



08 October 2021

The Chief Executive
Rotorua Lakes Council
ROTORUA

Delivered by email

YOUR CHOICE – REPRESENTATION REVIEW 2022

1. The Ngāti Whakaue Economic Entities – Pukeroa Oruawhata Trust, Ngāti Whakaue Tribal Lands, Te Kotahitanga o Ngāti Whakaue Assets Trust, and Ngāti Whakaue Education Endowment – wish to take up the opportunity to provide a submission on the Representation Review 2022 being undertaken by Rotorua Lakes Council. Ngāti Whakaue are Mana Whenua in our rohe and collectively represent the largest landholding and therefore ratepayer base in Rotorua.
2. We wish to present our submission at the hearing scheduled for 19 October 2021. We ask that virtual attendance is made available should COVID lockdown levels prevent any of our representatives from attending in person.
3. We note that Te Tatau o Te Arawa have provided a submission. The Ngāti Whakaue Economic Entities were asked to support that submission which we respectfully declined in order to provide our own separate submission.
4. For the purposes of providing a submission, Rotorua Lakes Council advises that the following needs to be considered:
 - a. How many councillors should the district have?
 - b. Should councillors be elected from across the whole district or split into wards?
 - c. If we have wards, how many councillors should we have per General and per Māori Ward?
 - d. Should Community Boards be introduced?
5. While not the immediate subject of the Representation Review 2022, we want to make it clear that Mana Whenua should have, and always should have had, equal status in all local authority governance decisions.
6. That means a 50:50 role on all governance decision making bodies in our rohe which is consistent with our rights under Te Tiriti o Waitangi and reflective and reciprocal in light of our generosity and trust set out in the Rotorua Township (Fenton) Agreement. Outside of the Representation Review 2022 we would welcome a korero with Council on that.
7. Turning to the Representation Review 2022 itself we commend Council for taking the bold step of establishing a Māori Ward in May 2021 and note that this will not be revisited in this review.

- 8. We note that, with the confirmation of the establishment of a Māori Ward, this automatically creates a ward based model. In that regard, the answer to 4(b) above has been determined.**
9. Given that, it is important that our submission addresses our thoughts on the number of councillors, and that the number of councillors per ward is determined in an equitable way. Equity should take full account of both the articles and the principles of Te Tiriti o Waitangi, and that a broad and generous approach to interpretation is required (refer recent Supreme Court Taranaki Ironsands case).
10. Equity for Ngāti Whakaue includes accounting for the spirit, intent and generosity of Ngāti Whakaue provided in the Rotorua Township (Fenton) Agreement that permitted establishment of the Rotorua Township with the approval of Ngāti Whakaue.
11. The agreement was signed by the Crown and 47 persons of Ngāti Whakaue, Ngāti Rangiwewehi, and Ngāti Uenukukōpako on 25 November 1880 (Manley, B), and specifically a Mana Whenua representative model ensued. Mana Whenua is a tikanga-based customary right and interest – and tikanga as law has to be taken into account in decision-making where recognition and application is appropriate. As it was when we, in partnership with the Crown, established the township and activated the establishment of the district – Mana Whenua remains appropriate and relevant to district representation and this Representation Review 2022. It is against this background that we expect our voice and view herein to carry weight and influence
12. We note that Rotorua Lakes Council’s preferred model is as follows:
- a. 1 Mayor elected at large
 - b. 1 Māori Ward with 2 seats
 - c. 1 General Ward with 4 seats
 - d. 10 councillors in total
 - e. 4 “at large” seats
- 13. We agree with the Mayor being elected at large.**
14. We note that the Māori Ward proposed will be named Te Ipu Wai Taketake referring to a collection of waters that is originally sourced from the area, while the General Ward proposed will be named Te Ipu Wai Auraki referring to a collection of water that has travelled from different areas. We commend the Council for using a Māori narrative to describe the wards.
15. It is important that the names are engaged in the overarching kaupapa of the review to give them purpose. The meanings behind these names as stated are significant in that they represent a bringing together of two collections of waters on equal terms – one collection originally in Rotorua, one collection from outside. In our view, reflecting that equality would suggest each Ward having an equal number of seats.
- 16. In that regard, it is our proposal that the 1 Māori Ward and the 1 General Ward have the same number of seats.** We understand that the number of seats in the Māori Ward is determined by the Electoral Act 1993 so that would determine the number of General Ward seats also.
17. We therefore move onto the total number of councillors which will determine the number of at large councillors. **The Ngāti Whakaue Entities are agnostic on what the total number of councillors should be as long as the equality of seats between the Māori Ward and the General Ward is agreed to.**

18. We agree that with the election of a Lakes Community Board and a Rural Community Board both having a composition of 4 elected members and 1 appointed member (councillor).

