

Waitara land that cost many lives makes yet more misery



UNMOVED: Waitara lessees, from left, Eric and Gloria Williams, Lee Langl and Harry Hessells, with Kaelee Johnston (front).

*Waitara's Pekapeka Block may rate as the single most controversial piece of ground in the country. More than 150 years after it touched off the European-Maori land wars, **JIM TUCKER** looks at the plight of people still despairing over its disputed ownership. Photos by **Rob Tucker**.*

Eric and Gloria Williams are lessees.

Have been since the day they built their home on a leasehold section near the north-eastern bank of the Waitara River 42 years ago.

And, yes, they knew the downsides of leasehold land before they bought in. Their dads warned them, like all dads tended to do back in post-war New Zealand. A legacy of the Great Depression, maybe.

But Eric and Gloria decided to prefer what sounded like better advice from Waitara Borough Council, owners of a section they fancied in cul-de-sac Newbury Place.

“They reckoned all the council’s leasehold land would be available for freehold purchase within nine to 18 months,” says Gloria today. “So we went for it.”



Gloria Williams

Eric: “Those were the days when you respected people in authority and people were taken at their word.”

They’re still waiting. The same promise has been made to them many times since, they say, but it never happened, and seems unlikely to.

Their property and 768 others in Waitara – on the Pekapeka Block and other areas of leasehold land bequeathed to New Plymouth District Council in the great local government amalgamations of 1989 – await the outcome of what can only be described as a paradox.

The irony is that these particular leasehold properties are caught in the complexities of a Treaty of Waitangi

settlement, which aims to give the land back to North Taranaki iwi Te Atiawa, whose original ownership was trampled over in the late 1850s by the machinations of colonial settlement.

For Eric and Gloria and many of their neighbours, the issue has come to a head because their 21-year leases have come up for renewal and they face increases in ground rent from \$300 to \$400 a year to as much as \$5200 (\$3950 in Eric Williams’ case)..

Sound familiar? It’s not in the same league as leasehold hikes faced by some in Auckland, such as a woman in One Tree Hill whose annual payments went from about \$8000 to more than \$70,000.



Eric Williams

But that’s irrelevant to the Williams, who say they have been unfairly treated by a string of politicians and bureaucrats whose assurances have come to nothing.

They have taken to the streets to protest, and threatened to disrupt some World Cup Cricket qualifying matches at New Plymouth Pukekura Park.

However, like the initial Maori protests against land grabs back in 1859, their demonstration ended as a peaceful sit-in.

They now also appear to have lost public support, with the local paper editorialising against them and those in the know in the Waitara real estate business dismissing them as unreasonable for enjoying 21 years of paying the equivalent of \$5 a week rent and not being prepared for what they knew must happen when the lease was up.



SIGNS SAY IT: protesting outside the council offices are, from left, Gloria, Courtney and Eric Williams.

Meantime, the 17,000-plus members of Te Atiawa, intended recipients of what is officially called the Waitara Endowment Land – 101 hectares with 769 leaseholders – are contemplating whether they should accept its return as part of their Treaty settlement with the Crown.

Meantime, the iwi is saying nothing. Breath in Waitara is held. A decision is due in March or April.

The temptation for the iwi of reclaiming land of such spiritual and cultural value is undoubtedly immense, but the implications of inheriting a group of lessees as fired up at Eric Williams and his supporters, not to mention some lessees also whakapapa to Te Atiawa, will not have been lost on those driving the in-marae deliberations.

The district council finds itself in the unenviable position of trying to be sympathetic to a small group of late middle-aged ratepayers without setting precedents or playing favourites to the detriment of its whole community.,

It has the law on its side.

As Chief Executive Barbara McKerrow stresses, when the council decided in 2004 to sell the land to the Crown so it could be offered to Te Atiawa, it followed all the rules of independent scrutiny and public consultation, with councillors of the time voting in accordance with democratic process.

The promises Eric Williams refers to were still in play back in 1992, when the council kept its word on freeholding by submitting an empowering bill through Parliament. However, Minister of Justice and Treaty settlements negotiator Doug Graham blocked it, saying

nothing could be done without hearing the views of Te Atiawa.

In 1994, the council and iwi went back to the minister with a council offer to sell the Crown vacant endowment land for part of Te Atiawa’s settlement, so long as the rights of leaseholders were preserved and, to quote a letter to leaseholders by then-Mayor Claire Stewart, those wishing to freehold “should be allowed to do so”.

That’s not what eventuated when the council made its offer a decade later to sell the whole block to the Crown.

So 200 members of the Waitara Leaseholders Association took a case to the High Court. They won, but the decision was overturned by the Court of Appeal in 2007.

Eric Williams reckons the latter based its decision on the premise that “you should never take a politician as his



word”, but Barbara McKerrow says it was a lot more complex than that.

