
Northland Regional Council

Tabled Item

Council Meeting

**Tuesday, 17 September 2013
at 1.00pm**

**ISSUE: Tabled Item for the council meeting
– 17 September 2013**

ID: A582329

To: Council Meeting, 17 September 2013

From: Chris Taylor, Council Secretary

Date: 16 September 2013

Summary: The purpose of this report is to place before the council the tabled information regarding oyster farm bonds that was omitted from the “Coastal Monitoring” section of Item 6.0: Chief Executive Officer’s Report to Council. The report concludes with the recommendation that the tabled item be received.

| | | | |
|----------------------|---|---|--|
| Report Type: | <input type="checkbox"/> Normal operations | <input checked="" type="checkbox"/> Information | <input type="checkbox"/> Decision |
| Purpose: | <input type="checkbox"/> Infrastructure | <input type="checkbox"/> Public service | <input type="checkbox"/> Regulatory function |
| | <input type="checkbox"/> Legislative function | <input type="checkbox"/> Annual\Long Term Plan | <input checked="" type="checkbox"/> Other |
| Significance: | <input type="checkbox"/> High | <input type="checkbox"/> Moderate | <input checked="" type="checkbox"/> Low |

Report:

Due to an administrative error an update on the oyster farm bonds was omitted from the “Coastal Monitoring” section of Item 6.0: Chief Executive Officer’s Report to Council. Thus it is recommended that the following tabled item be received:

- Item 6.0A: Oyster Farm Bonds Update.

Recommendation:

That as permitted under section 46A(7) of the Local Government Official Information and Meetings Act 1987, the tabled item:

- Item 6.0A: Oyster Farm Bonds Update

be received.

ISSUE: Oyster Farm Bonds Update

ID: A582330

To: Council Meeting, 17 September 2013

From: Colin Dall, Consents/Monitoring Senior Programme Manager

Date: 16 September 2013

Summary The purpose of this report is to provide council with an update on Oyster Farm Bonds, including recommended “next steps” in the process. The report concludes with the recommendation that council receives the information.

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|----------------------|---|--|---|
| Report Type: | <input checked="" type="checkbox"/> Normal operations | <input type="checkbox"/> Information | <input type="checkbox"/> Decision |
| Purpose: | <input type="checkbox"/> Infrastructure | <input type="checkbox"/> Public service | <input checked="" type="checkbox"/> Regulatory function |
| | <input type="checkbox"/> Legislative function | <input type="checkbox"/> Annual\Long Term Plan | <input type="checkbox"/> Other |
| Significance: | <input type="checkbox"/> High | <input type="checkbox"/> Moderate | <input checked="" type="checkbox"/> Low |

Report:

The council has only received a few enquiries from oyster farmers about putting bonds in place for their oyster farm consents. No response has been received from the most of the oyster farmers who were issued abatement notices requiring them to put in place their consent bond or an acceptable alternative financial security by 4 October 2013. However, the New Zealand Oyster Industry Association (NZOIA) has advised the council that it has been developing its consent bond alternative proposal further and aimed to provide this to the council by mid-September. It has also been confirmed that a representative from the NZOIA will present this alternative proposal at the extraordinary meeting of council on 1 October 2013.

There is a range of enforcement options that the council can take in response to oyster farm consent holders who have not put in place their consent bond or an acceptable alternative security by 4 October 2013, including:

- Issuing of infringements notices for contravening their abatement notices.
- Seeking enforcement orders from the Environment Court requiring them to put their consent bonds or an acceptable alternative security in place.
- Prosecution.

An indicative process for undertaking enforcement action to address non-compliance with oyster farms consents was attached to each oyster farm resource consent (deemed coastal permit) that was amended under the Aquaculture Reform (Repeal and Transitional Provisions) Act 2004 and subsequently issued in 2010. Although this process was not explicitly developed to address non-compliance with the bond/financial security conditions of those resource consents and is not binding on the council, it is intended that the council will follow it and issue infringements notices to non-complying oyster farm consent holders. If those consent holders have not put in place their

consent bond or an acceptable alternative financial security within a further three months, then the next step would be for the council to take further enforcement action such as that outlined in the second and third bullet-points above.

Legal compliance and significance assessment:

The activities detailed in this report are provided for in the council's 2012-2022 Long Term Plan and as such are in accordance with the council's decision making process and sections 76-82 of the Local Government Act 2002.

With reference to section 79 of the Local Government Act 2002, this matter is considered to be of low significance under council policy because the report does not seek a decision other than the information be received.

Recommendation:

That the report "Oyster Farm Bonds Update", from Colin Dall, Consents/Monitoring Senior Programme Manager, dated 16 September 2013, be received.
