

7 April 2026

Chris Mitchell
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By email: chris.mitchell@mitchelllaw.co.nz

Tēnā koe Chris,

Judicial Review - Coastal Ratepayers United

Thank you for your letter of 27 March 2026 where you notify of Coastal Ratepayers United's (CRU) intention to commence judicial review proceedings against the Council. You raise the following issues:

- CRU's concerns about the conduct of the expert science review process
- CRU's request to brief elected members who will be considering the science panel report and determining further steps towards the preparation of a coastal hazard plan change
- CRU's view that Council has significantly breached its obligations to CRU on the expert science panel process and CRU's request to brief elected members.

We have previously corresponded with you and CRU Chair Salima Padamsy on the above points and further address these below.

Expert science review process

As previously communicated to CRU, Council does not agree with the concerns raised by CRU about the conduct of the expert science review process. Council worked collaboratively with CRU on the panel process until CRU elected to withdraw from this process.

As we have advised, Council has thoroughly investigated the allegations raised by CRU and is satisfied on the basis of this investigation that all conflicts of interest raised have been appropriately declared and managed, in accordance with the expert science panel Terms of Reference. Council is not aware of any other matters that it considers compromise the independence of the panel process.

Council disputes that it has "consistently ignored [CRU's] views on both the significant failures in the panel's draft report". On the contrary and as CRU is aware, Council requested the panel address a number of questions and comments on the draft report in direct response to the concerns raised by CRU.

CRU's request to brief elected members

To be clear, Council does not accept CRU's position that Council has breached its commitments to CRU under the Memorandum of Understanding (MOU) between Council and CRU, or under the Local Government Act 2002.

Further to the mediation agreement, Council offered CRU two options to brief elected members. The first option was a briefing arranged through the Council agenda. Council had proposed this be scheduled to align with Councillors being briefed on the expert science panel report in the near future. The second option was to present during public forum, given CRU's statement that its preference was to inform elected members "free of stage management by Council management". As Council officers are responsible for the formal Council agenda, public forum is the appropriate forum to arrange a formal briefing to Councillors without Council officers involved. While the usual time limit for public speakers is 5 minutes, the intention was always to arrange a suitable length of time for CRU to present to Councillors as per Council's mediation commitment to CRU.

Council considers its previous offers to CRU have been reasonable, however, we remain willing to schedule a public briefing with CRU, at a time agreed by Council and CRU, to:

- discuss engagement principles agreed between Council and CRU under the MOU;
- for CRU to have the opportunity to table information on concerns related to the 10 April 2025 paper on commencing the review of coastal hazard provisions; and
- while this was not contemplated in the settlement agreement, for CRU to share its latest concerns about the expert science panel process.

Council officers note CRU's request that this briefing occur at the earliest opportunity. While the Council agenda is full, we are able to propose a tentative date of Thursday 28 May 2026 for CRU to brief both the Mayor and elected members. We are willing to arrange either of the following options for this date:

- a Council briefing as part of the public Council agenda (facilitated by Council officers)
- public forum prior to the Council meeting (arranging to extend the usual time available for CRU to present).

While Council is willing to arrange a briefing, it is not able to agree to CRU's requests for assurances that elected members who do not attend the CRU briefing be advised that "they should not participate in any future relevant decision-making if they do not wish to be briefed" nor that officers withhold information from Councillors on terms proposed by CRU. In Council's view, these assurances would inappropriately fetter elected members in their decision-making role and are not assurances Council is able to provide.

Judicial review

Council disagrees that it has breached its obligations to CRU, however, acknowledges CRU is entitled to initiate judicial review proceedings if it considers Council has not met its obligations.

It would be appreciated if you can please respond by **Friday 10 April 2026** in relation to the proposed briefing options and to confirm CRU's intentions.

Ngā mihi,

A handwritten signature in black ink, appearing to read "Sarah Wattie". The signature is written in a cursive style with a large initial 'S'.

Sarah Wattie
General Counsel
Te Kaitohutohu Ture Whānui