SUPPLEMENTARY SUBMISSION & ORAL PRESENTATION- SUBMITTER NO 122 21/07/26

New Additional Context Following Original Submission

Further Compelling additional context now available to support the applicants position as outlined in our principal submission. Supporting Removal of the Slope Susceptibility Hazard from 23 Pomare Road, Tirohanga

Property: 23 Pomare Road, Tirohanga
Applicant/Objector: Property Owner John F Wadham

Context Evidence References: [E]
(See attached New Evidence Schedule)

1. Foreword – Overview

Vulnerable health status of the applicant

Is very relevant to these final applicants new context facts as the applicant has had great difficulty in obtaining any element of empathy from the parties, he has had to deal with in the investigations to gather the necessary new context points and supporting documents .

In the applicants view and opinion this is quite unconscionable as he is 77 years old senior ,mainly bedbound/ property bound with multiple serious illness ,some of them potentially life-threatening, cannot walk far without a walking stick and is on very strong medications and pain killing medicines .

All of these material facts regarding applicants' vulnerable health status were disclosed to all interacting parties from the outset .

The applicant covers this because although he wants ,very much ,to address the hearing committee /commissioners personally with this content at the hearing .

That said ,the applicant , may be not well enough to be able to do so and therefore asks hearing commissioners/committee members , to accept this document in its entirety without

any redactions or amendments in potential leu of the applicants intended oral summary .and/or with the oral summary[if I am able to do so] for absolute clarity of the oral reading .

The Applicant respectfully provides this Supplementary Submission to present significant new context evidence and information that was not available at the time of the original submission.

The Applicant submits that the additional evidence contained herein materially changes the factual basis upon which the Slope Assessment Overlay was applied to the Property.

The Applicant has encountered considerable difficulty obtaining complete information during the investigation process, including matters relating to information relied upon by various agencies and consultants. The Applicant respectfully requests that the Commissioners and/or Committee members hearing this matter consider this Supplementary Submission in its entirety and ensure that no relevant evidence, supporting documentation, or material information is further redacted, excluded, or withheld from consideration.

The Applicant submits that the context/evidence now available demonstrates that the Slope Susceptibility Hazard applied to **23 Pomare Road, Tirohanga** is based upon information that was inaccurate, incomplete, outdated, or subsequently corrected by the relevant agencies.

The Applicant respectfully submits that, when the complete evidential picture is considered, the continued application of the Slope Susceptibility Hazard to the Property cannot be supported and should be removed.

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2. Original Basis of the Slope Assessment Overlay

The Slope Assessment Overlay affecting the Property has been based upon technical assessments commissioned by Hutt City Council (HCC), including:

- **WSP (2021).**
  Hutt City Council District Plan Review – Slope Failure Susceptibility Assessment.
  Report No. GER 2021-36, September 2021.
- **WSP (2024).**
  Hutt City Council District Plan Review – Slope Failure Runout Assessment.
  Report No. GER 2024-48, July 2024.

The Applicant acknowledges that these reports formed part of the technical basis for HCC's assessment process.

However, the Applicant submits that the information relied upon in preparing these assessments was incomplete and, in significant respects, inaccurate.

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3. Inaccuracies in the Desktop Assessment

The Applicant submits that the Slope Assessment Overlay was applied primarily through a desktop assessment methodology which did not accurately identify the actual physical characteristics and topography of the Property.

In particular:

- LiDAR information relied upon did not identify existing gullies located on the Property.
- Natural drainage features concealed by established native vegetation were not accurately captured.
- Existing man-made drainage features were not properly recognised.
- The desktop assessment therefore did not accurately reflect the actual conditions present on the Property.

The Applicant submits that an assessment based on incomplete topographical information cannot provide a reliable basis for applying a specific hazard designation to an individual property.

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4. Property History and Lack of Land Instability Events

The Applicant respectfully submits that the Slope Susceptibility Hazard should not apply to **23 Pomare Road**.

The Applicant has owned the Property for approximately **44 years**, during which time there have been:

- no land instability events.
- no slope failures.
- no landslides.
- no evidence of instability affecting the Property.

While isolated incidents have occurred elsewhere within the wider locality, the Applicant submits that those events were not caused by slope failure originating from, or affecting, the Property.

The Applicant therefore submits that the historical performance of the Property provides important practical evidence that should be considered alongside the technical assessments.

