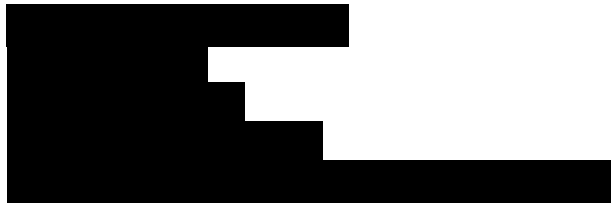



3 October 2023

File Ref: OIAPR-1274023-17063



Tēnā koe 

### **Request for information - 2023-237**

I refer to your request for information dated 13 September 2023, which was received by Greater Wellington Regional Council (Greater Wellington) on 13 September 2023. You have requested the following:

*“Information relating to permitted activities under the NES-F, clause 33*

- 1. How many contraventions of NES-F, clause 33, does the Greater Wellington Regional Council (the Council) know to have occurred in the time from 1 July 2022 to the present, in the region. Please provide a list of these contraventions.*

*Information relating to reporting requirements under clause 36*

- 2. How many contraventions of NES-F clause 36 (failure to report if required), does the Council know to have occurred for the reporting period from 1 July 2022 to 30 June 2023, in the region. Please provide a list of these contraventions.*

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

- 3. How many resource consents has the Council issued in the time from 11 May 2023 to the present pursuant to clause 34. Please provide reference numbers of these consents. Please also advise of any consent applications received during this time, which are being processed currently.*

#### *Use of the National Reporting Tool*

4. *From the response to our request earlier this year (OIAPR-1274023063-2015), we understand the Council has been able to identify owners/operators of contiguous landholdings for which reports have not been provided, by comparing these with data effluent consent holders. We understand that aligning this information was not a problem in the reporting period ending on 30 June 2022. Could you please let us know whether the Council has also been able to identify operators in this way in the reporting period ending on 30 June 2023?*

#### *Information relating to follow up action and enforcement*

5. *For each known contravention of obligations under clauses 33, 34, or 36, what follow up, educational or enforcement action has the Council has taken or does it plan to take? We know that this will involve general education and engagement with the public and with industry. However, please let us know if the Council has contacted, or intends to contact, individuals directly about specific breaches and whether this has been, or will be, in the form of educational, directive or other action.*

#### *Information relating to monitoring*

6. *Aside from the information collected via the National Reporting Tool, has the Council carried out any additional monitoring of compliance with part 2, subpart 4 of the NES-F? Does the Council plan to for the next reporting cycle?"*

#### **Greater Wellington's response follows:**

##### ***Information relating to permitted activities under the NES-F, clause 33***

1. ***How many contraventions of NES-F, clause 33, does the Greater Wellington Regional Council (the Council) know to have occurred in the time from 1 July 2022 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.

##### ***Information relating to reporting requirements under clause 36***

2. ***How many contraventions of NES-F clause 36 (failure to report if required), does the Council know to have occurred for the reporting period from 1 July 2022 to 30 June 2023, in the region. Please provide a list of these contraventions.***

75 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**

- 3. How many resource consents has the Council issued in the time from 11 May 2023 to the present pursuant to clause 34. Please provide reference numbers of these consents. Please also advise of any consent applications received during this time, which are being processed currently.**

Greater Wellington has not issued any resource consents or processing any consent applications pursuant to clause 34 of the NES-F.

**Use of the National Reporting Tool**

- 4. From the response to our request earlier this year (OIAPR-1274023063-2015), we understand the Council has been able to identify owners/operators of contiguous landholdings for which reports have not been provided, by comparing these with data effluent consent holders. We understand that aligning this information was not a problem in the reporting period ending on 30 June 2022. Could you please let us know whether the Council has also been able to identify operators in this way in the reporting period ending on 30 June 2023?**

Yes, the same comparison was able to be made between the contiguous landholdings for which reports have not been provided, and the data effluent consent holders in the reporting period ending on 30 June 2023.

**Information relating to follow up action and enforcement**

- 5. For each known contravention of obligations under clauses 33, 34, or 36, what follow up, educational or enforcement action has the Council has taken or does it plan to take? We know that this will involve general education and engagement with the public and with industry. However, please let us know if the Council has contacted, or intends to contact, individuals directly about specific breaches and whether this has been, or will be, in the form of educational, directive or other action.**

The landowner who contravened clause 33 will be contacted and advised to reduce Nitrogen use before the next reporting period. If this is not achievable then further action might be required, i.e resource consent and a plan to reduce Nitrogen.

Greater Wellington intends to continue with an educational approach (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.

**Information relating to monitoring**

- 6. Aside from the information collected via the National Reporting Tool, has the Council carried out any additional monitoring of compliance with part 2, subpart 4 of the NES-F? Does the Council plan to for the next reporting cycle?**

No additional monitoring of compliance with part 2, subpart 4 of the NES-F has been undertaken to date. Greater Wellington plan to increase monitoring of compliance with part 2, subpart 4 of the NES-F in the next reporting cycle.

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



Lian Butcher  
Kaiwhakahaere Matua Taiao | Group Manager Environment