

Cross-Examination Questions for WSP/HCC witness rebuttal [alleged]Slope Stability hazard 17/08/26

re 23 Pomare Road Tirohanga .

Submitter 122: Opening Summary Statement

"Good morning/afternoon, Commissioners.

Thank you for the opportunity to speak today regarding **23 Pomare Road**.

Our position is clear and evidenced: the proposed Slope Assessment Overlay as applied to our specific property is legally unsupportable, technically unverified, and built upon fundamentally flawed data that has already been retracted or corrected by the very agencies that generated it.

We urge the Committee to reject the blunt, 'district-wide' desktop model applied to our land, based on three undeniable facts now recorded in the hearing timeline:

1. Zero Site-Specific Reality

The WSP model operates at a district-wide desktop scale. It is entirely blind to the actual, physical characteristics of 23 Pomare Road. It ignores our existing topography, and completely pretends that our railway sleeper retaining walls , engineered brick walls and concrete inground retaining walls do not exist. All are depicted in the WWL file review [report & photos 24/5/24] detailed as critical site [review] features . Despite this detailed comprehensive evidence of these protective structures filing, neither HCC nor WSP has filed a single line of technical or written engineering rebuttal. They have chosen to ignore reality because reality breaks their desktop model.

2. Defunct Hydrological Assumptions

In paragraph 3.6 of his evidence, the Council's expert claims that updated water and flood modelling do not affect his slope failure assessment. Yet, engineering logic dictates that water saturation is the primary trigger for land instability.

As formally confirmed in writing by the HCC Head Planner and Wellington Water Limited, the specific flooding and inundation risks originally assigned to 23 Pomare Road have been **completely removed**.

The baseline hydrological assumptions under pinning WSP's initial assessment are now obsolete. You cannot change the water inputs entirely and claim the slope output remains perfectly identical.

3. Contradictory Data & The NHC Apology

The most damning failure of this proposed overlay is the data foundation itself. In official OIA responses, the Council admits it relied on the national hazard portals to

cross-check and formulate these zones. Yet, the Council's own expert, Mr. Brabhakaran, openly rejects that same data as inaccurate for our property in paragraph 3.7.

To completely resolve any doubt, we have tabled in our Supplementary Submission dated **21 July 2026** a formal, written apology from the Chief Executive of the Natural Hazards Commission, Tina Mitchell, explicitly admitting to systemic data errors in their portal regarding our site.

Conclusion

Commissioners, we are left with a bizarre contradiction: The Council relies on a portal map, the creator of that map has formally apologized for its errors, and the Council's own expert rejects the portal data while defending a boundary line built upon it.

We cannot restrict private property rights based on a desktop model that ignores site-specific engineering, relies on deleted flooding data, and clings to a national portal map that has been formally retracted with an apology from its CEO.

To expose these critical contradictions, I would now like to put a series of brief, targeted questions to the Council's expert witness, Mr. Brabhakaran. Thank you."

1. Line of Questioning: Scale vs. Individual Property Impact

- Q "Mr. Brabhakaran, in paragraph 3.3 of your evidence, you acknowledge that WSP's assessment does not consider detailed features at an individual property level, correct?"
- Q "You state that the Slope Assessment Overlay was developed at a 'district-wide scale.' Would you agree that applying a broad, district-wide desktop model to a specific property can capture land that does not actually share the physical hazard characteristics of the broader area?"
- Q "If the model ignores property-level features like existing gullies or drainage—and is completely blind to protective structures like the brick walls and concrete inground retaining walls present at 23 Pomare Road—how can the Council safely conclude that this specific property poses a landslide risk justifying a restrictive District Plan overlay?"
- Q "You and HCC have had access to my submission points and WWL review reports detailing these engineered, inground retaining walls etc for some time. Has WSP conducted any site-specific calculation or technical review to rebut

the protective capacity of these walls? No? So, your model simply pretends they do not exist?"

- Q "Is it your position that it is fair or appropriate planning practice to place a restrictive overlay on an individual property first, and force the landowner to pay for site-specific engineering later to prove your desktop model wrong?"
 - Q "This methodology—placing the restriction first and requiring the landowner to fund the correction—was explicitly stated in your WSP report. Was this specific framework a direct instruction from HCC, or was it a methodology suggested independently by WSP?"
 - Q "Your report contains a strict disclaimer stating that WSP accepts no responsibility for the correctness of the information supplied to you by HCC or third parties. Yet, HCC has introduced you to this hearing as their independent expert witness. Which is it: are you an independent report provider giving high-level desktop opinions, or are you an engaged contractor hired to defend and justify HCC's preconceived hazard boundaries?"
 - Q "To clear up the scope of this independence: what percentage of the WSP slope stability hazard report responded to specific terms, boundaries, or directives dictated directly by HCC?"
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2. Line of Questioning: Dismissal of "New Evidence" & Hydraulic Inputs

- Q "In paragraph 3.6, you acknowledge that increased water infiltration, porewater pressures, and saturated ground conditions directly contribute to slope failure, correct?"
- Q "You also admit that changes to Wellington Water Limited's (WWL) flood hazards and updated hydraulic modelling were completely unknown to WSP during your initial assessment, correct?"
- Q "Are you aware that the HCC Head Planner has formally emailed confirming the total removal of the specific flooding and inundation risks for 23 Pomare Road, as supported by WWL's review report?"
- Q "Given that water infiltration and saturation are the primary triggers for slope instability, how can you confidently state in paragraph 3.6 that removing these

major flooding and water runoff assumptions 'does not affect your assessment of slope failure susceptibility' without conducting a brand-new, integrated technical calculation?"

- Q "If WWL and the Council's own planning team have confirmed that the baseline hydrology and water runoff models were incorrect for this property, doesn't that mean the environmental assumptions underlying your slope stability model are now fundamentally flawed?"
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3. Line of Questioning: Reliance on Faulty Portals & The NHC Apology

- Q "In paragraph 3.7, you acknowledge that the Natural Hazards Commission (NHC) incorrectly listed 23 Pomare Road in its portal as having accepted land stability claims, correct?"
- Q "You note that NHC data 'did not form or contribute' to the WSP assessment in this instance. Can you explicitly list exactly what historical land-slip data for the Tirohanga hill area was relied upon to calibrate your landslide susceptibility map?"
- Q "You claim WSP did not rely on the NHC portal. However, are you aware that in evidence obtained via an Official Information Act (OIA) request, HCC explicitly stated that they *did* rely on NHC data portal information to formulate and cross-check these hazard zones?"
- Q "Are you aware that in Submitter 122's Supplementary Submission dated 21 July 2026, a formal letter of apology from the CEO of the NHC, Tina Mitchell, was tabled as evidence, explicitly admitting to systemic and further errors within their data portal regarding this property /area?"
- NOTE :IF SUBMITTER ALLOWED IN PERSON TO CROSS, I WOULD HOLD UP THE NHC APOLOGY FOR PANEL TO NOTE .
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- Q "If the NHC Chief Executive formally apologises for data errors on this site, and you as WSP's expert reject the portal data as inaccurate, but the Council *used* that very same data to justify these zones—how can this committee rely on a hazard overlay built on contradictory, retracted, and erroneous data?"
- NOTE :IF SUBMITTER ALLOWED IN PERSON TO CROSS, I WOULD HOLD UP THE HCC OIA DOCUMENT FOR PANEL TO NOTE .
- Q "If national hazard portals are prone to errors—as proven by the NHC CEO's formal correction and apology—doesn't that underscore the extreme

danger of relying on broad desktop data without verifying actual site-specific realities?"

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