

Friends of Sherwood Trust Board v Auckland Council [2018] NZEnvC 178

Overview prepared on 21 September 2018

In a decision issued this morning, the Environment Court has refused an application by the Friends of Sherwood Trust and the Ngai Poa Trust Board for interim enforcement orders preventing Auckland Council (**Council**) and the Department of Conservation (**DOC**) from undertaking planned pest control using 1080 poison in the Hunua Ranges Regional Parklands, and Whakatiwai and Waharau areas.

These areas are important water supply catchments for Auckland – the four reservoirs operated by Watercare in these catchments supply approximately 65% of Auckland’s drinking water.

The Court concluded that the Council and DOC’s proposed 1080 drop did not require a resource consent under section 13 of the Resource Management Act 1991.

It found that the proposed 1080 drop was authorised by Regulations made in 2017 and provisions in the Auckland Unitary Plan.

It also found that any potential effects on the environment of the proposed 1080 drop were not likely to be adverse, noxious, dangerous or objectionable.

The decision records Watercare’s protocols, developed in collaboration with international experts, to ensure that drinking water supplied to Aucklanders from its four reservoirs is not affected by the 1080 drops. These include water quality testing before the start of the 1080 operation, water source isolation procedures that take Watercare’s four reservoirs “off-line” before drop commences, a water quality sampling programme once a 1080 drop has occurred, and a water source return to service plan once testing has shown the reservoirs to be free of 1080.

The decision also records that no 1080 poison was detected in 300 water samples taken after the previous 1080 poison drop undertaken in the Hunua Ranges in 2015.

The Court has found that the proposed 1080 drop is necessary and has been carefully planned. It has also found the methods proposed to manage the risks associated with the use of 1080 poison are appropriate, and adopt the necessary precautions.

The Court has determined that the interim order initially made by Judge Smith on 6 September 2018, preventing the proposed 1080 drops from occurring will expire at 5pm, Friday 21 September.