

**IN THE HIGH COURT OF NEW ZEALAND
WELLINGTON REGISTRY**

CIV-2026- -

**I TE KŌTI MATUA O AOTEAROA
TE WHANGANUI-A-TARA ROHE**

UNDER THE

**Judicial Review Procedure Act 2016 and
Part 30 of the High Court Rules**

IN THE MATTER OF

**An application for Judicial review of an exercise of
statutory powers under the Local Government
Act 2002, the Resource Management Act 1991
and the Local Government Official Information
and Meetings Act 1987**

BETWEEN

COASTAL RATEPAYERS UNITED INCORPORATED
being a duly incorporated society

Applicant

AND

THE KAPITI COAST DISTRICT COUNCIL
being a territorial authority under the Local
Government Act 2002

Respondent

Affidavit of Salima Padamsey in support of application

Dated 29 April 2026

Solicitor: Mitchell Law 99 Tutere St Waikanae Beach 5036

chris@mitchelllaw.co.nz

Contact: Chris Mitchell 021 277 1033

Salima Padamsey states swear

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1. My name is Salima Padamsey. I am a founding member of Coastal Ratepayers United Incorporated (“CRU”). I previously held the position of Secretary, and since 2020 I have been the elected Chair.
2. I have been involved in all matters relevant to this proceeding.
3. CRU has authorised the commencement of this proceeding.
4. CRU has approximately 500 members. Most are property owners in coastal areas affected by the Council’s coastal hazard planning.
5. CRU also acts as a representative body for several thousand coastal residents.
6. CRU has been actively involved in reviewing the Council’s coastal planning since 2012.

Background 2012-2014

7. CRU was established in 2012 in response to the coastal hazard chapter in the Council’s proposed district plan which was notified that year.
8. That chapter then directly affected approximately 1,800 properties.
9. It imposed a “no build” restriction on properties located on the seaward side of a defined line. Development and redevelopment of those properties were classified as prohibited activities under the Resource Management Act 1991.
10. CRU challenged the scientific basis for those rules.
11. The Council established an independent expert panel to review that science.
12. In 2014, the panel concluded that the science relied upon by the Council was not fit for planning purposes.
13. The Council then withdrew the coastal hazard chapter.
14. The relevant science reports were removed from Land Information Memoranda (“LIMs”).

Background 2015-2018

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15. Between 2015 and 2018, CRU remained actively involved in the Council's district plan process.
16. CRU had ongoing concerns about the absence of coastal hazard planning. Because the coastal hazards provision were withdrawn from the proposed district plan in 2014, it was unclear to CRU whether the Council could validly continue consideration of the submissions on the proposed plan without addressing coastal hazards. And if it was to continue, it was unclear which, if any, provisions of the existing plan would continue in force.
17. CRU applied to the Environment Court for declarations in relation to those concerns. The Court made some declarations, but refused to declare that the Council needed to replace coastal hazard provisions before continuing.
18. CRU appealed to the High Court in respect of that declaration
19. CRU's concern was that approving a district plan without coastal hazard provisions would limit the scope of future planning for those hazards by installing provisions which would be relevant but out of scope for a future plan change.
20. In December 2018, following mediation in the Environment Court, CRU and the Council reached an agreement (the 2018 agreement).
21. That agreement addressed the process for developing future coastal hazard planning. A copy of that agreement is attached in the bundle of exhibits and marked 'Exhibit 1'.
22. CRU understood from that agreement, and the surrounding proceedings, that the Council intended to progress coastal hazard planning within a reasonable timeframe. At that time, the Environment Court had expressed concern about delays in progressing coastal hazard planning but ultimately accepted the Council's proposed timeframe. In its interim decision in 2017, the Court recorded that the Council had advised it that notifying the required plan change would take at least four years, being sometime in 2021 (or perhaps 2020 as the Council evidence was given in 2016). The Court stated:

“A delay of some four years in commencing the required alteration by plan change might be regarded as pushing the extreme boundaries of promptness and CRU's concerns in that respect are understandable.”

“It must also be recognised that there will be a further period of time before any potentially controversial plan change process is completed.”

