

25 May 2026

Devonport Property Management Limited
by email

Attention: Nick Turley

Dear Nick

Referral Application - Fast-Track Approvals Act - Devonport Mixed-Use Development

1. You have provided me with a copy of titles for properties within the application site and a summary of interests on those titles. The summary of interests includes a description of particular interests and some comment regarding the relevance of those interests in the context of the proposed development.
2. I provide some brief comment below regarding two particular interests identified which are less commonly encountered than others identified.

33 Victoria Road - Section 27B State-Owned Enterprises Act 1986

3. The title relating to 33 Victoria Road (title reference NA129A/236) includes the following:

Subject to Section 27B State-Owned Enterprises Act 1986 (which provides for the resumption of land on the recommendation of the Waitangi Tribunal and which does not provide for third parties, such as the owner of the land, to be heard in relation to the making of any such recommendation) (affects Lot 2 DP 150786)
4. In summary, section 27B State-Owned Enterprises Act 1986 creates a legal pathway for certain former Crown lands to be reclaimed for Treaty settlements, ensuring those lands can be

returned to Māori if the Waitangi Tribunal upholds a claim—even if the land has since passed into private ownership.

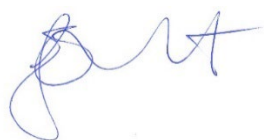
5. The notice comes into being when Crown land is transferred to a State-Owned Enterprise with a memorial being placed on the title at that time. Section 27B provides a mechanism for the possible return of land, as the trigger for such an outcome relies upon recommendations by the Waitangi Tribunal that the land in question be returned.
6. Thus under s27B, the Waitangi Tribunal can in specified circumstances order the Crown to take back or 'resume' a property to be used in settling a Treaty claim, unless the Crown and claimant groups first agree on an alternative settlement. As a general statement, many settlements now rely upon specific agreed redress properties, negotiated transfers or rights of first refusal mechanisms rather than taking private land.
7. If resumption occurs, compensation is paid as if the property were being acquired under the Public Works Act 1981.
8. The notation on the title does not stand in the way of developing the land. Furthermore, there is a formal process by which an application can be made to remove a section 27B memorial, with the key issue for assessment relating to Treaty settlement status for the area.
9. To make another general statement, the bulk of major treaty settlements for Auckland relating to this area have been completed. That reduces the risk that the land might be ordered to be resumed and increases the likelihood that removal of the memorial can successfully be obtained. As far as I am aware, the title is not included in any Treaty Settlement redress schedules completed to date.
10. In summary then, the notation on the title may result in the return of the land in the future, in which case, value is paid. Whether the return of the land occurs depends first upon recommendations by the Waitangi Tribunal that it be returned, and then subsequently negotiations between the Crown and claimant groups in such a circumstance, which may well agree on an alternative settlement whereby the property itself is not resumed because of alternative land or value being agreed upon. The memorial does not stand in the way of developing the land, and there is also the opportunity for the private owner in due course to apply to remove the memorial.

43 Victoria Road - Section 351D, Municipal Corporations Act 1954

11. The title relating to 43 Victoria Road (title reference NA9B/691) includes the following:

Subject to Section 351D (3) Municipal Corporations Act 1954
12. The Municipal Corporations Act 1954 has been repealed and relevant to the issue here effectively replaced by the Resource Management Act 1991 (RMA).
13. In summary s351D(3) delays the legal effect of a conditionally approved subdivision until the required land transfers or title changes have been completed and registered. This relates back to an approval of a subdivision on conditions which might relevantly be that boundaries are adjusted, or land is transferred between parcels, or titles are combined or reconfigured. The implication of subsection (3) is that the subdivision is not final or operative until required transfers and/or amalgamations are completed and appropriately registered.
14. The summary of titles indicates the intention of the notation is to prevent the disposition of a parcel of land held under one title without dealing with other parcels subject to the same notation in the same manner.
15. There is no evidence that the relevant titles have not been perfected. Therefore, on the information available, the reference to the Municipal Corporations Act 1954 is of no relevance to this development proposal. I suspect the original reason for the notation may effectively relate to the party wall in place on the property, which is also secured by other instruments on the title. Irrespective, given the ownership interests now held by Devonport Property Management and its associated entities and the comprehensive development proposition advanced, I see no issue arising with respect to this memorial on the title.

Yours faithfully

A handwritten signature in blue ink, appearing to be 'J. Brabant', with a stylized flourish at the end.

Jeremy Brabant

CC. Tattico