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TAKING OF MAORI LAND FOR PUBLIC WORKS IN THE TAIHAPE INQUIRY DISTRICT

PART I: DEFENCE TAKINGS

A report commissioned by the Waitangi Tribunal for the Taihape district inquiry
(Wai 2180)

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Author

Philip Cleaver holds a Master of Arts in history from Victoria University of Wellington (1996). Since 1999 he has mostly worked as a commissioned researcher for the Waitangi Tribunal. He has prepared research reports for the Hauraki, Gisborne, Urewera, Wairarapa ki Tararua, Whanganui, and Rohe Potae district inquiries and has presented evidence to the Tribunal on several occasions. A number of his research reports have examined issues concerning the taking of Maori land for public works. These include a report dealing with public works takings in the Wairarapa ki Tararua inquiry district (written with Cathy Marr and Lecia Schuster) and a report concerning takings in the Whanganui inquiry district. He has also written (with Jonathan Sarich) a report on the North Island Main Trunk railway for the Rohe Potae district inquiry.

Title page: Aerial view of Waiouru Army Camp and lands beyond (1943), W W2813 f2 AERDR, Waiouru Military Camp, 1943-1943, ANZ Wellington.

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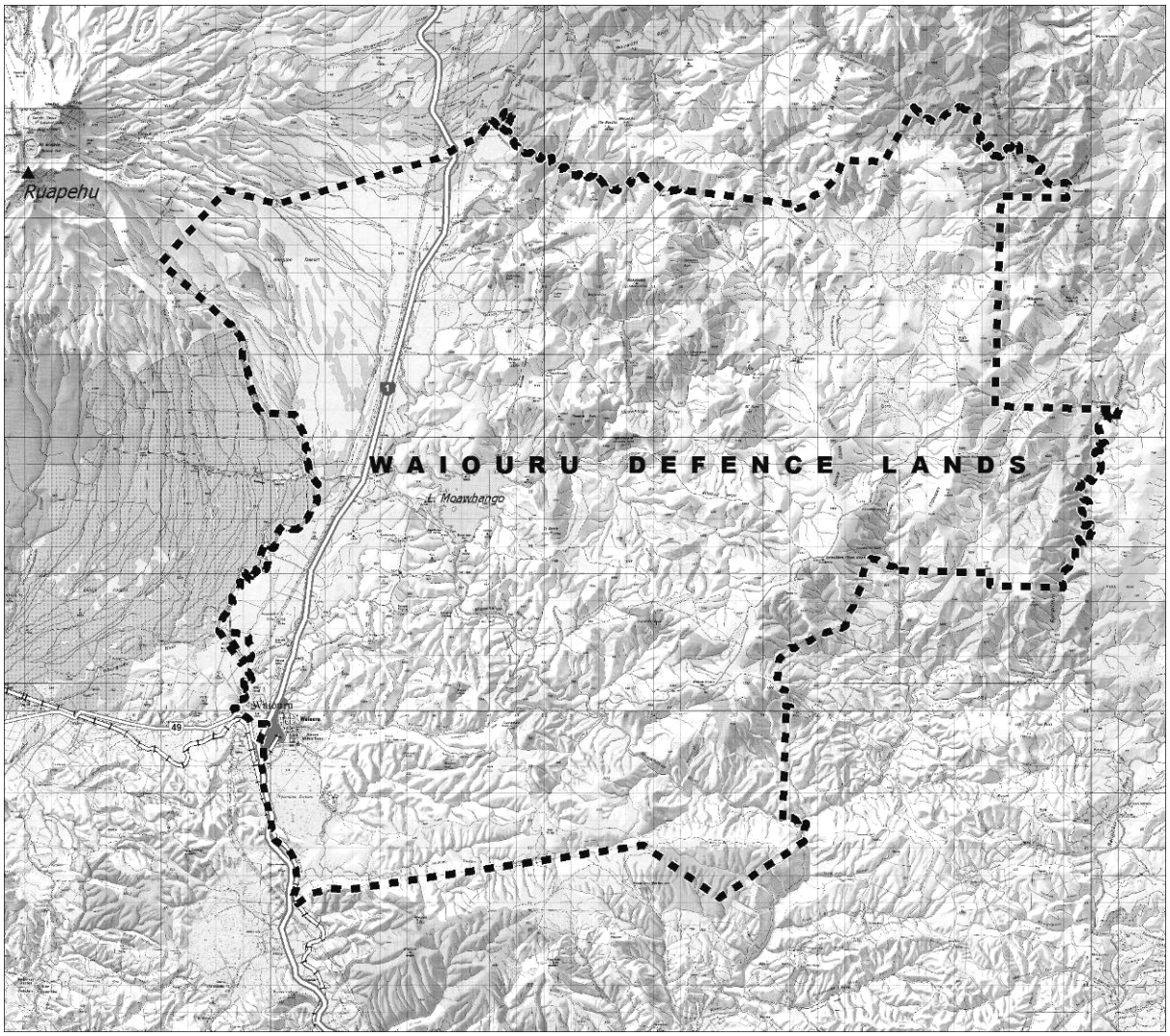

Figure 1: Waiouru Army Training Ground

Introduction

Carried out under the provisions of public works legislation, the taking of land for public works is a special form of land alienation. An important aspect of public works taking is that land was acquired compulsorily from owners. It differs from other types of alienation that have involved Maori land – purchase, gifting, and confiscation following war (raupatu), which was another type of alienation that involved compulsion. The taking of land for public works involves a distinct set of issues that concern matters such as the necessity of taking, consultation with owners, and the payment of compensation. This draft report focuses specifically on issues surrounding the taking of Maori land for the Army's Waiouru training ground. It is part of a larger project concerning public works takings in the Taihape inquiry district. A second draft report dealing with takings for other purposes (railway, roading, and scenery preservation) will be released at a later time. The two draft reports will be brought together in one final report.

The decision to release a draft report on the defence takings ahead of research on other takings reflects that the acquisition of Maori land for Waiouru training ground is an issue of particular interest and importance to the Taihape district inquiry. In three major takings carried out in 1942, 1961, and 1973, about 43,438 acres of Maori land were compulsory taken under the Public Works Act 1928 for the purpose of enlarging the training ground. At least 101,975 acres of European-owned land and significant areas of Crown land were also acquired for the establishment and enlargement of the training ground.

Commission background and questions

This draft report is part of the Taihape inquiry research programme. The need for a project on public works takings was initially identified in Bruce Stirling and Evlad Subasic's research scoping report dated August 2010. Waitangi Tribunal staff subsequently recommended the project in a discussion paper dated September 2010, and on 29 November 2010 the project was considered at the second Taihape judicial conference. General consensus in favour of the project was evident at the conference, and on that basis the presiding officer Chief Judge Isaac endorsed research commencing on the topic. It was agreed that a single research report should be done in two parts, with the first part focussing on the defence lands and the second part addressing takings for other purposes.

The research commission requires the author to examine the following questions:

- How much Maori land was taken for public works in the inquiry district, for what purposes and under what processes?
- Who was affected and with what impact?
- How was the acquisition of Maori land for public works justified?
- To what extent were Maori land owners consulted or alternative sites considered before Maori land was taken for public works? How did this compare to any relevant takings of general land?
- What compensation did Maori owners receive for public works takings? How did this compare to any relevant takings of general land?
- To what extent was land taken for public works returned to Maori land owners if it was no longer required?

It should be noted that, in focussing on these questions, the report does not look closely at who owned the numerous blocks of Maori land that were taken for defence purposes in the Taihape

inquiry district. The report should therefore be read in conjunction with the tribal overview report and the block histories reports, which will provide information about the owners and their relationship with the various lands that are discussed here.

Issues raised by claimants

All Statements of Claim that relate to the taking of land for defence purposes in the Taihape inquiry district have been identified and examined during the preparation of this report. These claims are:

> Wai 61 – Rotoaira Forest Trust. Representing a number of Ngati Tuwharetoa hapu, the Trust lays claim to areas within the Rangipo North, Rangipo Waiu, and Oruamatua Kaimanawa blocks that lie within the Waiouru training ground. The claim alleges that the Crown took areas from each of these blocks for defence purposes.[1]
>
> Wai 151 – Ngati Rangi. This claim makes a number of allegations concerning the Waiouru defence lands. It states that the Crown took large areas of Rangipo Waiua A and B blocks in November 1939 under the Public Works Act 1928. It is asserted that Rangipo Waiu B was Native reserve land. The claim also alleges that various areas wthin Raketepauma block were acquired for defence purposes.
>
> Wai 575 – Ngati Tuwharetoa comprehensive claim. This claim defines the Ngati Tuwharetoa rohe, which appears to include the whole of the Waiouru defence lands. It states that areas within the Rangipo North, Rangipo Waiu, and Oruamatua Kaimanawa blocks were acquired for defence purposes. It alleges that Part Rangipo North 6C and Rangipo Waiu 1B were taken in 1942 and that compensation was not paid to the owners. The claim also states that Army training has desecrated sensitive areas containing wahi tapu.
>
> Wai 588 – Ngati Tama Whiti. Initially dealing only with issues relating to the Kaimanawa Wild Horses, this claim was amended to include the land that the horses ranged upon – the Oruamatua Kaimanawa block. The claim states that in 1950 the government approved a proposal to acquire a large area of Maori-owned land in Oruamatua Kaimanawa block for defence purposes. It alleges that efforts to acquire the land with the owners' agreement failed and that some 29,000 acres was taken under the Public Works Act. The claim asserts that the Defence Department has since exchanged areas of the taken land with other Crown agencies. It also notes that a significant wahi tapu, Waiu Pa, lies within the training ground.
>
> Wai 1260 – Ngati Waewae. The claimants assert interests in an area that includes lands lying within the Murimotu, Rangipo Wiau, and Rangipo North block. The claim states that the Crown took land for defence purposes without compensating the owners or failing to pay compensation in a timely manner. The taking of Rangipo Waiu and Rangipo North land in 1942 is particularly noted. The claim asserts that the Crown did not return taken lands when they were no longer required for the purpose for which they were acquired.

In addition to these claims, two claims allege interests in the training ground land, but do not raise specific issues with the taking of land for defence purposes:

[1] Wai 61 is now clustered together with several other claims as part of Wai 575, the Ngati Tuwharetoa comprehensive claim.

Wai 1705 – Mokai Patea claims committee. This claim states that the people of Mokai Patea, descending from Ngati Hauiti and Ngai Te Ohuake, have interests in a number of areas, including the Rangipo Waiu and Oruamatua Kaimanawa blocks.

Wai 1835 – Ngati Paki and Ngati Hinemanu. This claim states that the rohe of Ngati Paki and Ngati Hinemanu extends eastwards from the headwaters of the Hautapu and Moawhango Rivers and includes interests in the Rangipo Waiu and Oruamatua Kaimanawa blocks.

One other claim may concern interests in the defence lands, though this is unclear:

Wai 1262 - Ngati Hikairo ki Tongariro. This claim states that Ngati Hikairo ki Tongariro suffered land, spiritual, cultural, social and economic losses as a result of Crown acts and omissions in a number of areas, including the Rangipo North and Kaimanawa blocks. It is not clear whether the claim relates to any of the Waiouru training ground land.

As well as in Statements of Claim, claimants have raised issues concerning the defence land takings at various research hui. The author has met with claimants on one occasion, attending a hui with X at X on X. To a large extent, the issues raised at this hui reflect the commission questions and the issues detailed in the Statements of Claim. It is envisaged that the author will consult further with claimants.

