

STAFF REPORT

TO: Mayor and Councillors

FROM: Dennis Bush-King, Environment & Planning Manager

REFERENCE: S611

SUBJECT: **RCN10-04-04 TE TAU IHU TREATY SETTLEMENT**

1. Purpose of Report

This report enables the Council to receive and consider the river and freshwater redress proposal as part of the Te Tau Ihu Treaty of Waitangi settlement and it seeks Council support for the proposal for a Rivers and Freshwater Advisory Committee.

2. Background

The Office of Treaty Settlements has been working with Te Tau Ihu iwi and with the Top of the South Councils on a proposal for a statutory Rivers and Freshwater Advisory Committee that will provide input to Council plans and policies under the Resource Management Act. A presentation was made to the Council by the Office of Treaty Settlements on 1 December 2009 and an earlier version of the proposal was discussed in January 2010.. The present version of the proposal (Appendix 1) has not changed in any significant way but I will speak to the main elements at the meeting.

3. Discussion

The Council is involved in the negotiations only because the redress proposal affects our statutory resource management responsibilities. The content and form of redress is for the Crown and iwi to settle.

The proposal is new and untried in Tasman so it will rely on significant goodwill to work. There may be issues over communication with individual iwi and existing structures but these can be worked through with the Committee's advice. It is not proposed to deal with consent issues or matters beyond RMA plans and policies but provision is made, by mutual agreement, to add to the scope of the Committee.

The proposal contains no expectation of Council funding to support the work of the Advisory Committee. Any staff structure to support the Committee, or research or contract work is for the Committee to fund.

4. Conclusion

The Crown has been negotiating with the iwi and Council parties to reach agreement on this proposal. The Advisory Committee

- a. has the potential to add value to iwi/Council relationships
- b. will assist in iwi contributing to Council decisions as required under the Local Government Act
- c. provides a useful means to consult iwi management authorities over the preparation of RMA plans and Policies.

The Council should endorse the proposal in good faith and allow the settlement process to progress to the next stage.

5. RECOMMENDATION

It is recommended that the Council support the proposal to form a Rivers and Freshwater Advisory Committee for Te Tau Ihu and that the Office of Treaty Settlements be informed of the Council's support for the proposal.



Dennis Bush-King
Environment and Planning Manager