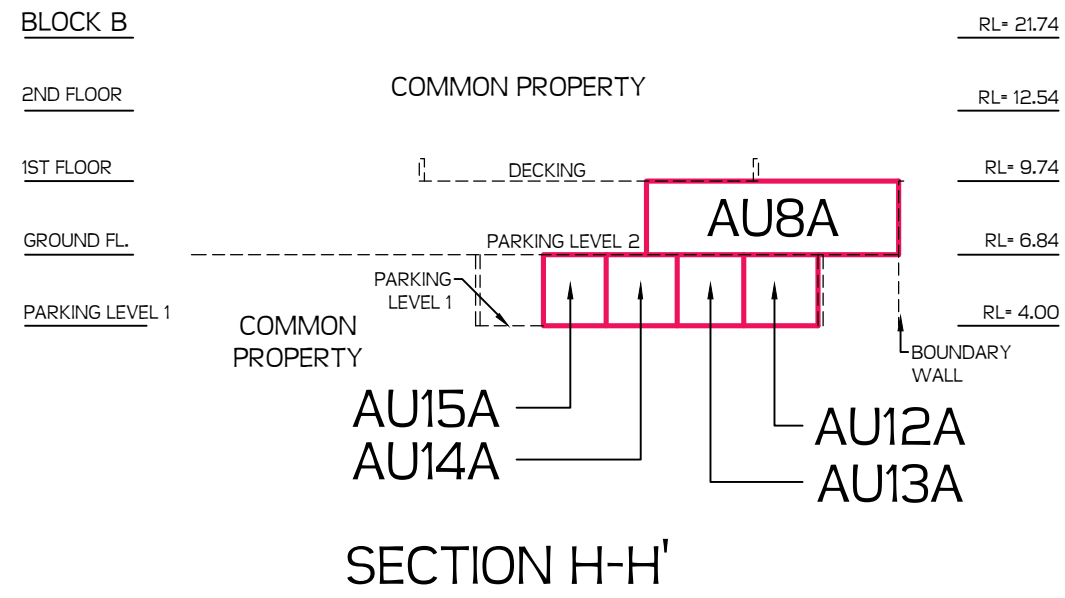
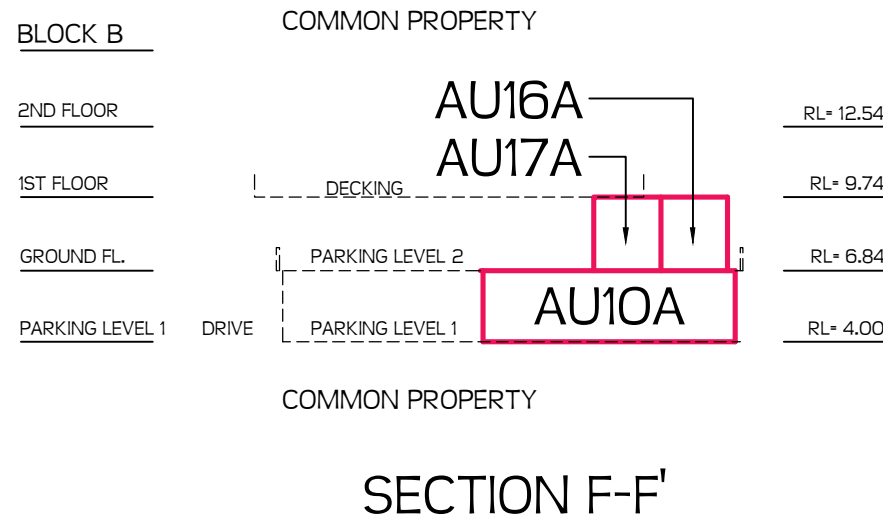
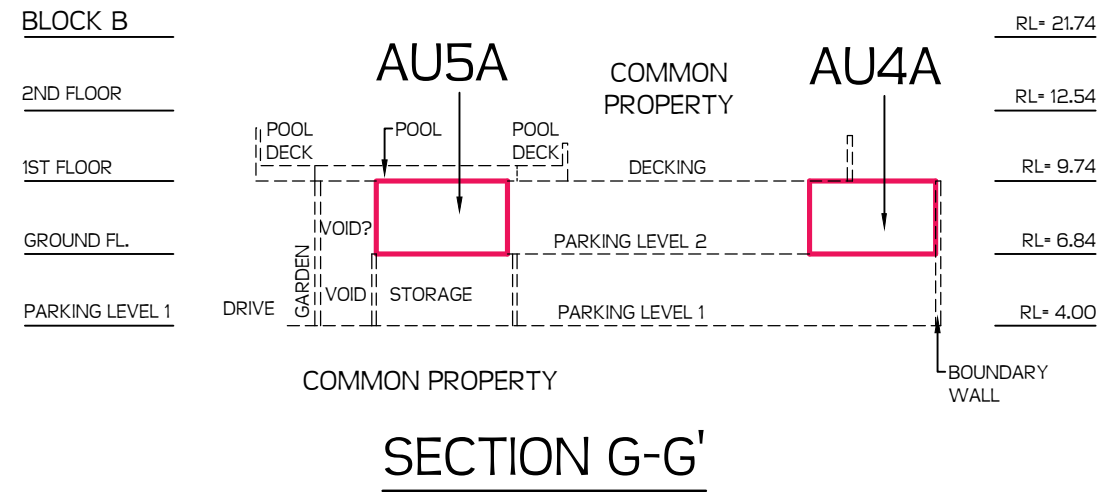
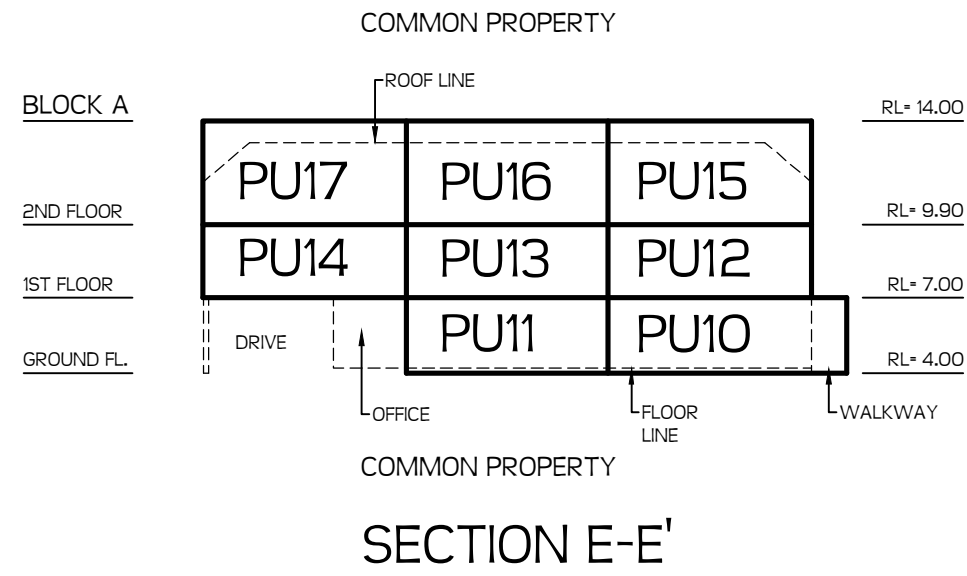
CLIENT
EVAN HAMLET
26 SELWYN ROAD
PAIHIA

TITLE
**SOUTH-NORTH SECTIONS
REDEVELOPMENT OF UNIT
TITLES ON LOT 62 DP 11040**

DATE	MAY 2026	SCALE	1:300 @A3
DRAWING REF.	UT18810	SHEET	07 OF 09
REV	D		

CAUTION:

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SOURCE: TOITŪ TE WHENUA LAND INFORMATION NEW ZEALAND
9. 0.1m URBAN AERIAL PHOTO (2014-2015)
SOURCE: TOITŪ TE WHENUA LAND INFORMATION NEW ZEALAND
10. BOUNDARIES SOURCED FROM GRIP. COORDINATES IN TERMS OF MOUNT EDEN 2000.



TOTAL TITLE AREA: 2428m²
THIS SITE IS ZONED 'COMMERCIAL' AND THERE ARE NO BUILDING SETBACK REQUIREMENTS.

REV	DATE	DESCRIPTION
D	15.05.26	AREAS ADDED TO UNITS - TK/AA
C	14.04.26	ADDED PARKING - PL/AA
A	24.03.26	FIRST ISSUE - PL/AA

REF. DATA:



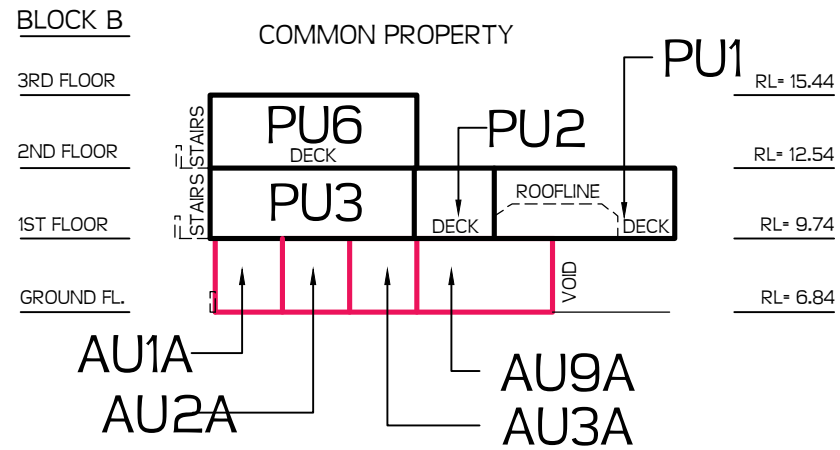
Ph: 09 438 3563 PO Box 191, Whangarei 0140
7 Selwyn Ave, Whangarei www.reyburnandbryant.co.nz

