

Ray White Porirua

Property update

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October 2026

When body corporate rules are unenforceable

A unit owner in a body corporate complex was told they could not lease their unit unless the body corporate first approved the tenant. The unit owner checked the operational rules and found wording that appeared to support those restrictions, but the real issue was whether the body corporate had power to make those rules in the first place.

PROPER SCOPE OF RULES

Operational rules are important because they help a body corporate manage the use and enjoyment of units and common property. They can deal with practical matters such as noise, rubbish, parking, use of shared facilities and conduct that affects other owners or occupiers. However, operational rules cannot be used as a shortcut to give the body corporate wider powers than the law allows. Rule changes must relate to the management, use, or enjoyment of the property, or to the regulation of the body corporate. They must not be inconsistent with the Unit Titles Act ("the Act"), regulations, or the general law.

WHAT IS AN UNENFORCEABLE OR 'ULTRA VIRES' RULE?

This is where the legal concept of "ultra vires" becomes important. Ultra vires is a Latin phrase meaning "beyond the powers". In a body corporate context, it refers to a rule or decision that goes beyond what the body corporate is legally allowed to do under the Act.

WHAT MAKES A RULE UNENFORCEABLE?

A rule may be unenforceable if, for example, it interferes with an owner's voting rights, purports to levy or allocate costs for repair and maintenance in a way that is inconsistent with the Act, restricts an owner's ability to sell, lease, mortgage, or otherwise deal with their unit, gives a developer or manager special control rights not authorised by the Act, or prevents a use of the unit that is otherwise legal (e.g. Airbnb or BookaBach), when the body corporate has no power to impose that requirement. The rule in the above example about approving tenants is therefore likely to be unenforceable. Even if a rule has been included in the body corporate rules for years and has been followed, that does not necessarily make it valid.

SIGNIFICANT CONSEQUENCES

Often, once individual unit owners take legal advice and realise an ultra vires rule is being enforced against them, they will bring action against the body corporate for acting outside its power and may claim against the body corporate for losses they have suffered. Body corporates should review their operational rules regularly, especially before attempting enforcement or before carrying over older rules into updated rules.

Rainey Collins Lawyers <https://www.raineycollins.co.nz/>

Positive changes to granny flat rules

From 8 October 2026, changes to the granny flats building consent exemption will allow more building products to be used and make it easier to use existing water supply, wastewater and stormwater services.

WHAT'S CHANGING?

Certified composite structural building products can be used. Granny flats can be built using certified composite structural building products. This includes some Structural Insulated Panel (SIP) systems and solid timber building systems.

THE BUILDING PRODUCT MUST BE USED:

- Within the scope and limitations of its registered product certificate (CodeMark).
- In accordance with the manufacturer's instructions, to ensure it complies with the Building Code.
- This change supports modern construction methods, including prefabricated and off-site manufactured homes, and gives people more options when designing and building a granny flat.

USING EXISTING WATER AND DRAINAGE SERVICES

You may be able to use existing water supply, wastewater and stormwater services for a granny flat, rather than installing new systems.

USING EXISTING COUNCIL OR UTILITY CONNECTIONS

If your property is already connected to a council or other utility provider, you may be able to use or modify those connections for a granny flat. The utility provider must agree that the existing connection is suitable. You do not need a building consent to make these changes, but you must get any approvals required by the utility provider.

USING EXISTING ON-SITE WATER AND DRAINAGE SYSTEMS

If your property uses on-site systems, such as rainwater, wastewater treatment or stormwater disposal systems, you may be able to continue using them or upgrade them for your granny flat. The systems must have enough capacity and comply with the New Zealand Building Code.

INSTALLING A NEW ON-SITE SYSTEM

If council or other utility services are not available, or cannot support an additional connection, you may be able to install a new on-site system for the granny flat.

UPDATED GUIDANCE AND RESOURCES

From 8 October 2026, updated granny flats guidance, quick guides and other supporting resources will be available on the Building Performance website.

NEW FOUNDATIONS GUIDANCE AVAILABLE

Guidance is now available to help homeowners and building professionals understand foundation options for granny flats built under the building consent exemption.

