

OIR: 2526/284

25 February 2026

[REDACTED]
[REDACTED]

Tēnā koe [REDACTED],

Request for Information under the Local Government Official Information and Meetings Act 1987 (the Act) (the LGOIMA)

Thank you for your series of emails which began on **27 January 2026** requesting the following information. You confirmed on 4 February 2026 that you are seeking the following information:

- 1. *There is still the issue of whether [REDACTED] will in some tangible way be detrimentally affected, particularly in respect of drainage, by the removal of the easements***

Council's legal team confirms in this [statement](#) on the matter that Council is not able to provide advice to residents for impacts related to specific properties, in respect of drainage or other issues, noting that:

- It is unclear which areas of land the easements are located on and whether the rights to use the easements still exist.
- Council's lawyers are bound by professional ethical obligations to act only for Council (as their client) they are not able to provide legal advice to you to determine whether your property is affected by the High Court application for removal of the easements in question.
- Impacted residents may wish to consider seeking independent legal advice on this matter.

I am not able to provide further information, acknowledging that Council officers have checked council records and confirmed council does not hold this information.

Please note that some information has been refused under section 17(e) of the Act as the documents alleged to contain the information requested does not exist, or despite reasonable efforts to locate them, they cannot be found.

Please note that any information provided in response to your request may be published on the Council website, with your personal details removed.

2. ***I believe that KCDC has a responsibility to provide this information to all affected homeowners. This should not be confused with asking KCDC for legal advice. But it may save those who are seeking this clarification from the costly process of seeking legal advice to find out and then discover that they aren't tangibly disadvantaged***

Please see the Response to Question 1.

3. ***I have also asked why this easement issue was not picked up in the resourcing consenting process. I've been advised when it was discovered by not why it was so late in the process***

I can confirm that this specific matter was not considered as part of the resource consent application because under [section 239 of the Resource Management Act 1991](#):

- Subpart a) and b) stipulate the requirement that land being vested to a council is free of encumbrances.
- This obligation sits with the owner lodging the survey plan with the Registrar-General of Land to ensure the land is free of all interests prior to the vesting of the nominated land to council.

You have the right to request the Ombudsman to review this decision. Complaints can be sent by email to info@ombudsman.parliament.nz, or by post to The Ombudsman, PO Box 10152, Wellington 6143.

Ngā mihi,



Kris Pervan

Group Manager Strategy and Growth
Te Kaihautū Rautaki me te Tupu