CLIENT
EVAN HAMLET
26 SELWYN ROAD
PAIHIA

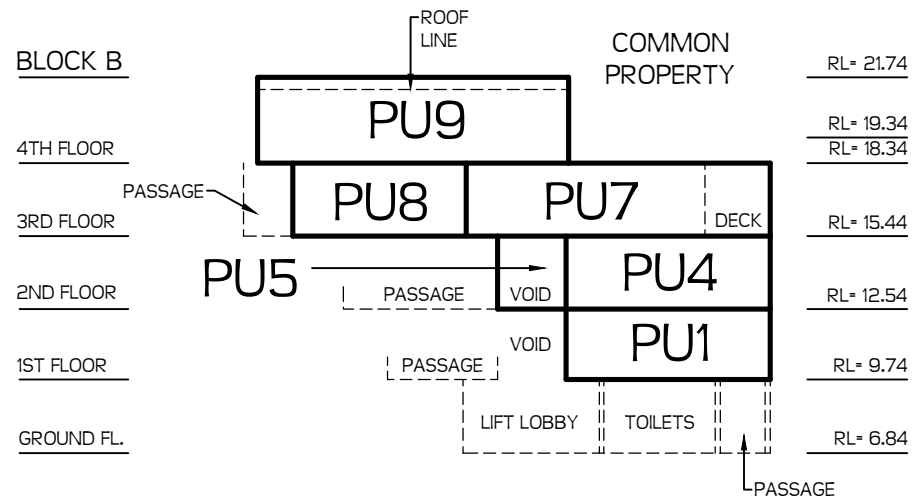
TITLE
**WEST-EAST SECTIONS
REDEVELOPMENT OF UNIT
TITLES ON LOT 62 DP 11040**

DATE **MAY 2026** SCALE **1:300 @A3**

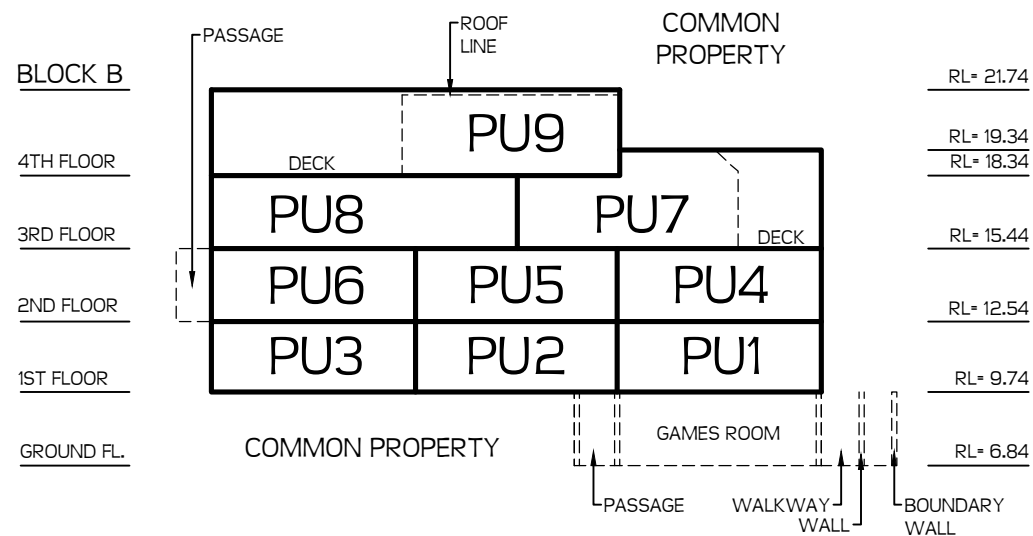
DRAWING REF. UT18810	SHEET 08 OF 09	REV D
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SECTION I-I'



SECTION K-K'



SECTION J-J'

CAUTION:

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8. SOURCE: TOITŪ TE WHENUA LAND INFORMATION NEW ZEALAND
9. 0.1m URBAN AERIAL PHOTO (2014-2015)
10. SOURCE: TOITŪ TE WHENUA LAND INFORMATION NEW ZEALAND BOUNDARIES SOURCED FROM GRIP. COORDINATES IN TERMS OF MOUNT EDEN 2000.

TOTAL TITLE AREA: 2428m²

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REV	DATE	DESCRIPTION
D	15.05.26	AREAS ADDED TO UNITS - TK/AA
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A	24.03.26	FIRST ISSUE - PL/AA

REF. DATA:



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CLIENT

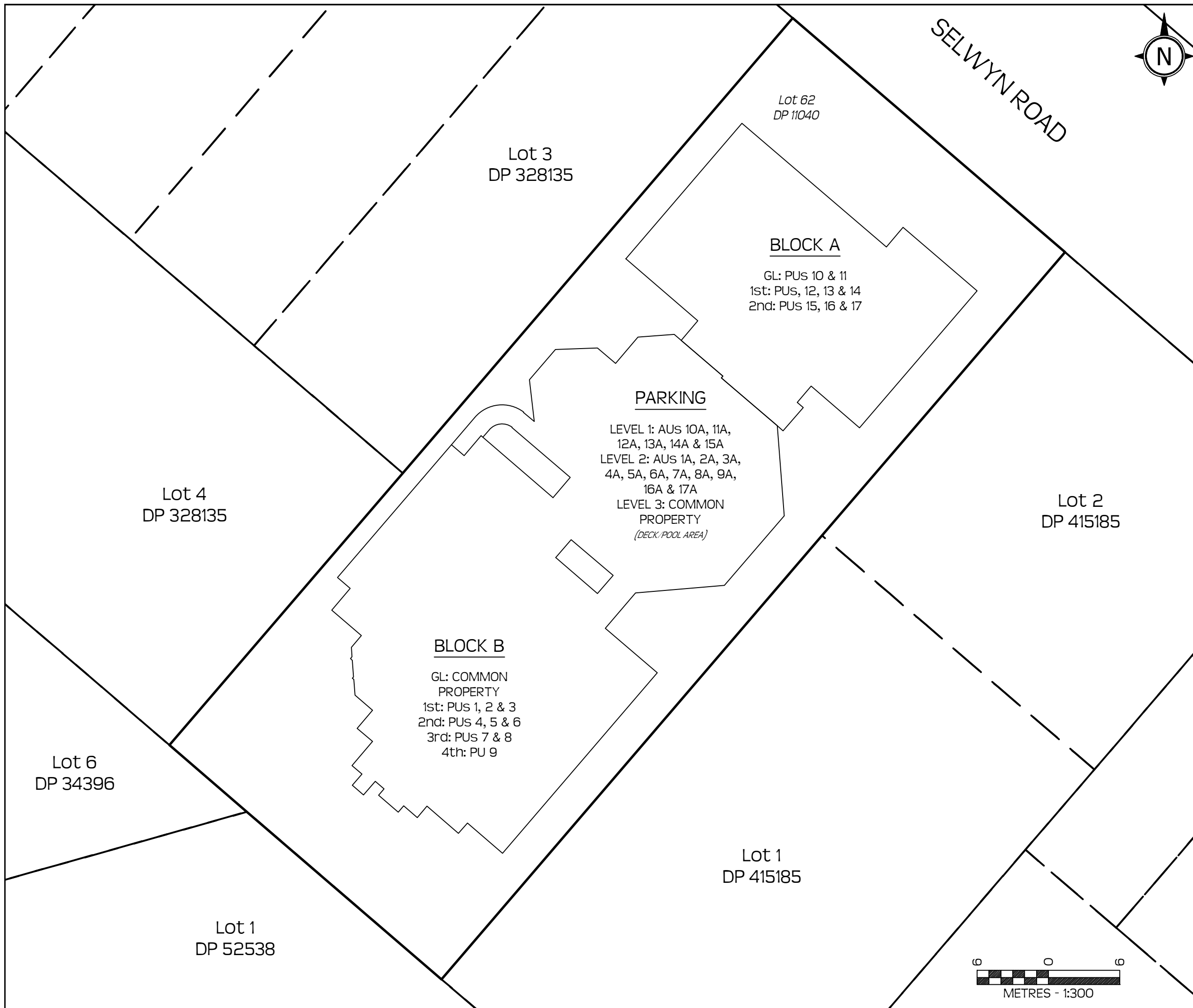
EVAN HAMLET
26 SELWYN ROAD
PAIHIA

TITLE

WEST-EAST SECTIONS
REDEVELOPMENT OF UNIT
TITLES ON LOT 62 DP 11040

DATE MAY 2026 SCALE 1:300 @A3

DRAWING REF.	SHEET	REV
UT18810	09 OF 09	D



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SOURCE: TOITŪ TE WHENUA LAND INFORMATION NEW ZEALAND
 10. BOUNDARIES SOURCED FROM GRIP. COORDINATES IN TERMS OF MOUNT EDEN 2000.

Lot 3
DP 328135

Lot 62
DP 11040

SELWYN ROAD

BLOCK A

GL: PUs 10 & 11
1st: PUs, 12, 13 & 14
2nd: PUs 15, 16 & 17

PARKING

LEVEL 1: AUS 10A, 11A,
12A, 13A, 14A & 15A
LEVEL 2: AUS 1A, 2A, 3A,
4A, 5A, 6A, 7A, 8A, 9A,
16A & 17A
LEVEL 3: COMMON
PROPERTY
(DECK/POOL AREA)

Lot 4
DP 328135

Lot 2
DP 415185

BLOCK B

GL: COMMON
PROPERTY
1st: PUs 1, 2 & 3
2nd: PUs 4, 5 & 6
3rd: PUs 7 & 8
4th: PU 9

Lot 6
DP 34396

Lot 1
DP 415185

Lot 1
DP 52538

TOTAL TITLE AREA: 2428m²
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SETBACK REQUIREMENTS.

D	15.05.26	AREAS ADDED TO UNITS - TK/AA
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A	24.03.26	FIRST ISSUE - PL/AA
REV	DATE	DESCRIPTION

REF. DATA:



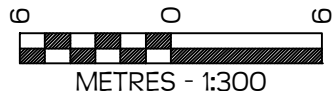
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CLIENT
EVAN HAMLET
26 SELWYN ROAD
PAIHIA

