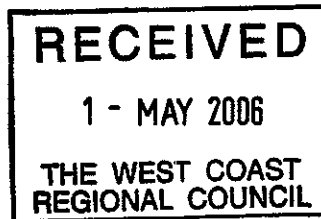


28 April 2006

The Vector Programme Manager  
West Coast Regional Council  
PO Box 66  
GREYMOOUTH



**FAXED**

For: Mr Andrew Macalister

**By Post and Facsimile: 03 768 7133**

The Harihari / Whataroa Tb Control Programme

We advise that we have received instructions from Daniel and Kath Lane and Philip Paterson with regard to ongoing concerns that they hold in respect of the aerial sowing of 1080 poison in the Harihari / Whataroa control areas.

As we understand the position, our clients and a number of other residents in the area are not satisfied that the conditions under which the relevant consents were issued were complied with when the aerial sowing operation commenced in January of this year and that, as the programme continues, further breaches may occur. In particular, the possibility that the Harihari town water supply and various private water supplies may be contaminated is of real concern.

We have reviewed the relevant grants of permission under the Hazardous Substances and New Organisms Act 1996 with identification codes VPC-WC05/0128-0130. Part C in Schedule 1 of those grants of permission prescribes various conditions that are to apply when 1080 poison is sown by air or hand-laid in drinking water catchments.

With regard to these matters, we have been instructed to seek confirmation as to whether it is intended to provide alternative drinking water supply and undertake water testing in relation to the Harihari town supply with reference to the further aerial sowing that we understand to be scheduled shortly. Further, if it is not proposed to close the town water supply until testing can be carried out, please advise under which of the exceptions (a) - (h) it is intended to rely.

A number of these exceptions will obviously not be relevant but, it may be that reliance would be placed on paragraph (d) which provides:

*"Where there is sufficient distance between the 1080 treatment area and the draw-off point for the water supply from that water catchment (in most cases 3 km)."*

Assuming this to be the case, on the basis of information / maps that have been provided to our clients detailing the area that was sown by air in January of this year, they are concerned that the anticipated 3 kilometre buffer zone between the treatment area and the draw-off point for the Harihari town water supply has not been, and may not in the future be, respected.

As we understand the map produced by Council dated 12 January and revised on 20 January 2006 with the heading South Westland Aerial (8126-8021), it appears to be clear that a buffer zone of no

JMMML060428 JMMI]

**CITY OFFICE:** Level 4, Landsborough House, Corner Durham and Gloucester Streets  
PO Box 1985, DX WP 20536, Christchurch Tel: 03-379 3110, Fax: 03-379 1911. Email: mail@cameronco.co.nz

**BRANCH OFFICES:** BARRINGTON LAW OFFICE, 20 Athelstan Street, Christchurch, Tel: 03-337 0218.  
UPPER RICCARTON LAW OFFICE, Cnr Yaldhurst Road and Peer Street, Christchurch. Tel: 03-348 8061

more than approximately one kilometre has been adopted. Therefore, please advise what Council's position is with regard to this aspect.

Our clients also believe that January's poison sowing operation failed to protect against contamination of a number of private water supply locations in the area. Our instructions are that, in a number of instances, adequate steps appear not to have been taken to locate and avoid the points from which water is taken by private users. Again, please advise what Council's position is with regard to this aspect.

Our client, Mr Paterson, has also expressed to us certain concerns with regard to the area to be sown, relative to the boundary to his property situated off Fontaine Road. In particular, paragraph 18 of the Resource Consent issued on 22 November 2005 under file reference number RC05082 requires observation of a 100 metre buffer zone between the area to be sown and the boundary of a property adjoining the discharge area shown on the relevant plan or a fence of a paddock adjacent to the discharge area.

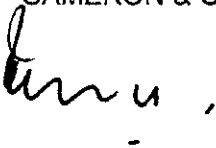
Concerning this aspect, Mr Paterson believes that boundaries were set for further sowing by an aerial fly-over in the area of his property on Monday, 24 April. In particular, our instructions are that the helicopter, we understand using a GPS system, appeared to fly directly along the southwest boundary to his property. Therefore, if 1080 poison is to be sown on the same basis, it is clear that no buffer zone will have been observed. Further, and particularly because Mr Paterson relies on the collection of rainwater for his water supply, issues with regard to drift in terms rule 15 (h) of the Regional Plan may well apply.

With regard to these matters, we therefore request confirmation with regard to the location of the intended aerial sowing boundary in relation to Mr Paterson's property and also your advice as to when the next aerial sowing operation is intended to take place.

In the circumstances, we ask that you please respond as soon as possible with regard to the various enquiries outlined above and before any further aerial sowing takes place.

Further, we have been specifically instructed to record that our clients' expectation is that all relevant conditions in respect of the various consents that have been issued with regard to the 1080 poison control programme are properly observed and that, should it appear that any breach has occurred, consideration will be given to pursuing such remedies by way of penalty and / or compensation as may be available.

Yours faithfully  
CAMERON & COMPANY



J M MORAN  
Associate

Email: [jmm@cameronco.co.nz](mailto:jmm@cameronco.co.nz)