<https://www.qv.co.nz/news/qv-house-price-index-june-2026-patchwork-property-market-grows-more-pronounced/>

Recent Tawa to Kāpiti Residential Property Sales

Street	Area	Bed	Floor m²	Sold	RV
Nelson Avenue	Aotea	4	210	\$ 1,000,000	\$ 1,080,000
Hollyford Place	Aotea	4	234	\$ 1,530,000	\$ 1,350,000
Te Hoiere Street	Aotea	4	251	\$ 1,535,000	\$ 610,000
Nelson Avenue	Aotea	4	274	\$ 1,280,000	\$ 1,280,000
Kaiteriteri Close	Aotea	4	252	\$ 1,625,000	\$ 1,610,000
Nelson Avenue	Aotea	4	182	\$ 1,002,500	\$ 1,000,000
Conclusion Street	Ascot Park	3	130	\$ 440,000	\$ 610,000
Desert Gold Street	Ascot Park	3	90	\$ 590,000	\$ 580,000
Sombrero View	Ascot Park	3	100	\$ 695,000	\$ 600,000
Stipulate Place	Ascot Park	3	100	\$ 670,000	\$ 620,000
Pope Street	Camborne	4	230	\$ 1,075,000	\$ 1,000,000
Birman Place	Cannons Creek	3	93	\$ 680,000	\$ 690,000
Fantame Street	Cannons Creek	3	100	\$ 600,000	\$ 580,000
Ngahue Crescent	Elsdon	3	120	\$ 430,000	\$ 620,000
Hokioi Drive	Kenepuru	3	149	\$ 917,000	\$ 910,000
Ruru Lane	Kenepuru	3	135	\$ 825,000	\$ 850,000
Hokioi Drive	Kenepuru	4	170	\$ 875,000	\$ 940,000
King Arthur Drive	Otaihanga	4	343	\$ 1,720,000	\$ 1,650,000
Pohatu Lane	Ōtaki	4	228	\$ 1,000,000	\$ 1,050,000
Mill Road	Ōtaki	3	102	\$ 585,150	\$ 530,000
Speranza Avenue	Ōtaki	4	198	\$ 735,000	\$ 770,000
Hadfield Street	Ōtaki	4	170	\$ 790,000	\$ 760,000
Dittmer Street	Ōtaki	3	110	\$ 550,000	\$ 530,000
Mill Road	Ōtaki	4	154	\$ 699,000	\$ 790,000
Rangiuru Road	Ōtaki	2	60	\$ 405,000	\$ 435,000
Sue Avenue	Ōtaki	3	208	\$ 807,500	\$ 920,000
Iti Street	Ōtaki	2	91	\$ 440,000	\$ 540,000
Norfolk Crescent	Ōtaki	2	52	\$ 465,000	\$ 580,000
Karaka Street	Ōtaki	3	102	\$ 620,000	\$ 640,000
Tasman Road	Ōtaki	2	83	\$ 560,000	\$ 570,000
Ngaio Street	Ōtaki	4	180	\$ 655,000	\$ 620,000
Ames Street	Paekākāriki	3	90	\$ 1,200,000	\$ 1,100,000
Tilley Road	Paekākāriki	2	85	\$ 813,000	\$ 920,000
Tilley Road	Paekākāriki	2	80	\$ 585,000	\$ 580,000