TITLE
**REDEVELOPMENT OF UNIT
TITLES ON LOT 62 DP 11040**

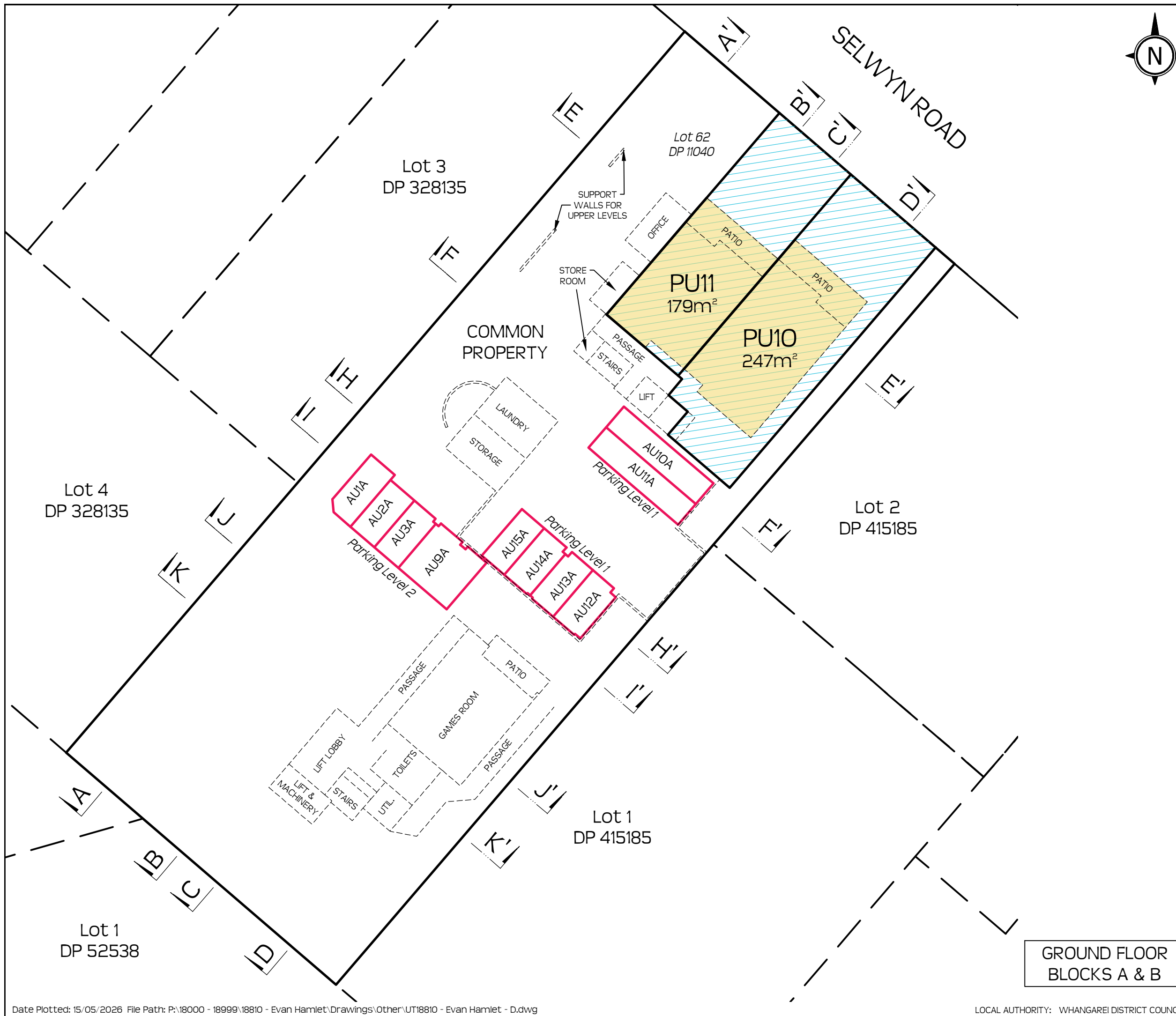
DATE **MAY 2026** SCALE **1:400 @A3**

DRAWING REF. UT18810	SHEET 01 OF 09	REV D
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METRES - 1:300

LOCAL AUTHORITY: WHANGAREI DISTRICT COUNCIL



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 - DESIGNED BY REYBURN & BRYANT - WHANGAREI - NEW ZEALAND
 - 0.3m RURAL AERIAL PHOTO (2023-2024)
SOURCE: TOITŪ TE WHENUA LAND INFORMATION NEW ZEALAND
 - 0.1m URBAN AERIAL PHOTO (2014-2015)
SOURCE: TOITŪ TE WHENUA LAND INFORMATION NEW ZEALAND
 - BOUNDARIES SOURCED FROM GRIP. COORDINATES IN TERMS OF MOUNT EDEN 2000.

- PREVIOUS UNIT EXTENT
- PROPOSED UNIT EXTENT
- PARKING SPACES
- PHYSICAL FEATURES

- NOTE:**
- ACCESS TO PARKING LEVEL 1 IS FROM BLOCK A GROUND FLOOR.
 - ACCESS TO PARKING LEVEL 2 IS FROM BLOCK A FIRST FLOOR & BLOCK B GROUND FLOOR.
 - ACCESS TO COMMON DECK AREA IS FROM BLOCK A SECOND FLOOR & BLOCK B FIRST FLOOR.
 - SEE SECTIONS SHEETS 05-09 OF 09 FOR MORE INFORMATION ON LEVELS.

TOTAL TITLE AREA: 2428m²
 THIS SITE IS ZONED 'COMMERCIAL' AND THERE ARE NO BUILDING SETBACK REQUIREMENTS.

REV	DATE	DESCRIPTION
D	15.05.26	AREAS ADDED TO UNITS - TK/AA
C	14.04.26	ADDED PARKING - PL/AA
A	24.03.26	FIRST ISSUE - PL/AA

REF. DATA:

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CLIENT
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 26 SELWYN ROAD
 PAIHIA

TITLE
REDEVELOPMENT OF UNIT TITLES ON LOT 62 DP 11040

DATE	MAY 2026	SCALE	1:300 @A3
DRAWING REF.	UT18810	SHEET	02 OF 09
REV			D

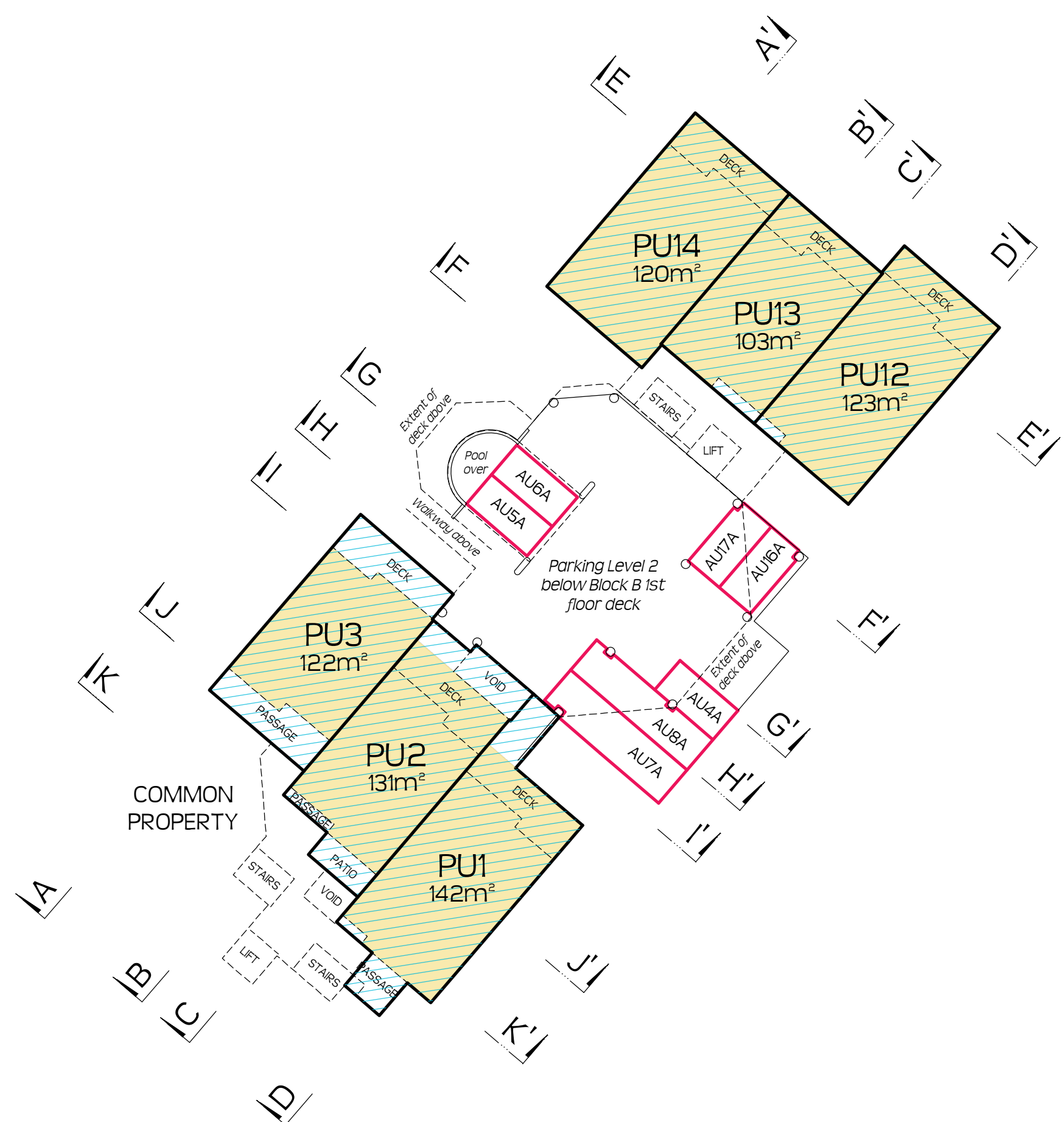
**GROUND FLOOR
 BLOCKS A & B**



CAUTION:

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SOURCE: TOITŪ TE WHENUA LAND INFORMATION NEW ZEALAND
10. BOUNDARIES SOURCED FROM GRIP. COORDINATES IN TERMS OF MOUNT EDEN 2000.

- PREVIOUS UNIT EXTENT
- PROPOSED UNIT EXTENT
- PARKING SPACES
- PHYSICAL FEATURES



TOTAL TITLE AREA: 2428m²

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D	15.05.26	AREAS ADDED TO UNITS - TK/AA
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REV	DATE	DESCRIPTION

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CLIENT

EVAN HAMLET
26 SELWYN ROAD
PAIHIA

TITLE

REDEVELOPMENT OF UNIT
TITLES ON LOT 62 DP 11040

DATE MAY 2026 SCALE 1:300 @A3




DRAWING REF. UT18810	SHEET 03 OF 09	REV D
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FIRST FLOOR
BLOCK A & B



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SOURCE: TOITŪ TE WHENUA LAND INFORMATION NEW ZEALAND
10. BOUNDARIES SOURCED FROM GRIP. COORDINATES IN TERMS OF MOUNT EDEN 2000.