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5. New Evidence Materially Changing the Assessment

Following the original submission, significant evidence became available which was not previously considered.

This includes:

- [E1]the Wellington Water Limited (WWL) expert hydraulic modelling review.
- [E1a]HCC Head Planner endorsement of WWL report and action plan to remove specific Flooding & Inundation hazards
- [E2]Greater Wellington Regional Council (GWRC) confirmation regarding incorrect flooding mapping.
- [E3]Natural Hazards Commission (NHC) acknowledgement and correction of inaccurate information & apology
- [E4]HCC Official Information Act disclosures.
- evidence regarding the information supplied to WSP for its assessment.

The Applicant submits that this new evidence directly affects the reliability of the original hazard assessment.

[END OF PART 1]

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6. Wellington Water Limited (WWL) Expert Hydraulic Modelling Review

A critical piece of new evidence is the expert hydraulic modelling review undertaken by **Wellington Water Limited (WWL)** in relation to the Property.

Whilst attached to the main submission along with HCC chief planners' acceptance and endorsement action plan to remove Flooding/Inundation hazards from the town plan [now actioned]this is now realised as being highly more significant to the applicants request to have the Slope Land Susceptibility Hazard remove from the applicant's property .

The WWL review was undertaken following concerns regarding the accuracy of the previously identified Flooding and Inundation Hazards affecting **23 Pomare Road, Tirohanga**.

The WWL assessment included:

- review of the existing information;
- on-site observations of the Property;
- assessment of actual site conditions;
- hydraulic modelling undertaken by specialist technical personnel.

The purpose of this review was to scientifically assess whether the previously identified flooding and inundation risks were valid.

The conclusion reached by WWL was that the previously identified flooding and inundation hazards affecting the Property were not supported by the available evidence.

Following the WWL findings, Hutt City Council accepted the review and removed the specific **Flooding and Inundation Hazard** designation from the Property and the relevant hazard mapping.

The Applicant submits that this action by HCC is highly significant because it represents acceptance of expert evidence that the original flooding and inundation assumptions affecting the Property were incorrect.

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7. Consequence of Removal of Flooding and Inundation Hazards

The Applicant submits that the removal of the Flooding and Inundation Hazard designation fundamentally changes the basis upon which the Slope Susceptibility Hazard should be considered.

Modern slope susceptibility assessments recognise the relationship between:

- rainfall;
- groundwater conditions;
- soil saturation;
- pore water pressure;
- reduction in soil strength; and
- potential slope movement.

Where hydrological conditions are a relevant component of assessing slope susceptibility, the absence of a demonstrated flooding or inundation risk is a significant factor that must be taken into account.

The Applicant submits that the WWL expert review has established, on a property-specific basis, that the previously identified flooding and inundation risk does not exist at **23 Pomare Road**.

Accordingly, the Applicant submits that the factual foundation supporting the continued application of the Slope Susceptibility Hazard has materially changed.

8. Greater Wellington Regional Council (GWRC) Confirmation

Further evidence was obtained from Greater Wellington Regional Council (GWRC).

GWRC confirmed in writing that:

- flooding maps relating to the Property were incorrect;
- relevant mapping information was outdated;
- the flooding information shown on mapping did not accurately represent the Property; and
- GWRC's Head Flood Engineer had no flooding concerns regarding the Property.

GWRC further confirmed that its written correspondence could be relied upon as verification of its position.

The Applicant submits that this confirmation provides further independent evidence that the flooding information previously associated with the Property was inaccurate.

9. Natural Hazards Commission (NHC) Errors and Corrections

The Applicant submits that significant errors existed within information provided by the Natural Hazards Commission (NHC) and associated historical records.

9.1 Incorrect Earthquake Land Claim Information

Information associated with the Property indicated that there had been a successful earthquake-related land claim.

The Applicant submits that this information was incorrect.

The NHC subsequently confirmed that no earthquake-related land claim existed for the Property in 2016.

The Chief Executive Officer of NHC, Ms Tina Mitchell, issued a formal written apology acknowledging the error.

The Applicant submits that this demonstrates that information previously relied upon in relation to the Property was not accurate.

9.2 Incorrect Flooding and Inundation Information

Historical records described the Property as having experienced flooding and inundation.

The Applicant submits that this description was inaccurate and materially overstated the event that actually occurred.

The Property does not contain a creek.

