

20 January 2015

Smith Rex Allan
4 Walnut Drive
Motueka 7120

Dear Rex and Gloria

Further to my letter of 5 December 2014 - Intention to Include Property on Site Contamination Register

You received a letter from me in early December to advise you of Council's intention to include part or all of your property located at 4 Walnut Drive, Motueka on the Council's Site Contamination Register as being historically used for orchard and with the potential for the residue from persistent pesticides to be present (HAIL A10).

There was a meeting in Mapua on 23 December 2014 that you may have attended called for by a group of concerned property owners. As a result of that meeting and feedback I have received from many landowners since then, including Tom Watkins and John Tucker (leaders from the residents' meeting), I have reflected on the approach we took to informing you about the risk that your property might be affected by pesticides used on most orchards in the past.

The first thing I would like to acknowledge is that while the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 (NES) places obligations on the Council that it must meet in its environmental management / regulatory role, you are the person affected by this. I and other staff had not appreciated that the information sent out would be so deeply and personally felt by so many of you as we essentially followed the same process we have used for several years now. Yes, we now know that this approach needs to be amended. Given all of that I have undertaken to:

- Report on the process at the March Environment & Planning Committee meeting to reconfirm the basis and outcomes of the work staff are undertaking.
- Review the proposed wording on LIMs and PIMs where there is a potential, rather than established proof of contamination, to soften the language, to deal with your concerns in so far as I can and to reflect best practice in the wording in other council areas. This will also be presented to Council for acceptance in March. As an interim step we propose to adopt the wording used by Hastings District Council that states:

"This site has been identified as potentially being subject to the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. Any future

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change of use or subdivision would require a preliminary site investigation report pursuant to the regulations. Please note this report may result in the need for resource consent under these regulations”.

- Make it clear that notwithstanding my request for you to let me know by 16 January 2015 that your property was not formerly an orchard, you can send information at any time relevant to your property.
- Reconfirm to Council what discretion Council and staff have in responding to the NES (and how we might exercise it) as well as where we have no discretion.
- Provide more information about how the owner / occupier of historic orchard land can manage any risk. We will make this information available on the Council website and from Council's offices.
- Find ways to better include property owners in the process in the future.
- Review information provided by landowners and seek additional information on historic land use where it is available.

While this letter does not provide all the answers you may be seeking, I do wish to acknowledge that the concerns have been heard and that they will be addressed during the coming months. This will coincide with a review of the NES that we understand the Minister for the Environment is proposing. I will work with the core group and the ward councillors to progress this.

The last two points I need to restate are, that the date for a response is not fixed and we will receive information from you whenever you have it, and importantly if any property sales are contemplated in the meantime, the Council is under a duty to disclose information known to it. If you wish to discuss individual cases in such situations, please contact me at the time.

Yours sincerely

A handwritten signature in black ink that reads "Paul Sheldon". The signature is written in a cursive, slightly slanted style.

Paul Sheldon
Resource Scientist Contaminants