-  PREVIOUS UNIT EXTENT
-  PROPOSED UNIT EXTENT
-  PHYSICAL FEATURES

TOTAL TITLE AREA: 2428m²
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REV	DATE	DESCRIPTION

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CLIENT

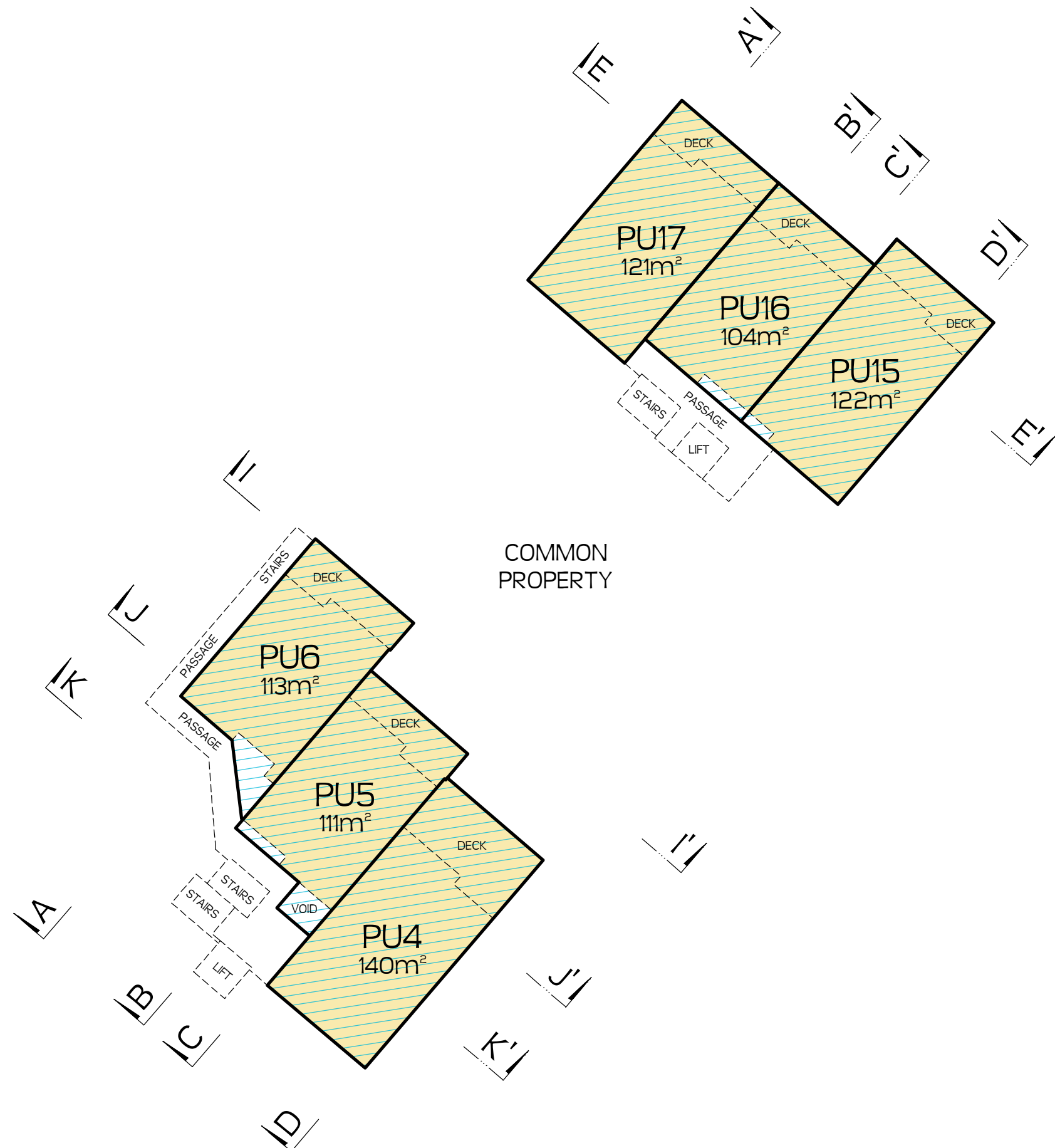
EVAN HAMLET
 26 SELWYN ROAD
 PAIHIA

TITLE

REDEVELOPMENT OF UNIT
 TITLES ON LOT 62 DP 11040

DATE MAY 2026 SCALE 1:300 @A3

DRAWING REF. UT18810	SHEET 04 OF 09	REV D
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COMMON PROPERTY

SECOND FLOOR
 BLOCKS A & B

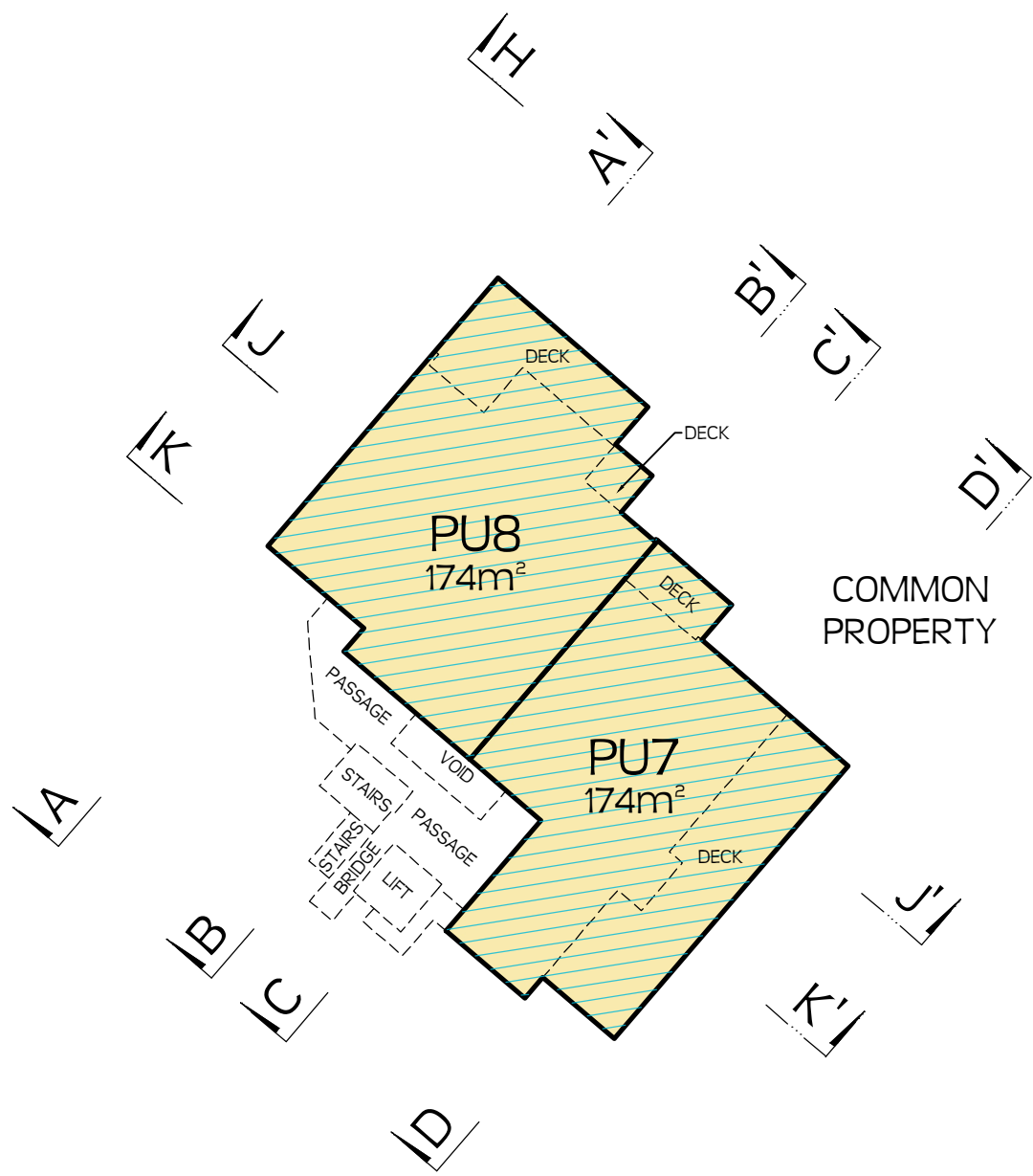
LOCAL AUTHORITY: WHANGAREI DISTRICT COUNCIL



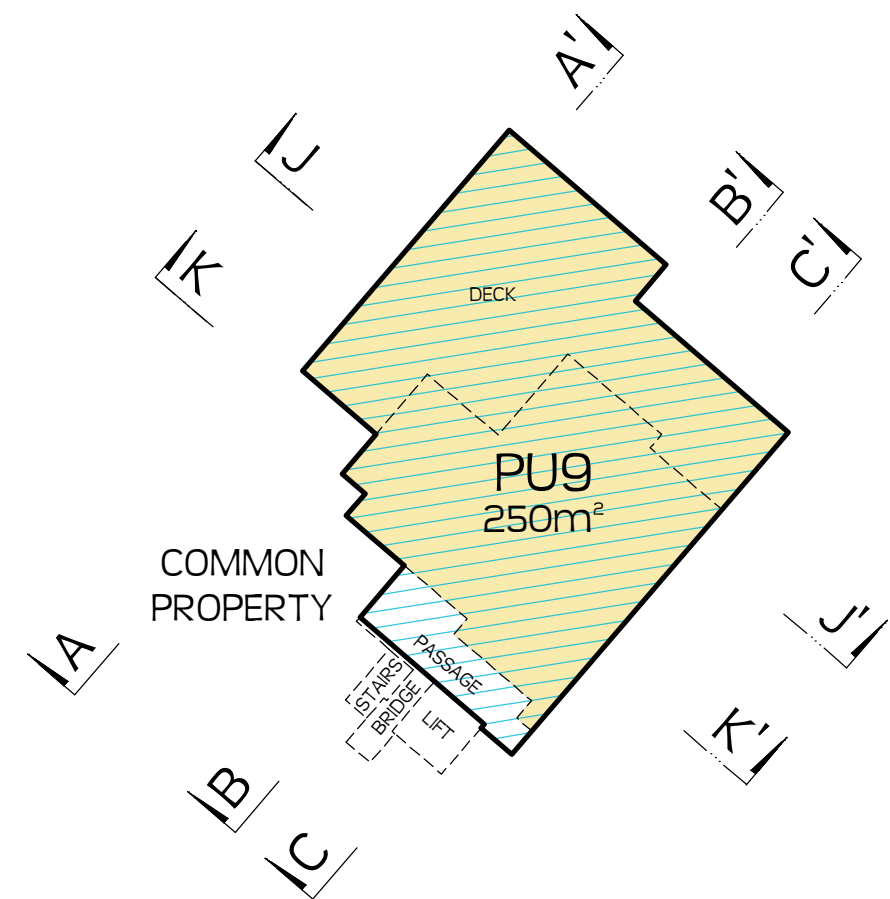
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10. BOUNDARIES SOURCED FROM GRIP. COORDINATES IN TERMS OF MOUNT EDEN 2000.

- PREVIOUS UNIT EXTENT
- PROPOSED UNIT EXTENT
- PHYSICAL FEATURES



BLOCK B:
THIRD FLOOR



BLOCK B:
FOURTH FLOOR

TOTAL TITLE AREA: 2428m²
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REV	DATE	DESCRIPTION
D	15.05.26	AREAS ADDED TO UNITS - TK/AA
C	14.04.26	ADDED PARKING - PL/AA
A	24.03.26	FIRST ISSUE - PL/AA

REF. DATA:



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CLIENT
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 26 SELWYN ROAD
 PAIHIA

TITLE
REDEVELOPMENT OF UNIT TITLES ON LOT 62 DP 11040

DATE MAY 2026 SCALE 1:300 @A3

DRAWING REF.	SHEET	REV
UT18810	05 OF 09	D

CAUTION:

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9. 0.1m URBAN AERIAL PHOTO (2014-2015)
10. SOURCE: TOITŪ TE WHENUA LAND INFORMATION NEW ZEALAND BOUNDARIES SOURCED FROM GRIP. COORDINATES IN TERMS OF MOUNT EDEN 2000.