19. We propose that the collection of water narrative is also used for the Community Boards with 2 members elected to each Board by the Māori Ward electors, and two by the General Ward electors.

20. We have included the kōrero on the Fenton Agreement by Ben Manley, Kairangahau of Rotorua Lakes Council and respected Ngāti Whakaue historian as an Appendix.

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Trust

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Appendix – Korero on the Fenton Agreement by Ben Manley to support our submission

Chief Judge Francis Dart Fenton (or Penetana as he was known by Māori) of the Native Land Court is often credited with helping to establish Rotorua township. He originally discussed the proposal with local iwi in 1877 and, by direction of the Government, Fenton returned for detailed negotiations in 1880. From the Crown's point of view, there were two main objectives behind the establishment of a township at Rotorua: preserve access to the natural thermal wonders of the district and to halt problems and arguments regarding land.

The proposed township would also have the added benefit of opening up the area to further settlement and improving accommodation, supplies and transport to the burgeoning tourist trade. Up until this time, this was reliant upon a haphazard collection of European style hotels and shops that developed in and around the old Māori settlement of Ōhinemutu.

Negotiations were held with Ngāti Whakaue, Ngāti Rangiwewehi and Ngāti Uenukukopako. In late November 1880, the agreement was negotiated over a number of days, culminating in the signing of the agreement document at Ōhinemutu on 25 November 1880 between 47 persons of the three iwi and Chief Judge Fenton on behalf of the Crown. 'Fenton's Agreement' or 'the Fenton Agreement' is the popularised name given to the signed document.

For the Māori owners, it would see an increase in visitors into the area, and a major source of income, without the need of permanently selling land. As iwi refused to sell the land to the Crown, it was instead agreed that the Crown would lease lots in the township out to the public for 99 years on behalf of the owners. The agreement was split into 16 clauses which set out the area for the township, how ownership would be determined, reserves that were gifted by the owners to the Crown for both races, survey costs, rates and composition of the town board.

The Native Land Court awarded the majority of the town block, taking in the area between the Utuhina and Puarenga Streams from the lake front to Tihiotonga and called Pukeroa-Oruawhata, to Ngāti Whakaue with a section of the block called Tarewa being awarded to Ngāti Tuara and Ngāti Kearoa.

While the township scheme was widely publicised, and initially successful in attracting leasees, the delay in the establishment of the promised railway, a national economic downturn, the Tarawera eruption in 1886 and a string of defaulting leasees all contributed to an enormous loss in expected revenue.

Starting in 1889, the Crown sought to purchase shares from owners in the block. The alienation of the block from the last few owners, and vesting of the township block (Pukeroa-Oruawhata Block) in the Crown, was completed through the compulsorily acquirement of shares via the Thermal Springs Act of 1910. The Crown later sold these interests between 1930 and 1950, opening up the township lands to private ownership. Over the next few decades, Ngāti Whakaue sought answers from the Crown over the failure of the township scheme and care of the gifted reserves.^[2]

We should never forget that the city's foundation was built upon a unique relationship between the Crown and local tāngata whenua; the good, the bad and the ugly. The Fenton Agreement should be remembered as being an integral part of our shared, communal history as a city, an example of great generosity by iwi and a forward thinking willingness to work together. Rotorua's 130 year anniversary passed quietly and largely unnoticed, with Rotorua perhaps still mourning the loss of local historian Don Stafford. Let us hope though that Rotorua 2030 will be a different story and that we will choose to remember, and celebrate loudly, our 150 years.

Kairangahau, Rotorua Lakes Council
Ben Manley