
KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA
I TE TIRITI O WAITANGI

BEFORE THE WAITANGI TRIBUNAL

WAI 2180

IN THE MATTER OF

the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF

THE TAIHAPE: RANGITĪKEI KI
RANGIPŌ DISTRICT INQUIRY

BRIEF OF EVIDENCE OF GARY MICHAEL PENNEFATHER

18 February 2019

CROWN LAW
TE TARI TURE O TE KARAUNA
PO Box 2858
WELLINGTON 6140
Tel: 04 472 1719
Fax: 04 473 3482

Contact Person:
Kirsten Hagan
Kirsten.Hagan@crownlaw.govt.nz

Barrister instructed:
Rachael Ennor

INTRODUCTION

Gary Pennefather, Policy analyst, Estate Strategy Defence Estate and Infrastructure

1. E te kaiwhakawā a Harvey, tēnā koe. Ko ngā mema o te taraipiunara o Waitangi, tēnā koutou. Mihi kau ana hoki ki te uri o Ngāti Tamakōpiri, Ngāti Whitikaupeka, Ngāti Tūwharetoa, Ngāti Rangi. I whakarauika mai nei ki te hopuni o Waouru. Mihi manahau ki a koutou katoa.
2. Greetings Judge Harvey, Waitangi Tribunal members, ladies and gentlemen.
3. My name is Gary Michael Pennefather. I have worked for the New Zealand Defence Force for 32 years. I am currently employed as a Policy Analyst, within Defence Estate and Infrastructure, in the Headquarters of the New Zealand Defence Force.
4. I have knowledge of the history of land acquisition concerning the Defence lands known as the Waouru Military Training Area. I was also personally involved in the last major land transaction with Ohinewairua Station which involved an exchange of lands. I am also familiar with the physical nature of the land having traversed a significant part of the eastern training area on foot.

Purpose of this evidence

5. The purpose of this brief is to provide information regarding the Ministry of Defence and latterly New Zealand Defence Force and its role and operations specific to the Taihape: Rangitikei ki Rangipō Inquiry area and to address issues raised by the claimants.

Description of the Waouru Military Training Area

6. The total size of the Waouru Military Training Area is approximately 62,175 hectares (153,637 acres).
7. This site is the main military training area in New Zealand for the live firing of military weaponry by units of the NZ Defence Force. It provides an environment that enables military operational capability to be maintained in order to meet the purposes of the Defence Act. The military camp provides

facilities and infrastructure for training purposes and to support units in the field.

8. The land is harsh and has proven difficult to commercially graze despite the issuance of various grazing licences by the Crown and latterly Army/Defence over the years. This would be partly attributable to the altitude of the area (generally 1000 m above sea level), and harsh nature of the winters, and, as discussed below, the restrictive conditions of licences.

Establishment of the Waiouru Military Training Area

9. Mr Cleaver has queried the Army's requirement for permanent rights over the land and suggests that Army's consideration of the issue was less than thorough.¹ In relation to the initial 1939 takings he points out an area of approximately 755 acres which apparently had little value for training purposes.
10. From the Defence perspective, in addition to the fact that 1939 saw the commencement of World War II, these public works takings need to be considered in the following context:
 - 10.1 In respect of artillery practice ranges, the Army was noting as early as 1926 that "the finding of a suitable place is becoming more difficult every year and the number of owners of land whose permission has to be obtained is also increasing every year" Director of Artillery to Quarter Master General **GMP1**.
 - 10.2 The Waimarino training area comprising some 27,000 acres and taken in 1913 had never been utilised given the swampy nature of the ground **GMP2**.
 - 10.3 The Army was being encouraged to move away from its Rotorua range given pressures to promote dairy farming on the land **GMP3**.

¹ Wai 2180, #A9, P Cleaver, "Taking of Maori Land for Public Works in the Taihape Inquiry District", Nov 2012, p 38.