Sources

This report is based on research of various unpublished and published 'primary' sources, and it also draws on existing research. The most important of the primary sources are files of certain government departments (Defence, Maori Affairs, and Works), which are held at Archives New Zealand. Three pieces of existing research concern the defence takings. The public works report written for the Whanganui inquiry includes a chapter on the Waiouru training ground, and a scoping report on the defence land has been prepared for the Taihape inquiry.[2] Graeme Gummer, who is associated with the Wai 588 claimants, has also written a research paper that includes details concerning the defence lands.[3]

Report structure

Chapter one of the report briefly summarises legislative developments concerning the taking of land for public works. It looks particularly at provisions relating to Maori land and to the acquisition of land for defence purposes.

The remainder of the report focuses on the Waiouru defence lands, discussing developments in a broadly chronological manner. Chapter two examines the Army's initial interest in undertaking training at Waiouru in the 1930s and the steps that led to the taking of some 67,450 acres of European-owned land in November 1939 and June 1942. Details concerning the settlement of compensation are provided. The November 1939 and June 1942 takings shed light on why it was believed that the acquisition of full title was appropriate. Also, the manner in which the takings was carried out can be compared with how later takings of Maori land were handled.

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[2] Philip Cleaver, 'The Taking of Maori Land for Public Works in the Whanganui Inquiry District, 1850-2000', a report commissioned by the Waitangi Tribunal, September 2004. Adam Heinz, 'Waiouru Defence Lands: Research Scoping Report', a scoping report commissioned by the Waitangi Tribunal, December 2009.

[3] R. Graeme Gummer, research paper addressed to Hunter, Wipaki, and Taiuru, 16 January 2005, held by author.

Chapter three looks at the taking of areas of Maori, European, and Crown land in July 1942 and March 1943, which involved a total area of about 15,599 acres. It examines the background to the takings, the extent to which owners were consulted, and compensation issues. Chapter four briefly discusses the Army policy of granting grazing licences over areas of Waiouru training ground and provides details of the areas leased. The issuing of grazing licences raises questions as to the extent to which the Army needed to secure full title of the training ground land.

The next chapter, chapter five, looks at the taking in May 1959 and February 1961 of a further area of Maori, European, and Crown land, some 42,834 acres, for another extension of the training ground. The February 1961 taking was the largest single taking of Maori land, involving about 29,167 acres. Much of the chapter looks at the efforts that were made to secure the Maori owners' agreement to the acquisition. Chapter six examines the taking of about 24,224 acres of Maori and European land in November 1973. This was the final taking to involve Maori land. The chapter explains that, in this case, the affected Maori owners were not consulted prior to the taking, with attention instead focussing on the sole European land owner, who owned the majority of the land and strongly opposed the taking.

Chapter seven briefly discusses adjustments that were made to the northern boundary of the training ground between 1979 and 1981. State Forest land was acquired for defence purposes and areas of defence land were transferred for inclusion in Tongariro National Park and Kaimanawa Forest Park. Much of the defence land had been compulsorily taken from Maori and European owners. Issues concerning the disposal of land taken for defence purposes are also raised in chapter eight, which examines an exchange of lands carried out in 1990. Involving lands on the eastern boundary of the training ground, this transaction saw training ground lands exchanged for lands belonging to Ohinewairua Station. Again, most of the defence land involved in the exchange had been taken compulsorily from private owners.

Chapter nine provides a brief summary of a number of small, miscellaneous land takings and disposals carried out in connection with the Waiouru training ground. The report ends with a conclusion that addresses the commission questions.

Terminology

Different types of land are mentioned in this report. In the discussion of public works legislation that is presented in chapter one, Crown-granted Maori land refers to land that has passed through the Native Land Court. The Court has investigated the ownership of this land and has issued a title that records the boundaries of the land and the owners' names. Maori customary land is also referred to in chapter one. This is land that has not passed through the Native Land Court and is held by Maori under customary tenure. Later in the report, all of the Maori-owned land taken for Waiouru training ground is referred to as simply Maori land. This land was Crown-grant Maori land. None of the takings involved customary Maori land. Throughout the report, European land or general land is used to describe privately-owned land that has been acquired from Maori and is not subject to Maori land legislation.

Chapter One: Overview of public works legislation and Waitangi Tribunal findings on the taking of Maori land for public works purposes

Introduction

This chapter provides a brief overview of the development of legislative provisions that have enabled land to be taken for public works purposes in New Zealand. It focuses particularly on provisions relating to Maori land and the taking of land for defence purposes. The final report will provide a more thorough overview of legislative developments, particularly in respect of issues concerning takings for non-defence purposes. As detailed below, separate provisions existed for defence lands for many years, including the period when almost all of the Waiouru training ground lands were acquired.

Development of public works legislation, 1840-1928

Marr explains that the concept of the Crown having the right to take privately-owned land for public works purposes was brought to New Zealand from England, where a number of principles and protections had been developed and codified into statute.[4] With compulsory taking presenting an affront to private property rights, protections for land owners were introduced to meet the concerns and interests of English landowners. By the mid-nineteenth century, the protections in English public works land-taking provisions included an adequate form of notice of intention to take land, the opportunity to object, and protection against the taking of certain types of land. Once land was taken, protections included a right to full equivalent monetary compensation and offer back of land when it was no longer required to former owners or adjoining neighbours.

From 1840, officials and settlers tended to assume that statutory English public works provisions applied in New Zealand.[5] However, it was unclear whether these provisions could legitimately be applied to Maori land. In the early 1860s, the settler government passed legislation to remove uncertainty over the application of public works provisions in New Zealand. The Land Clauses Consolidation Act 1963, based heavily on English measures, provided the Government with general powers to take land for public works.[6] This was followed by the Public Works Lands Act 1864, which appears to have been aimed more specifically at extending public works land taking powers to Maori land.[7] The Act, passed largely as a wartime measure, did not contain many of the standard protections for land owners. Crown-granted and customary Maori land could be defined by an Order in Council and then taken without notice. The 1864 Act also did not protect certain types of land from being taken and there was no provision for offer back.

During the 1870s, there were considerable developments in public works taking provisions to support the large-scale public works initiatives promoted by Premier Julius Vogel. The discriminatory aspects of the 1864 Act were repealed and many of the land-taking provisions introduced at this time were seemingly neutral, with similar protections applying to general and Maori land. However, the legislation of the 1870s was nevertheless designed to promote settlement and did not actively protect the interests of Maori. An important development was

[4] Cathy Marr, 'Public Works Takings of Maori Land: 1840-1981', Waitangi Tribunal Rangahaua Whanui series (working paper: first release), May 1997, pp 15-20.
[5] Ibid, pp 31-32.
[6] Ibid, pp 54-55.
[7] Ibid, pp 55-57.

the introduction of statutory provisions that enabled local authorities to take all types of Maori land for public works purposes.[8]

The Public Works Act 1882, passed in the wake of the Government's actions at Parihaka, reflected an increasingly intolerant government attitude to Maori concerns regarding public works and the implementation of land-taking provisions.[9] The 1882 Act provided separate taking provisions for Maori land, involving fewer protections than the taking provisions for general land.[10] The Act removed ordinary notification and objection provisions, and provided that the Crown could enter upon and take Maori land two months after a *Gazette* notice had detailed that the land was to be taken.

In the years following the 1882 Act, the purposes for which land could be taken were steadily extended. The first specific provision that enabled land to be taken for defence purposes was introduced in an 1885 amendment, which exclusively concerned the acquisition and use of land for 'fortification purposes'.[11] It provided that land could be taken for fortifications and deemed land previously acquired for fortifications to be taken. Entry upon land, taking, and the settlement of compensation were to be carried out in accordance with the various taking provisions of the 1882 Act.[12] From 1887, rifles ranges were also deemed to be a public work and land could therefore be taken for this purpose.[13]

An amendment passed in 1887 restored for Maori land many of the normal protections for notification and objection that had been removed by the Public Works Act 1882.[14] It provided that Crown-granted Maori land was to be taken under the same provisions as general land, which were contained in Part II of the 1882 Act and later Public Works Acts. However, the protections in the Part II provisions tended to be Eurocentric and did not reflect Maori interests or issues arising from the fact that Maori land was typically held by multiple owners.[15] (Notification procedures, for example, did not address the difficulty of communicating with multiple owners.) The 1887 amendment contained separate, less protective taking provisions for Maori customary land.

The 1887 amendment also gave the Native Land Court jurisdiction over the assessment of compensation for public works takings of all Maori land, whether customary or Crown-granted. The Court's role in determining compensation would continue until 1962, though the legislation did not provide strong protection of owners' interests. Responsibility for applying to the Court for an assessment of compensation lay with the taking authority and owners did not have to be individually notified of compensation hearings. Also, the legislation did not provide an easy means by which owners could arrange for their interests to be properly represented in Court.

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[8] Ibid, p 86.
[9] Ibid, pp 105-107.
[10] Ibid, pp 107-110.
[11] Public Works Act 1882 Amendment Act 1885.
[12] One exception existed: a provision in the 1882 Act that prevented entry upon or taking of land occupied by certain features – for example, buildings, gardens, orchards – did not apply where land was required for a fortification.
[13] Section 30, Public Works Acts Amendment Act 1887.
[14] Marr, pp 111-112.
[15] For example, with regard to notification, the Part II taking procedure did not require that notice of a proposed taking had to be served on owners. Instead, notice was to be served only to the extent that owners could be ascertained. In the case of multiply-owned Maori land, taking authorities would have often encountered difficulties when determining and locating owners. When notice was not served, owners would only be alerted to a proposed taking if it was brought to their attention by the required *Gazette* notice. If owners were unaware of proposed takings, opportunities for objection were clearly limited.

Owners faced an obstacle because their land was typically held by a large number of owners whose individual interests were small.

The Public Works Act 1894 introduced significant changes in respect of the procedures for taking land for defence purposes. These changes, which applied to both Maori and general land, would remain in force until the passage of the Public Works Act 1981. The 1894 Act contained a separate section, Part IX, which dealt exclusively with defence lands and their acquisition. The Part IX procedures for taking land for defence purposes differed markedly from those set out in Part II, which applied to takings for all other purposes except railways.[16] In short, land could be taken for defence purposes simply through the issuing of a proclamation.[17] Many of the ordinary protections did not apply. There were no restrictions regarding the type of land that could be taken and there was also no requirement for notice to be given prior to taking. Owners were also unable to formally object to takings. While the Part II protections were Eurocentric, they nevertheless provided some protection for Maori owners. Research undertaken for other inquiries indicates, for example, that Maori often took advantage of the opportunity to object.[18]

Part IX of the 1894 Act also contained strong powers for entry upon private land required for the construction and maintenance of any fortification or other work required for defence purposes.[19] The Minister was able to authorise entry whenever he deemed this to be 'expedient'. Where this happened, the taking of the land was to be carried as soon as possible. It is notable that while land could be entered upon for construction and maintenance works, there was no provision for land to be entered upon simply for training purposes.

Compensation for land taken under Part IX of the 1894 Act was to be determined by the same procedures that applied to lands taken under Part II. These remained largely unchanged from earlier legislation. In the case of Maori land, the Native Land Court was responsible for determining the amount of compensation payable, with claims to be made by the taking authority.[20] Owners of general land were required to make claims for compensation, which could be either settled by agreement or through proceedings in the Compensation Court.[21]

Separate provision for defence takings, which provided less protection to land owners, continued in public works legislation that followed the 1894 Act. However, wartime conditions saw some new measures introduced. The Military Manoeuvres Act 1915 provided authority for land to be temporarily entered upon for training purposes. During the Second World War, regulations introduced under the Emergency Regulations Act 1939 appear to have provided similar powers, though further research into these regulations is required.