“Under those circumstances, it is more important that the Council gets it right rather than gets it quick. Prima facie, I accept that the information provided in Ms Stevenson’s affidavit together with the Council’s submissions support the proposition that the likely time frame is reasonable in these particular circumstances, although I do not make any definitive finding in that regard and would require a good deal more information before doing so.”

“In making those observations I acknowledge that the situation where control of coastal hazards will continue to be undertaken for a substantial period of time pursuant to provisions of the ODP which the Council has found require alteration is seriously unsatisfactory, however it is difficult to see what efficient or practicable alternative there is.”

23. In refusing CRU’s appeal, the High Court said (in 2018)

[51] In the Environment Court it was said that it may take the Council up to four years to notify its proposed changes to the District Plan concerning coastal hazard management. While obviously concerned about such a delay, the Environment Court was satisfied that “... it is more important that the council gets it right than gets it quick”.

In this court, Mr Beverley for the council said that now the Council is in the final stages of adopting the abbreviated Proposed District Plan, it anticipates being able to put forward proposed changes to the District Plan concerning coastal management within approximately 18 to 24 months.

24. I note these specific parts of the judgments because although the Council has formally considered developing a coastal hazards plan change on several occasions in the past few years, it has never been

advised of the timing commitments it offered to the Courts. Nor has there been any acknowledgement when CRU reminded Council of these commitments. In CRU's view, Council should have been working towards notification in 2020-2021. It now intends to notify in 2027.

Background 2020-2024

25. In the period 2020-2024, there were 4 significant developments:

- The Council, following a public tender process, commissioned Jacobs Consulting Ltd to undertake a coastal hazard risk assessment for the district's coast.
- The Council created a coastal advisory panel to engage with the affected communities
- The Council refused to include a coastal-hazard risk assessment commissioned by CRU on relevant LIMs.
- CRU gave notice to the Council of a dispute under the 2018 agreement

The Jacobs reports

26. As noted above, the Council contracted Jacobs to undertake a coastal hazard risk assessment. It was and is agreed that such an assessment is a necessary foundation for hazard planning in the coastal area under the NZ Coastal Policy Statement 2010. This was the primary purpose of the contract, with a second purpose of assisting the Council with 'adaptation' planning, which CRU understands to relate to the non-statutory process of asset and infrastructure management. Despite the 2018 agreement, the Council refused to allow CRU to participate in the scoping and selection process.

27. In CRU's view, there were and remain 2 key problems:

- The initial Jacobs reports explicitly stated that they were not a 'coastal hazard risk assessment' as per the contract. When CRU

asked the Council for the reasons for this change of scope, the Council initially refused the request. Two years later, following queries from the Office of the Ombudsman, it admitted that it had no relevant information.

- In 2024, Jacobs produced what it described as a set of coastal hazard risk assessments. Council then included all of Jacobs' work on all LIMs in the district (including areas that were not in the coastal environment and could not conceivably be affected by coastal processes). CRU's assessment was that the later Jacobs report could not be used for district planning purposes, as the assessments required by NZCPS Policy 24 had simply not been made. As with its earlier work, guidance from the Department of Conservation had not been considered.

28. I am aware that CRU's concerns about the Jacobs work are explained in Dr Wilkinson's affidavit filed in this proceeding.

Coastal Advisory Panel ('CAP')

29. I will address this briefly, as I understand that the Council now accepts that CAP failed to fulfil any of its obligations to CRU under the 2018 agreement.

30. In concept, CAP was intended to give the coastal community a real say in the development of future hazard management. Ultimately, though, the CAP process was a failure, and by the end of its work I believe most elected Council members agreed. Initially, however, the Council refused to deal directly with CRU under the 2018 agreement, claiming that if CRU did not work through CAP, the Council would be vulnerable to judicial review. (Former Mayor Guru's and Deputy, now current, Mayor Holborrow's emails of 31 January 2022 is attached in the bundle of exhibits as **Exhibit 2.**)

31. As established by the Council (again with no consultation with CRU), the CAP membership was to be 12 members and an expert chair:

- Under the arrangement, 6 members were to be nominated by the 3 iwi in the district, and 6 from the community. The Council appointed the community members, but none were residents of the coastal area despite many qualified nominations. Two of the iwi did not make any nominations until well into CAP's work.
32. CAP did not receive any formal terms of reference from the Council until more than a year into its work.
 33. The chair was aggressively unsuitable for the role (he described CRU as 'bullshitters and climate deniers' and 'people who had built their houses in the wrong place'). A number of complaints were made about his conduct, and at least one community board passed a vote of no confidence in his work.
 34. Ultimately, the CAP process was largely run by consultants, including Jacobs.
 35. CRU declined to participate in the CAP process.
 36. Far from being a realistic opportunity for coastal community engagement, the CAP process, in CRU's view, did significant harm, with many residents believing that the Council was actively hostile towards them.