BLOCK B
RL= 21.74

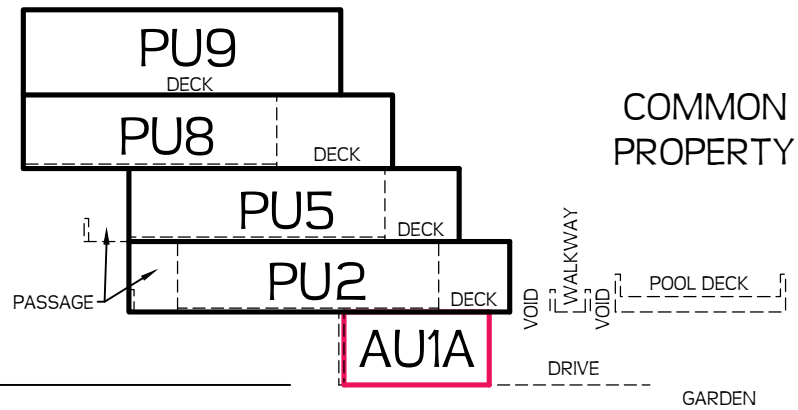
4TH FLOOR
RL= 18.34

3RD FLOOR
RL= 15.44

2ND FLOOR
RL= 12.54

1ST FLOOR
RL= 9.74

GROUND FL.
RL= 6.84



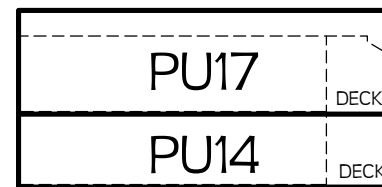
SECTION A-A'

BLOCK A
RL= 14.00

2ND FLOOR
RL= 9.90

1ST FLOOR
RL= 7.00

GROUND FL.
RL= 4.00



BLOCK B
RL= 21.74

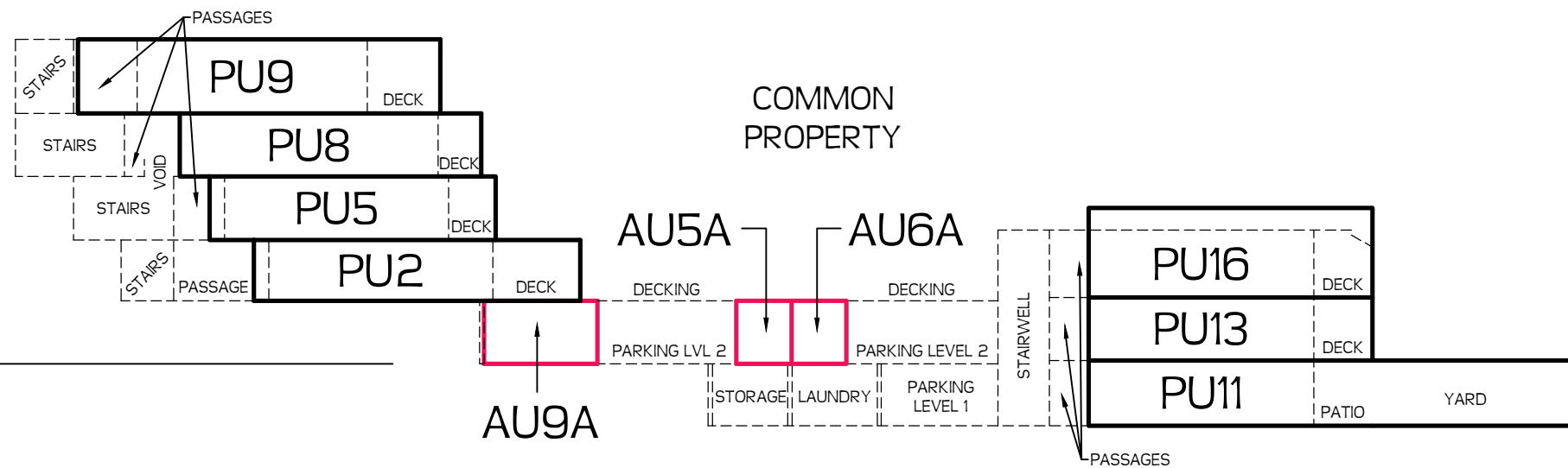
4TH FLOOR
RL= 18.34

3RD FLOOR
RL= 15.44

2ND FLOOR
RL= 12.54

1ST FLOOR
RL= 9.74

GROUND FL.
RL= 6.84



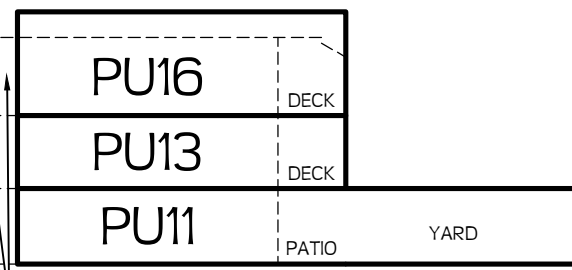
SECTION B-B'

BLOCK A
RL= 14.00

2ND FLOOR
RL= 9.90

1ST FLOOR
RL= 7.00

GROUND FL.
RL= 4.00



TOTAL TITLE AREA: 2428m²

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CLIENT

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PAIHIA

TITLE

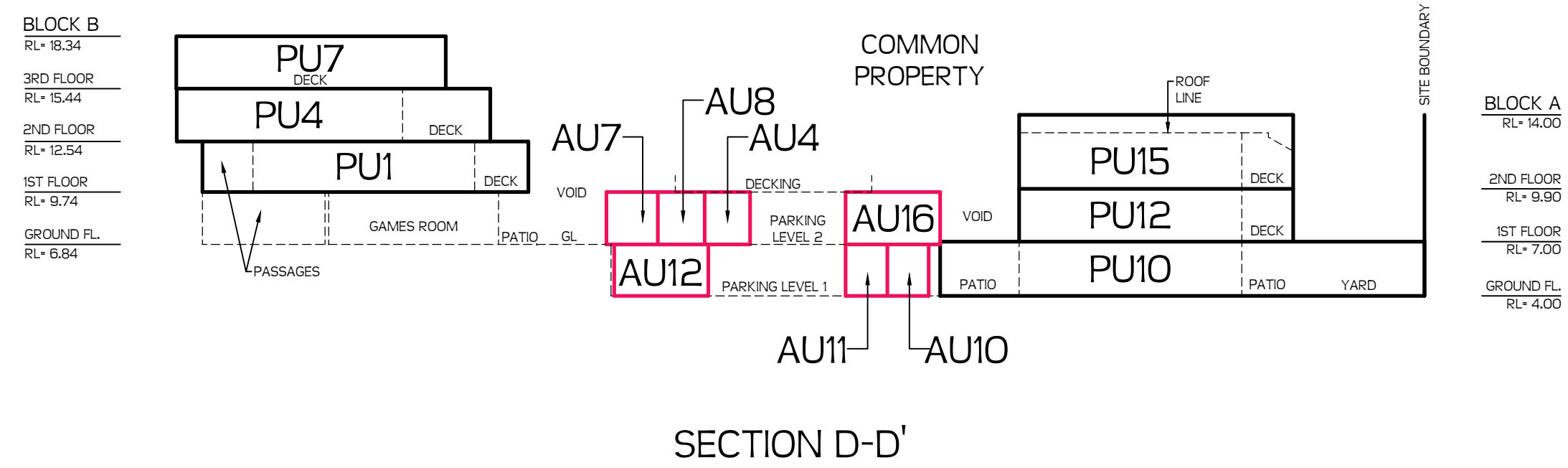
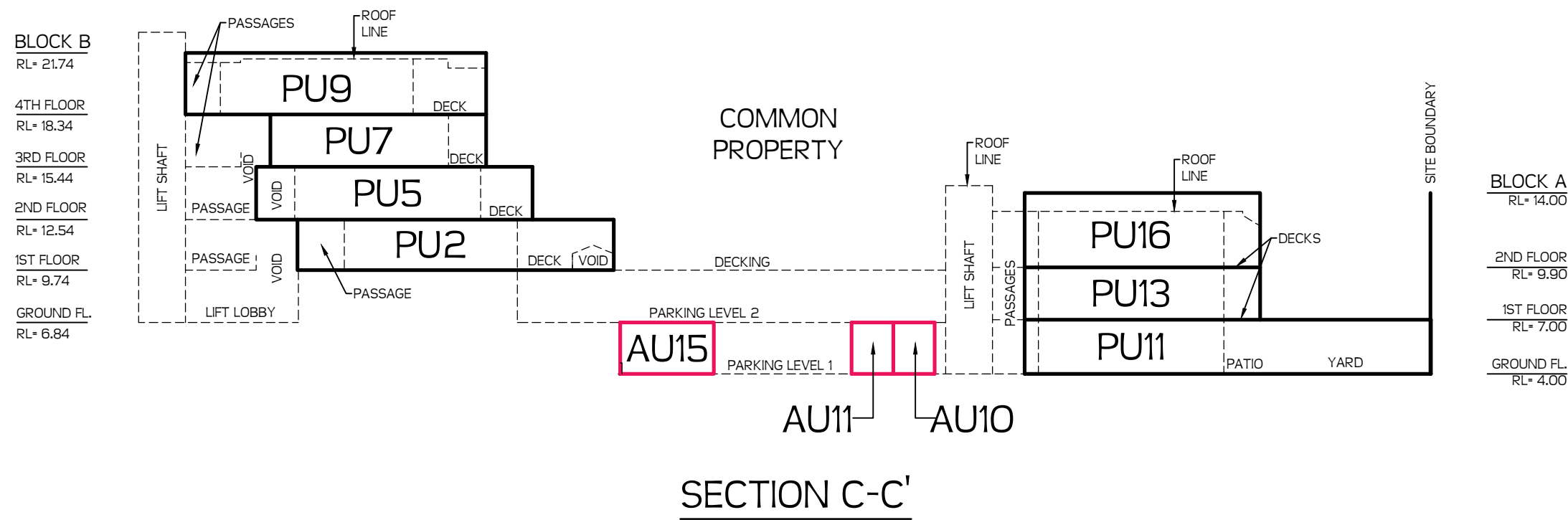
**SOUTH-NORTH SECTIONS
REDEVELOPMENT OF UNIT
TITLES ON LOT 62 DP 11040**

DATE MAY 2026 SCALE 1:300 @A3

DRAWING REF. UT18810	SHEET 06 OF 09	REV D
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CAUTION:

1. THIS DRAWING SHOULD NOT BE AMENDED MANUALLY.
2. AREAS & DIMENSIONS ARE APPROXIMATE ONLY AND ARE SUBJECT TO FINAL SURVEY.
3. THE VENDOR & PURCHASER MUST CONTACT THE SURVEYOR IF SALE & PURCHASE AGREEMENTS ARE ENTERED INTO USING THIS PLAN.
4. SERVICES MUST NOT BE POSITIONED USING THIS PLAN.
5. DO NOT SCALE OFF DRAWINGS.
6. THIS PLAN IS COPYRIGHT TO REYBURN & BRYANT (1999) LIMITED.
7. DESIGNED BY REYBURN & BRYANT - WHANGAREI - NEW ZEALAND
8. 0.3m RURAL AERIAL PHOTO (2023-2024)
SOURCE: TOITŪ TE WHENUA LAND INFORMATION NEW ZEALAND
9. 0.1m URBAN AERIAL PHOTO (2014-2015)
SOURCE: TOITŪ TE WHENUA LAND INFORMATION NEW ZEALAND
10. BOUNDARIES SOURCED FROM GRIP. COORDINATES IN TERMS OF MOUNT EDEN 2000.