- 10.4 Both the Rotorua and Waipukurau artillery ranges were not considered suitable as permanent ranges given their lack of breadth and manoeuvre areas **GMP4**.
- 10.5 The Army required secure tenure to forward plan in order that employers would have sufficient notice to release their employees for military service. This was at a time when the Army largely consisted of territorial forces, with no professional standing army. Hence it became difficult to plan and coordinate military training without a permanent training area. **GMP5**.
- 10.6 There was an imperative to manage the risks to the public posed by unexploded shells **GMP6**. This issue is consistently raised in documentation over the period.
11. The 755 acres taken from Schollum in 1939 and referred to by Mr Cleaver was viewed by the Camp Commandant at the time as having little value for training purposes. This area was part of the E.A. Peters grazing area on the southern side of the Hautapu stream. The Camp Commandant considered “the only access to it is by way of the adjoining Peters estate”.² It is likely that this area by itself would have been an uneconomic unit. Mr Schollum’s (the then owner) solicitors also indicated that with the loss of the deferred Payment Licence there would be no point in him holding on to Sub 1 of Run 1 (15,850 acres) as it was of no economic use on its own.
12. The 755 acre area has value for Defence today as it forms part of the overall calculation of a buffer area from the legal boundary when applying safety templates for live firing activities.

Full title vs leasehold interest

13. The Army’s perspective is that it needs to be in full control of the land to be able to do its job. This land has been required for heavy weapons impact utilising a mix of shell types which include high explosive. It has also been utilised over the years for air to ground munitions delivery – bombs and other projectiles with explosive warheads. Sometimes unexploded ordnance,

² Letter from the Camp Commandant to the Director Department of Agriculture **GMP7**.

or “blinds” can be located and detonated, but where an area has been extensively fired into, this would not be practical. Zone 20 is an example of a zone within the training area which has been extensively fired into over the years. Management of unexploded munitions has been always been a hazardous activity and is evidenced by a recent military fatality within the training area while undertaking munitions clearance. The permanence of the damage and the risk profiles of these activities do not sit easily with a leasehold interest.

14. While the Army has traditionally fired on both Crown and other lands, with the passage of time it has become increasingly difficult to get landowner permission to fire heavy weaponry on non-Defence land. Current field firing and air-to-ground weapon delivery is largely confined to existing training areas at Waiouru and Tekapo. The exception is the RNZAF air weapons range at South Kaipara Head which is a Department of Conservation stewardship area.
15. For a leasehold interest to be workable the rights of use would have to be so wide that it would be tantamount to holding a freehold title or having the land set apart for Defence Purposes under the Public Works Act. The lessor would also have to be very amenable to allowing military use in its widest application (e.g. various weapons fire, air to ground munitions delivery). From a land management perspective, my understanding is that holding a leasehold interest is not a practical tenure solution in the case of a manoeuvre and live firing training area. I am aware that there may different perspectives on this matter than land management perspectives however I can only speak within my area of expertise.
16. In addition to the problems faced by the Army in obtaining access to suitable land in the 1920s and 1930s in the North Island, the Defence Force has experienced the effect of insecure tenure on its manoeuvre and live firing training area in the South Island. For many years the Army had manoeuvre rights in land held under high country Crown leases in the Tekapo area of the McKenzie District of the South Island. These Crown leases were issued under section 83 of the Land Act 1948. The Army had secured manoeuvre rights within six large pastoral runs, Mt Hay, Balmoral,

Braemar, Glenmore, Mt John, Irishman Creek stations, in the early 1950s through a memoranda of variation to the lease documents. The total area subject to manoeuvre rights in the Mackenzie District encompassed approximately 50,000 hectares.

17. The manoeuvre rights permitted the Army to establish temporary camps, operate mechanised vehicles, construct and maintain landing strips, disturb the surface of the land, and conduct live shell and rocket practice from the land to impact into a danger area held by the Crown for Defence Purposes under the Public Works Act 1928.
18. Over time, circumstances changed with run holders introducing new farming methods which enabled the land to be more intensively farmed, thus restricting the Army's ability to range over relatively undeveloped land. In the mid 1980s the leases came up for renewal with the manoeuvre rights being excluded from the new agreements given leaseholder pressure against the Crown.
19. This proved to be formative for the New Zealand Defence Force in that it reiterated the importance of acquiring land under the Public Works Act in order to provide secure tenure, especially where live firing impact is occurring.