Tilley Road	Paekākāriki	3	102	\$ 836,000	\$ 760,000
Wellington Road	Paekākāriki	3	130	\$ 890,000	\$ 910,000
State Highway 59	Paekākāriki	3	90	\$ 598,500	\$ 710,000
Wellington Road	Paekākāriki	2	77	\$ 800,000	\$ 770,000
Tilley Road	Paekākāriki	3	90	\$ 595,000	\$ 610,000
Georgia Grove	Paraparaumu	4	164	\$ 740,000	\$ 750,000
Harvest Court	Paraparaumu	3	180	\$ 870,000	\$ 780,000
Cypress Grove	Paraparaumu	5	184	\$ 642,000	\$ 610,000
Milne Drive	Paraparaumu	3	250	\$ 690,000	\$ 790,000
Bridford Way	Paraparaumu	5	281	\$ 825,000	\$ 1,090,000
Riwai Street	Paraparaumu	4	210	\$ 715,000	\$ 660,000
Makarini Street	Paraparaumu	6	210	\$ 960,000	\$ 920,000
Guildford Drive	Paraparaumu	3	188	\$ 870,000	\$ 810,000
Mamaku Street	Paraparaumu	4	240	\$ 800,000	\$ 840,000
Brunoro Place	Paraparaumu	4	170	\$ 983,000	\$ 850,000
Michael Road	Paraparaumu	3	110	\$ 711,530	\$ 650,000
Gray Avenue	Paraparaumu	3	123	\$ 725,000	\$ 700,000
Martin Road	Paraparaumu	3	120	\$ 660,000	\$ 700,000
Regent Drive	Paraparaumu	3	192	\$ 920,000	\$ 880,000
Ocean Road	Paraparaumu	3	205	\$ 1,025,000	\$ 590,000
Falla Street	Paraparaumu	3	150	\$ 860,000	\$ 800,000
Taranui Way	Paraparaumu	3	198	\$ 1,335,000	\$ 1,170,000
San Priamo Place	Paraparaumu	4	207	\$ 940,000	\$ 870,000
Golf Road	Paraparaumu	5	270	\$ 975,000	\$ 1,310,000
Te Kupe Road	Paraparaumu	3	177	\$ 835,000	\$ 810,000
Anthony Grove	Paraparaumu	1	100	\$ 370,000	\$ 500,000
Michael Road	Paraparaumu	3	100	\$ 644,000	\$ 680,000
Francis Road	Paraparaumu	3	133	\$ 653,000	\$ 780,000
Pinewood Grove	Paraparaumu	3	220	\$ 900,000	\$ 800,000
Mana Esplanade	Paremata	4	170	\$ 715,000	\$ 970,000
Pascoe Avenue	Paremata	2	86	\$ 690,000	\$ 760,000
Walker Avenue	Paremata	3	170	\$ 600,000	\$ 770,000
Peka Peka Road	Peka Peka	4	165	\$ 1,062,000	\$ 1,030,000
Moana Road	Plimmerton	3	80	\$ 775,000	\$ 810,000
Beach Road	Plimmerton	3	120	\$ 725,000	\$ 850,000
The Track	Plimmerton	4	261	\$ 1,490,000	\$ 1,580,000

