

6 JURISDICTIONAL ISSUES AND CROSS BOUNDARY MANAGEMENT PROCESS

CONTEXT

While the Council has jurisdiction only within its territorial boundaries, integrated resource management requires co-ordination and co-operation between authorities for management issues that extend across boundaries and across jurisdictions. Section 75(1)(h) of the Act specifies that the Council include in the Plan *“the processes to be used to deal with issues that cross territorial authority boundaries”*. The territorial authorities with which the Council shares jurisdictional boundaries are the two adjoining districts of Whangarei and Kaipara.

Jurisdictional boundaries are also shared between the District Council and Northland Regional Council. For example, the Northland Regional Council is responsible for the coastal marine area, in addition to water quality and soil conservation.

There are other public organisations, however, which have jurisdiction in the District and the resource management process needs also to be integrated with the plans and processes of these organisations. Examples of organisations whose activities impinge on the resource management process include:

- Transit New Zealand;
- Department of Conservation;
- Ministry of Economic Development;
- Iwi Authorities.

The emphasis in the Act is on the process rather than on the issues, but identification of issues is an important first step which was addressed through the public consultation process for the preparation of this Plan.

While the consideration of jurisdictional questions needs to be wider than simply between the District Council and the Regional Council, the Act makes particular reference to district and regional Councils. Sections 30 and 31 of the Act detail the functions of regional and district councils. In very general terms the region is concerned about the effects of activities on air, soil and water and specifically with the granting of water, discharge and coastal permits. The district, on the other hand, is concerned about the effects of activities on the land and on the surface of waterbodies. Specifically the district is responsible for granting subdivision and land use consents.

Section 33 of the Act provides for the transfer of certain powers from one local authority to another. Reasons why a transfer may be desirable include efficiency, one or other authority has a special technical capability or expertise, or a more relevant community of interest. Section 33 also sets out a procedure for the transfer of power.

The Resource Management Act includes a number of district council functions which are similar to or overlap to some extent with regional council responsibilities. Council acknowledges that in some instances these functions could be more efficiently undertaken by Northland Regional Council and will investigate opportunities to transfer powers as appropriate. Alternatively some functions may be more efficiently undertaken by Far North District Council rather than the Northland Regional Council.

6.1 ISSUES

- 6.1.1 Activities in the District may have adverse effects in another district or another jurisdiction.
- 6.1.2 Activities may cause adverse effects across a local authority boundary, for example the coastal marine area, or water bodies managed by Regional Councils.
- 6.1.3 Activities outside the District may have adverse effects within the District.
- 6.1.4 Resources that cross local authority boundaries require a consistent management approach.
- 6.1.5 The Regional and District Councils and other agencies have different responsibilities and jurisdictions for resource management over the same geographic area, which in some cases will lead to the need for one activity to get resource consent from both the Regional and District Councils and other approvals from other organisations.

6.2 ENVIRONMENTAL OUTCOMES EXPECTED

- 6.2.1 No adverse effects on resources outside the District as a result of activities within the District.
- 6.2.2 No adverse effects on resources within the District as a result of activities outside the District.

- 6.2.3 Efficient and effective resource management as a result of inter-jurisdictional co-operation and co-ordination.

6.3 OBJECTIVES

- 6.3.1 To avoid inefficient duplication of responsibilities between authorities.
- 6.3.2 To avoid omissions in management as a result of overlapping responsibilities between authorities.
- 6.3.3 To use the most efficient and effective means of carrying out functions under the Act.
- 6.3.4 To achieve the integration of the resource management process between different jurisdictions and across boundaries.

6.4 POLICIES

- 6.4.1 That the effects of activities on all resources, including those resources under the jurisdiction of other authorities within the District, and those resources adjacent to the District, be taken into account.
- 6.4.2 That consultation and co-ordination of decision making with other resource management agencies is undertaken when considering cross-boundary and inter-jurisdictional issues.
- 6.4.3 That the transfer and/or delegation of functions, powers and duties from one public authority to another is considered where this would:
- (a) best represent the community of interest for a particular resource, function or area; and
 - (b) make best use of technical or special capability or expertise; and
 - (c) result in a function being efficiently and effectively carried out.

6.5 METHODS OF IMPLEMENTATION

- 6.5.1 The Resource Management Act 1991 requires integrated management across local government. Wherever possible, Far North District Council will work collaboratively with Northland Regional Council, Whangarei District Council and Kaipara District Council using both formal and informal processes to achieve integration.
- 6.5.2 Monitoring of the environment will be used to provide information about resources which are subject to joint management, and those resources which cross local authority boundaries. Such monitoring will be useful in achieving co-ordinated and consistent decision making.
- 6.5.3 Consultation will be carried out with Northland Regional Council, Whangarei District Council and Kaipara District Council to develop operational protocols for dealing with the effects of activities which may cross local authority boundaries. Different standards relating to local character are seen as particular to each district and not of concern to an adjoining district. Areas where co-ordination between the districts may be needed include the identification of shared catchments, and the approach to the protection of areas of significant indigenous vegetation and habitat of indigenous fauna that are not part of the public land administered by the Department of Conservation. The process will continue with further discussions between the three Districts.
- 6.5.4 Where applications for resource consents in relation to the same proposal have been made to two or more consent authorities, the Act provides for them to be heard at a joint hearing (s102). The Council and the Northland Regional Council have an agreed protocol for the processing of such applications and the conduct of a joint hearing. The Council will seek a similar approach with the other two councils for situations where joint hearings may be required, including conducting joint pre-hearing meetings.
- 6.5.5 A proposal for the transfer of powers pursuant to s33 of the Act may be initiated by a public authority or by the Council, and if the Council considers it appropriate, it will be processed according to the provisions of that section and the objectives and policies of the Plan.
- 6.5.6 Plans and policy statements which may have cross-boundary and inter-jurisdictional implications will be assessed by the Council, and submissions will be made where appropriate to achieve the objectives and policies of this section.
- 6.5.7 Consultation between the Council and organisations having different jurisdictions will be undertaken on a continuing basis with the aim of ensuring that the use, development and protection of natural and physical resources is carried out in an integrated fashion.