Grazing licences issued by Defence

20. Mr Cleaver discusses 'Grazing leases over the Waiouru Training Ground'.³ He states that "most of the land taken from Schollum in 1939 and 1942 seems to have been leased to W.E. and E. Fernie and with E.A. Peters also occupying an area and S.V. BurrIDGE grazing about 3000 acres" and that "the leasing of large areas of land for grazing purposes became an entrenched feature of the Army's management of Waiouru training ground".⁴
21. I would like to make a distinction here between leases and licences. The terms are used interchangeably throughout Mr Cleaver's report and, to some extent, by officials in files however they are not the same at all. A

³ Cleaver, Wai 2180, #A9, Chapter 4.

⁴ Cleaver, Wai 2180, #A9, p 55.

lease provides exclusive possession and effectively an interest in the land. A licence does not and can be terminated at short notice.

22. The Waiouru Military Training Area has never been 'leased' to third parties post acquisition of the land under the Public Works Act 1928.
23. The Crown granted grazing licences under section 48(2) of the Land Act 1948 to depasture livestock on the land subject to stringent conditions. The issue of grazing licences ensured no interest was created in the land and the Crown retained primacy of use for military purposes.⁵
24. Under grazing licences issued under section 48 of the Land Act 1948, the Licensor had "full rights of entry on the said land at all times for the military purposes including (inter alia) air-bombing, rocket firing, tank and other vehicle training manouvres of all kinds and for any other purpose." See grazing licences issued to E A Peters in 1951, Waiouru Station Limited in 1961 and the Tussock Land Company in 1963 **GMP8, 9 and 10**.
25. As early as 1949 the Army Secretary advised the Minister of Defence that long term occupation by third parties was not desirable as the Crown required full access for the armed forces for all purposes, **GMP11**.
26. In 30 October 1969 the Chief of the General Staff clarified Army policy on the use of the land at Waiouru **GMP12**. He noted:

Army must have unrestricted access to a large area of rough, unfenced country. Whilst Army must control this manouvre area, it has (in order to make some economic use of the land and reduce fire risks) adopted a policy of granting grazing leases (licences) for the Land under certain conditions, the main of which are that the land must remain available to Army at all times, and must remain unfenced and rough.
27. In recent years the Chief of Defence Force has granted licences to graze the land under section 30(2) of the Defence Act 1990. The Defence Estate Management Manual now require licences to be issued to a standardised

⁵ Documentation and correspondence over the entire period across multiple agencies use the terms interchangeably, most likely as a result of the failure of various officials to appreciate the distinction at law.

form and issued through sub-delegation from the Chief of Defence Force **GMP13**.⁶

28. The Manual provides for five types of standard licence to be issued – general, general grazing, airfield grazing, special grazing and a range licence. These are intended to keep unoccupied land in good order, free of pests and noxious weeds and are designed to be easily terminated while the land is still used for Defence purposes **GMP14**.
29. The areas held under grazing licences are not as extensive as they have previously been, as shown in the maps attached **GMP15**. This mostly arises from compatibility issues between Army use and the grazing of stock. Difficulties were experienced in the past with sheep entering the camp and fouling the small arms ranges. The economic viability of grazing parts of the training area also proved to be challenging for licensees over time.

Third party use policy

30. New Zealand Defence Force policy on third party use of the NZDF Estate is contained within Defence Force Orders for Facilities and Property Management (DFO 32) – Chapter 6 Third Party / Other Crown Use, **GMP16**.
31. The policy provides for use of the NZDF Estate where the following is demonstrated:
 - 31.1 direct and indirect support to NZDF outputs;
 - 31.2 reputational enhancement;
 - 31.3 good neighbour relations;
 - 31.4 more efficient asset utilisation;
 - 31.5 all of government support; and
 - 31.6 public interest.

⁶ The Defence Estate Management Manual, Chapter 11 Land Management, Section 3 Leases and Licences.