Public Works Act 1928 and Public Works Act 1981

The Public Works Act 1928 was New Zealand's main piece of public works legislation for most of the twentieth century. More than 50 years after it was enacted, the 1928 Act was eventually replaced by the current Public Works Act 1981. Largely a consolidation of previous legislation, the 1928 Act continued many of the patterns of earlier statutes.[22] With the exception of the

[16] Separate provisions for the taking of land for railway purposes were set out in Part VII of the 1894 Act.
[17] Section 236, Public Works Act 1894.
[18] See, for example, Cleaver, 'The Taking of Maori Land for Public Works in the Whanganui Inquiry District, 1850-2000'.
[19] Section 234, Public Works Act 1894.
[20] Section 90, Public Works Act 1894.
[21] Part III, Public Works Act 1894.
[22] Marr, 'Public Works Takings, pp 133-39.

1990 exchange discussed in chapter eight, all of the land acquisitions carried out in connection with Waiouru training ground were undertaken under the 1928 Act.

For the purposes of this report, the most significant aspect of the 1928 Act is that it retained separate provisions for defence lands, which continued to offer considerably less protection to the owners of lands required for defence purposes. (Like the 1894 Act, these provisions were contained in Part IX of the 1928 Act.) The 1928 Act also continued the Native Land Court's jurisdiction over compensation assessments, which remained in place until 1962, when Maori land became subject to the same provisions that applied to general land.[23] Under the new system, claims could either be settled by negotiation or put before the Land Valuation Court. The Maori Trustee was to submit claims and reach settlements on behalf of owners except in cases where the land was owned by a single individual or vested in a trust, body corporate, or trustee (other than the Maori Trustee).

It is notable that by the mid-twentieth century, central government agencies increasingly sought to enter purchase agreements with owners when Maori land was required for public works, rather than using compulsory taking provisions.[24] However, as shown in chapter five, the 1928 Act did not provide taking authorities with a means to overcome the difficulties of negotiating the acquisition of multiply-owned Maori land, leaving compulsory acquisition as the only option. In 1974, a year after the last taking of Maori land for the training ground, the Maori Land Court was empowered to appoint an owner representative to act as a trustee in such negotiations.[25] The 1981 Act places greater emphasis on negotiated agreements with Maori over land required for public purposes and provides the Maori Land Court with more supervision over such acquisitions.[26]

The 1928 Act included provisions for offer back to former owners when taken land was no longer required.[27] However, the offer back provisions were repealed in 1935. The lack of a statutory right of repurchase for former owners during the disposal of lands held for public works later created considerable controversy and provisions for offer back to original owners or successors were reinstated in the 1981 Act.[28] Section 40 of the 1981 Act provides former owners or their successors a right of repurchase when land held for a public work becomes surplus and is to be disposed of. However, as discussed in chapter eight, a number of exemptions exist. Some training ground land disposed of under the 1981 Act was not offered back to the former owners.

Conclusion

For many years, statutory provisions concerning the taking of land for defence purposes contained few of the standard protections that applied when land was taken for public works. Introduced in the Public Works Act 1894, separate provisions for defence land continued in the Public Works Act 1928, under which nearly all of the Waiouru training ground land was acquired. The defence land taking provisions, which applied to Maori and general land, gave taking authorities considerable power. There was no requirement for owners to be given notice of proposed takings and owners were unable to lodge formal objections. There were also no restrictions regarding the type of land that could be taken for defence purposes.

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[23] Ibid, pp 140-144.
[24] Ibid, pp 202-203.
[25] Ibid, p 138.
[26] Ibid, p 149.
[27] Ibid, pp 145-146.
[28] Ibid, p 149.

By the mid-twentieth century, central government agencies increasingly looked to secure Maori land required for public works by negotiation rather than compulsory acquisition. However, negotiating an agreement with an often large number of owners presented a difficulty, which legislation did not address for many years. Statutory provisions that made it easier to negotiate the acquisition of Maori land required for public works were eventually introduced in 1974, a year after the final taking of Maori lands for the training ground.

Provisions concerning compensation for takings of Maori land were also inadequate for a long time. Compensation for defence takings was assessed in the same way as takings for other purposes, with separate provisions for Maori and general lands. Until 1962, the Native Land Court was responsible for determining compensation for Maori land. This system, which existed when most of the Maori lands were taken for Waiouru training ground, did not provide strong protection of owners' interests. In particular, there were issues relating to notification of Court hearings and the ability of owners to arrange representation in Court.

The Public Works Act 1981 introduced significant change to land taking provisions, though most of the training ground lands had been acquired by this time. Most importantly, the separate provisions for defence takings were dropped, meaning that standard protections now apply to the taking of land for defence purposes. The Act also places greater emphasis on acquiring land by negotiation, rather than compulsory acquisition. A further significant aspect of the 1981 Act was that it reintroduced the practice of offer back, whereby former owners possess the right to repurchase land taken for a public work when this land is no longer required. However, as discussed later, there are certain exemptions to this, which have seen some training ground land disposed of without offer back.

Chapter Two: Establishment of Waiouru Training Ground and the acquisition of European land in 1939 and 1942

Introduction

This chapter discusses the Army's early interest in training at Waiouru and the first land takings associated with the establishment of a permanent training ground. These takings, which involved European land, were carried out in November 1939 and June 1942. Though no Maori land was included in these takings, they are examined here because they provide important contextual information, particularly with regard to why it was believed that full land title needed to be secured for the new training ground. Also, the manner in which the November 1939 and June 1942 takings were carried out can be compared with how later takings of Maori land were handled.

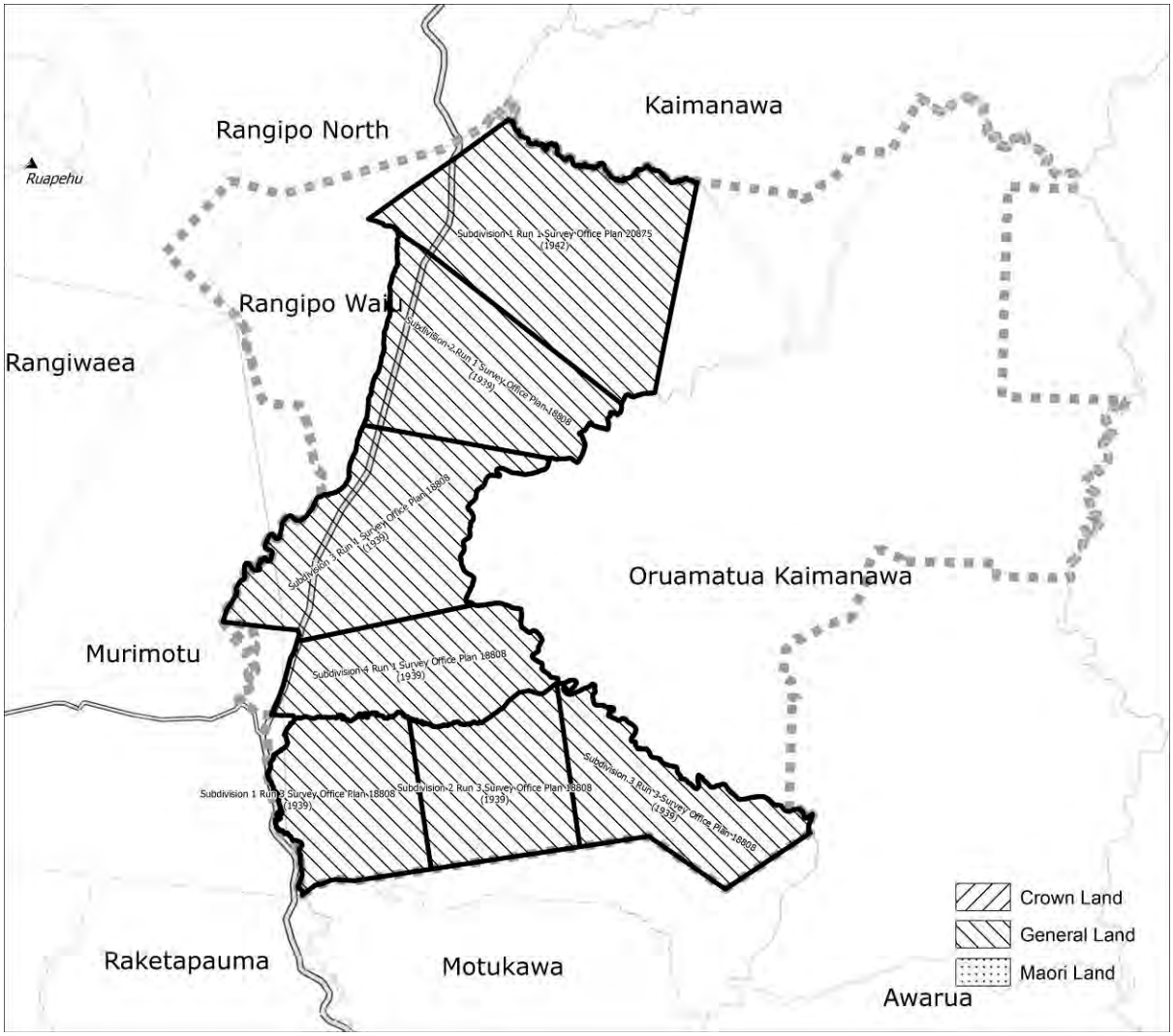

Figure 2: Lands taken in November 1939 and June 1942[29]

The chapter explains that the Army first undertook training at Waiouru in 1937, when a camp for artillery shooting was held over summer months. The land used for this training – a large

[29] Heinz, p 64.

area of open country served by the North Island Main Trunk railway – was all held by Forest Farm Products Limited. The Army had first sought to use the land in 1933, but was unable to reach an agreement with the owner. Following the 1937 camp, the Army recognised that the land could be used for the training of non-artillery units and began to look at acquiring permanent rights over the land. Annual camps held with the owner's permission were held again in the summers of 1938 and 1939.

In November 1939, soon after the outbreak of the Second World War, an area of 51,600 acres was taken for defence purposes from Forest Farm Products Limited by a proclamation issued under the Public Works Act 1928. This land, Subdivisions 2, 3, and 4 of Run 1 and Subdivisions 1, 2, and 3 of Run 3, had been held by the company under a deferred payment licence acquired from the Department of Lands and Survey. In June 1942, Subdivision 1 of Run 1, an area of 15,850 acres was taken from the company by another proclamation issued under the 1928 Act. Held as unencumbered freehold land, the company had offered this land to the Army after the November 1939 taking.

The areas taken in November 1939 and June 1942, shown in Figure 2, comprised all of Forest Farm Products land holdings at Waiouru. Both takings were carried out by the Public Works Department at the request of Defence Headquarters. The Public Works Department and Forest Farm Products were unable to reach an agreement regarding the value of the taken land. A compensation settlement was eventually determined by the Compensation Court, which heard the case in December 1943. The Court ordered an award of £55,700, from which a considerable sum was deducted to cover payment arrears relating to the company's deferred payment licence.

Security developments and the New Zealand Army, 1920-1945

In the period between the First and Second World Wars, New Zealand maintained a well-established security strategy that focused on providing forces for the defence of both British imperial interests and local interests.[30] The Army, the strongest branch of the country's military, comprised a small permanent force of several hundred men and a larger, part-time territorial force that trained at annual camps. Compulsory military training existed until 1931, when it was suspended for 'economic and moral reasons', resulting in the strength of the territorial force immediately dropping from 17,000 to 3,700.

Throughout much of the 1930s, the Army remained in a weakened form. Though the possibility of war was recognised early in the decade, it was not until 1937 that efforts were made to strengthen the armed forces.[31] In mid-1939, war preparations began in earnest and, upon the outbreak of war in September 1939, the Government offered to provide Britain a fully trained infantry division within eight months. The Army provided the bulk of New Zealand's war effort. As well as the New Zealand Division that served in North Africa and Europe, a small body of men served in the Pacific. In total, about 104,000 individuals served in the Army during the Second World War.