TOTAL TITLE AREA: 2428m²
THIS SITE IS ZONED 'COMMERCIAL' AND THERE ARE NO BUILDING SETBACK REQUIREMENTS.

REV	DATE	DESCRIPTION
D	15.05.26	AREAS ADDED TO UNITS - TK/AA
C	14.04.26	ADDED PARKING - PL/AA
A	24.03.26	FIRST ISSUE - PL/AA

REF. DATA:



Ph: 09 438 3563 PO Box 191, Whangarei 0140
7 Selwyn Ave, Whangarei www.reyburnandbryant.co.nz

CLIENT
EVAN HAMLET
26 SELWYN ROAD
PAIHIA

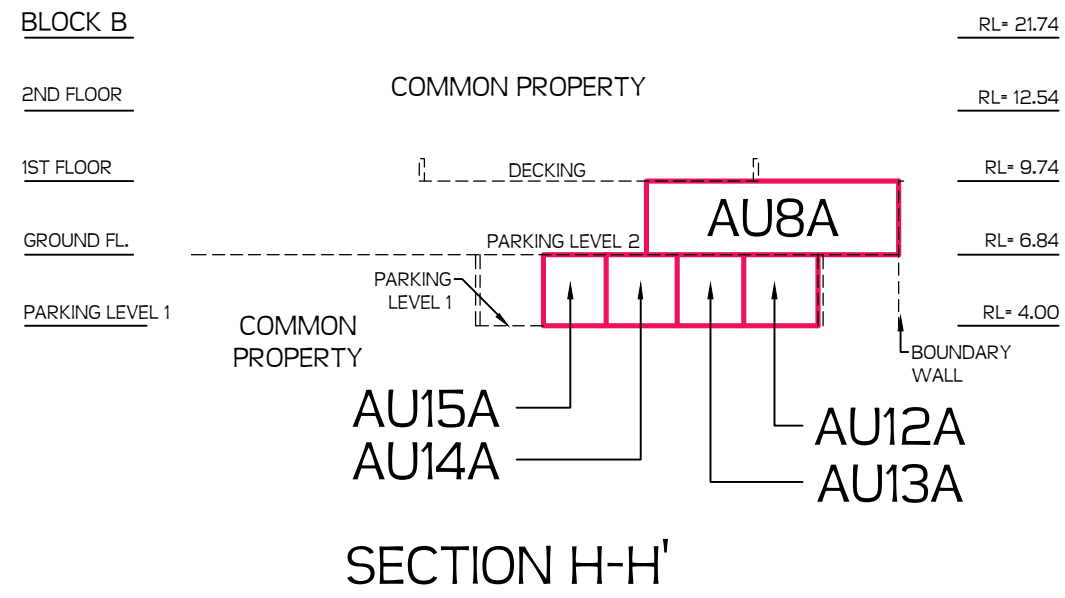
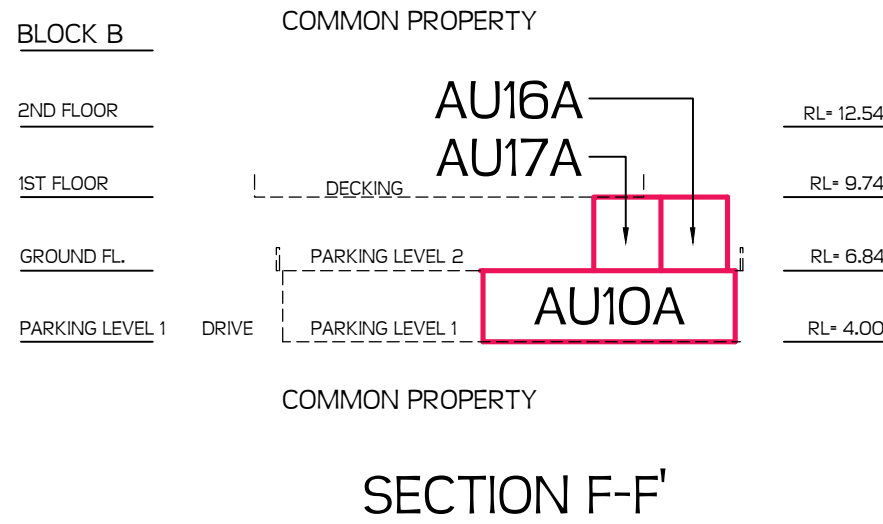
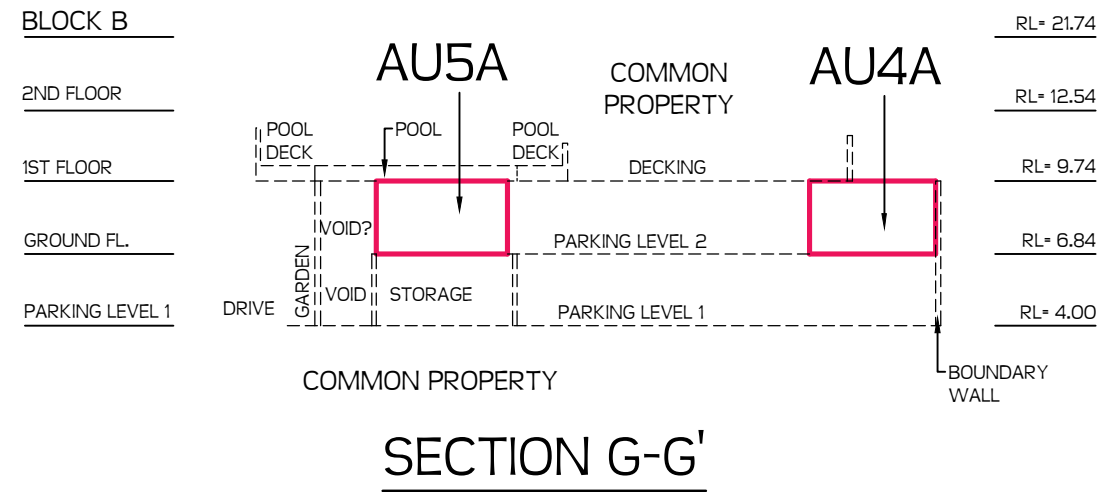
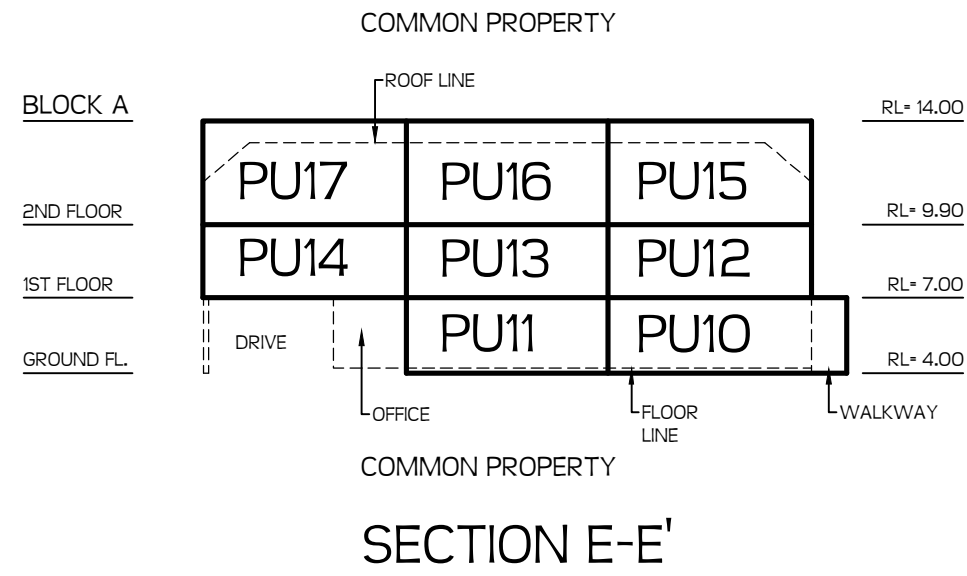
TITLE
**SOUTH-NORTH SECTIONS
REDEVELOPMENT OF UNIT
TITLES ON LOT 62 DP 11040**

DATE **MAY 2026** SCALE **1:300 @A3**

DRAWING REF. UT18810	SHEET 07 OF 09	REV D
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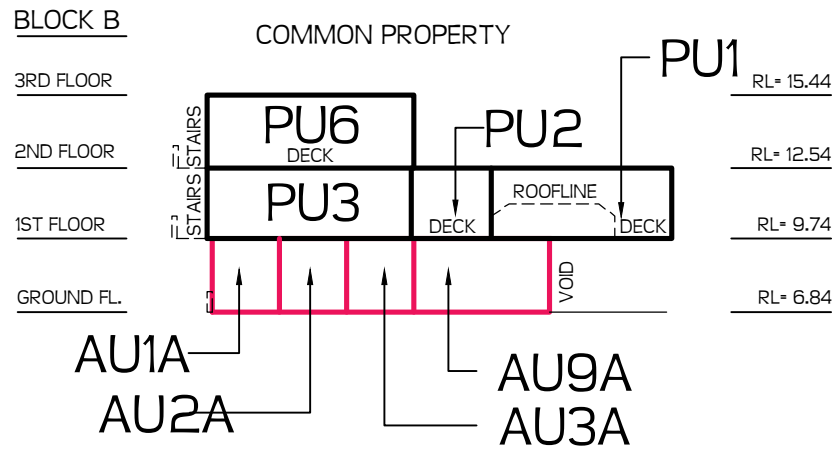
Ph: 09 438 3563 PO Box 191, Whangarei 0140
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CLIENT
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PAIHIA