The 1973 extension and the Oruamatua Kaimanawa (OK) 4 Block

32. I have engaged in extensive research of the documentation relating to the 1973 land acquisition. I have noted Mr Cleaver's conclusions on pages 112 and 113 of his report. I do not dispute Mr Cleaver's narrative of events.
33. The Crown has made a concession in relation to the issue of consultation as it relates to the 1973 land takings. I would also make some observations as a consequence of my research.
34. The dominating presence of Mr Koroneff in his acquisition of Block 1X resulted in the Crown focusing its efforts on Mr Koroneff to the detriment of those Māori shareholders in Blocks 1X, 2C3, and 2C4 who opposed his plans. They were in effect marginalised in the process.
35. The documentation also indicates that Defence officials (with Ministerial endorsement) made a decision to acquire all of the OK 4 Block, **GMP17**.
36. Subsequently – despite the decision above – the Minister of Defence wrote to the Minister of Māori Affairs as regards future intentions with the OK 4 Block **GMP18**. The substance of this 'Crown position' was then advised to Mrs Morton (Trustee of OK4 Block) as follows:

Some substantial adjustments between Defence and the Forest Park land will be made to achieve more logical physical boundaries. While this action may take some time to bring to finality, the Oruamatua-Kaimanawa 4 Block will be included in any rationalisation plans and the Minister of Defence advises that it may be possible to come to some arrangements in respect of such land which meets the interests of the Trustees in this area. **GMP19**

37. Further, the Minister of Māori Affairs made a statement at the Waipahihi Marae on 21 December 1973 that the Army only needed 1000 acres as a buffer zone for artillery and that the Ministry of Defence did not propose to initiate any action but would await all negotiations with the Forest Service for exchange **GMP20**.
38. Later, the Secretary of Defence and Chief of General Staff stated on 15 July 1974 at a conference in Wellington, that the northern slopes of OK4 were not really required and that the 2500 m safety zone could be achieved with a Defence boundary along the ridge line **GMP21**.

39. I therefore have come to the view that the net effect of this documentation in relation to OK 4 indicates that:

- 39.1 the Trustees would have had a genuine expectation that part of the OK 4 Block would not be required for military purposes once boundary adjustment discussions had occurred with other Crown agencies;
- 39.2 Ministers/officials were inconsistent in their messages and actions between themselves and to Māori in relation to the Block;
- 39.3 the Ministry of Defence and NZ Forest Service had complicated the issue with their different land acquisition agendas and were to some extent in competition with one another; and
- 39.4 the military justification for the entirety of the OK 4 Block was not adequately tested at the time.

Compensation – the 1973 takings

40. On the issue of compensation associated with the 1973 land takings – Mr Cleaver states that “doubt exists as to whether a settlement was ever reached in respect of Ōruamatua Kaimanawa 2C4, comprising an area of 1,353 acres, which at the time of taking had been held by a single, deceased owner.”⁷ Mr Cleaver appears to be referring to Ōruamatua Kaimanawa 2C2 which was held by a deceased owner and not 2C4.

41. By way of clarification, file documentation indicates that this block was acquired by Harriet Penhay (sister in law to Mr Koroneff) from Martin Hohepa Pohe, and then transferred to the Whenuarangi Land Company on 7 June 1972. It would appear therefore that payment of this Block would have been included as part of the overall Koroneff claim that was determined by the Supreme Court on 22 April 1977 **GMP22**.

⁷ Cleaver, Wai 2180, #A9, p 111.