Early Army interest in training at Waiouru

The Army first gave serious consideration to using land at Waiouru for training purposes in the early 1930s, after compulsory military training had ended. At this time, the territorial force appears to have been organised into three geographically-based command groups – Northern, Central, and Southern. The Army's initial interest in lands at Waiouru arose in connection with

[30] James Rolfe, *The Armed Forces of New Zealand*, Allen & Unwin, St Leonards, New South Wales, 1999, pp 8-9.
[31] Ibid, p 10-11.

efforts to secure a new artillery firing range for Central Command, which had for some years been using lands near Waipukurau.[32] Northern Command had an artillery range near Rotorua, while the artillery range of Southern Command was at Matarae, in Otago. These artillery ranges appear to have only been used when annual camps were held during summer months. In each case, it appears that the Army used private land, having secured temporary use rights from the owners.[33]

In October 1932, two officers of the Royal New Zealand Artillery, Captains Parkinson and Park, inspected a large area of land near Waiouru in order to assess its suitability for Central Command's artillery training. In a report to the Director of Artillery, the officers noted that use of the area for such training had been discussed from time to time since 1926.[34] The lands that Parkinson and Park inspected were known as Runs 1, 2, and 3. None of this land remained in Maori ownership. The officers detailed that Run 2 was a State Forest and that Runs 1 and 3 were owned by a European, Wenzl Schollum. In fact, Runs 1 and 3 were held by Forest Farm Products Limited, a company in Schollum possessed a controlling interest.[35]

Parkinson and Park reported that Run 2 possessed little potential for artillery purposes, largely because it was a State Forest and it was intended that most of the area would be planted.[36] When the officers made their inspection, trees had been planted over more than half of the block. They noted, however, that an area of desert within Run 2, which contained some 6,706 acres and was not to be planted, might be suitable for a target area. Parkinson and Park believed that the tussock-covered Runs 1 and 3, a total area of about 67,450 acres, offered much more potential:

> The two runs, No.1 and 3, taken in conjunction provide excellent facilities for the provision of an artillery range. It would be possible to provide in the area ranges of extreme simplicity for the training of young officers and of extraordinary difficulty for the exercise of the more advanced.
>
> It would be possible to carry out tactical schemes requiring movement of the battery on as many occasions per shooting day as there is time for. It would be possible to exercise two units at individual training on the same day without any risk of danger whatever, and moreover it would be possible to carry out brigade training with the utmost ease if and when such training was considered desirable. These attributes compare more than favourably with any range which has been used in the Central Command since the war, and allow of many of the artificial restrictions now imposed being removed and battery commanders being given a free hand to carry out the task allotted to them.[37]

As well as artillery training, the officers stated that Runs 1 and 3 also offered considerable potential for training of other arms. They described manoeuvre areas to be 'unequalled in regard to terrain' and noted that there were no fences, hedges of crops to be damaged. Parkinson and Park also pointed out that Waiouru was located on the North Island Main Trunk and served by a station with three long sidings.[38]

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[32] Parkinson and Park to Director of Artillery, 7 November 1932, AD 1 1091 204/232 part 1, Rifle Range – Camp – Military – Waiouru, 1940-no date, ANZ Wellington, pp 3-5. Park to Schollum, 18 May 1936, AD 1 1091 204/232 part 1, ANZ Wellington.
[33] Under Secretary, Defence, to Minister of Defence, 24 November 1936, AD 1 1091 204/232 part 1, ANZ Wellington.
[34] Parkinson and Park to Director of Artillery, 7 November 1932, AD 1 1091 204/232 part 1, ANZ Wellington, p 1.
[35] Secretary to the Treasury to the Minister of Finance, 29 September 1938, AD 1 1091 204/232 part 1, ANZ Wellington.
[36] Parkinson and Park to Director of Artillery, 7 November 1932, AD 1 1091 204/232 part 1, ANZ Wellington, p 1.
[37] Ibid, p 2.
[38] Ibid, pp 3-4.

Observing the advantage of having to deal with only one owner, Parkinson and Park recommended that rights to shoot and manoeuvre over Runs 1 and 3 be sought from Schollum.[39] They believed that rights for three month of each year would be granted if an annual payment was made to the owner. The officers suggested that an agreement for five years should be entered into, enabling some experience of the climate to be gained. They stated that a clause could be included in this temporary agreement to enable the Defence Department to extend the arrangement. Parkinson and Park believed that securing permanent rights over the training area was desirable:

> Permanency of tenure over an artillery range would be of inestimable value for training on account of the fact improvements could gradually be installed and further difficulties regarding the individual wishes of land owners would not crop up, and finally the question of the location and destruction of dud shell can be adequately dealt with.[40]

Defence Headquarters accepted this recommendation and on 16 December 1932 the Under Secretary of Defence wrote to the Land Purchase Officer of the Public Works Department, requesting that steps be taken to secure shooting rights over Runs 1 and 3 for three months of each year.[41] He asked that a five-year agreement be entered into and suggested the inclusion of a provision that would enable the agreement to be renewed for a further five years.

As noted above, Runs 1 and 3 were owned by Wenzl Schollum through Forest Farm Products Limited. Schollum appears to have purchased the land from the Crown in 1929.[42] He acquired most of Runs 1 and 3, an area of 51,600 acres, under the Department of Lands and Survey's deferred payment system. Holding a deferred payment licence over this land, Schollum was required to pay the purchase price in regular instalments over a fixed period. Schollum purchased the remaining area outright and held an unencumbered freehold title over this land, an area of 15,850 acres. In their report, Parkinson and Park stated that Schollum was running no stock on the land, which they believed had an average carrying capacity of 40 sheep per acre.[43] A homestead was sited within the southern portion of Schollum's holding.

In January 1933, in response to the request for access rights, Schollum offered the Army seasonal use of an area of 36,000 acres for five years in return for an annual payment of £250.[44] Commenting on this offer in a letter written to the Under Secretary of Defence on 2 February 1933, the Under Secretary of the Public Works Department stated that the sum of £250 appeared to be 'full value considering the nature of the rights'.[45] He noted that the 36,000 acres or a larger area could be taken if the government wanted, but it was likely that compulsory powers would have to be invoked and a considerable sum of compensation paid. Responding on 15 February 1933, the Under Secretary of Defence advised that £250 was more than the Defence Department could pay and that no further action should be taken for the time being.[46]

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[39] Ibid, p 3, 6.
[40] Ibid, p 6.
[41] Under Secretary, Defence, to Land Purchase Officer, Public Works, 16 December 1932, AD 1 1091 204/232 part 1, ANZ Wellington.
[42] Monteath, Ward, and Evans-Scott to Army Secretary, 23 November 1939, AD 1 1091 204/232 part 1, ANZ Wellington.
[43] Parkinson and Park to Director of Artillery, 7 November 1932, AD 1 1091 204/232 part 1, ANZ Wellington, p 6.
[44] Schollum, Grant of Access Rights, 26 January 1933, AD 1 1091 204/232 part 1, ANZ Wellington.
[45] Engineer in Chief and Under Secretary, Public Works, to Under Secretary, Defence, 2 February 1933, AD 1 1091 204/232 part 1, ANZ Wellington.
[46] Under Secretary, Defence, to Permanent Head, 15 February 1933, AD 1 1091 204/232 part 1, ANZ Wellington.

In March 1934, following another approach by the Public Works Department's Land Purchase Officer, Schollum agreed to allow his Waiouru lands to be used without payment for military training purposes.[47] However, Schollum stipulated that the southern portion of the property was not to be entered upon – a condition that was unacceptable to the Army because the area around the homestead was considered to be the only suitable camping site.[48] Schollum's offer was therefore not taken up and the Army's plans to use the land were once again put on hold.

Two years later, the Army again attempted to secure temporary shooting rights over Schollum's Waiouru property. On 18 May 1936, Major Park of Central Command wrote to Schollum, requesting that the artillery of Central Command be able to use his property for live shell practice between January and April 1937.[49] Park stated that for the previous seven years a property near Waipukurau had been used for this purpose, with the owners placing the land at the Army's disposal without charge. He claimed that a new range was desired because the officers and men had become too familiar with the terrain at Waipukurau. Park provided details of the number of men who would be attending the camp and the firing activity that would take place, and he assured Schollum that care would be taken to minimise 'grounds for complaint or regret'.

Schollum agreed to the request, but once again stated that the land in the vicinity of the homestead was not to be entered upon.[50] He noted that his property was under offer for sale. (This transaction was not completed and the land remained in Schollum's ownership.) During the summer of 1937, the artillery of Central Command used Schollum's land for its annual camp, though presumably did not enter the lands around the homestead.[51] This was the first time that military training exercises were undertaken at Waiouru.

On 9 March 1937, following the Waiouru camp, the commanding officer of Central Command wrote to Defence Headquarters, recommending that permanent rights be secured over Schollum's land.[52] He reported that the site had proved 'eminently suitable', particularly for live firing of artillery. He also thought that it would make a suitable camping place for non-artillery units. The commanding officer recommended that immediate steps be taken to secure permanent rights to camp and shoot on Schollum's land. This would overcome reliance on the goodwill of land owners, which in the past had seen frequent changes of location and ongoing expenses for damages. The commanding officer believed that there were advantages in going to the same place every year, particularly a property where 'the safety question' was not acute and stray unexploded shells were not a menace. He considered that in all these respects Waiouru was particularly well suited.

Defence Headquarters acted on the recommendation that permanent rights be secured over Schollum's Waiouru land. On 6 April 1937, the Under Secretary of Defence wrote to his counterpart in the Department of Lands and Survey, requesting assistance in the matter.[53] He explained that for some time Defence had been considering Schollum's property as a permanent site for artillery camping and shooting. Understanding that Schollum had become considerably in arrears with the payments that he owed under his deferred payment licence, the Under

[47] Schollum to Minister of Public Works, 28 March 1934, AD 1 1091 204/232 part 1, ANZ Wellington.
[48] Under Secretary, Defence, to Permanent Head, 17 April 1934, AD 1 1091 204/232 part 1, ANZ Wellington.
[49] Park to Schollum, 18 May 1936, AD 1 1091 204/232 part 1, ANZ Wellington.
[50] Schollum to Major, O/C RNZA, Central Command, 19 May 1936, AD 1 1091 204/232 part 1, ANZ Wellington.
[51] Colonel, Central Command, to Headquarters, New Zealand Military Sources, 9 March 1937, AD 1 1091 204/232 part 1, ANZ Wellington.
[52] Ibid.
[53] Under Secretary, Defence, to Under Secretary, Lands and Survey, 6 April 1937, AD 1 1091 204/232 part 1, ANZ Wellington.

Secretary of Defence suggested that Lands and Survey take advantage of this to enable the Army to secure permanent rights for military training.

Following this letter, there was a steady flow of communication between Defence Headquarters and the Lands and Survey Department regarding Schollum's land, his payment arrears, and how the Army might acquire permanent rights.[54] During the course of this communication, Defence Headquarters secured permission from Schollum to hold another camp at Waiouru during the summer of 1938.[55]

In March 1938, senior officers and staff from Defence Headquarters and the Lands and Survey Department met to discuss the possibility of the Army securing control over the 51,600 acres that Schollum held under deferred payment licence.[56] The Under Secretary of Lands and Survey stated that his Department would like to see Schollum's property made 'a Defence Reserve', but noted that the Land Board was required to act cautiously when considering the forfeiture of licences because such decisions were subject to Court appeal. While Schollum's payment arrears were considerable, it was noted that he had made some payments during recent months to address the arrears. The meeting agreed that the Army should not approach Schollum. Instead, the matter would be held over in order to see whether there was any prospect of Schollum's licence being forfeited by the Land Board.

