

24 August 2023

Ruapehu District Council
TAUMARUNUI

By email only: info@ruapehudc.govt.nz

For: TeRina Tauranga

Dear Tina and team

Urgent – Intended Proceedings - Teitei Drive Ohakune – Concerns from residents of Snowmass and Rocky Mountain Chalets as to Council actions and Resource Consent Applications (x2) by Council and ors

1. Thank you for your standard form LGOIMA email acknowledging my letter of 9 August 2023 received after RDC received my follow-up email.
2. My team and I have been engaged to undertake a review of the records held by the Council pursuant to section 35 of the RMA. Whilst my email had some information that would be captured as a LGOIMA request, other and very important information was also requested for the purposes of drafting a claim under the Judicial Review Procedure Act 2016 in respect of a review of a decision under the Resource Management Act 1991. The statement of claim is to be filed if the Tei Tei resource consent applications currently accepted by Council are to proceed on a non-notified basis. I do however appreciate that this decision has not been made and/or released publicly yet.
3. Additionally, my correspondence was intended to make clear that it appears Council needed to be aware that following advice from my clients' experts, it had not undertaken all of its responsibilities under the Local Government Act as well as the Resource Management Act (RMA). The latter Act has specific timings which expired two days ago (unless extended or the applications paused). There have also been breaches of RDC's own policies.
4. In my correspondence I requested the name and contact details for Council's legal officer who is managing the Tei Tei issues and/or the name of the external counsel appointed to represent Council. This information has not been supplied and is urgent under the circumstances to circumvent any immediate application to the High Court.
5. By requesting the information this way, I was attempting to avoid any immediate third-party application to the Court. I also offered to attend your offices to assist in facilitating the release of the information to avoid these proceedings, which is why my correspondence was addressed to Mr Manley, RDC CE.
6. It is again important that this correspondence is not ignored, and the release of the information is facilitated in a manner which is timely and not obstructively delayed.
7. In addition, I formally request that you respond to the following information requests. This request should not be treated as a LGOIM Act request as you are being asked to provide what should be publicly available information pursuant to section 35 of the RMA:



- a. Who has been appointed as Commissioner(s) to hear the applications (x2) for resource consent lodged in early July where your Council is one of the applicants and accepted by your Council on 25 July 2023?
 - b. What decision has been made under section 95 of the RMA? The time limit of 20 working days (after the application is first lodged see section 95(2)(b)) has now expired.
 - c. Has any extension of time been authorised with respect to these two resource consent applications under the RMA provisions? If so by whom.
 - d. Has there been any request to pause the applications?
 - e. It is reported that Council officers had a meeting with the consultants involved in the application, Kainga Ora (KO) representatives, Council's solicitors and perhaps others last Friday 18 August 2023. What was the purpose and result of that meeting.
8. As already mentioned, I am instructed to proceed to prepare for judicial review proceedings with respect to RDC's actions in dealing with the Teitei property together with an application for an interim injunction to place on hold the sale to KO until the hearing of the substantive matter.
9. As a final attempt to deal with matters without court proceedings I will be in Ohakune on Thursday 31 August 2023 to meet with my clients, and I am willing to attend the Council offices for a meeting on the release of the information requested if that would assist.
10. Please note if I have not been provided with the contact information for Council's in-house lawyer or details of Council's external Solicitor or Counsel by 4 pm Tuesday 29 August 2023 I will likely be instructed to issue proceedings.

Yours Faithfully
BYTALUS LEGAL



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