

BEFORE THE HUTT CITY COUNCIL HEARING COMMITTEE

SUBMITTER 122 – JOHN WADHAM

HEADLINE PRESENTATION TO THE CHAIR AND HEARING PANEL

RE: ALLEGED NATURAL HAZARD – SLOPE STABILITY HAZARD AT 23 POMARE ROAD, TIROHANGA

Submitter: John Wadham

Submitter No.: 122

Property: 23 Pomare Road, Tirohanga

Date: 15 August 2026

1. INTRODUCTION

1.1 Submitter 122, John Wadham, relies upon the submissions, evidence and supporting documentation previously filed with the Hearing Committee.

1.2 Those submissions include third-party evidence supporting the Submitter's position that the alleged Hutt City Council ("HCC") slope stability hazard identified in relation to **23 Pomare Road, Tirohanga** is not appropriately supported by the evidence and does not reflect the particular circumstances and physical characteristics of this property.

1.3 The Submitter's position is that **23 Pomare Road is materially different in its circumstances from the general slope stability conditions relied upon in applying the proposed hazard provisions to properties situated on the western hills.**

1.4 The Submitter therefore asks the Hearing Panel to consider the evidence relating specifically to 23 Pomare Road rather than treating the property as though it necessarily presents the same circumstances as other properties within the broader area.

2. PRIMARY APPLICATION – EXCLUSION OF LATE HCC/WSP REBUTTAL EVIDENCE

2.1 Application to Strike Out or Disallow Point 7.7

2.1.1 Submitter 122 formally requests that the Hearing Panel **refuse to admit, or alternatively attach no weight to, the late HCC rebuttal evidence identified at Point 7.7**, insofar as that evidence introduces new WSP material after the applicable evidence-exchange and pre-circulation deadlines.

2.1.2 The Submitter's objection is based upon procedural fairness, natural justice and the need for all parties to have a reasonable opportunity to consider, test and respond to evidence relied upon by the Council.

2.1.3 The Submitter understands that the relevant WSP material was introduced only approximately **three days before the commencement of the hearing**.

2.1.4 The Submitter respectfully submits that this is insufficient time for a submitter to properly:

- examine the technical material.
- identify and understand any new assertions or methodologies.
- obtain independent technical advice where necessary.
- prepare a meaningful response.
- identify matters requiring cross-examination; and
- prepare submissions addressing the new evidence.

2.1.5 The Submitter therefore formally maintains his application that the late evidence be **struck out, excluded, or otherwise given no substantive weight**.

3. NATURAL JUSTICE AND PROCEDURAL FAIRNESS

3.1 Right to Know and Respond to the Case Being Advanced

3.1.1 A fundamental requirement of a fair hearing is that parties are given a reasonable opportunity to know the case being advanced against them and to respond to the evidence relied upon.

3.1.2 The introduction of fresh technical evidence immediately before a hearing creates a significant disadvantage where the opposing party has had insufficient opportunity to examine that evidence.

3.1.3 This is particularly significant where the evidence concerns technical matters such as **geotechnical conditions, slope stability, land susceptibility and natural hazards**, which may require specialist interpretation.

3.1.4 The Submitter respectfully submits that allowing new technical material to be introduced at such a late-stage risks undermining the ability of the Submitter to properly test the evidence and may compromise the fairness of the hearing process.

4. PRE-CIRCULATION AND EVIDENCE-EXCHANGE REQUIREMENTS

4.1 The Submitter understands that RMA hearing processes, including the Hutt City Council District Plan hearing process, operate according to specified evidence-exchange and pre-circulation timetables.

4.2 In particular, the Submitter understands that Council expert evidence is ordinarily required to be circulated substantially in advance of the hearing, while submitter expert evidence is subject to a separate but also defined pre-circulation period.

4.3 The introduction of fresh technical evidence approximately **three days before the commencement of the hearing** deprives the Submitter of a reasonable opportunity to consider and respond to that material within the ordinary evidence-exchange framework.

4.4 The Submitter respectfully submits that procedural deadlines exist for an important purpose: namely, to ensure that all parties have a fair and meaningful opportunity to prepare their cases and that the Hearing Panel receives properly tested evidence.

5. PARTICULAR CIRCUMSTANCES OF THIS SUBMITTER

5.1 The Submitter has spent approximately **two years seeking to have inaccurate or incomplete information concerning 23 Pomare Road corrected by the relevant agencies**.

5.2 The Submitter relies upon the documentary evidence already provided to the Hearing Committee demonstrating the matters that have previously been identified and corrected.

5.3 Against that background, the Submitter is concerned that allowing further late evidence from Council's experts effectively provides an opportunity to retrospectively repair or supplement aspects of the Council's case after the normal evidence-exchange process has concluded.

5.4 The Submitter respectfully submits that the Hearing Panel should apply the procedural requirements consistently and should not permit late evidence merely because it is being advanced by Council-appointed experts.

5.5 The Submitter's position is not intended to criticise the Panel personally. Rather, the concern is that **the integrity and fairness of the hearing process depend upon the same procedural standards being applied to all parties.**

6. POSITION IF THE PANEL DOES NOT EXCLUDE THE LATE EVIDENCE

6.1 The Submitter has been advised by email that the Chair does not intend to allow the application to strike out the late evidence.

