

Levonne Scott

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Conservation House
18 Manners Street
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7 April 2026

Ref: OIAD-6183

Tēnā koe Levonne,

Thank you for your request to Auckland Council which was transferred to the Department of Conservation (DOC) on 17 March 2026. Auckland Council have confirmed that the aspect of your request transferred was:

So why would you allow spraying of nesting birds when it is an offence against the wildlife act,

We have considered your request under the Official Information Act 1982 (the Act).

I regret that I am not able to provide you with the information you seek. The application of agrichemicals is regulated under both the Hazardous Substances and New Organisms Act 1996 (HSNO) and the Resource Management Act 1991 (RMA). The implementation of, and compliance with these regulations in relation to the activity undertaken at Te Henga Wetland (which is not Public Conservation Land administered by DOC), is the responsibility of Auckland Council.

As the questions you have raised are in relation to Auckland Council's operational matters, your request is refused in full subject to section 18(g) of the Act as the information requested is not held by the Department. I note that Auckland Council will also provide a response to this request, so I do not consider it necessary to transfer this request back to them at this time.

Wildlife Act 1953 and aerial spraying:

The Wildlife Act 1953 provides absolute protection for most native bird species, including protection of eggs and nests, and applies at all times and on all land, regardless of ownership.

While the Act does not regulate agrichemical spraying as an activity, any activity that results in the killing, injury, or disturbance of protected wildlife, or the destruction of nests or eggs, may constitute an offence under the Act unless authorised.

Compliance with other regulatory frameworks does not remove obligations under the Wildlife Act. Accordingly, operators remain responsible for ensuring their activities do not result in offences under the Wildlife Act.

As per our letter dated 18 March 2026, the DOC Border Species and Trade Team has reviewed the information you have provided and determined that no offences have been committed, and no further action can or will be taken at this stage.

I refer to your email sent on 20 March with a number of questions regarding the application of agrichemicals. As previously noted, this activity is regulated under HSNO and the RMA and the implementation of, and compliance with these regulations is the responsibility of Auckland Council.

You are entitled to seek an investigation and review of my decision by writing to an Ombudsman as provided by section 28(3) of the Official Information Act.

Nāku noa, nā

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line and a short vertical stroke at the end.

Andrew Martin
Acting Director Governance and Government Services
Department of Conservation
Te Papa Atawhai