LIMs

37. In mid-2024, the Council's CEO advised CRU that the Jacobs reports would inform a coastal hazards plan change. This advice was revised shortly after – 'would' became 'might'.
38. However, all of Jacobs' work was recorded on LIMs, including hazard maps, which, in CRU's view, based on expert advice, were incorrect. At this time, a number of coastal residents reported significant increases in insurance premiums related to perceived hazards identified in the LIMs.
39. CRU commissioned its own coastal hazard risk assessment from Dr Willem de Lange, an eminent coastal scientist. His work was peer-reviewed. It was critical of Jacobs' work on several key points, including failures in probability assessments, inappropriate modelling and

inadequate data. Dr de Lange concluded that the data did not support the hazard mapping. He recommended that the Council initiate regular measurements in the coastal area, with appropriate triggers for action.

40. This report was presented to the elected members in late 2024. However, the CEO refused to include the de Lange report in LIMs. In CRU's view, with legal advice, the CEO's decision was illegal. CRU began judicial review proceedings against the Council in February 2025. The proceedings were discontinued in March 2025 when the Council changed its decision and included the de Lange report in all LIMs, with wording agreed with CRU's lawyer.

The 2018 agreement dispute

41. In November 2024, CRU issued a notice of dispute under the 2018 agreement and requested mediation. The Council declined to mediate until negotiations had taken place.
42. CRU (me and CRU's lawyer) met with Council's senior managers (CEO Darren Edwards, GM Policy Kris Pervan) and Council's lawyer in late January 2025. The dispute was not resolved, but Council managers indicated a willingness to consider the 2014 precedent of appointing an independent panel to try to reconcile the differing scientific views expressed by Jacobs and de Lange. This idea was developed as I explain at para.49 onwards.
43. Other elements of the dispute were left unresolved. The LIM issues were resolved shortly after that meeting, as I described in para 41. But the principal issue was that the Council had never consulted with CRU on any initiatives relating to the long-awaited coastal hazard plan change; in other words, it had never complied with the agreement. That dispute remains.
44. A useful example of the differing perspectives on the 2018 agreement is that Council officers submitted to the Council a set of detailed

recommendations in April 2025 for developing a coastal hazards plan change. Although the report alluded to future conversations with CRU and others and acknowledged the 2018 agreement without explaining it, CRU was unaware of the report and the meeting until the public notice of the agenda appeared a few days before the meeting. I attended the meeting and had 3 minutes to remind the Council that CRU had been involved in this issue for 13 years and that Council's obligations under the 2018 agreement could not be met by simply providing CRU with a draft plan change and a few days to comment on it.

45. There was no interest in my statement, and the recommendations were adopted by the Council without discussion. This followed a previous meeting with the former district planner, Jason Holland, who advised me that he would seek CRU's opinions when he needed them. I note that 12 months after adopting the management report on the future development of a plan change (referred to in the previous paragraph) the Council has not talked to CRU (or anyone else so far as I am aware) about the substance of a plan change.
46. Over the years, CRU has observed a consistent pattern in its attempts to discuss coastal hazard management with the Council. At any given time, the clock seems to 'reset' whenever a new manager is appointed, as happens regularly, or whenever a new Council is elected – so the past, including agreements, statements of intent and undertakings, becomes irrelevant, whether CRU, the general public, or indeed the Courts have relied on them. Indeed, the organisation itself often seems unaware of these things – it has little, if any, institutional memory. CRU finds this very frustrating.

The Independent panel

47. In mid-2025, CRU and the Council agreed to jointly establish an independent panel of scientists to review the Jacobs and de Lange reports against the criteria set out in the terms of reference (these are

in the attached bundle of exhibits as **Exhibit 3**). This set of criteria was largely drafted by CRU's lawyer and reflected a shared view of the legal framework governing a coastal hazard plan change, and thus, to a significant extent, the approach that the scientists needed to take to make a useful contribution to that future plan change.