However, the Land Board did not confirm the default of Schollum's licence and, as 1938 passed, Defence Headquarters began to call for more decisive action. On 5 August 1938, the Minister of Defence wrote to the Minister of Lands, suggesting that he give consideration to the land being taken under the Public Works Act 1928.[57] Stating that Army authorities believed that securing the property was 'vital to the carrying on of military training', he described it to be 'practically the only suitable area for Artillery training and shooting practice in the North Island'. If control of the property was secured, it was proposed that buildings be erected and Waiouru made a camp-training centre for the North Island. The Minister of Defence claimed that Schollum was not using the land for farming and appeared to be avoiding forfeiture with small payments to allow time for a favourable sale of the land.

In a letter written to the Minister of Defence on 31 August 1938, the Minister of Lands did not respond to the suggestion that Schollum's land might be taken under the Public Works Act.[58] The Minister of Lands expressed disappointment that the Land Board had recently decided against confirming the forfeiture of Schollum's deferred payment licence. He stated that he hoped that the Army would be able to continue to secure temporary use rights from Schollum and advised that if his Department secured the property the Minister of Defence would be immediately notified.

In September 1938, the Minister of Defence wrote again to the Minister of Lands with regard to Schollum's Waiouru property.[59] While acknowledging that Schollum had permitted the Army to use his land in recent years, he noted that Schollum had not responded to a request concerning the upcoming training season, which was causing 'serious inconvenience'. The Minister of Defence again stressed the importance of the Waiouru land for military training – not just for

[54] See correspondence in AD 1 1091 204/232 part 1, ANZ Wellington.
[55] Army Secretary to Minister of Defence, 18 February 1938, AD 1 1091 204/232 part 1, ANZ Wellington.
[56] Note for file, 3 March 1938, AD 1 1091 204/232 part 1, ANZ Wellington.
[57] Minister of Defence to Minister of Lands, 5 August 1938, AD 1 1091 204/232 part 1, ANZ Wellington.
[58] Minister of Lands to Minister of Defence, 31 August 1938, AD 1 1091 204/232 part 1, ANZ Wellington.
[59] Minister of Defence to Minister of Lands, undated [September 1938], AD 1 1091 204/232 part 1, ANZ Wellington.

artillery shooting, but for all branches of the Army. Given that there seemed little chance of the deferred payment licence being forfeited, the Minister of Defence believed that taking under the Public Works Act was the only option and he called upon the Minister of Lands to support him in bringing the matter before Cabinet.

On 6 September 1938, Schollum advised the Army Secretary that his land was again under offer.[60] However, he stated that if the transaction did not proceed he would once more allow the Army to use his land. Defence Headquarters nevertheless proceeded with moves to have the land taken under the Public Works Act. On 17 September 1938, the Army Secretary prepared a memorandum for the Minister of Defence, recommending that Cabinet authorise the taking of the land under the 1928 Act.[61] In a note appended to this memorandum, the Chief of the General Staff urged that some permanent provision be made for military training at Waiouru. He believed this would enable training to be carried out under 'the utmost possible efficiency' during war.[62] The prospect of war, growing increasingly clear at this time, no doubt added weight to the Army's calls for permanent training rights at Waiouru.

On 19 September 1938, the Army Secretary wrote to the Crown Solicitor, requesting advice as to whether there was sufficient authority to take Schollum's land under the Public Works Act 1928.[63] In response, the Crown Solicitor advised simply that there was 'ample authority' to take the land under the 1928 Act.[64] In particular, he pointed to section 256 of the Act.[65] On 29 September 1938, the Secretary to the Treasury discussed the proposed taking in a memorandum written for the Minister of Finance.[66] The Secretary considered that the best course of action was to take the land under the Public Works Act if it was essential that it be made available for defence purposes. He believed that the alternative option of seeking a forfeiture of the deferred payment licence would be complicated and potentially unsuccessful.

On 31 October 1938, Schollum telegraphed the Minister of Defence, advising that he had leased his Waiouru property, but had secured the lessee's consent for the Army to continue using the land for its annual camps.[67] Responding on 9 November 1938, the Minister of Defence thanked Schollum for the arrangement that he reached with the lessee.[68] The Minister noted that recruiting for the Territorial Force had increased during recent months and that he would like to see every facility given to the Army to enable it to carry out its annual camp. The Minister made no mention of the Army's wish to secure permanent rights over Schollum's land and the proposal to take the land under the Public Works Act.

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[60] Schollum to Army Secretary, 6 September 1938, AD 1 1091 204/232 part 1, ANZ Wellington.
[61] Army Secretary to Minister of Defence, 17 September 1938, AD 1 1091 204/232 part 1, ANZ Wellington.
[62] Chief of the General Staff, note on Army Secretary to Minister of Defence, 17 September 1938, AD 1 1091 204/232 part 1, ANZ Wellington.
[63] Army Secretary to Crown Solicitor, 19 September 1938, AD 1 1091 204/232 part 1, ANZ Wellington.
[64] Crown Solicitor to Army Secretary, minute on Army Secretary to Crown Solicitor, 19 September 1938, AD 1 1091 204/232 part 1, ANZ Wellington.
[65] Section 256 of the 1928 Act provided that land required for parade grounds, camping grounds, or rifle ranges could be taken in the manner prescribed in the Act for the taking of land for defence purposes. (Section 251 of the Act defined 'defence purposes' as any fortification or other work that was constructed or intended for use for the purposes of defence and any road or other works required in connection with such works.) As detailed in chapter one, there were separate provisions for the taking of land for defence purposes. These provisions contained limited protections for land owners.
[66] Secretary to the Treasury to the Minister of Finance, 29 September 1938, AD 1 1091 204/232 part 1, ANZ Wellington.
[67] Schollum to Jones, 31 October 1938, AD 1 1091 204/232 part 1, ANZ Wellington.
[68] Minister of Defence to Schollum, 9 November 1938, AD 1 1091 204/232 part 1, ANZ Wellington.

The Army's intentions concerning the land remained unchanged. On 29 May 1939, the Army Secretary wrote to the Minister of Defence, again asking him to put the proposal to take Schollum's land under the Public Works Act 1928 before Cabinet.[69] The Army Secretary stated that there was some urgency in the matter because he had received information that an English company was interested in buying the property and developing a settlement scheme for 200 English families. Writing to the Minister of Lands on 19 June 1939, the Under Secretary of Lands suggested that Schollum was aware of the Government's desire to 'get the area'.[70] The Under Secretary believed that the move to sell to the English company was aimed at building up a compensation case, and he therefore felt that the time had arrived for 'prompt action' to be taken.

On 29 June 1939, the Chief of the General Staff wrote a memorandum to the Minister of Defence, responding to an inquiry from the Minister as to whether there was any land in the Northern Command district would be suitable for an artillery range. Referring to the Waiouru land, the Chief of the General Staff stated that: 'extensive search[ing] over a period of years, and trial of various other areas, has definitely established the fact that there is no other area suitable for our purposes within reasonable reach of rail facilities.'[71]

The Minister of Defence then referred the question of the proposed acquisition to the Secretary to the Treasury.[72] The Secretary to the Treasury accordingly prepared another memorandum, dated 7 July 1939, which reiterated the views expressed in his earlier memorandum of 29 September 1938.[73] In the second memorandum, the Secretary to the Treasury noted that the option of securing the land through forfeiture of the deferred payment licence had become more complicated because Schollum had recently made a large payment that equated to over half the arrears of interest. He believed that there was no option but to take the land under the Public Works Act.

Compulsory acquisition

On 18 September 1939, Cabinet authorised the acquisition of the Waiouru land for a permanent training ground for the military forces.[74] By this time, war had broken out – a development that would have helped to remove any hesitation within the Government regarding the proposal to take Schollum's land under the Public Works Act.

After Cabinet approved the acquisition of the land, the Minister of Defence requested a report on whether the land should be taken under the Emergency Regulations Act 1939 or the Public Works Act 1928.[75] Writing to the Army Secretary on 27 September 1939, the Crown Solicitor stated that he did not believe that the provisions of the Emergency Regulations Act were applicable because it was intended that the land should become a permanent training ground for the military forces of New Zealand. While the 1939 Act provided full power to acquire land, the power was applicable only to meet a national emergency and not to provide for a permanent

[69] Army Secretary to Minster of Defence, 29 May 1939, AD 1 1091 204/232 part 1, ANZ Wellington.
[70] Under Secretary, Lands and Survey, to Minister of Lands, 19 June 1939, AD 1 1091 204/232 part 1, ANZ Wellington.
[71] Chief of the General Staff to Minister of Defence, 29 June 1939, AD 1 1091 204/232 part 1, ANZ Wellington.
[72] Minister of Defence, 3 July 1939, minute on Chief of the General Staff to Minister of Defence, 29 June 1939, AD 1 1091 204/232 part 1, ANZ Wellington.
[73] Secretary to the Treasury to Acting Minister of Finance, 7 July 1939, AD 1 1091 204/232 part 1, ANZ Wellington.
[74] Jeffery, note of Cabinet approval, 18 September 1939, AD 1 1091 204/232 part 1, ANZ Wellington.
[75] Minister of Defence to Army Secretary, minute on Jeffery, note of Cabinet approval, 18 September 1939, AD 1 1091 204/232 part 1, ANZ Wellington.

requirement.[76] The Crown Solicitor noted that the land could be resumed for a public purpose under the power given by section 124 of the Land Act 1924. However, he observed that the Public Works Department usually preferred to proceed under the Public Works Act and believed that this would be 'the most expeditious and effective way of proceeding'.

Steps to take the land and settle compensation were carried out by the Public Works Department at the request of Defence Headquarters. On 12 October 1939, the Army Secretary wrote to the Permanent Head of the Public Works Department, advising him of Cabinet's decision and requesting that the land be taken under the Public Works Act 1928.[77] The Army Secretary asked that action be taken as soon as possible, noting that it was desired that military training should commence immediately. Subdivisions 2, 3, and 4 of Run 1, and Subdivisions 1, 2, and 3 of Run 3, a total area of 51,600 acres, were taken on 17 November 1939 by a proclamation issued under the Public Works Act 1928.[78] These areas comprised all the land that Schollum held under deferred payment licence.[79] There does not appear to have been any communication with Schollum before the taking was carried out. As discussed in chapter one, taking authorities were not required to notify affected owners before land was taken for defence purposes.

As detailed above, Schollum owned a further area of 15,850 acres, Subdivision 1 of Run 1, which the Lands and Survey Department had required him to purchase outright when the deferred payment licence had been taken up.[80] Following the taking of the area held under deferred payment licence, Schollum's solicitors asked that this other area also be acquired by the Crown because it was, they stated, of no use on its own.[81] Commenting on this proposal, the Quartermaster-General noted that the additional land would be 'desirable from the point of view of utilisation of the training area'.[82] On 25 January 1940, Cabinet decided that the further area of 15,850 acres should be acquired.[83] On 18 December 1940, the Army Secretary wrote to the Under Secretary of the Public Works Department, requesting that the land be secured by proclamation.[84] About 18 months later, on 22 June 1942, the land was eventually taken under the Public Works Act 1928.[85]

The delay in taking the freehold area at least partly resulted from officials within the Public Works Department becoming doubtful as to whether the taking of Schollum's land under the Public Works Act was appropriate. This doubt appears to have been related to concerns about the potentially large cost of compensation that might have to be paid to Schollum.