6.2 If that remains the Chair's position, the Submitter respectfully requests that his objection and application nevertheless be **formally recorded on the hearing record.**

6.3 The Submitter considers it important that the record clearly demonstrate that he has objected to the late introduction of the evidence and has raised concerns regarding procedural fairness and natural justice.

6.4 The Submitter further requests that, if the late evidence is admitted, appropriate procedural safeguards be imposed to ensure that the Submitter is not unfairly prejudiced by its admission.

7. ALTERNATIVE ORDER – LIMITATION OF WSP REBUTTAL EVIDENCE

7.1 In the event that the Panel declines to exclude or strike out Point 7.7, Submitter 122 respectfully seeks a direction that any WSP rebuttal evidence be **strictly confined to genuine rebuttal of matters raised in the Submitter's evidence.**

7.2 The WSP witness should not be permitted to use the rebuttal process to:

- introduce entirely new matters.
- expand upon or materially alter the Council's original evidence.
- introduce new geotechnical methodologies.
- undertake new site evaluations that should reasonably have been undertaken earlier.
- introduce new policy arguments.

- introduce new hazard assessments that should have formed part of the original Council evidence; or
- otherwise re-present or substantially expand upon the original WSP hazard assessment under the guise of rebuttal.

7.3 The Submitter respectfully submits that **rebuttal should remain rebuttal**. It should respond to matters actually raised by the opposing evidence and should not become a vehicle for introducing a new or substantially expanded Council case after the evidence-exchange deadline.

8. CROSS-EXAMINATION OF WSP WITNESS

8.1 Submitter 122 formally requests the opportunity to **cross-examine the WSP witness in relation to the late evidence that the Panel has permitted to be introduced**.

8.2 This request is particularly important because the late material was not available to the Submitter within the ordinary evidence-exchange period.

8.3 The Submitter requests that the Chair intervene if the WSP witness's oral evidence moves beyond the permissible scope of rebuttal.

8.4 If necessary, the Submitter requests that any oral or written evidence that materially exceeds the permitted scope of rebuttal be **disallowed, disregarded, or given no weight**.

9. PROCEDURAL ADJOURNMENT / ADDITIONAL RESPONSE TIME

9.1 If the Hearing Panel determines that the late WSP evidence is sufficiently important that it should be heard and considered, Submitter 122 respectfully requests an appropriate procedural accommodation.

9.2 The Submitter formally requests sufficient additional time to properly consider the evidence and, if necessary, obtain technical or other expert assistance in responding to it.

9.3 The Submitter considers that a period of **10 working days** would provide a reasonable opportunity to review the late evidence, obtain advice if required, and prepare an informed response.

9.4 The Chair has offered the Submitter the opportunity to appear on **18 August and subsequently on 28 August** to respond to the permitted late evidence.

9.5 **Submitter 122 formally accepts the opportunity to appear on 28 August for this purpose.**

9.6 The Submitter considers that this additional opportunity is an appropriate and proportionate procedural safeguard if the late evidence is to remain before the Panel.

10. REQUESTS TO THE HEARING PANEL

For the reasons set out above, Submitter 122 respectfully requests that the Hearing Panel:

Primary request

A. Strike out, exclude, or refuse to admit HCC rebuttal Point 7.7 insofar as it introduces late WSP evidence that was not properly pre-circulated within the applicable evidence-exchange timetable.

Alternative request

If the Panel determines that the late evidence should nevertheless be admitted:

B. Direct that the WSP evidence be strictly confined to genuine rebuttal of matters raised in the Submitter's evidence.

C. Prevent the introduction of new matters, new methodologies, new site assessments, new policy arguments or other material that should properly have formed part of the Council's original evidence.

D. Permit Submitter 122 to cross-examine the WSP witness on the permitted late evidence.

E. Direct the Chair to intervene where the WSP witness moves materially beyond the permitted scope of rebuttal.

F. Disallow or give no weight to evidence that exceeds the permitted scope.

G. Provide Submitter 122 with a reasonable opportunity to obtain technical advice and prepare a response to the late evidence; and

H. Confirm that the Submitter's objection to the late evidence and his application for its exclusion are recorded on the formal hearing record.

11. CONCLUSION

11.1 Submitter 122 respectfully submits that the issue before the Panel is not simply whether additional evidence may be technically relevant, but whether it can be introduced and relied upon **without compromising procedural fairness and the Submitter's ability to properly respond to it.**

11.2 The Submitter has participated in this process in good faith and has undertaken substantial work to identify and correct information concerning the property which he considers having previously been inaccurate or incomplete.

11.3 The Submitter respectfully asks the Panel to ensure that the same standards of procedural fairness are applied to Council, its experts and individual submitters alike.

11.4 The Submitter's primary position remains that the late WSP evidence should not be admitted.

11.5 If, however, the Panel determines that the evidence should remain before it, the Submitter respectfully seeks the procedural protections and limitations set out above, including the opportunity to cross-examine the WSP witness and to provide a properly informed response.

Submitted by:

**John Wadham
Submitter 122**

23 Pomare Road, Tirohanga

Date: 15 August 2026



Virus-free. www.avg.com