48. In establishing the panel, the requirement was for two coastal scientists and two statisticians. Each party was to nominate 2 or more qualified individuals, and the appointment was to be made jointly by Council and CRU. It was implicit that any nominee with connections to either Jacobs or de Lange, or who had expressed views on the issues, could be rejected even if otherwise qualified. The alternative of both parties finding people who supported one position or the other would make the exercise largely pointless. (the email chain is in the attached bundle of exhibits as **Exhibit 4**)
49. Council and CRU accepted each other's nominees in good faith. Council's nominee as coastal scientist was Dr Shari Gallop. She disclosed that she had worked with Dr de Lange as his student many years ago, and that she had received legal advice that this did not constitute a conflict and was independent. She made no other disclosure. (the disclosure is in the attached bundle of exhibits as **exhibit 5**)
50. The panel's report was issued to the Council in October 2025, and the Council forwarded it to CRU with a request that it be kept confidential. The report is **exhibit 6** is in the attached bundle of exhibits.
51. Both Council and CRU found numerous and significant deficiencies in the report.
52. CRU immediately highlighted three issues which it regarded as fundamentally important:

- The de Lange report was dismissed as not a 'coastal hazard risk assessment' in a single brief paragraph, without assessment or explanation.
 - The DOC guidelines that Policy 24 requires to be considered were not considered at all.
 - The issues or risks, probability and likelihood were not considered. Given that Policy 24 NZCPS uses terms such as 'high risk' and 'likely effects of climate change', and that the panel was specifically instructed to assess Jacobs' and de Lange's approach to these issues these were significant omissions.
53. CRU's view was that the panel had materially failed to comply with its terms of reference, but it could not understand how this had occurred.
54. On the first point in paragraph 53 above, I can confirm my statement in paragraph 40 that CRU commissioned Dr Willem de Lange to prepare a Coastal Hazard Risk Assessment for the Kapiti Coast. He delivered this report – it is referred to on the Council LIMs – and the cover sheet contains the title 'Coastal Hazard Risk Assessment for the Kapiti Coast'. The report itself is 158 pages long. Yet the panel's report significantly and deliberately misrepresents the purpose of Dr de Lange's report (at section 1.1), and then dismisses it in a single paragraph (at section 2) as not a coastal hazard risk assessment but merely a partial review of Jacobs' work with 'some additional information'. Moreover, the panel then goes on to confirm that volumes 1 and 2 of Jacobs' work were coastal hazard risk assessment despite those reports stating explicitly that they were not.
55. CRU sent the Council a list of its concerns about the report. This list included a legal review and a range of technical issues raised by Simon Arnold and Bryce Wilkinson. The Council also prepared a list of its issues. A meeting with the panel was arranged by video link for 20 January 2026. (exhibit 7 in the attached bundle of exhibits lists the CRU concerns sent to the Council)

56. On 14 January 2026, I conducted an internet search into Dr Gallop's work. The search revealed a substantial body of work she had undertaken jointly with Jacobs. It also suggested a close relationship between her firm (Pattle Delamore) and Jacobs. As noted in para. 55, she had not disclosed this work or the professional relationships. (Exhibit 8 in the attached bundle of exhibits is a summary of relevant work with Jacobs identified through an internet search)
57. If Dr Gallop had disclosed any of this, CRU would have rejected her nomination. The panel, which I now understand that she chaired, would not have included her.
58. I raised these concerns with Kris Pervan on 15 January, the senior Council manager overseeing this project. She told me that if she had been aware of these issues, she would not have nominated Dr Gallop. She said the Council was at fault for failing to conduct a thorough background check. She raised the matter directly with Dr Gallop. (a copy of her email is Exhibit 9 in the attached bundle of exhibits)
59. She also said that Council would have to follow a 'process' to resolve the issue. I understood this to mean that Dr Gallop would be removed before the panel continued its work. I also stated that Dr Gallop's continued appointment would be untenable for CRU, and she agreed.
60. She also expressed a suspicion (which I share) that the panel was trying to give Council a report that it would find acceptable.
61. The video meeting with the panel took place, but at Ms Pervan's instruction, the issue of Dr Gallop's non-disclosure was not raised. The important legal points our lawyer had made regarding the draft report were also omitted from the discussion with the panel. The meeting ended with a commitment to send the panel a full list of issues and concerns.