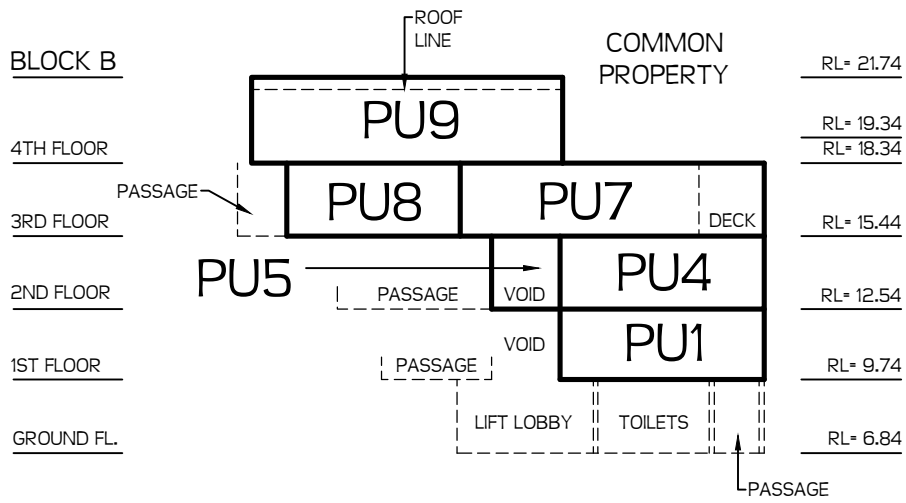
TITLE
**WEST-EAST SECTIONS
REDEVELOPMENT OF UNIT
TITLES ON LOT 62 DP 11040**

DATE **MAY 2026** SCALE **1:300 @A3**

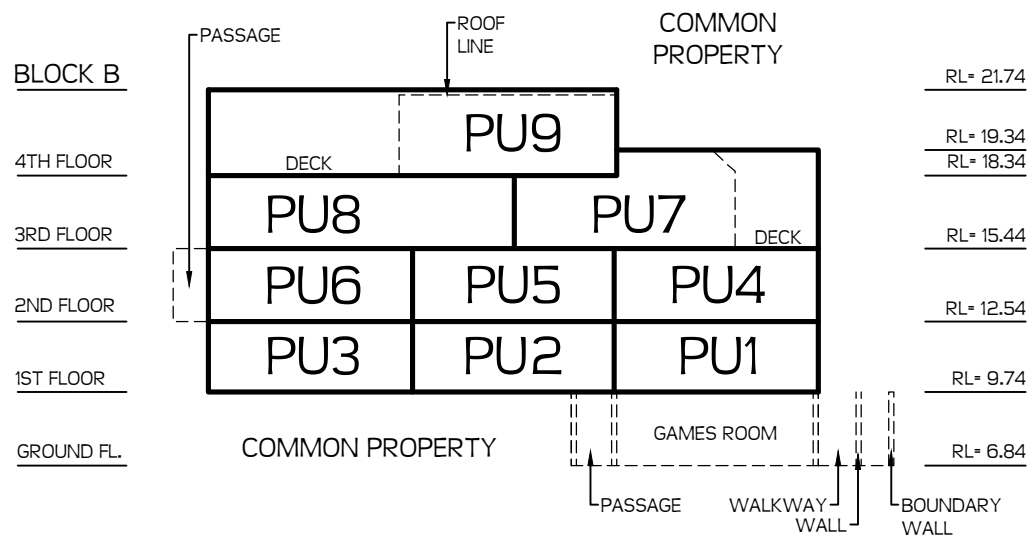
DRAWING REF. UT18810	SHEET 08 OF 09	REV D
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SECTION I-I'



SECTION K-K'



SECTION J-J'

CAUTION:

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THIS SITE IS ZONED 'COMMERCIAL' AND THERE ARE NO BUILDING SETBACK REQUIREMENTS.

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CLIENT

EVAN HAMLET
26 SELWYN ROAD
PAIHIA

TITLE

WEST-EAST SECTIONS
REDEVELOPMENT OF UNIT
TITLES ON LOT 62 DP 11040

DATE MAY 2026 SCALE 1:300 @A3

DRAWING REF.	SHEET	REV
UT18810	09 OF 09	D

APPENDIX 2

RULE ASSESSMENT

Chapter 13 – Subdivision		
Rule	Status	Comment
13.7 Controlled (Subdivision) Activities		
13.7.1 – Boundary Adjustments: All Zones except the Recreational Activities and Conservation Zones	N/A	Consent is not sought under this rule.
13.7.2 – Allotment Sizes, Dimensions and Other Standards	Does not comply	The units are sewerred. All units except for PU9 have areas less than 250m ² .
13.7.3.1 – Property Access	N/A	Given that the land use activities and associated access and parking arrangements are existing and not impacted by the proposed subdivision, the Transportation chapter is of no relevance to this proposal.
13.7.3.2 – Natural and Other Hazards	N/A	There are no natural hazards on the sites.
13.7.3.3 – Water Supply	Complies	Each unit has an existing connection to the reticulated network.
13.7.3.4 – Stormwater Disposal	Complies	Each unit has an existing connection to the reticulated network.
13.7.3.5 – Sanitary Sewage Disposal	Complies	Each unit has an existing connection to the reticulated network.
13.7.3.6 – Energy Supply	Complies	Each unit has an existing electricity connection.
13.7.3.7 – Telecommunications	Complies	Each unit has an existing telecommunications connection.
13.7.3.8 – Easements for any purpose	Complies	Any necessary easements will be created at the survey stage.
13.7.3.9 – Preservation of Heritage Resources, Vegetation, Fauna and Landscape, and Land set aside for Conservation purposes.	N/A	There are no identified resources which require protection.
13.7.3.10 – Access to Reserves and Waterways	N/A	There are no public reserves, waterways or esplanade reserves on or adjoining the sites.
13.7.3.11 – Land Use Compatibility	N/A	No new land uses are proposed.
13.7.3.12 – Proximity to Airports	N/A	The site is not located in close proximity to an airport.
13.7.4 – Subdivision within the National Grid Corridor for all Zones	N/A	Not location in proximity to the National Grid Corridor.

13.8 Restricted Discretionary Activities		
13.8.1 – 13.8.5	N/A	Not proposed.
13.9 Discretionary Activities		
13.9.1 – Minimum net area for vacant new lots and new lots which already accommodate structures	N/A	The only discretionary lot size in the Commercial Zone is for unsewered sites.
13.11 Non-Complying (Subdivision) Activities		
13.11 – Non-Complying (Subdivision) Activities	Non-complying	The proposal does not comply with the controlled activity standards and there are no applicable restricted discretionary or discretionary standards as outlined below. The proposal therefore defaults to a non-complying activity.
Overall Status	Non-complying	

Chapter 7.7 – Commercial Zone		
Rule	Status	Comment
7.7.5.1 Permitted Activities		
7.7.5.1.1 – Building Height	N/A	The buildings are existing and the subdivision does not facilitate any change in this regard.
7.7.5.1.2 – Sunlight	N/A	The site does not adjoin a Residential, Coastal Residential, Russell Township, Rural Living or Coastal Living zone.
7.7.5.1.3 – Visual Amenity and Environmental Protection	N/A	The buildings are existing and the subdivision does not facilitate any change in this regard.
7.7.5.1.4 – Setbacks from Boundaries	N/A	The only setback requirements relate to the road boundary. The buildings are existing and the subdivision does not facilitate any change in this regard.
7.7.5.1.5 – Noise Mitigation for Residential Activities	N/A	The buildings and associated residential activities are existing and the subdivision does not facilitate any change in this regard.
7.7.5.1.6 – Transportation	N/A	Given that the land use activities and associated access and parking arrangements are existing and not impacted by the proposed subdivision, the Transportation chapter is of no relevance to this proposal.
7.6.7.1.7 – Keeping of Animals	N/A	Not proposed.

7.6.7.1.8 – Noise	N/A	The buildings and associated residential activities are existing and the subdivision does not facilitate any change in this regard.
7.6.7.1.10 – Roof Pitch	N/A	The buildings are existing and the subdivision does not facilitate any change in this regard.
7.6.7.1.11 – Stormwater	N/A	The stormwater arrangements are existing and the subdivision does not facilitate any change in this regard.
7.6.7.1.12 – Helicopter Landing Area	N/A	Not proposed.
Overall Status	Permitted	

Proposed District Plan Provisions

Subdivision Chapter		
Rule	Status	Comment
SUB-R1, R2 – R11, R13 – R19, and R21	N/A	Not proposed.
SUB-R3 – Subdivision of land to create a new allotment	Discretionary	The units are sewered. All units except for PU9 and 10 have areas less than 250m ² .
SUB-R12 – Subdivision of a site within coastal hazard areas	Restricted discretionary	None of the buildings or accesses are impacted by the hazard overlay.
SUB-R20 – Subdivision of a site within the Coastal Environment (excluding Outstanding Natural Character Areas)	Discretionary	The site is located within the coastal environment.
Overall Status	Discretionary	

Mixed Use Zone		
Rule	Status	Comment
MUZ-R1 – New buildings or structures, or extensions or alterations to existing buildings or structures	N/A	No new buildings or changes to existing buildings proposed.
MUZ-R2, R3, and R6 – R21	N/A	Activities not proposed.
MUZ-R4 – Residential activity	N/A	The residential activities are existing.
MUZ-R5 – Residential unit	N/A	The residential units are existing.
Overall Status	Permitted	

APPENDIX 3

RECORD OF TITLE AND MEMORIAL



RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy




R. W. Muir
Registrar-General
of Land

Identifier **1281544**
Land Registration District **North Auckland**
Date Issued 13 March 2026

Prior References

1281393 1281394 1281418
1281787

Estate Fee Simple
Area 2428 square metres more or less
Legal Description Lot 62 Deposited Plan 11040

Registered Owners

Geoffrey Wayne Ward

Interests

Land Covenant in Deed B709470.1 - 24.7.1987 at 2.50 pm

B 709470.1 COV

THIS DEED made the 2nd day of July 1987

BETWEEN PACIFIC MARLIN RESORT LIMITED at Whangarei
(hereinafter called "the Grantor")

A N D PAIHIA TOWER HOLDINGS LIMITED at Paihia
(hereinafter called "the Grantee")

WHEREAS:

27 JUL 87 125855 DTY \$1.00
SEAL AND STAMP DUTY - AKS

- 1-7A/841
X
- A. THE Grantor is registered as proprietor of an estate in fee simple containing 2428 square metres more or less being Lot 62 on Deposited Plan 11040 and being Part Old Land Claim 251 and being the land more particularly described in Certificate of Title 41A/841 (North Auckland Registry) (the "servient tenement")
- B. ROBERT DARRYL FRANKLIN of Paihia, Public Relations Officer and ANN SWAINSON FRANKLIN his wife (hereinafter together called "the Franklins") were registered as proprietors of that parcel of land containing 1151 square metres more or less being Lot 1 Deposited Plan 52538 and being Part Old Land Claim 251 and being the land more particularly described in Certificate of Title 8B/548 (North Auckland Registry) (the dominant tenement)
- C. BY agreement in writing between the Grantor and the Franklins dated 16th July 1986 ("the Agreement") the Grantor agreed with the Franklins for the benefit of the dominant tenement (inter alia) to observe certain restrictions as to the erection of buildings on the servient tenement.
- man
99

- D. THE Grantee is the successor in title to the Franklins and is now the registered proprietor of the dominant tenement.
- E. PURSUANT to the terms of the Agreement the parties had agreed to incorporate the restrictions on the use of the servient tenement which are confirmed in the Agreement in a Deed of Covenant to be registered against the title to the servient tenement in order that the benefit thereof might run with the land in favour of the Grantee and its successors in title to the dominant tenement as against the registered proprietor for the time being of the servient tenement.