The Public Works Department's Land Purchase Office raised the issue in a letter written to the Under Secretary of Public Works on 3 February 1941.[86] He noted that, while a formal claim for compensation had not yet been made, communication with Schollum's solicitor indicated that £2

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[76] Crown Solicitor to Army Secretary, 27 September 1939, AD 1 1091 204/232 part 1, ANZ Wellington.
[77] Army Secretary to Permanent Head, Public Works, 12 October 1939, AD 1 1091 204/232 part 1, ANZ Wellington.
[78] *New Zealand Gazette*, 1939, p 3062.
[79] Under Secretary, Lands and Survey, to Army Secretary, 17 June 1938, AD 1 1091 204/232 part 1, ANZ Wellington.
[80] Monteath, Ward, and Evans-Scott to Army Secretary, 23 November 1939, AD 1 1091 204/232 part 1, ANZ Wellington.
[81] Ibid.
[82] Quartermaster-General to army Secretary, 29 November 1939, AD 1 1091 204/232 part 1, ANZ Wellington.
[83] Army Secretary to Under Secretary, Public Works, 18 December 1940, AD 1 1091 204/232 part 1, ANZ Wellington.
[84] Ibid.
[85] *New Zealand Gazette*, 1942, p 1652.
[86] Land Purchase Officer to Under Secretary, Public Works, 3 February 1941, AD 1 1091 204/232 part 2, Rifle Range – Camp – Military – Waiouru, undated file, ANZ Wellington.

10s an acre would be asked for, which would amount to a total sum of £165,000. The Land Purchase Officer questioned whether the taking of Schollum's land was justified, pointing out that the Army required only about 2,000 acres for the actual camp and that the balance of the land could still be grazed. He stated that where land was required for defence purposes and it was proposed that permanent improvements be made (such as the setting up of a camp) it was appropriate that the land be taken.

However, in cases where the land could continue to be used by the owners without undue hardship, the Land Purchase Officer believed it should merely be occupied and compensation paid for minor damage. With the exception of the land needed for the camp, he thought that this approach should be adopted for Schollum's land. He noted that Defence Headquarters wished to see the land grazed and that the previous tenants were prepared to lease the land. The Land Purchase Officer thought that this showed that the land could occasionally be occupied by the Army without causing much liability for damage. He stated that the Military Manoeuvres Act 1915 provided ample authority for the land to be entered upon for training purposes. This Act, he stated, had been enacted expressly for such a situation in order to save the Crown the cost of outright taking.

The Land Purchase Officer recommended that the proclamation taking the area of 51,600 acres be revoked (except in respect of the camp land) and that the proposed taking of the freehold area of 15,850 not proceed. He pointed out that if this approach was followed the cost of compensation would be considerably reduced, with a claim of between £10,000 and £12,000. The Land Purchase Office anticipated that Defence Headquarters would argue that the land would be required after the war. He thought that the position after the war was, however, so indefinite that no expense should be incurred, particularly as the power to take land could be exercised after the war if required.

On 27 February 1941, the Minister of Public Works wrote to the Minister of Defence, setting out the various points raised by the Land Purchase Officer.[87] In response to this letter, Defence Headquarters sought legal advice as to the most appropriate course of action. In a letter written on 24 April 1941, the Chief of the General Staff requested the Solicitor General to provide an opinion on two aspects of the matter.[88] First, he asked what the likelihood was of Schollum's deferred payment licence being forfeited if the proclamation of November 1939 was revoked. Secondly, he asked whether the provisions of the Military Manoeuvres Act 1915 would allow the land to constantly be used by the Army for training purposes during the war and also during periods of the year in peace time. The Chief of the General Staff emphasised the importance of the Waiouru land, stating that it was the only suitable site in the North Island for an artillery range and field force firing. He also noted the danger of unexploded shells and stated that it was not advisable to carry out artillery practice on ground to which the public may have access.

Writing on 2 May 1941, the Crown Solicitor responded to the Chief of the General Staff's question.[89] In respect of the first issue, the Crown Solicitor was unable to give a definite answer regarding the likelihood of Schollum's deferred payment licence being revoked. He noted that the Crown was bound by the Mortgages Extension Emergency Regulation 1940 to obtain the leave of the Court before it could take steps to forfeit the licence. He also pointed out that the question of forfeiture was in any case a matter for the discretion of the Wellington Land Board and the approval of the Minister of Lands.

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[87] Minister of Public Works to Minister of Defence, 27 February 1941, AD 1 1091 204/232 part 2, ANZ Wellington.
[88] Chief of the General Staff to Solicitor General, 24 April 1941, AD 1 1091 204/232 part 2, ANZ Wellington.
[89] Crown Solicitor to Chief of the General Staff, 2 May 1941, AD 1 1091 204/232 part 2, ANZ Wellington.

In response to the Chief of the General Staff's question regarding the potential application of the Military Manoeuvres Act 1915, the Crown Solicitor considered that the Act was intended to apply only to periods of temporary occupation, as distinct from the setting apart of permanent training grounds under section 80 of the Defence Act 1909 or the taking of land for defence purposes under the Public Works Act 1928. He pointed out that there was nothing in the 1915 Act to prevent the same area of land from being proclaimed from time to time for military training, such as for a three or four month period each year. However, the Crown Solicitor believed that it would be an abuse of the 1915 Act if it was used to occupy land for practically the whole of the year and for year after year. He stated that if the occupation of the property was for war purposes only, Defence Headquarters could act under the Emergency Regulations Act 1939. If the land was required for a permanent training ground, it should be taken under the Public Works Act 1928.

In summary, the Crown Solicitor stated that Defence Headquarters needed to consider two questions:

1. Did the Army require the full and complete control of the area for all times so that it could use the land when and as often and as long as it pleased and dictate the use to be made of the land when not required?
2. Alternatively, could the Army Department's requirements be obtained under the Military Manoeuvres Act 1915 and/or the Emergency Regulations Act 1939, leaving the control and development of most of the land in private hands.

The Crown Solicitor noted that if the answer to the first question was 'yes', then it could not be said that the land was no longer required for purpose for which it was taken and therefore there was no power to revoke the proclamation. If the answer to the first question was 'no' and to the second question was 'yes', the Crown Solicitor stated that the proclamation could be revoked in part (excluding, presumably, the camp area). He pointed out that these matters were not legal issues, but questions of fact that needed to be decided by the Government upon the reports of the departments concerned.

The Chief of the General Staff considered the two questions put forward by the Crown Solicitor. In a memorandum for the Minister of Defence, dated 18 June 1941, the Army Secretary advised that the Chief of the General Staff's answer to the first question was 'yes' and to the second question 'no'.[90] The Army Secretary stated that in light of this there was no power to revoke the proclamation over the area of 51,600 acres. He therefore recommended that the proclamation not be revoked and that the taking of the freehold area of 15,850 acres proceed. (As discussed below, a further recommendation was made in respect of four additional areas that the Army wished to secure at Waiouru.) No further consideration was given to the possibility of revoking the proclamation of November 1939 and, as detailed above, the taking of the freehold land was finalised with the issuing of a proclamation in June 1942.

Later evidence raises questions as to the extent to which the Chief of the General Staff thoroughly considered whether the Army would require full and complete control of all of Schollum's land for all times. Not long after the lands were taken, one relatively small area was found to be of little value for training purposes. An area of about 755 acres, this land was located along the southern boundary of Schollum's property, within Run 3. E.A. Peters held grazing rights over the land at the time of taking and, as detailed below, subsequently secured a

[90] Army Secretary to Minister of Defence, 18 June 1941, AD 1 1091 204/232 part 2, ANZ Wellington.

lease from the Crown.[91] In 1945, it was recorded that the Camp Commandant viewed the land to be so rough of character that he thought it was unlikely that it would ever be used for military training purposes.[92] The subsequent leasing of much of the land taken from Schollum, which is discussed in chapter four, raises further questions about the extent to which the Army required full and ongoing control of the land.

Compensation

There was a considerable delay in settling compensation for the lands taken from Schollum in November 1939 and June 1942. An agreement concerning the value of the taken land could not be reached, with the Public Works Department deeming that a claim for £134,000 made by Schollum's solicitors was 'out of all reason'.[93] On 13 December 1943, the case was eventually put before the Compensation Court, which ordered an award of £56,226.[94] (The Court determined the value of the taken land to be £55,700.) Cabinet approved the payment of the compensation on 13 January 1944.[95] A total of £48,813 was deducted from the award to cover the amount owed on the deferred payment licence and land tax arrears.[96]

Conclusion

The November 1939 and June 1942 takings saw the Army secure full title to the land that it required for training purposes at Waiouru, establishing a precedent for later takings. Prior to the November 1939 taking, a number of reasons were put forward as to why the Army needed permanent rights over the land. In March 1937, the commanding officer of Central Command stated that obtaining such rights would end reliance on the goodwill of land owners, something that had seen the location of training camps change frequently. He also noted that Army ownership of the land would stop compensation claims for damage and end the menace of stray and unexploded shells. In late 1938, the Minister of Defence stated that, if the land was secured, buildings could be erected and Waiouru made a camp-training centre for the whole North Island. The growing prospect of war added weight to the call. The Chief of the General Staff asserted that permanent provision for training at Waiouru would enable such training to be carried out under 'the utmost possible efficiency' during war.

Before and after the November 1939 taking, which was approved by Cabinet, questions were raised about whether the acquisition of land under the Public Works Act was appropriate. It was suggested that the Army could take advantage of provisions in other legislation that would provide temporary rights of occupation. In February 1941, the Public Works Department's Land Purchase Officer thought that only the camp area needed to be taken because it was proposed that the other lands be grazed, indicating that the Army's use of these lands would not be continuous. The matter was clarified by the Crown Solicitor, who advised that taking under the Public Works Act was appropriate if the Army required full control of the land for all time.

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[91] Under Secretary, Public Works, to Army Secretary, 13 September 1945, AALJ 7291 W3508 35 204/232/6 part 1, Rifle Ranges – Waiouru Camp Land – Lease to EA Peters, 1944-1969, ANZ Wellington. Memorandum of Agreement, 17 April 1951, AALJ 7291 W3508 35 204/232/6 part 1, ANZ Wellington.
[92] Army Secretary to Camp Commandant, 16 October 1945, AALJ 7291 W3508 35 204/232/6 part 1, ANZ Wellington.
[93] Army Secretary to Minister of Defence, 19 November 1940, AD 1 1091 204/232 part 2, ANZ Wellington.
[94] Land Purchase Officer to Under Secretary, Public Works, 16 December 1943, AD 1 1092 204/232 part 3, Rifle Range – Camp – Military – Waiouru, undated file, ANZ Wellington.
[95] Note of Cabinet approval, 13 January 1944, AD 1 1092 204/232 part 3, ANZ Wellington.
[96] Treasury voucher, undated, AD 1 1092 204/232 part 3, ANZ Wellington.

The Army, which clearly wished to secure the land, was left to decide upon the question of whether full and ongoing control was required. There was no independent scrutiny of the Army's decision on the matter, and it seems that the extent to which the question was considered by the Army might have been less than thorough. Some of the taken land may not have been required, but the Army failed to identify or acknowledge this when it decided that permanent control was required. In 1945, the Chief of the General Staff admitted that a portion of the land taken in November 1939, about 755 acres, was of little value for training purposes. In respect of the land taken in June 1942, the only assessment of its worth to the Army appears to be a comment by the Quartermaster-General, who considered that acquisition of the land would be 'desirable from the point of view of utilisation of the training area'. In this case, however, the owner had offered the land to the Army, so the taking probably did not need to be justified to the same extent as a compulsory acquisition undertaken without the owner's permission.

The November 1939 taking was carried out without any consultation with the owner, Forest Farm Products Limited, controlled by Wenzl Schollum. There was no communication with Schollum ahead of the taking even though the Army and Public Works Department had corresponded with him for several years regarding temporary use of the land for annual camps. No effort was made to establish whether Schollum might have been interested in entering into, for example, a long-term leasing arrangement that could have provided the Army with controlling powers over the land. The land was taken without formal notification, which was not a requirement when lands were taken for defence purposes. The absence of consultation may have reflected attitudes within the Public Works Department arising from the fact that Schollum did not occupy the land and was in arrears with his deferred payment licence payments and appeared to be interested in selling the land anyway. As noted, the land taken in June 1942 was offered to the Army. Schollum had decided that this land, his residual holding after the November 1939 taking, was of little value by itself.

