

29 January 2026

Tēnā koe,

Council received notice of the Mansell's High Court application on 19 January 2026 seeking removal of several historic easements under section 317 of the Property Law Act 2007. Council is named in the court documents because the easements are on land to be vested in Council by the Mansell's for roads, stormwater, walkways, and recreation. Before it can own the land and create the amenities for the Kāpiti community, the law requires that easements be removed. Council will not be opposing the removal.

General information on the easements

An easement is a legal right that lets someone use part of someone else's land for a specific purpose, even though they don't own the land. You have received notice because your property may benefit from the easements that this application asks the Court to remove.

These easements date back to 1906 and relate to drainage, rights of way and gate access. The drainage easements grant rights to dig, maintain, and construct drains on particular areas of land, and to convey water and wastewater from the land to drain a swamp. In relation to drainage, Council understands the easements don't create general drainage rights. The rights created are associated with an original parcel of land that has since been subdivided many times. The application records that there are now 269 parties who are noted on the title as potentially benefiting from those easements.

The application does not propose to remove any easements over the land owned by the 269 parties. It proposes to remove the easements from the Mansell's land.

Council's research indicates that these are historical rural rights but it is unclear which areas of land the easements are located on and whether the rights to use the easements still exist. The easements were created over several large parcels of land, and over time as that land has been subdivided, the easements were replicated onto each smaller parcel, regardless of where the easement area was located or whether the owner has the necessary rights to use the easement eg the right to access the land.

We note that this is information only, intended to support you in considering whether to get legal advice. It would therefore not be appropriate for you to rely on this as legal advice.

Some things to consider when deciding your next steps

Helpful information is provided in the High Court application and supporting affidavit evidence. We suggest you ask for a copy or to view that by contacting the Mansell's lawyers caleb.turnbull@duncancotterill.com.

- The Court has ordered you be notified so you have the opportunity to participate; but you aren't required to do so.
- If you have not been notified you are unable to object.
- If you think you are actively using a drain or conveying water on the Mansell's land, we suggest you phone your lawyer to get advice on whether to oppose the removal of the easements.
- To oppose the removal, the Court will require a submission. If you want to make a submission your lawyer can advise when that is due (this will depend on when you were provided notice of the High Court application).

The purpose of sharing this information with you is to inform your decision on whether to contact a lawyer. Council is not able to act as your legal adviser on this matter. If you have specific questions about your title or property or are considering filing a notice of opposition to the High Court application, we recommend obtaining independent legal advice given the nature of the proceedings and the individual property rights concerned.

Council has received requests for information about the application. Some of those requests will be answered by this information. The remaining requests will be answered through Council's Local Government Official Information and Meetings Act 1987 (LGOIMA) process.

We hope this general information will support you with your decision on whether to seek legal advice or object to the High Court application.

Ngā mihi,

Sarah Wattie

General Counsel

Te Kaitohutohu Ture Whānui