


11 May 2023

File Ref: OIAPR-1274023063-2015



Tēnā koe 

### **Request for information - 2023-083**

I refer to your request for information dated 14 April 2023, which was received by Greater Wellington Regional Council (Greater Wellington) on 14 April 2023. You have requested the following:

#### *“General information relating to monitoring*

1. *How does the Greater Wellington Regional Council (the Council) monitor compliance with part 2, subpart 4 of the NES-F?*

#### *Information relating to permitted activities under the NES-F, clause 33, and monitoring and information requirements under clause 36*

2. *How many contraventions of NES-F, clause 33, does the Council know to have occurred in the time from 1 July 2021 to the present, in the region. Please provide a list of these contraventions.*
3. *How many contraventions of NES-F, clause 36, does the Council know to have occurred in the time from 1 July 2021 to the present, in the region. Please provide a list of these contraventions.*

#### *Information relating to consented activities under NES-F, clause 34*

4. *How many resource consents has the Council issued pursuant to clause 34(2) and (3) of NES-F in the time from 1 July 2021 to the present. Please provide reference numbers of these consents.*
5. *For each of these consents, please advise of whether consent holders have provided a complete report as required under clause 34(3)(b) each year.*

6. *For each of these consents, please advise of whether consent holders complied with the condition in clause 34(3)(a) each year. Please also advise of how the Council satisfies itself of this condition being met.*
7. *How many resource consents has the Council issued pursuant to clause 34(6) to (8) of the NES-F? Please provide reference numbers for these consents.*
8. *For each of these consents, please advise of whether consent holders have complied with their synthetic nitrogen reduction plans, and reported their use of synthetic nitrogen fertiliser each year. For those consent holders which have provided reports, how has the Council satisfied itself that consent holders are complying with their plan?*
9. *How many contraventions of NES-F, clause 34, does the Council know to have occurred in the time from 1 July 2021 to present, in the region. Please provide a list of these contraventions.*

*Information relating to follow up action and enforcement*

10. *For each known contravention of obligations under clauses 33, 34, or 36, what follow up or enforcement action has the Council taken?"*

**Greater Wellington's response follows:**

*General information relating to monitoring*

1. *"How does the Greater Wellington Regional Council (the Council) monitor compliance with part 2, subpart 4 of the NES-F?*

Landowners submit N-Cap records via Balance, Hawkeye, N-Cap Webform or in hard copy and we check their application of synthetic N is within cap.

*Information relating to permitted activities under the NES-F, clause 33, and monitoring and information requirements under clause 36*

2. *How many contraventions of NES-F, clause 33, does the Council know to have occurred in the time from 1 July 2021 to the present, in the region. Please provide a list of these contraventions.*

One dairy farm has contravened clause 33(2) by exceeding the N-Cap limit.

3. *How many contraventions of NES-F, clause 36, does the Council know to have occurred in the time from 1 July 2021 to the present, in the region. Please provide a list of these contraventions.*

103 dairy farmers have contravened clause 36 by not providing the information required by clause 36(a,b,c,d,e & f) by the required date.

*Information relating to consented activities under NES-F, clause 34*

4. *How many resource consents has the Council issued pursuant to clause 34(2) and (3) of NES-F in the time from 1 July 2021 to the present. Please provide reference numbers of these consents.*

Greater Wellington has not issued any resource consents pursuant to clause 34(2) and (3) of the NES-F.

5. *For each of these consents, please advise of whether consent holders have provided a complete report as required under clause 34(3)(b) each year.*

NA

6. *For each of these consents, please advise of whether consent holders complied with the condition in clause 34(3)(a) each year. Please also advise of how the Council satisfies itself of this condition being met.*

NA

7. *How many resource consents has the Council issued pursuant to clause 34(6) to (8) of the NES-F? Please provide reference numbers for these consents.*

Greater Wellington has not issued any resource consents pursuant to clause 34(6) to (8) of the NES-F.

8. *For each of these consents, please advise of whether consent holders have complied with their synthetic nitrogen reduction plans, and reported their use of synthetic nitrogen fertiliser each year. For those consent holders which have provided reports, how has the Council satisfied itself that consent holders are complying with their plan?*

NA

9. *How many contraventions of NES-F, clause 34, does the Council know to have occurred in the time from 1 July 2021 to present, in the region. Please provide a list of these contraventions.*

NA

*Information relating to follow up action and enforcement*

10. *For each known contravention of obligations under clauses 33, 34, or 36, what follow up or enforcement action has the Council taken?*

Actions to date for the one contravention of clause 33: the landowner was contacted and advised to reduce N use before the next reporting period, which was easily achieved, and no further action was required. In an instance where a landowner cannot reduce N use then consent is required under Regulation 34 and a plan put in place to reduce N.

Actions for the 103 contraventions of clause 36: an educational approach is taken (emails, conversations during dairy effluent inspections, and offering assistance when appropriate) in the first instance. Any ongoing non-compliance will result in enforcement action and be decided on a case-by-case basis.

If you have any concerns with the decision(s) referred to in this letter, you have the right to request an investigation and review by the Ombudsman under section 27(3) of the Local Government Official Information and Meetings Act 1987.

Please note that it is our policy to proactively release our responses to official information requests where possible. Our response to your request will be published shortly on Greater Wellington's website with your personal information removed.

Nāku iti noa, nā



Al Cross

Kaiwhakahaere Matua mo te Taiao | General Manager Environment Management