Chapter Three: Taking of Maori and European land for an extension of Waiouru Training Ground, 1942, and the inclusion of Crown land within the Training Ground, 1943

Introduction

This chapter examines the taking of Maori and European lands for an extension of Waiouru training ground in July 1942. It also notes the inclusion of certain Crown lands within the training ground in March 1943. The Army claimed that these lands were required to meet the training needs of an increasing number of troops and different types of units – a demand arising from New Zealand's involvement in the Second World War. Some of the lands were required for open field training, while other, smaller areas were required to improve facilities in the immediate vicinity of Waiouru camp. The Public Works Department carried out the takings at the request of Defence Headquarters. Figure 3 indicates the various areas that were acquired.

In July 1942, the following Maori and European lands were taken under the Public Works Act 1928:

Land	Ownership	Area
Pt Rangipo North 6C	Maori	1,850a 0r 00p
Rangipo Waiau 1B	Maori	4,474a 0r 00p
Sections 1 and 2, Block IV, Town of Waiouru	European	0a 2r 14p
Section 3, Block IV, Town of Waiouru	European	0a 1r 00p
Section 14, Block IV, Town of Waiouru	European	6a 1r 10p
Section 17, Block V, Town of Waiouru	European	10a 3r 35p
	Total	6,342a 0r 09p

Table 1: Maori and European lands taken in July 1942

The total area of Maori land taken was 6,324 acres. The European lands amounted to 18 acres 9 perches. As well as the taking of these lands, leasehold interests in certain Crown lands were also taken. These interests, which were held by Europeans, M.A. Harding and E.A. Peters, related to an area of at least 1,100 acres.

In March 1943, various Crown lands were also added to the training ground. The total area of these lands was 9,256 acres 2 roods 17 perches. They included all of the Crown lands that related to the leasehold interests taken in July 1942. The following table provides details of the various Crown lands:

Land	Status	Area
Part Run 2	State forest	7820a 0r 00p
Part Run 4	Education Department reserve	1017a 0r 00p
Part Run 4	Education Department reserve	69a 3r 00p
Parts Run 4	Education Department reserve	104a 3r 07p
Part Run 4	Lands and Survey Department	10a 0r 00p
Crown land	Lands and Survey Department	203a 2r 00p
Section 6 SO 15334	Lands and Survey Department	7a 3r 29p
Section 8 SO 15334	Lands and Survey Department	23a 2r 21p
	Total	9,256a 2r 17p

Table 2: Crown lands added to Waiouru training ground in March 1943

It is unclear if compensation was ever paid to the owners of the Maori land. In June 1943, the Native Land Court heard an application to determine compensation, but the case was adjourned because the Court considered Public Works Department's offer to be unacceptably low. It was subsequently agreed that the Court would accept an offer of £250 providing that survey liens owing on the two blocks were waived. Steps to clear the survey liens were taken, but no evidence has been located to suggest that the Court made a final compensation order or that any monies were paid to the owners.

In respect of the taken European lands, research has only established details of the compensation that was paid for Section 14, Block IV, Waiouru Township and for Section 17, Block V, Waiouru Township. Compensation of £19 was paid for Section 14, while £65 was paid for Section 17. Settlements were also reached with the two leaseholders. The individual who had held most of the taken leasehold, M.A. Harding, received a payment of £3,500 and was also granted a tenancy at will (terminable at any time) over the taken land. The other leaseholder, E.A. Peters, was paid £338 10s for improvements that he was unable to remove from the land taken over by the Army.

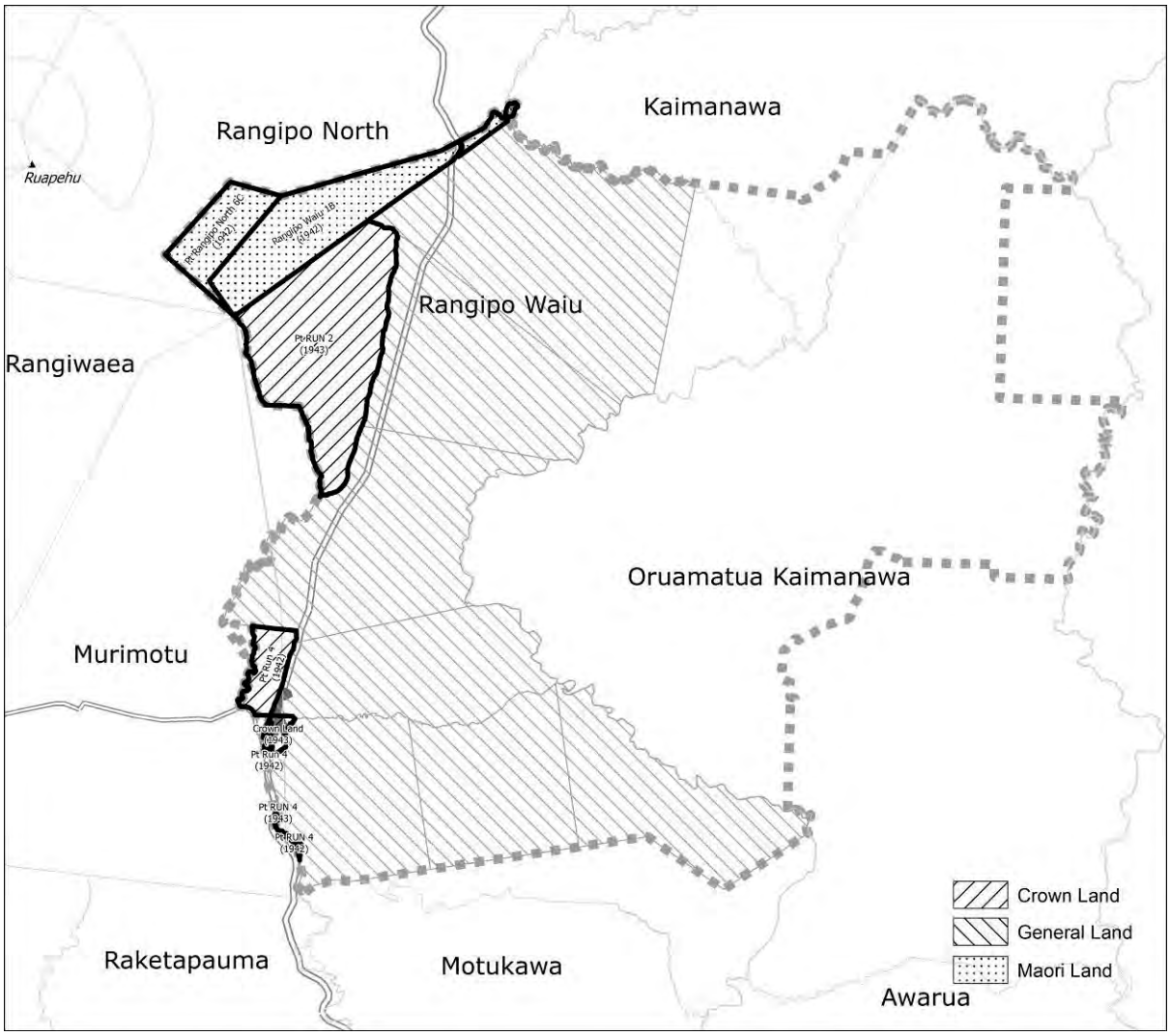

Figure 3: Lands taken in July 1942 and Crown lands included in Waiouru training ground in March 1943[97]

[97] Heinz, p 67.

Background to taking

Around the beginning of 1941, Army leadership responsible for the running of Waiouru Camp called for control over additional lands that lay adjacent to the area that had been taken from Schollum in November 1939. Under wartime conditions, the importance of the Waiouru training ground had become firmly established and the additional lands were required to meet the training requirements of an increasing number of recruits and different types of units.[98] On 14 January 1941, Colonel Powles, Camp Commandant, wrote to Defence Headquarters, stating that the camp area and training ground should be enlarged by the acquisition of certain lands.[99] It was proposed that four new areas be secured.

The first area, comprising 14,704 acres, was located north of Waiouru and lay almost entirely on the western side of the Waiouru-Tokaanu Road. More than half of this land, an area of 8,380 acres, part of Run 2, was State Forest. (As detailed above, Park and Parkinson had considered the suitability of this land in their report of October 1932.[100]) The remaining area was Maori land – part of Rangipo North 6C, an area of 1,850 acres, and the whole of Rangipo Waiu 1B, an area of 4,474 acres. The total area of Maori land required was 6,324 acres. In his letter of 14 January 1941, Powles stated that the land was required to enlarge the artillery shooting ground.[101] A later report prepared for the Minister of Defence, dated 5 August 1941, stated that the land would also be used to provide 'adequate range' for tank training and other manoeuvres.[102] (It appears that a School for Armoured Fighting Vehicles was established at Waiouru during 1941.) The report noted that the land was 'in fact used to some extent at present'.

Land	**Owner**	**Area**
Crown land within Block IX, Moawhango Survey District	Crown (part leased to E.A. Peters)	203a 2r 00p
Section 6 (SO 15334), Block IX, Moawhango Survey District	Crown (part leased to E.A. Peters)	7a 3r 29p
Section 8 (SO 15334), Block IX, Moawhango Survey District	Crown (leased to E.A. Peters)	23a 2r 21p
Section 1 and 2, Block IV, Waiouru Township	W. Meldrum	0a 2r 14p
Section 3, Block IV, Waiouru Township	E. Pratt	0a 1r 00p
Section 14, Block IV, Waiouru Township	A.E. McCormick	6a 1r 10p
Section 15, Block IV, Waiouru Township (Waiouru Domain)	Crown	9a 0r 01p
Section 17, Block V, Waiouru Township	C. McCauley and C.D. McCauley	10a 3r 35p
Part Tongariro Street (to be closed)	Crown	0a 3r 23.8p
	Total	263a 0r 13.8p

Table 3: Additional lands required between Waiouru Camp and Waiouru-Tokaanu Road, 1941[103]

[98] Army Secretary to Minister of Defence, 18 June 1941, AD 1 1091 204/232 part 2, ANZ Wellington.
[99] Camp Commandant to Army Headquarters, 14 January 1941, AD 1 1091 204/232 part 2, ANZ Wellington.
[100] Parkinson and Park to Director of Artillery, 7 November 1932, AD 1 1091 204/232 part 1, ANZ Wellington, p 1.
[101] Ibid.
[102] General Williams to Minister of Defence, 5 August 1941, AD 1 1091 204/232 part 2, ANZ Wellington.
[103] Note for file (writer unknown), 16 June 1941, AD 1 1091 204/232 part 2, ANZ Wellington. Army Secretary to Minister of Defence, 18 June 1941, AD 1 1091 204/232 part 2, ANZ Wellington. Under Secretary, Lands and Survey, to Permanent Head, Public Works, 28 July 1942, AAQB W3950 104 23/406/1 part 1, Waiouru Military Camp – Acquisition of Land, 1939-1958, ANZ Wellington. Annotations on *New Zealand Gazette*, 1942, pp 1886-1887, AAQB W3950 104 23/406/1 part 1, ANZ Wellington. *New Zealand Gazette*, 1943, pp 357-358. SO 20882, Wellington Land District.