Meeting Council GM Kris Pervan 2 February 2026

62. Although I have not seen the email from Shari Gallop responding to Kris Pervan's email about the conflict of interest, she told me that Dr Gallop's response was that she hadn't realised that she had to declare her relationship with Jacobs
63. She also said that Shari Gallop was the only person on the panel to speak to Jacobs and that these discussions were off the record - no written record was available
64. Also, as of 2 February, Shari Gallop remained on the panel as the Chair.
65. I was stunned; it was incomprehensible to me that the Council would allow her to remain on the panel, given how important this report was to move the community forward.
66. The Council had obviously decide to carry on with the panel and I there was no further communication about CRU's concerns. It effectively abandoned any commitment to a collaborative process.
67. The panel continued to work with Dr Gallop as chair, without reference to the important CRU concerns. After warning the Council that this was unacceptable and a breach of the obligations of good faith, CRU formally withdrew from the process on XX March (a copy is exhibit 10 in the attached bundle of exhibits).
68. The only further communication I have received from Council are:
- Letters from its lawyer warning Council of potential defamation proceedings by continuing to raise the Gallop issue .
 - A letter from Council advising that its lawyers had reviewed the situation, and concluded that adequate disclosure had been made by Dr Gallop.
69. Finally, on 25 March 2026, a Council spokesman advised the Post that, in its view, full disclosure had been made. The published statement said:

The council's acting strategy and growth group manager Steve Cody said it invited all panel members to declare conflicts and it took any related allegations seriously. Officials investigated CRU's concerns about Gallop and considered that all potential, perceived and actual conflict of interests were declared and managed appropriately.

On this basis, council has concluded that the panel member may continue in their role to complete the work of the expert science panel.

The letters and newspaper article referred to in paras 69 -70 are **exhibit 11** in the attached bundle of exhibits

70. If this is true, I must assume that the Council deliberately withheld that information when it nominated Dr Gallop.
71. I understand that Council management propose to present the panel's report to the Council in May 2026, at which point it will be included in LIMs.
72. This is of great concern to CRU. The potential effects of loading on to LIMs a further report based on inaccurate science will include a range financial damage to property owners who currently have see evidence of actual or future hazards. CRU already receives personal accounts of insurance cover refusals or high premium increases based on the identification of future hazards – and where insurance cover is no available, mortgage borrowing and potential sales are affected.
73. CRU's view is that the science still needs to be subject to further review with professionalism, independence and integrity.

Consultation

74. The consultation agreed under the 2018 agreement has not taken place. Accepting that the preparation of a coastal hazards plan change is the Council's statutory responsibility and that final decisions rest with the elected Council, CRU expected, under the 2018 agreement, to be involved at various stages of the preparatory work. CRU was keenly

aware, from the 2012 experience, that once the Council produces a draft, there is very little opportunity to change anything important.

75. I have reminded the (elected) Council of its failure in this respect on several occasions. I do not regard this as consultation.

76. A difficulty for CRU is that, even where important final decisions are made by the elected Council, management is anxious to filter representations from the community and to have the final say. CRU's strong preference is to make a presentation to the ultimate decision-makers in a setting where they can ask questions and offer options. A partial mediation agreement in relation to the 2018 agreement provided that CRU would have an opportunity to brief elected members on its views on the implementation of that agreement. The only options offered by Council management on this are severely time-limited and involve presenting within a formal Council meeting (so no opportunity for any discussion) at which the final panel report will be presented. In the meantime, I have been told by several elected members that they have been briefed by the Council's CEO, and some have made posts on social media disparaging of CRU.

77. The Council's current intention is to notify a coastal hazards plan change in 2027. Late as this is, in terms of earlier commitments, it still allows, in CRU's view, plenty of time to (in Environment Court Judge Dwyer's words in 2018) 'get it right' in terms of the science

Salima Padamsey



Sworn at Raumati this 29th day of April 2026

before me:



Rosemary M. Sharp
Solicitor
Wellington

