
Fw: Maitahi Village - Concern about remediation and stream realignment plans at Kaka Valley HAIL site.

From Daniel Levy [REDACTED]
Date Mon 12/05/2025 9:15 AM
To Alex Mickleson [REDACTED]

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Kia ora Alex,

I have serious concerns about potential adverse health and environmental outcomes of the proposed realignment of Kaka stream through a HAIL site (historical sheep dip and woolshed). Please see the emails below where I have been advised to contact EPA and the summary of my concerns in the email dated May 5th to Nelson City Council.

Thanks,
Daniel Levy.

----- Forwarded Message -----

From: Daniel Levy [REDACTED]
To: Pete Keyanonda [REDACTED]
Cc: Rachel Sanson [REDACTED]; Aaron Stallard [REDACTED]
Sent: Friday, May 9, 2025 at 01:38:47 PM GMT+12
Subject: Re: Concern about remediation and stream realignment plans at Kaka Valley HAIL site.

Kia ora Pete,

Thank you for your email dated May 5th and I will attempt to contact the EPA to express my concerns as you advised.

I am surprised and disappointed by your statement, 'Council has no administrative influence nor any decision making authority within this process'.

Relevant Laws and Local government legal responsibilities to manage such historic contaminant hazards are summarized in this paper (Appendix 3, p.67): <https://environment.govt.nz/assets/Publications/Files/Risks-Former-Sheep-Dip-Sites-Nov-06.pdf>. I understand that this paper is rather dated and that the Fast Track legislation is brand new, but I doubt that that this new legislation trumps all previous relevant acts or fully exonerates local Councils of their responsibility to manage hazardous sites within their jurisdiction.

Examples of relevant legislation detailed in this paper include:

The Health Act 1956: which includes provision for territorial authorities to: improve, promote and protect public health.

Hazardous Substances and New Organisms Act 1996 (HSNO): the purpose of which is to protect the environment, and the health and safety of people and communities. Territorial authorities are enforcement agencies under the HSNO and with regard to contaminated sites, the primary role of local government under the HSNO is the prevention of new contaminated sites arising from the use, storage or manufacture of hazardous substances.

Resource Management Act 1991 (RMA) - Regional and territorial authorities have responsibilities for managing contaminated land under the RMA.

Section 30 makes particular reference to the investigation of contaminated land and the duty to control discharges of contaminants, which can also be applied to contaminants from disused sheep-dip sites. The functions of territorial authorities are defined under section 31 of the RMA. These functions generally include the integrated management of the effects of the use, development, or protection of land. Section 31 includes the following paragraph: 61 Identifying, Investigating and Managing Risks Associated with Former Sheep-dip Sites (1) Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district: ..(b) the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of - (ii) the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances; and (iia) the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land.

Section 35 states the general duty of local authorities to gather information, monitor and keep records.

Statements from Appendix 3 of this 'Risks from former sheep dip sites' paper include the following:

- City and district councils (including unitary authorities) are responsible for authorising subdivisions and changes in land use. In particular, they are responsible for controlling land uses to prevent or mitigate any adverse effects of the development, subdivision or use of contaminated land.
- Regional councils also have a role in controlling discharges to water, air and land of contaminants that may cause an adverse effect, including discharges of contaminants from sheep-dip sites. The primary role of regional councils is environmental management, which includes the protection of human health.
- During the remediation process itself, precautions should be taken to avoid the discharge of contaminants into the wider environment. A common situation might be where earthworks on an excavation site have the potential to disperse contaminated dust, or cause sediment run-off resulting in the contamination of a nearby stream. Another concern is the discharge of soil contaminants back to soil, through using contaminated material for fill elsewhere.

These statements and the relevant legislation detailed in the paper seem to me to contradict your statement that, 'Council has no administrative influence nor any decision making authority within this process'.

If the EPA is the body responsible for considering this aspect of the fast track application, I would have thought that it would be appropriate for NCC to approach them at this stage to express concerns about this unprecedented request to realign a stream through a contaminated site following the proposed remediation.

There appears to be no provision for concerned members of the public such as myself, to make a submission and moreover a preemptive communication from NCC would undoubtedly be taken more seriously and would be more likely to result in good health and environmental outcomes.

Best regards,

Daniel.

On Monday, May 5, 2025 at 12:04:22 PM GMT+12, Pete Keyanonda [REDACTED] wrote:

Kia ora Daniel,

Thank you for taking the time to share your concerns. Corey has passed on this enquiry to me as our team will be involved in co-ordinating feedback to this process.

I sincerely apologise, but this process is not run or decided on by Council—it is being managed independently by the Environmental Protection Authority (EPA) under the fast-track consenting process brought in by the Fast Track Approvals Act 2024.

In this process, Council will be asked for feedback on the proposal. However, no formal requests for feedback have been made at this point in time.

Council has no administrative influence nor any decision making authority within this process.

The EPA has asked that interested members of the public should be directed to the fast track website in the first instance, where the most up-to-date information and guidance is available: <https://www.fasttrack.govt.nz/>

I'm sorry I'm not able to assist further, but I do encourage you to contact the EPA directly so your concerns can be appropriately directed.

