

My ref 1091/015

27 March 2026

Chief Executive
Kapiti Coast District Council
Rimu Rd
Paraparaumu

by email: darren.edwards@kapiticoast.govt.nz

Dear Mr Edwards

Judicial Review: Coastal Ratepayers United

I act for Coastal Ratepayers United Inc ('CRU').

This letter outlines CRU's intentions to commence judicial review proceedings against the Council.

You will be aware of two significant current disagreements between Council and CRU:

1. The conduct by Council of a science review process, initially in collaboration with CRU;
2. CRU's request to brief the elected members, and any other committee members who will be considering the science panel report and determining any further steps towards the preparation of a coastal hazard plan change.

In CRU's view, Council has significantly breached its obligations to CRU on both of these issues, to the detriment of both CRU and the thousands of property owners affected by Council's conduct.

The Gallop conflict

In brief, CRU was forced to end its participation in the science panel oversight, when Council consistently ignored its views on both the significant failures in the panel's draft report, and on the continued participation of Dr Gallop who did not disclose her previous work with Jacobs.

Ms Pervan acknowledged that if she had known of this previous work then Dr Gallop would not have been nominated by Council. CRU would certainly have rejected the nomination (as it was entitled to) if this disclosure had been made.

Without any explanation, Council then went from a collaborative process to purely unilateral decision making when CRU raised concerns about the panel's work.

I note that Mr Cody is reported as saying that Council is satisfied that full disclosure had been made by Dr Gallop – if that is true, then it follows that Council deliberately withheld that disclosure from CRU. So that we are clear, the only disclosure made by Council to CRU was Dr Gallop's statement that she had worked with Dr de Lange as a student, and that she had legal advice that this was not a conflict. No disclosure was ever made about her multitude of work with Jacobs. CRU's view is that either Dr Gallop or the Council, or both, deliberately withheld this information. CRU intends to supply this information to the media which covered Mr Cody's comment.

To make matters worse, as a panel member, Dr Gallop contacted Jacobs, and others, on the issues before the panel but did not disclose any of the information she asked for and received. In CRU's view, the failure of the panel to consider critical parts of its clear terms of reference can only be attributed to either incompetence or (as suspected by Ms Pervan) a desire to endorse the Jacobs work commissioned by Council. Whatever the reason, the panel did not even come close to doing its job in accordance with the terms of reference.

Briefing the elected decision makers

As you know, Council has a contractual commitment to consult with CRU at various stages of the plan preparation process. In doing so, it must act in compliance with the principles of consultation under the Local Government Act. Council's failures, in CRU's view, to comply with this agreement (made in settlement of earlier litigation) led to CRU exercising the mediation clause in the agreement. The mediation was followed by a partial agreement in which Council agreed that CRU could brief elected members.

Ms Wattie has suggested 2 possibilities, neither of which is acceptable to CRU:

1. The first option is to speak at the beginning of the Council/committee meeting which considers the panel report. This is unacceptable for 2 reasons: first it is a Council meeting which will be controlled by the Chair and the CEO, neither of whom is objectively likely to take an open minded view of anything CRU says; second, the point of the briefing will be to persuade the elected members to withdraw the report.
2. The second option is to speak at the beginning of any meeting, typically with a time limit of around 5 minutes. CRU needs to speak to the relevant decision makers for a time which is proportionate to the importance and length of the dispute.

CRU requires, for genuine consultation on the outstanding issues, an opportunity to brief decision makers on aspects that will have major impacts on the coastal community, and have been years in the making. This will require 1- 2 hours, to allow a presentation and opportunities for questions. It is not a process that should be filtered by Council advisers who will have separate and ongoing opportunities.

What CRU needs from Council

If Council is not prepared to give the following assurances by Tuesday 7 April, CRU will commence judicial review proceedings without further notice:

1. CRU will be given a time to brief all elected members (including unelected committee members) on outstanding issues including those identified at the beginning of this letter.
2. The elected members, and other members with voting rights, will be advised that they should not participate in any future relevant decision making if they do not wish to be briefed.
3. The panel report will not be sent to elected members until after the briefing has occurred and members have had an opportunity to consider CRU's position.

To avoid doubt, if the Council decides to continue with the panel report including Dr Gallop's participation, and not including the CRU points on the draft, then CRU will take judicial review proceedings to prevent any use of the report by the Council. This will include an application for appropriate interim orders unless Council is prepared to give the necessary assurances.

I look forward to your reply by 7 April.

Regards



Chris Mitchell
Principal