

My Response to Submissions and Letters of Evidence

Andrew Stalker

In Opposition to RC246049

Date: 28 July 2025

1. I have read with interest the letter from WSP to Steven and Rose Griffiths, supporting the proposal at [REDACTED]. The letter confirms that the land known as RES 3537 cannot be sold independently as it fails to meet the 20-hectare minimum lot size under the Selwyn District Plan. This raises concerns that SDC altered its own rules or procedures to allow the sale of this reserve land contrary to standard planning thresholds.
 2. I have reviewed the evidence submitted by Isobel Harding. On page 3, Table 2 of her planning assessment, she marks "No" for HAIL (Hazardous Activities and Industries List) status. However, the ECAN LLUR confirms that RES 3537 is recorded as G3 HAIL land (contaminated fill). It is deeply concerning that Elliot Sinclair reportedly undertook a PSI, but the outcome appears to have been manipulated to minimise HAIL risk and push the consent through. This casts serious doubt on the independence of the assessment.
 3. The RF1 response submitted by Elliot Sinclair, dated 4 April 2025, confirms in the Executive Summary that the site is HAIL G3 and that a full DSI should be carried out. Despite this, a large 216m² shed and a gravel driveway have been established on the site without any DSI being undertaken. This not only exposes neighbouring properties to potential contaminated runoff, but breaches Regulations 5–8 of the NES-CS.
 4. In summary, it was misleading and dishonest for the planner to mark "No" to HAIL on official forms, including on pages 8 and 10 of the summary documentation. Figure 5 clearly shows the site in use, and Section 6.4 explicitly states that future soil disturbance will require testing. Why, then, was the construction of the shed exempted from this obligation? This inconsistency must be scrutinised.
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Additional Procedural Failures

5. The use of our legal address ([REDACTED]) on the Form 7 documentation for the container structures in 2018 is of particular concern. This error was never corrected until June 2025, allowing the containers to be approved without proper

notification or consent from us, as directly affected neighbours. We believe this misrepresentation materially hindered the fair process under the RMA, thereby depriving us of our ability to object and participate. Only now, with this application, are we considered affected parties, as per the buffers entered on the LIM in March 2025, not before that.

6. The 2023 shed was also approved without notification, despite its proximity to our boundary, the HAIL classification of the land, and the historical misuse of our address. These actions have adversely affected our privacy, amenity, and well-being, which are key considerations under **section 5 of the RMA**. Therefore, the Council's failure to engage with us at the time of resource consent applications for these structures undermines the principles of natural justice.

Request as an Affected Party

- **Decline RC246049 in full.**
- Investigate the planning procedures that enabled earthworks on HAIL land without the need for PSI or DSI.
- Review the use of our legal address in Form 7 and the subsequent denial of our affected party's rights. Also verified in print on the LIM.
- Hold Elliot Sinclair, SDC, and ECan accountable for misstatements and maladministration.
- Uphold the duty of care and integrity under the RMA and District Plan to protect neighbouring residents and land from foreseeable environmental and planning harm, not including dishonest rural encroachment.

Submitted by:

Andrew Stalker

Affected Landowner

Date: 28 July 2025