The event referred to was, in fact, a temporary drainage blockage caused during a storm when a neighbouring tree fell and obstructed a small field drain.

The drain was approximately one foot in average width.

The obstruction resulted in temporary surface water affecting a small area of the grass tennis court.

The Applicant submits that:

- no buildings were flooded;
- no part of the Property was submerged;
- no creek overflow occurred;
- there was no major flooding event;
- there was no inundation event of the type normally associated with a flood hazard designation.

The damage was minor and involved:

- removal of the obstruction;
- clearing of debris;
- restoration of drainage;
- reseeding of a small damaged area of grass.

The estimated claim value was approximately $1,500.

The Applicant submits that describing this minor drainage incident as a flooding and inundation event created a misleading impression of the actual hazard risk associated with the Property.

10. Impact of Incorrect Historical Information

The Applicant submits that the inaccurate descriptions and outdated mapping information had significant consequences.

The incorrect information was subsequently relied upon within hazard mapping processes and contributed to Hutt City Council applying specific Flooding and Inundation Hazards to the Property.

The Applicant submits that the wording used within historical records did not accurately reflect the nature or severity of the actual event.

The Applicant further submits that inaccurate hazard information can have serious consequences, including:

- affecting property assessments;
- influencing planning decisions;
- impacting property values;
- affecting potential future saleability;
- creating unnecessary concern for property owners.

The Applicant submits that accurate hazard information is essential when used for public planning and property assessment purposes.

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11. Hutt City Council's Actions and the Relevance of the WWL Findings

The Applicant acknowledges that Hutt City Council has provided assistance through its **Friends of Submitters** programme, and this assistance is appreciated.

However, the Applicant respectfully submits that HCC also has responsibility for the continued application of the Slope Susceptibility Hazard to the Property because the information relied upon in the original assessment has since been shown to be inaccurate.

Following the WWL expert hydraulic modelling review, HCC accepted the findings of WWL and took action to remove the specific **Flooding and Inundation Hazards** affecting the Property from the District Plan hazard mapping.

The Applicant submits that this action by HCC demonstrates that the original flooding and inundation information applied to the Property was not correct.

The WWL report, prepared by the hydraulic modelling team, concluded that the previously identified flooding and inundation risks affecting **23 Pomare Road** were mistaken and should be removed.

The Applicant submits that this expert review was a material document directly relevant to any further assessment of the Property.

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12. Information Not Provided to WSP

The Applicant submits that, despite HCC acting upon the WWL findings and removing the Flooding and Inundation Hazard designation, this information was not incorporated into the **WSP Slope Susceptibility Assessment process.**

The Applicant submits that:

- WSP was not provided with the WWL expert review findings; or
- alternatively, the significance of the WWL findings was not specifically brought to WSP's attention when assessing the Property.

As a result, WSP's assessment proceeded using information that has since been demonstrated to be inaccurate, incomplete, or outdated.

The Applicant respectfully submits that this is a critical issue because WSP's own report disclaimer confirms that its conclusions depended upon the accuracy and completeness of the information supplied to it.

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13. WSP Report Disclaimer and Its Significance

WSP expressly stated within its report that:

"In preparing the Report, WSP has relied upon data, surveys, analyses, designs, plans and other information ('Client Data') provided by or on behalf of the Client."

WSP further stated that it had not independently verified the accuracy or completeness of that information and that its conclusions were dependent upon the accuracy of the information provided.

WSP also confirmed that it would not be liable for incorrect conclusions where the information supplied was:

- incorrect;
- incomplete;
- concealed;
- withheld;
- misrepresented; or
- otherwise not fully disclosed.

The Applicant submits that this disclaimer is highly relevant.

The evidence now available demonstrates that important information relied upon in the original assessment was subsequently found to be incorrect or incomplete.

This includes:

- incorrect NHC earthquake claim information;
- inaccurate flooding and inundation descriptions;
- outdated hazard mapping links;
- incorrect GWRC mapping information;
- the later WWL expert finding that flooding and inundation hazards did not exist on the Property.

The Applicant submits that, by WSP's own stated limitations, the reliability of conclusions based upon incorrect underlying information must be reconsidered.

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14. The Property-Specific Difference – WWL Expert Evidence

The Applicant submits that **23 Pomare Road** is different from other properties affected by the Slope Assessment Overlay.

The significant difference is that this Property has been subject to a specific expert scientific hydraulic modelling review.

The WWL assessment was not simply a desktop review.