Ngā mihi,

Pete Keyanonda

Principal Planner

Kaiwhakamahere Matua

My hours are Tuesday to Friday 9am to 4.30pm

Nelson City Council / Te Kaunihera o Whakatu

03 539 5560

www.nelson.govt.nz

From: Daniel Levy [REDACTED]

Sent: Monday, 5 May 2025 9:15 am

To: Corey Parsons [REDACTED]

Subject: Fw: Concern about remediation and stream realignment plans at Kaka Valley HAIL site.

Kia ora Corey,

I have summarized my concerns below. I have already raised this issue with Councilors who have passed it on, but the response did not allay my worries. I believe it is now a time sensitive matter as the fast track panel is convening to consider the application. I feel that if it is granted as requested it could inadvertently result in adverse health and environmental outcomes. I hope that by bringing these concerns to your attention at this stage, there may be a better chance of reducing this risk.

Thank you for considering this matter and I look forward to hearing from you.

Best regards,

Daniel Levy.

[REDACTED]

The Maitahi subdivision developers propose to use the fast track application process to permit the realignment of Kaka Stream through a HAIL site (historical sheep dip, run off area and woolshed), severely contaminated with high levels of dieldrin, arsenic, heavy metals and other toxic chemicals.

The Remediation Action Plan (RAP)[1] proposes redistribution of material from the HAIL site to other areas in the development and the realignment of Kaka Stream, redirecting overland and groundwater flows directly through and downstream of the contaminated area. Any residual contamination could result in long term environmental consequences as, 'arsenic and (especially) dieldrin can be expected to be strongly bound to soils...arsenic and dieldrin will continue to move from soil into water for a very long time, perhaps indefinitely.'[2]

The Site Contamination specialist review of the RAP identifies and summarizes some of the risks and concerns about the proposed remediation and stream realignment and raises issues, for example:

*Envirolink has determined that soils in the vicinity of the former sheep dip are contaminated with historic pesticides: arsenic, reported at up to 810 mg/kg, and the organochlorine compound dieldrin, reported at up to 620 mg/kg.These concentrations are well above national Soil Contaminant Standards for highdensity residential use..... In fact, the highest dieldrin result could trigger restrictions made by the Environmental Protection Authority under the Hazardous Substances and New Organisms Act, **which would mean that it could not legally be disposed of within New Zealand at this time.***
[3] [emphasis added]

These risks are not adequately addressed in the response, which includes that **offshore disposal has not been ruled out**.[4] The suggestion of 'offshore options' presents ethical, environmental and health risks for any receiving jurisdiction.

The boundaries (surface and depth) of contamination have not been properly established and site testing is unlikely to identify all concentrated surface and underground channels of contamination. The remediation procedure in the RAP states that, 'where geotechnically suitable, excavated soil can be reused in proposed recreation reserves'.[5] This could inadvertently spread the contaminants, potentially increasing adverse impacts on human and river health.

The proposed realignment of Kaka Stream through the remediated site contravenes best practice guidelines for remediation of contaminated land.[6] Those guidelines identify removing contamination, reducing contaminant concentrations and **interrupting the exposure pathway, including soil, water or gas barriers** as possible remedial strategies. Exclusion of receptors from contamination is also identified as a long term remedial method to deal with residual risk.

Further information:

- The Waikato regional Council details that risks associated with contaminated sites can be minimised by breaking the source-pathway-receptor chain. This can be done by: removing the source of contamination (remediation), removing the pathways that allow contaminants to reach receptors and removing the receptors. [7]

The proposed redistribution of excavated soil, and diverting water through the remediated site does not comply with these guidelines with respect to removing the pathways or the receptors. The rerouting of Kaka Stream through the site would be an **unprecedented** action with high potential for adverse health and environmental outcomes.

- Such diversion would also contravene the objectives of Schedule X of the Fast Track application which states that the development will contribute positively to the environment including - *'improved freshwater quality, freshwater and terrestrial ecosystem health and biodiversity...* [8] and ***Prioritising the mauri, health and wellbeing of local waterbodies*** [emphasis added].[9]

[1] Remediation Action Plan , Fast track application document section 8.1. <https://www.fasttrack.govt.nz/projects/maitahi-village/substantive-application>

[2] Site contamination specialist review of remedial action plan at pg 5, Fast track application document section 8.2.

[3] Site contamination specialist review of remedial action plan at pg 2.

[4] Response-to-review-of-RAP at pg 2, Fast track application document section 8.3.

[5] Remediation Action Plan p.23

[6] Contaminated land management guidelines at page 16. <https://environment.govt.nz/publications/contaminated-land-management-guidelines-no-1-reporting-on-contaminated-sites-in-new-zealand/>

[7] <https://www.waikatoregion.govt.nz/services/waste-hazardous-substances-and-contaminated-sites/contaminated-sites/managing-contaminated-sites/>

[8] *Objective RE6 Maitahi/Mahitahi Bayview Area (Schedule X)* – at p 99 and 100 of the fast track substantive application

[9] policy RE6.4 - f.