1990 land exchange along the eastern boundary (includes Public Works Act 1980 and land access matters)

42. The Ohinewairua Station/Defence land exchange of 1989/90 traces its origins back to the mid 1970s when Ohinewairua and the NZ Forest Service were pressing for boundary amendments along the south eastern boundary of the training area. Those negotiations were not successful at that time.
43. In 1984, Ohinewairua, Army and Defence HQ representatives met and discussed matters of mutual interest. The discussion primarily focused on agreeing an appropriate location for a boundary fence which could follow practical natural features. The issue of whether the fence line should become the legal boundary was initially left open **GMP23**.
44. In September 1986 a further meeting was held at Waioru Military Camp where Ohinewairua Station requested ownership of two areas of Defence land in exchange for freehold of Blocks 1S and 1T on a straight swap basis, plus transfer of the leasehold of 1U. The exchange concept was agreed by Army General Staff and Defence Headquarters.
45. The benefits to Army were that a significant additional area was added to the training area extending the eastern boundary to the Rangitikei River. These blocks 1S and 1T were seen as having poor stock carrying capacity by Ohinewairua Station. In return the Station would acquire ownership of two sheltered areas which had the capacity to support stock in winter.
46. Works Consultancy Services had been commissioned by Defence to prepare the exchange agreement and finalise legalisation matters. It also sought a section 40 clearance under the Public Works Act from the Department of Lands. A copy of the relevant correspondence is attached **GMP24**. On 10 August 1989 the Department of Lands granted an exemption from offering the Defence land back to the former owners in terms of section 40(2)(a) of the Public Works Act 1981.
47. The finalised land exchange agreement also provided for the transfer of a leasehold interest held by Ohinewairua of Block 1U (Māori land) to Defence. The leasehold interest had become unworkable for Ohinewairua

as the Station no longer had access to the land. This provision was conditional on consent being obtained from the owners. Defence subsequently met with those landowners and offered a surrender of the lease. This was accepted.

48. The Ohinewairua Station/Defence land exchange exacerbated the difficulties faced by Māori landowners of Blocks 1V and 1U in getting access to their lands. Prior to the land exchange the owners were able (through arrangement with Ohinewairua Station) to access their land via a rough four wheel drive track from within Ohinewairua Station which traversed through 1S and 1T to access Blocks 1V and 1U.
49. The acquisition by Defence of Block 1S and 1T effectively imposed “Defence Area” controls over this land through Defence Regulations. Permission to enter the area was now required from the Army command at Waiouru Camp - what we now term ‘Range Control’. Access permission would be subject to military usage of Blocks 1S and 1T and if the military road was to be used, the degree to which other zones were being utilised in the training area for military activity. These consequences of this land exchange on adjacent Māori landowners was not considered at the time.
50. I have subsequently met with owner representatives in relation to this matter and I am also aware of earlier discussions in relation to access issues from file documentation. I have also read Mr Wipaki’s evidence on this matter.⁸
51. In September 2003 Mr Joe Gartner, a Trustee and owner in Block 1V wrote to the Defence Force requesting “reasonable legal access” over the Defence lands in order that owners could access Block 1V. This request related to use of the military road which runs from the camp to the Stowman Range on the far eastern side of the training area.
52. In response to this request, the Defence Force offered to establish a Memorandum of Understanding (MOU) setting out conditions under which owners of Ōruamatua Kaimanawa 1V and 1U could transit through the training area to access their lands. The intention was to formalise and secure

⁸ Cleaver, Wai 2180, #G1.

access so that it was future proofed rather than dependent on particular personnel at Waiouru. Draft conditions were attached to the letter with an invitation to consider the material and engage in further discussion. The access proposed was via the Argo Road/Bobs hut track. A copy of this correspondence is attached **GMP25**.

53. Following this correspondence I and two other Defence Force officials (Robert Owen and Lt Col Morgan Proctor) met with Mr Gartner, two Trustees (John Greenhead and Tama Wipaki), and two other owner representatives at Taupō on 28 May 2005. At that meeting we had a constructive discussion regarding access to the landlocked land the Defence Force's operational requirements for the training area. We discussed each others' concerns.
54. I followed this up with a letter to Mr Gartner outlining some "principles of understanding" on 1 June 2005 **GMP26**. The principles touched on key issues that were discussed at the meeting. One of the principles was to include a statement to recognise the status of adjacent landowners. Mr Gartner advised me in a return letter on 22 March 2006 that the Trustees were in general agreement with the principles subject to a possible requirement to seek consensus with the Trust's owners and the Māori Land Court **GMP27**.
55. I note that Mr Tama Wipaki refers to, and attaches a copy of, the draft MOU that was under development at the time.⁹ This draft (or a version of it) was referred to the Trustees by Mr Owen (NZDF) for consideration. As far as I am aware the MOU has never been formally signed by the parties.
56. Discussions on further progress on the MOU ceased in late 2006 as I recall. We had progressed the MOU to a point where it had been vetted by the Command at Waiouru and circulated with owners, when I had a telephone conversation with Mr Gartner. As I recall he advised me that the owners were looking at other options in relation to progressing the issue of access. I understood this to be that the owners wanted the Waitangi Tribunal Hearings to proceed in advance of the MOU discussion. By my