Street	Area	Bed	Floor m²	Sold	RV
Sea Vista Drive	Pukerua Bay	4	132	\$ 800,000	\$ 820,000
Haunui Road	Pukerua Bay	1	54	\$ 730,000	\$ 800,000
Gray Street	Pukerua Bay	4	206	\$ 1,285,000	\$ 1,200,000
Alexander Road	Raumati	4	150	\$ 682,000	\$ 760,000
Kohutuhutu Road	Raumati	3	260	\$ 1,400,000	\$ 1,200,000
Huia Road	Raumati	2	125	\$ 868,000	\$ 820,000
Matatua Road	Raumati	2	120	\$ 542,000	\$ 560,000
Manawa Avenue	Raumati	4	140	\$ 870,000	\$ 870,000
Moa Road	Raumati	4	156	\$ 930,000	\$ 830,000
Rosetta Road	Raumati	4	220	\$ 990,000	\$ 970,000
Wedgewood Grove	Raumati	4	185	\$ 1,125,000	\$ 1,100,000
The Esplanade	Raumati	2	80	\$ 1,060,000	\$ 870,000
Tennis Court Road	Raumati	2	90	\$ 737,000	\$ 700,000
Jeep Road	Raumati	4	220	\$ 1,200,000	\$ 1,050,000
Rosetta Road	Raumati	3	176	\$ 1,228,000	\$ 1,230,000
Hillcrest Road	Raumati	5	210	\$ 1,260,000	\$ 1,190,000
Puaha Street	Takapūwāhia	3	123	\$ 500,000	\$ 540,000
Main Road	Tawa	2	64	\$ 620,000	\$ 620,000
Turkington Street	Tawa	3	130	\$ 780,000	\$ 730,000
Oriel Avenue	Tawa	4	170	\$ 840,000	\$ 890,000
Kowhai Street	Tawa	4	143	\$ 595,000	\$ 800,000
Frederick Street	Tawa	3	98	\$ 658,242	\$ 670,000
Mahoe Street	Tawa	3	92	\$ 582,000	\$ 720,000
Coates Street	Tawa	2	83	\$ 650,000	\$ 720,000
Tremewan Street	Tawa		94	\$ 411,000	\$ 550,000
Huia Street	Tawa	3	120	\$ 700,000	\$ 785,000
Settlement Road	Te Horo	4	153	\$ 1,100,000	\$ 1,120,000
Mako View	Tītahi Bay	3	80	\$ 460,000	\$ 580,000
Whenua View	Tītahi Bay	3	95	\$ 618,000	\$ 670,000
Owhiti Street	Tītahi Bay	3	102	\$ 566,000	\$ 610,000
View Road	Tītahi Bay	6	315	\$ 775,000	\$ 1,390,000
Dimock Street	Tītahi Bay	3	102	\$ 480,000	\$ 610,000
Richard Street	Tītahi Bay	3	145	\$ 820,000	\$ 930,000
Moult Street	Tītahi Bay	3	120	\$ 600,000	\$ 690,000
Lambley Road	Tītahi Bay	3	157	\$ 670,000	\$ 700,000
Tikati View	Tītahi Bay	3	90	\$ 760,800	\$ 700,000
Whanga Crescent	Tītahi Bay	3	113	\$ 705,000	\$ 730,000
Kohekohe Road	Waikanae	2	150	\$ 685,000	\$ 870,000
Ngarara Road	Waikanae	4	250	\$ 725,000	\$ 900,000
York Avenue	Waikanae	3	144	\$ 975,000	\$ 840,000
Kohekohe Road	Waikanae	4	250	\$ 890,000	\$ 910,000
Parata Street	Waikanae	3	120	\$ 715,000	\$ 670,000
Horopito Road	Waikanae	4	359	\$ 1,230,000	\$ 1,250,000
Matuhi Street	Waikanae	4	177	\$ 985,000	\$ 910,000
Koromiko Glen	Waikanae	3	240	\$ 970,000	\$ 960,000
Te Moana Road	Waikanae	3	154	\$ 780,000	\$ 820,000
Waipunahau Road	Waikanae	3	200	\$ 1,145,000	\$ 1,130,000
Elizabeth Street	Waikanae	4	146	\$ 710,000	\$ 690,000
Kaiwaru Place	Waikanae	3	215	\$ 1,260,000	\$ 1,240,000
Kanawa Street	Waikanae	3	160	\$ 620,000	\$ 860,000
Belvedere Avenue	Waikanae	4	150	\$ 730,000	\$ 680,000
Edgewater Street	Waikanae	3	220	\$ 790,000	\$ 930,000
Main Road	Waikanae	4	140	\$ 670,000	\$ 700,000
Hughes Street	Waikanae	3	130	\$ 980,000	\$ 870,000
Campion Road	Waikanae	3	183	\$ 960,000	\$ 790,000
Arahura Crescent	Waitangirua	3	137	\$ 520,000	\$ 610,000
Penguin Grove	Waitangirua	3	130	\$ 605,000	\$ 560,000
Waihemo Street	Waitangirua	6	220	\$ 730,000	\$ 750,000
Topsail Way	Whitby	4	182	\$ 1,020,000	\$ 1,020,000
Petrel Lane	Whitby	3	233	\$ 950,000	\$ 1,020,000
Sailmaker Close	Whitby	3	200	\$ 795,500	\$ 900,000
Gaff Place	Whitby	2	72	\$ 680,000	\$ 660,000
Bluejacket Place	Whitby	4	181	\$ 975,000	\$ 1,040,000
Navigation Drive	Whitby	3	203	\$ 1,210,000	\$ 1,150,000
Mooring Close	Whitby	3	158	\$ 942,500	\$ 900,000
Holystone Road	Whitby	3	134	\$ 795,000	\$ 850,000
Endeavour Drive	Whitby	3	251	\$ 1,255,000	\$ 1,360,000
Furneaux Grove	Whitby	4	270	\$ 990,000	\$ 980,000
Spinnaker Drive	Whitby	6	260	\$ 1,215,000	\$ 1,300,000

This sampling of recent sales was extracted from data compiled by The Real Estate Institute of NZ and represents sales from all real estate companies in the area and not just Ray White. For privacy purposes no street numbers are published here.