NOW THEREFORE THIS DEED WITNESSETH AND IT IS HEREBY AGREED
DECLARED AND COVENANTED BY AND BETWEEN THE PARTIES HERETO
as follows:

1. IN pursuance of the premises and in consideration of the terms covenants and conditions contained in the Agreement the Grantor for the benefit of the dominant tenement and every part thereof in perpetuity hereby covenants that it will only construct the building referred to in the Agreement in such a way that the south western boundary elevation is in accordance with the amended plans referred to in the Agreement and that the corner of the building nearest to the dominant tenement as shown on the plan annexed hereto shall not rise above the height of 16.44 metres above mean sea level in terms of R.M. XI S.O. 47999, R.L.3.65 metres, and provided further that the covenants herein contained shall be enforceable only against such of them the Grantor and its successors

Handwritten signature and initials, possibly 'man 49', with a large flourish.

and assigns and its and their lessees, tenants and licensees as are for the time being the owners and/or the occupiers of the servient tenement.

IN WITNESS WHEREOF these presents have been executed the day and year first hereinbefore written.

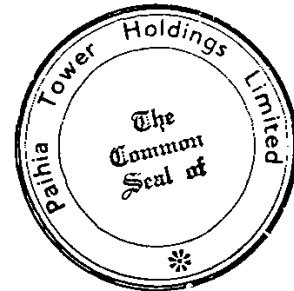
THE COMMON SEAL of)
PACIFIC MARLIN RESORT LIMITED)
was hereunto affixed)
in the presence of:)



..... *GH JS* Director

..... *manabe* ~~Director~~/Secretary

THE COMMON SEAL of)
PAIHIA TOWER HOLDINGS LIMITED)
was hereunto affixed)
in the presence of:)



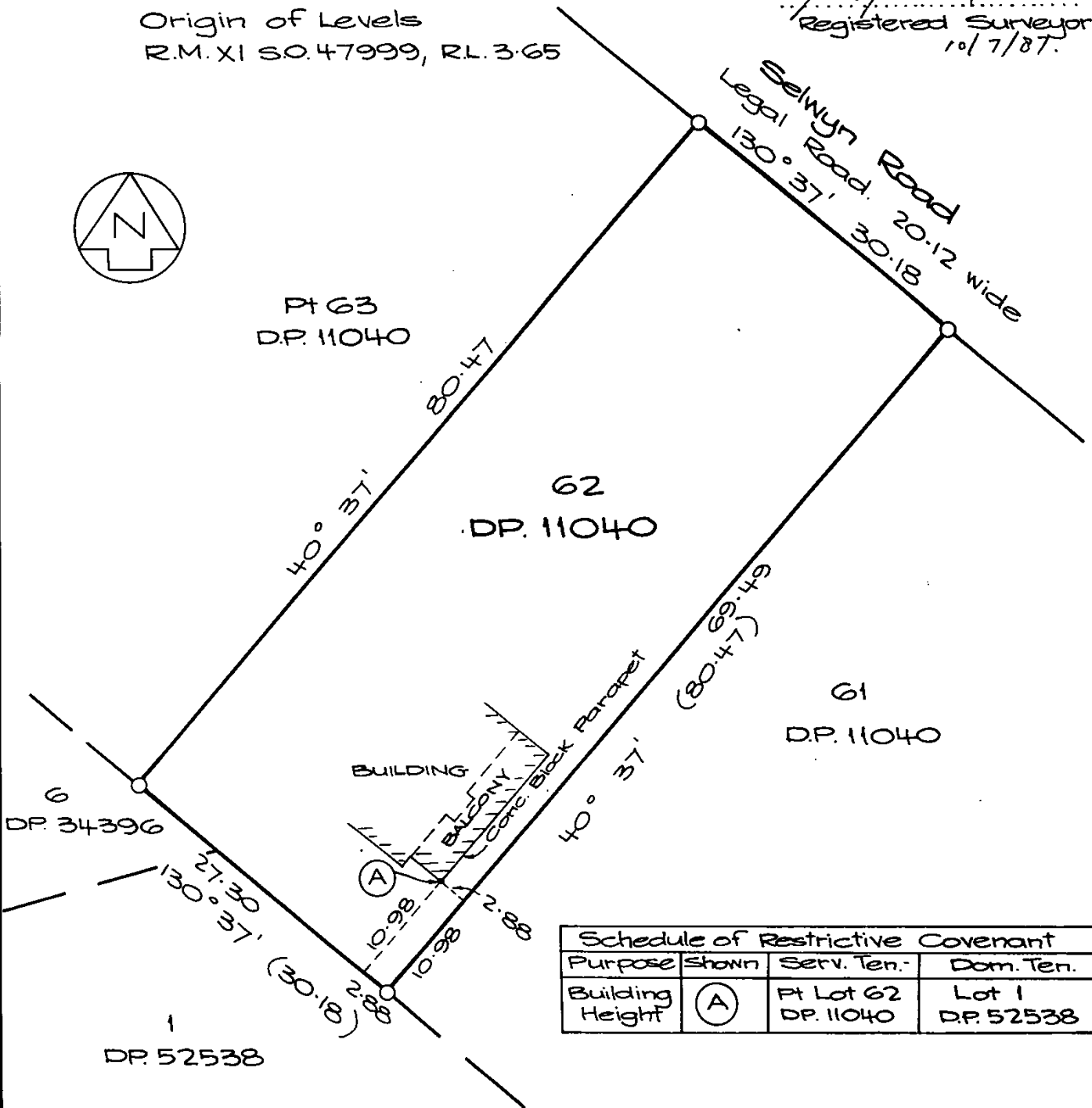
..... *Ken* Director

..... *M* Director/Secretary

Reyburn & Bryant
 Registered Surveyors
 7 Hunt Street P.O. Box 191
 Whangarei
 Ph. 483563 489487

Building Height Restricted
 to 16.44 m. in terms of
 D.O.S.L.I. Datum.
 Origin of Levels
 R.M. XI S.O. 47999, R.L. 3.65

R. Bryant
 Registered Surveyor
 10/7/87.



Schedule of Restrictive Covenant			
Purpose	Shown	Serv. Ten.	Dom. Ten.
Building Height	(A)	Pt Lot 62 DP. 11040	Lot 1 DP. 52538

**PROPOSED RESTRICTIVE COVENANT ON
 LOT 62 DP. 11040**

Scale - 1:500

Date - July 1987

IN THE MATTER of the Land Transfer Act,
1952

A N D

IN THE MATTER of Memorandum of Mortgage
B654211.1 (North Auckland
Registry)

BANK OF NEW ZEALAND the Mortgagee under the abovementioned
Mortgage on Certificate of Title Volume 41A Folio 841 in the
above Registry HEREBY CONSENTS to the registration of a certain
Restrictive Covenant dated the 23rd day of July 1987 and
made between PACIFIC MARLIN RESORT LIMITED of Whangarei and
PAIHIA TOWER HOLDINGS LIMITED of Paihia.

DATED at 23rd this 23rd day of July 1987

SIGNED for and on behalf of BANK OF NEW ZEALAND by its Attorneys)	BANK OF NEW ZEALAND by its Attorneys
DAVID HENDERSON PITNEY)	<i>David Henderson</i>
MURRAY GRAHAM BECKMAN)	<i>Murray Graham Beckman</i>
Witness to the signature of MURRAY GRAHAM BECKMAN)	Witness to the signature of DAVID HENDERSON PITNEY
Witness <i>Paul</i>)	Witness <i>David Henderson</i>
Occupation <i>Bank Officer</i>)	Occupation <i>Bank Officer</i>
Address <i>Whangarei</i>)	Address <i>Auckland</i>

87/2541



CERTIFICATE OF NON-REVOCATION OF POWER OF ATTORNEY

We, DAVID HENDERSON PUNLER of Auckland and MURRAY GRAMAM BECKMAN of Whangarei, New Zealand, Bank Officers, hereby severally certify:-

1. THAT by deed dated the 1st day of July 1985 copies of which are deposited in the Land Transfer Offices at:-

Table with 4 columns: Location, Reference No., Location, Reference No. Rows include Auckland, Blenheim, Christchurch, Dunedin, Gisborne, Hamilton, Hokitika, Invercargill, Napier, Nelson, New Plymouth, Wellington.

Bank of New Zealand appointed as its Attorneys on the terms and subject to the conditions set out in the said deed either:-

- (a) any two of the following persons, namely the Group Chief Executive and every General Manager, Deputy General Manager, Assistant General Manager, Chief Manager, District Manager, Area Manager, District Manager Administration and District Assistant Manager Administration for the time being of the said Bank and every other person who shall for the time being be acting as the Group Chief Executive or as a General Manager, Deputy General Manager, Assistant General Manager, Chief Manager, District Manager, Area Manager, District Manager Administration or District Assistant Manager Administration of the said Bank; or
(b) any one of the persons referred to in paragraph (a) above together with any one of the following persons, namely every Branch Manager and Branch Loans Manager for the time being of the said Bank and every other person who shall for the time being be acting as a Branch Manager or Branch Loans Manager of the said Bank.

2. THAT we are respectively DISTRICT MANAGER ADMINISTRATION and Branch Manager of the said Bank and as such are Attorneys for the said Bank pursuant to the said deed.

3. THAT at the date hereof we have not received any notice or information of the revocation of that appointment by the winding up of the said Bank or otherwise.

SIGNED at Auckland this 23 day of July 1987

[Signature] DISTRICT MANAGER ADMINISTRATION

SIGNED at Whangarei this 23 day of July 1987

[Signature] Branch Manager

87/254

Registered in Duplicate.

DATED

1987

BETWEEN

PACIFIC MARLIN RESORT
LIMITED

Grantor

A N D

PAIHIA TOWER HOLDINGS
LIMITED

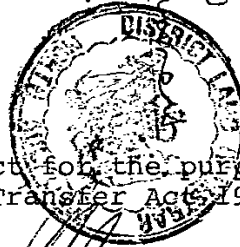
Grantee

RESTRICTIVE COVENANT BY DEED

ASS. LAND REGISTRAR
LAND REGISTRY AUCKLAND
REGULARS ENTERED IN REGISTER

25 JUL 87 B 709470.1

C.T. 47A/84



Correct for the purposes of the
Land Transfer Act 1952

Solicitor for Grantee



McVEAGH FLEMING
SOLICITORS
AUCKLAND

0333W