⁹ Cleaver, Wai 2180, #G1(b).

understanding, notwithstanding discussions related to completing the MOU having ceased, Waiouru Range Control has acted largely consistently with the obligations and processes set out in the draft MOU.

57. The 1990 land exchange with Ohinewairua Station occurred within the legislative context applying at the time. It predated the development of the Resource Management Act 1991 which contains consultation requirements with Māori regarding resource use. Defence/Army focused their considerations on the benefits of the exchange to Army and Ohinewairua. The Public Works Act 1981 sec 40 considerations and decision making were applied by the Department of Lands.
58. As an official involved in this transaction at the time, and considering the outcomes from a modern day perspective, I acknowledge that Defence focused on the benefits to Army and did not take into account the interests of adjacent Māori landowners.

Wāhi Tapu sites

59. The New Zealand Defence Force maintains a heritage management policy for historically significant sites within the estate **GMP28**. To date the New Zealand Defence Force has officially recognised two sites of Māori cultural significance within the training area and provided protection through the development of a Heritage Management Plan together with Range Standing Orders. These sites include the Gunfighters (Waiu) Pa and Palisade Pa in the southern part of the training area. The Management Plan, attached **GMP29**, provides direction for ongoing management of the site while the Range Standing Orders prohibit live firing, imposition of live firing danger areas and vehicle movement within 500 metres of these sites. New fencing is in place around both sites – installed 2018. A copy of the relevant Range Standing Orders are attached **GMP30**.
60. Other sites are known about through New Zealand Archaeological Association site record forms, e.g. a cliff shelter now inundated by Lake Moawhango and a find spot in the Rangipō desert.

61. The Auahitōtara Pa site has been acknowledged for its cultural significance pursuant to the deed of settlement between the Crown and Ngāti Rangi. It is to be recognised and protected through the Range Standing Orders.

Environmental impacts

62. Military activity does cause environmental damage to land, vegetation and disturbance to wildlife. Typically this will include impact cratering from live firing of various weapons systems, ground disturbance resulting from hill-top fortification activity, excavation for construction of facilities (ranges and roads), and military vehicle movement which leaves tracks across the tussock landscape. Metal contamination of soil e.g. lead is also a result of weapon firing of various calibres.
63. To mitigate military effects on the land the Defence Force has over the years undertaken various environmental studies and has developed a number of tools to manage its impacts in the training area. These include:
- 63.1 Range Standing Orders (rules to manage military units – e.g. avoidance of sensitive ecological areas, management of live fire – Te Rei Bush). An example is attached and marked as exhibit **GMP31**.
 - 63.2 A Sustainable Land Management Strategy (identifies natural values and resource limitations and sets management direction) – a replacement strategy is expected to be initiated in the next two years. A copy of the Strategy is attached and marked exhibit **GMP32**.
 - 63.3 Pest control programmes to support land management:
 - 63.3.1 Wilding conifer control - helicopter spraying is carried out on a three year rotation over most of the WMTA to kill seedling and sapling conifers. Abseillers control wilding conifers on steep hills, river faces, and in gorges, where aerial control is not possible. Ground control is undertaken in more accessible areas or where helicopter spraying doesn't comply with regional rules (such as

Ngamatea Swamp, and along waterways), and over much of Zone 1 where abrasive volcanic sand can damage helicopter rotors. Young trees and the occasional older tree are still found each year as it is hard to find and kill 100% of the trees.

