

**BEFORE THE HEARING PANEL APPOINTED BY KAIPARA DISTRICT COUNCIL**

**Under the** Resource Management Act 1991 (RMA)

**In the matter** of Private Plan Change 85 (Mangawhai East) to the Kaipara District Plan

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**STATEMENT OF REBUTTAL EVIDENCE OF JAMES CRISPIN BLACKBURN ON BEHALF OF KAIPARA DISTRICT COUNCIL**

**Coastal Hazards**

**9 February 2026**

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## **1. INTRODUCTION**

- 1.1** My full name is James Crispin Blackburn.
- 1.2** I prepared a statement of evidence dated 1 December 2025 on behalf of Kaipara District Council (**Council**), and a statement of supplementary evidence dated 23 January 2026, in relation to the application by Foundry Group Limited and the Pro Land Matters Company Limited (**Applicant**) for a private plan change to rezone land in Mangawhai East (**PPC85**). I refer to my qualifications and experience in my original statement of evidence and do not repeat them here.
- 1.3** Although this matter is not being heard by the Environment Court, I confirm that I have read and am familiar with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and I agree to comply with it.
- 1.4** I am authorised to make this statement on behalf of the Council.

## **2. SCOPE OF EVIDENCE**

- 2.1** The purpose of this statement is to respond to the evidence-in-chief and supplementary evidence filed by Craig Davis on behalf of the Applicant.

## **3. RESPONSE TO THE EVIDENCE OF MR DAVIS**

- 3.1** Mr Davis has prepared a statement of evidence-in-chief dated 16 December 2025 and a statement of supplementary evidence, addressing the National Policy Statement for Natural Hazards 2025 (**NPS-NH**) dated 30 January 2026.

### ***Matters arising from Mr Davis's evidence-in-chief***

- 3.2** I have considered Mr Davis's evidence-in-chief dated 16 December 2025.

**3.3** I concur with the statement in para 36 of Mr Davis evidence that for greenfield (as opposed to infill) development the use of conservative and precautionary data for sea level rise over the next 100 years is appropriate.

**3.4** The sole area of disagreement between myself and Mr Davis is in relation to the Storm Tide Level as identified in the original application reporting. The position taken by Mr Davis in his EiC is that we are in agreement over the 1% AEP Storm Tide level (para 61 of his EiC). However, this misrepresents my statement in para 4.3 of my EiC, where I maintain that a 1.6m storm tide level is appropriate for this assessment to provide for a regionally consistent application of available data. I further note that, while specifically for open coast, the T&T Coastal Flood Hazard report 2021 post-dates the last update of the NIWA estuary reporting (2016) and should therefore be considered a more up to date assessment.

**3.5** I disagree with the position taken in para 63 of Mr Davis's evidence where he states that:

*"Similarly 1%AEP tides storm tides are derived and used additively to 100 year RSLR even though they will only be relevant in 80-100 years time. If the 1%AEP tides occur any time in the next (say) 80 years, the inundation levels will not be close to the 100 year levels specified. It is only in, say, 80 years time there will be a risk from a 100-year event. For example this risk is considerably less than a 1%AEP seismic event which could occur any time the next 100years, not just the last 20 years."*

**3.6** Land use and subdivision is permanent and care needs to be taken towards future occupants to ensure a standard of robustness over the full extent of the planning envelope. While I accept that in conjunction with the use of RCP5-8.5 SLR condition (100 year future prediction) including vertical land movement, that the risk is low, the opportunity to mitigate to an appropriate level using the most up to date information should not be overlooked, particularly considering this planning phase (plan change).

**3.7** At paragraph 65 of his evidence Mr Davis states:

*"There is a risk if the best statistic derived through detailed modelling is not accepted and instead a notionally higher value adopted. In future hazard assessments, when site specific*

*work is done, and is being assessed, the Consent Authority may find it difficult to adopt a more accurate but lower assessment of inundation level because at Plan Change time the Authority ignored this best fit data and used another more conservative value in its stead. It is unclear how much additional conservatism to add to the best practice derived statistics to meet the required level.”*

**3.8** Mr Davis’s position in his para 65 I do not consider to be accurate since if, as time goes by, the global climate response changes, or the understanding and modelling evolve to narrow the future SLR risk range (it becomes more aligned with the current SSP3-7.0 scenario for example), this would provide for a 0.3m reduction in appropriate land levels, which would by necessity need to be reflected in any detailed land development phase.

**3.7** I consider that it is important to set an appropriate level of expectation associated with storm tide level that uses the most up to date data / modelling, noting that the data will not doubt evolve over time, with subsequent understanding informing detailed land development phases. I consider the use of 1.6m NZVD as the 1% (storm) tide level, with 2.23m for RCP5-8.5 sea level rise with vertical land movement, providing a development platform level no less than 3.85m NZVD, to be appropriate for this planning phase.

**3.8** I note that this discrepancy between my view and Mr Davis’s view does not change the actual coastal flooding risk to the development in such a way that it would render the proposal unsuitable. Furthermore, it does not change the risk profiling as assessed in my supplementary evidence in relation to the NPS-NH.

***Matters arising from Mr Davis’s statement of supplementary evidence***

**3.9** In relation to Mr Davis’s statement of supplementary evidence addressing the NPS-NH and the assessment of Coastal Hazards using the Risk Matrix in the NPS-NH, Mr Davis has indicated that his assessment and conclusions are consistent with those set out in my statement of supplementary evidence.<sup>1</sup>

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<sup>1</sup> Statement of Supplementary Evidence of Mr Davis, paragraphs 19-20.

**3.10** Accordingly, there are no matters of rebuttal arising from Mr Davis's statement of supplementary evidence.

**4. CONCLUSION**

**4.1** Overall, having considered the evidence of Mr Davis, I continue to hold the views set out in my evidence-in-chief and supplementary evidence. Overall, in my opinion, there is no coastal hazards related reason to decline PPC85.

**James Blackburn**

9 February 2026