It involved:

- specialist hydraulic expertise;
- property-specific investigation;
- site observations;
- technical modelling;
- independent assessment of the actual risk.

The result was that WWL concluded that the previously identified Flooding and Inundation Hazards did not exist.

HCC accepted that expert conclusion and removed those hazards from the Property.

The Applicant submits that this creates a material distinction between this Property and other properties assessed through broader desktop-based hazard mapping processes.

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15. Technical Relationship Between Hydrology and Slope Susceptibility

The Applicant relies upon the accompanying technical material regarding the relationship between flooding, inundation, and slope susceptibility assessment.

The technical evidence identifies that:

- increased water infiltration can increase pore pressure within soils;
- increased pore pressure can reduce soil strength;
- saturated ground conditions can contribute to slope instability;
- effective slope hazard assessment requires consideration of relevant hydrological conditions.

The Applicant submits that this technical relationship demonstrates why the WWL findings are directly relevant to the Slope Susceptibility Assessment.

The WWL report established that the Property does not have the flooding or inundation conditions previously assumed.

Accordingly, the Applicant submits that the original assumptions underlying the Property's hazard classification require reconsideration.

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16. Applicant's Submission Regarding Fairness and Natural Justice

The Applicant respectfully submits that no further unreasonable evidential burden should be placed upon him.

The Applicant has undertaken extensive investigations over a number of years in order to obtain accurate information regarding the Property.

During this process, the Applicant has sought to identify and correct information that was inaccurate or incomplete.

The Applicant's age, vulnerable status, and serious health circumstances were disclosed from the outset.

The Applicant submits that requiring further costly expert investigations, despite the existence of the **WWL expert report accepted and acted upon by HCC**, would be unreasonable and inconsistent with the principles of fairness and natural justice.

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17. Final Submission and Relief Requested

The Applicant respectfully submits that the cumulative evidence now available establishes that the factual basis upon which the Slope Susceptibility Hazard was applied to **23 Pomare Road, Tirohanga** has materially changed.

The Applicant relies upon:

1. The WWL expert hydraulic modelling review confirming that flooding and inundation risks do not exist on the Property**.[attached to main submission]**
2. HCC's acceptance of that expert evidence and subsequent removal of the Flooding and Inundation Hazard designation**.[attached to main submission]**
3. GWRC confirmation that previous flooding mapping relating to the Property was incorrect and that it has no flooding concerns regarding the Property.
4. NHC acknowledgement that historical hazard information and mapping associated with the Property contained errors.[**attached herein E**]
5. HCC Official Information Act disclosures confirming the source of incorrect hazard information**.[attached herein E/docs]**
6. The WSP disclaimer confirming that its assessment depended upon accurate and complete information being supplied**.[Held by commissioners/hearing committee with extracts referred to herein .]**
7. The absence of any land instability events occurring on the Property during approximately 44 years of ownership.

Having regard to the totality of the evidence, the Applicant respectfully submits that the continued application of the Slope Susceptibility Hazard to **23 Pomare Road, Tirohanga** is no longer supported by reliable evidence.

The Applicant therefore respectfully requests that the Commissioners/Committee:

Remove the Slope Susceptibility Hazard designation from 23 Pomare Road, Tirohanga.

The Applicant submits that this outcome is consistent with the evidence, technical findings, fairness, and the principles of natural justice.

JOHN F WADHAM APPLICANT 21/7/26

Contact

Email :

END OF SUPPLEMENTARY SUBMISSION

DOCUMENTS LIST

- [E 1]the Wellington Water Limited (WWL) expert hydraulic modelling review**.[Attached to main submission]**
- [E1a] HCC's acceptance of that expert evidence and subsequent removal of the Flooding and Inundation Hazard designation**.[attached to main submission]**
- [E2]Greater Wellington Regional Council (GWRC) confirmation regarding incorrect flooding mapping ,correction notice thereof ,GWRC no interest in 23 Pomare Road.
- [E3]Natural Hazards Commission (NHC) -CEO Chief Executive Officer of NHC, Ms Tina Mitchell acknowledgement /apology and correction of inaccurate information
- [E4]HCC Official Information Act disclosures: Substantiating That Link from NHC was used by HCC /WSP ,which applicant submits contained false and inaccurate land claim and storm flood information and in file incorrect misleading Flooding /inundation descriptive wording .See NHC apology doc E3

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