- 63.3.2 Legume control - NZDF recently started controlling gorse, lupin, and broom. Helicopter spraying is carried out on a three year rotation over most of the Waiouru Military Training Area. Ground control is undertaken along State Highway 1 and in zone 1. There are several large infestations which are being contained, while work concentrates on finding and eliminating new plants before they establish significant new infestations. Many seeds are spread by vehicles; the pest programme now includes annual legume spraying at quarries and along selected roads and tracks to reduce the spread in roading material and by vehicles.
- 63.3.3 NZDF has committed to the Project Yellow MOU with Department of Conservation, Horizons Regional Council, Waikato Regional Council, Genesis Energy, Transpower, NZTA, and Lake Rotoaira Forest Trust to protect the Desert Road landscape by eliminating legumes.
- 63.3.4 Heather control - heather beetle populations are now well established in several locations and are being actively spread this year in the training area where thick heather is found. NZDF has supported biocontrol research by Landcare until recently. Small isolated patches of heather will be mapped and poisoned to help slow spread.
- 63.3.5 Rabbit control - contractors search for concentrations of rabbits and control them using pesticides or firearms to keep rabbit densities below 4 on the Modified McLean Scale throughout the Waiouru Military Training Area.

This was the target of the former Regional Pest Animal Management Strategy and remains the target for the Waiouru Military Training Area. Rabbit control is conducted on around 20,000 ha per year, rotating around the Waiouru Military Training Area as necessary.

- 63.3.6 Possum control - Controlled on a three year rotation using a variety of ground based toxic baits or traps at the discretion of the contractor.
- 63.3.7 Approximate expenditure over the last 6 years on pest control in the Waiouru Training Area amounts to approximately \$6,000,000.
- 63.4 Management of roading and earthwork activities (meeting regulatory requirements).
- 63.5 Development and implementation of contaminated site management plans for small arms ranges - environmental management plans which identify issues of environmental concern at the ranges and the most appropriate practices to manage these issues. An example is attached and marked exhibit **GMP33**.
- 63.6 Further consideration is underway of how to best manage impacts of dispersed small arms firing.
- 63.7 The upgrade of the military camp wastewater treatment plant resulted in reduced contamination of Waitangi stream. The Defence Force has modified the existing plant by installing additional treatment infrastructure including an ultraviolet disinfection unit. Existing trickling filters were retained to ensure effluent passes through soil materials prior to discharge. Consultation occurred with Ngāti Rangi and Ngāti Tamakōpiri in development of the solution. A copy of this correspondence is attached and marked exhibit **GMP34**.
- 63.8 The development of the Moving Target Range to assist in training commanders and crew of the new light armoured vehicles

involved obtaining resource consents for land and vegetation disturbance. This site is in the northern sector of the Waiouru Military Training Area in Paradise Valley alongside the Manutahi Stream. Ngāti Tamakōpiri and Ngāti Whitikaupeka were concerned that there were a number of sites of significance to Iwi in the area. Accordingly, for Ngāti Tamakōpiri, Rauhuia Environmental Services asked that the Army conduct an archaeological survey of the site of Ngaumu Kakapo, although the site was beyond the zone of physical works for the new range. Archaeology North Ltd was commissioned to undertake an archaeological assessment of the area of concern and carry out a ground survey. No archaeological remains were located during the assessment **GMP35**.

Procurement policy for services

64. The New Zealand Defence Force policy on procurement is covered by the policy document "Defence Force Orders 52 Procurement", which covers all aspects of acquiring and delivering goods and services. The policy reflects the Government's Rules of Sourcing which expressly apply to the NZ Defence Force.
65. The purpose of DFO 52 is to specify the Rules and any additional matters of wider relevance to the Defence Force. These generally relate to how certain aspects of the Rules will be applied, responsibilities and authorities, and specific matters arising from the procurement of military equipment and services.
66. At Waiouru military camp the New Zealand Defence Force's main provider of facilities management services is Spotless who hold a competitively tendered contract.



Gary Pennefather
Policy Analyst
Defence Estate and Infrastructure Group
New Zealand Defence Force