

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 Paul Dunmore in support of application

Dated 1 May 2026

Solicitor: Mitchell Law 99 Tutere St Waikanae Beach 5036

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Contact: Chris Mitchell 021 277 1033

Paul Dunmore affirms

1. My name is Paul Vincent Dunmore. I have been a resident of Paraparaumu Beach since 1993.
2. I hold a Bachelor of Science with First Class Honours in Mathematics from Victoria University of Wellington, a PhD in Physics from McMaster University (Canada), and a Master of Business Administration in Accounting from McMaster University. I am a Certified Management Accountant (Australia).
3. I worked for some years as a scientific computer programmer, and then held academic positions in accounting at McMaster University and Victoria University of Wellington, finishing my career as Research Professor of Accounting at Massey University. I am now retired.
4. In addition to courses in accounting, I have taught courses in Economics and in Quantitative Methods at university level.
5. I am not a climate scientist, but this background allows me to understand and engage with quantitative scientific evidence at a more in-depth level than is possible for a general member of the public.
6. I was Treasurer of Coastal Ratepayers United Inc ("CRU") from November 2014 until July 2016, and thereafter Chairperson until November 2020.
7. Since then I have had no official role with CRU, except that I was one of two CRU representatives at a mediation meeting with KCDC in July 2025. I have occasionally been asked to comment internally on draft documents. I am a Life Member of CRU.
8. I am familiar with the background and the technical aspects of this case.

Risk, Likelihood and Consequences

9. The concepts of "risk", "likelihood" and "consequences" are fundamental to the relevant sections of the *New Zealand Coastal Policy Statement 2010 as amended in 2025* ("NZCPS"). These concepts are related but distinct.
10. NZCPS says in the Glossary that "Risk is often expressed in terms of a combination of the consequences of an event (including changes in circumstances) and the associated likelihood of occurrence."
11. Consequences are not always undesirable, but in this context decision-makers are concerned with undesirable consequences of climate change.



12. There is no question that many properties in Kāpiti will be harmed by a sufficiently large sea-level rise. That is a consequence of climate change.
13. The debate concerns the likelihood: how likely is it that sea-level rise over some period will be enough to affect a particular property?
14. The risk cannot be assessed without addressing both of its components.
15. NZCPS Policy 24 refers to areas at "high risk of being affected" taking into account "the best available information on the likely effects of climate change": This respects the conceptual difference between likelihood and consequences (effects), and correctly requires that "the best available information" be used for assessing both.
16. Policy 25 requires that coastal hazard "risk" be reduced or not increased in various situations, with a cross-reference to the definition of risk in the Glossary. This again requires both components to be considered.
17. Policy 27 sets out methods of reducing "risk" in "areas of significant existing development likely to be affected by coastal hazards". Again, both likelihood and effects/consequences must be considered in deciding whether a particular existing development falls within the scope of this policy.
18. It is clear that these requirements of NZCPS cannot be addressed without considering both likelihood and consequences.

Implications for the Jacobs and de Lange reports

19. If KCDC were to develop District Plan provisions on the basis of a methodology which identifies possible effects of climate change but without due regard to their likelihood, then the protections offered by the rules in the Plan would be distorted.
20. First, property owners could be subject to rules that had little expected benefit: there would be a substantial benefit under certain climate-change conditions, but those conditions are so unlikely that no appreciable benefit will ever be realised – there will only be the cost of complying with the rules. This makes society worse off than if the rules did not exist.
21. Conversely, potential rules may be omitted from the plan because their benefits are relatively small. But if there is a high likelihood that climate change would cause those benefits to be realised, society could be made worse off by omitting such rules from the plan.



22. It is not possible to tell whether a potential rule is likely to make society better or worse off without some understanding of both the magnitude and the likelihood of the harm that the rule is intended to prevent.
23. The NZCPS requirement to consider both likelihood and consequences is thus not an arbitrary imposition: it is essential in order to support decisions which are on balance beneficial.
24. The Jacobs report by and large does not discuss the likelihood of the matters that it raises. It therefore discusses consequences but not risk.
25. The de Lange report attempts to assess risk, so far as that is possible with the current state of our knowledge.
26. The de Lange report should therefore be preferred as the basis for Council's rulemaking process in response to climate change.
27. In my opinion, it will be difficult for KCDC to make good rules based on the de Lange report; it will be quite impossible to do so based on the Jacobs report.



Paul Vincent Dunmore

Affirmed at Paraparaumu this 1st day of May 2026 before me

Peter David Benstead
Justice of the Peace



06.05.2026

Peter David Benstead, JP
#19038
PORIRUA
Justice of the Peace for New Zealand