Her property manager, Peter Handcock, says despite doubts raised by various leaseholders about the accuracy of the valuations the new lease payments are based on, the process was carried out by independent valuers Telfer Young, whose work has been checked by another independent company.

They arrived at values by assessing the rental potential of all the properties as one package being bought by a single purchaser.

That puts the unimproved value around \$90,000 for some, even though the same property has been given a value of only \$30,000 for the purposes of the sale to the Crown. The ground rent is based on the higher figure.

In the view of long-time Waitara real estate manager Sheryl Page of Harcourts, that seems an anomaly. However, Page says in other respects those complaining need to ask themselves whether they are being realistic, given the many years they have paid a minimal amount.

The council also points out that while protests against the revised lease payments have emphasised increases of 1000 per cent, in fact the average annual rent across the 769 properties is only \$1177 (\$22 a week). In an announcement last October, the council said:

- Of the 769 leases, 411 (53 per cent) lessees are paying less than \$500 per year in rent, 56 are paying between \$3000 and \$3999 and 24 are paying over \$4,000.
- 10 leases (66 per cent) still pay a rental below \$1000 per year, because they were reviewed some time ago in their lease 21 year cycle.
- Of about 50 leases renewed in the 12 months up to mid-December, 2013, the average current rent is \$3700 per year.

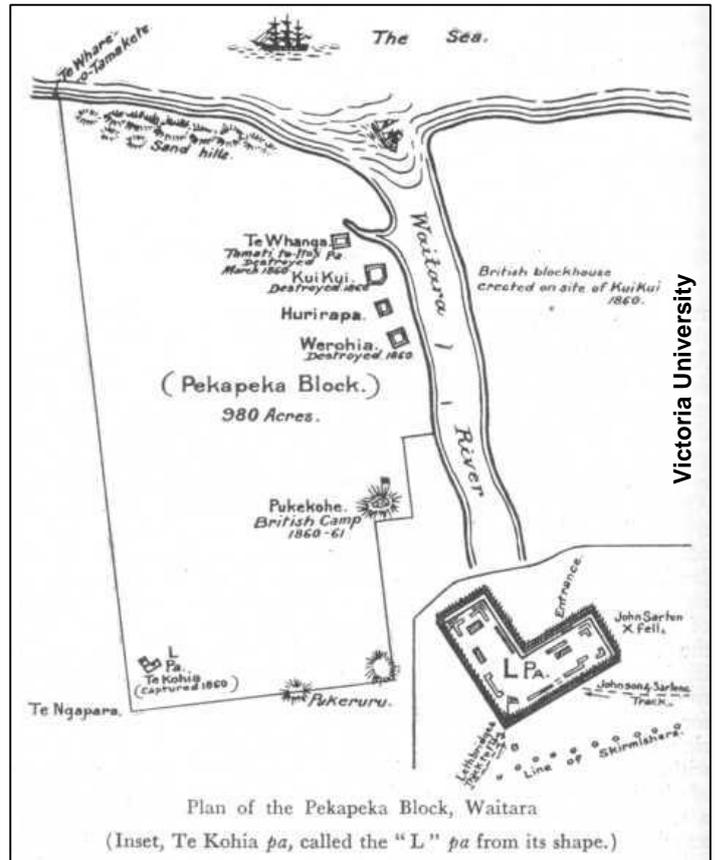


Peter Handcock

While the Council made its decision in 2004 to offer the land to the Crown, the provisional transfer price of \$23 million was established by a valuation process during 2013.

The valuers reached agreement in September, 2013 and it was subsequently approved by NPDC and the Crown in early October.

So what do Eric and Gloria Williams want?



Preferably, to be allowed to freehold now, since they doubt Te Atiawa will be open to the idea should the iwi take the land.

Failing that, they would like to move their house off to a freehold section somewhere else. Technically, they can do that, but the lease says it must be replaced with something comparable, at their cost.

Peter Handcock says others have asked about this, but his advice is the property would have little value to the leaseholder if it was stripped of its improvements.

Some people are contemplating setting alight to their houses and walking away, says Eric Williams, a threat the local fire service is taking seriously. “The fire chief has been up to tell us not to do anything stupid.”



Lee Langl

Lee Langl, who lives in the house over the road from the Williams, is not desperate enough to do that, but she has a warning for the council and anyone else who cares to listen. “I’m a mother and I want to protect what I have

for my kids. Let me just say, that you never want to back a mother into a corner when her kids are concerned.”

While the Williams say they won’t give up the fight, the chances are they are unlikely to break the law with their protests just yet.

There is still a chance they will get their promise. If Te Atiawa walks away from the offer, the council will need to reconsider what to do with the Pekapeka Block and its neighbours, the bulk of Waitara. Freeholding might yet be a chance.
(January 21, 2014)