The third area, another piece of flat land, comprised 1,017 acres that lay to the north-west of the camp, on the western side of the Waiouru–Tokaanu Road. This land, part of Run 4, was also in Crown ownership, being part of a Permanent Education Reserve that had a total area of about 5,980 acres.[104] A European, M.A. Harding, held a lease over all of this land.[105] Commenting on the 1,017 acre area, Powles stated that it was 'of great importance for all infantry training' and would make 'a very valuable and necessary' addition to the training ground.[106]

The fourth area extended south from Waiouru – a thin strip of about 114 acres that lay between the land taken from Schollum in November 1939 and the Waiouru–Taihape Road. All of this land, parts of Run 4, was in Crown ownership.[107] Most of this land, an area of about 104 acres, was part of the Permanent Education Reserve that was leased to Harding.[108]. The rest was a 10-acre area of Crown land over which the Rangatikei County Council held a licence for the removal of gravel.[109] The strip of land was required to 'straighten the line of the Department's Reserve, and to remove any difficulties regarding wandering stock'.[110]

Compulsory acquisition

After receiving Powles' request for the various areas to be secured, Defence Headquarters communicated with several government departments regarding the proposed acquisition of the lands. Correspondence was exchanged with the Department of Lands and Survey, State Forest Service, and Education Department in respect of the areas of Crown, State Forest, and Education Reserve lands that were required.[111] Each of the departments were favourable to the proposal that the particular areas be handed over to the Army for defence purposes.[112] As detailed below, Defence Headquarters also communicated with the Native Department about the acquisition of the Maori land.

Defence Headquarters made no attempt to communicate directly with any of the Maori or European landowners. Communication was, however, initiated with at least one of the leaseholders. In June 1942, about a month before the leasehold interests were taken, Defence and Public Works officials met with Mr Harding to discuss the acquisition of the 1,017 acre portion of the Education Reserve and what, if any, rights Harding might be granted after the land was brought under the Army's control.[113]

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[104] *New Zealand Gazette*, 1943, pp 357-358. SO 20899, Wellington Land District.
[105] Note for file (writer unknown), 16 June 1941, AD 1 1091 204/232 part 2, ANZ Wellington.
[106] Camp Commandant to Army Headquarters, 14 January 1941, AD 1 1091 204/232 part 2, ANZ Wellington.
[107] *New Zealand Gazette*, 1943, pp 357-358. SO 20882, Wellington Land District.
[108] Army Secretary to Under Secretary, Lands and Survey, 3 February 1941, AD 1 1091 204/232 part 2, ANZ Wellington.
[109] Under Secretary, Lands and Survey, to Permanent Head, Public Works, 28 July 1942, AAQB W3950 104 23/406/1 part 1, ANZ Wellington. County Clerk, Rangitikei County Council, to Minister of Defence, 3 September 1942, AD 1 1092 204/232 part 3, ANZ Wellington.
[110] Army Secretary to Under Secretary, Lands and Survey, 3 February 1941, AD 1 1091 204/232 part 2, ANZ Wellington.
[111] See, for example: Army Secretary to Under Secretary, Lands and Survey, 3 February 1941, AD 1 1091 204/232 part 2, ANZ Wellington; Army Secretary to Director, Forestry Department, 3 February 1941, AD 1 1091 204/232 part 2, ANZ Wellington; and Army Secretary to Director, Education Department, 12 June 1941, AD 1 1091 204/232 part 2, ANZ Wellington.
[112] Under Secretary, Lands and Survey, to Army Secretary, 17 February 1941, AD 1 1091 204/232 part 2, ANZ Wellington. Director of Forestry to Army Secretary, 13 March 1941, AD 1 1091 204/232 part 2, ANZ Wellington. Director of Education to Army Secretary, 25 June 1941, AD 1 1091 204/232 part 2, ANZ Wellington.
[113] Notes on conference re Mrs Harding's "Waitangi" area, 16 June 1942, W 1 706 23/406/1/2, Defence Works and Buildings – Waiouru Military Camp – Compensation Claim – MA Harding, 1941-1950, ANZ Wellington.

The earliest communication between Defence Headquarters and the Native Department was on 30 January 1941, when a meeting of officials was held to discuss the proposed acquisition. The Defence officials advised that the Maori land was urgently required as a permanent part of the Waiouru training ground and believed that proclamation under the Public Works Act provided the 'quickest means'.[114] They explained that the land was needed for artillery shooting and manoeuvres and admitted that it was already being used for this purpose. (There is no evidence that Defence Headquarters had taken any steps to acquire either informal or formal rights of entry.) There appears to have been some discussion as to whether the land should be occupied temporarily or taken permanently.[115] The officials agreed that head office of the Native Department would write to the Registrar of the Aotea District Maori Land Court with regard to this matter.

Accordingly, on 31 January 1941 the Under Secretary of the Native Department wrote to the Registrar of the Court.[116] The Under Secretary explained that while the Army expected that the land would be required permanently, there was a possibility that it would not be needed after hostilities had concluded. He thought that the land might therefore be occupied temporarily under the Emergency Regulations Act 1939 as an alternative to permanent acquisition under the Public Works Act.[117] However, the Under Secretary stated that the question as to what was the most suitable approach was, in the end, a matter of policy for Defence Headquarters to decide. He requested the Registrar to make personal contact with the owners or their leaders and establish whether there was any serious objection to the land being taken under the Public Works Act or used under the Emergency Regulations Act. The Under Secretary asked that the importance of the matter to the war effort be impressed upon the Maori owners. He noted that the required Maori land was desert country and unsuitable for any form of cultivation.

On 31 January 1941, the Under Secretary of the Native Department also wrote to the Army Secretary, enclosing a copy of his letter to the Registrar.[118] In this letter, he further discussed his view that use of the Defence Emergency Regulations might be the most suitable course of action, one that he thought 'might ultimately result in a benefit to the Crown and the Native owners alike.' The Under Secretary stated that he did not believe that the owners would raise any objection to their land being temporarily occupied under the Emergency Regulations Act. If any objections were made, he doubted that there would be anything to sustain them. The Under Secretary pointed out that the Crown would not be required to pay compensation for the freehold and nor would it have a large area of 'apparently useless' land on its hands after hostilities ceased. He emphasised, however, that the decision as to whether the freehold or mere use of the land should be acquired was a matter entirely for Defence Headquarters to decide. If the land was always to be required in connection with military training at Waiouru, the Under Secretary believed it would be best to proceed under the Public Works Act.

It appears that Defence Headquarters did not reply to the Native Department Under Secretary's letter of 31 January 1941. (No record of such a reply has been located.) However, around this time, as discussed above, the Public Works Department, Defence Headquarters, and the Crown

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[114] Under Secretary, Native Department, note for file, 30 January 1941, MA1 69 5/5/29 Rangipo North 6G Rangipo Waiu 1B – Purchase by Army Department – Defence Purchase at Waiouru, 1941-1941, ANZ Wellington.
[115] Note for file (writer unknown), 30 January 1941, AD 1 1091 204/232 part 2, ANZ Wellington.
[116] Under Secretary, Native Department, to Registrar, Native Land Court, 31 January 1941, AD 1 1091 204/232 part 2, ANZ Wellington.
[117] The Under Secretary noted that Regulation 6 enabled the Defence Minister to authorise the use of any land needed for defence purposes. This did not require the freehold acquisition of the land and compensation was paid only for any loss and injury.
[118] Under Secretary, Native Department, to Army Secretary, 31 January 1941, AD 1 1091 204/232 part 2, ANZ Wellington.

Solicitor began considering the potential use of the Emergency Regulations Act 1939 in relation to the land that had been taken from Schollum in November 1939. No consideration seems to have been given to how the Act and associated regulations might be employed in the case of the Maori lands. However, the decision that was reached in respect of Schollum's land and the reasoning upon which this was based was no doubt seen to be of relevance to the other lands that the Army sought to secure at Waiouru.

On 7 February 1941, the Registrar of the Aotea District Maori Land Court wrote to the Under Secretary of the Native Department, providing title details for the two Maori blocks.[119] He stated that both Rangipo Waiu 1B and Rangipo North 6C were owned by a large number of individuals, who belonged to Ngati Tuwharetoa and resided principally in the Taihape and Tokaanu districts. The Registrar thought that if Defence Headquarters wished to consult with the owners an informal meeting could be held at Tokaanu. He suggested that this meeting could be attended by Native Department and Defence officials, who could discuss compensation issues with the owners. The Registrar believed that the owners would not raise any objection to the land being occupied by the Army for training purposes.

On 26 February 1941, the Under Secretary of the Native Department wrote to the Army Secretary, advising him of the details provided by the Registrar of the Court.[120] He stated that there was a considerable number of owners in both blocks and indicated that a meeting of owners could be arranged. On 28 March 1941, having received no reply, the Under Secretary wrote again to the Army Secretary, asking whether he wanted a meeting of owners to be arranged.[121] No evidence of a reply to this letter has been located, and it seems that Defence Headquarters had little interest in consulting with the owners of Rangipo Waiu 1B and Rangipo North 6C. There was no further correspondence between the Native Department and Defence Headquarters regarding the proposed acquisition of the Maori lands.

In June 1941, Defence Headquarters requested the Minister of Defence to consider a proposal to take the four additional areas under the Public Works Act. Details of the proposed acquisition were included in the Army Secretary's memorandum to the Minister dated 18 June 1941, which is referred to above, in relation to the first Waiouru defence takings.[122] As well as recommending that the proclamation of November 1939 not be revoked and that the taking of Schollum's freehold land proceed, the Army Secretary recommended that the Minister approve the taking of the four additional areas.

The Minister of Defence sought further advice as to whether the acquisition of the four areas was necessary. On 5 August 1941, General Guy Williams reported to the Minister on this matter.[123] Williams, who occupied the position of 'military advisor' within Defence Headquarters, had been shown the four areas during a recent visit to Waiouru. He advised the Minister that the various areas were important and should be acquired, except in two places. In respect of the land that lay between the camp and the Waiouru-Tokaanu Road, Williams stated that it would not be necessary to acquire the small areas of privately owned land that lay along the western edge of this area, unless this could be done without undue expense. Williams also described the narrow strip of Crown land that extended south from Waiouru to be 'of no

[119] Registrar, Native Land Court, to Under Secretary, Native Department, MA1 69 5/5/29, ANZ Wellington.
[120] Under Secretary, Native Department, to Army Secretary, 26 February 1941, AD 1 1091 204/232 part 2, ANZ Wellington.
[121] Under Secretary, Native Department, to Army Secretary, 28 March 1941, AD 1 1091 204/232 part 2, ANZ Wellington.
[122] Army Secretary to Minister of Defence, 18 June 1941, AD 1 1091 204/232 part 2, ANZ Wellington.
[123] Williams to Minister of Defence, 5 August 1941, AD 1 1091 204/232 part 2, ANZ Wellington.

training value'. Its acquisition, he explained, was suggested only to provide access to the Waiouru-Taihape Road and for 'rounding off the property'.

Williams report did not result in any adjustments to the boundaries of the four areas that the Army wished to acquire at Waiouru, and on 31 October 1941 Cabinet approved the acquisition of additional lands.[124] Following this decision, the Army Secretary wrote to the Permanent Head of the Public Works Department, requesting that steps be taken to execute the takings.[125] On 12 November 1941, the Assistant Under Secretary of Public Works wrote to the Chief Surveyor, asking that surveys be made of the lands that were to be taken.[126] The Maori land, general land, and leasehold interests in the various areas of Crown land were taken on 13 July 1942 by a proclamation issued under the Public Works Act 1928.[127] Notification of the intention to take the land was not given prior to the taking. As noted above, such notice was not required when lands were being taken defence purposes.[128]

On 25 March 1943, most of the required areas of Crown land were set apart for public works purposes by a proclamation issued under the 1928 Act.[129] Two pieces of land were not included in this proclamation – Waiouru Domain (9 acres 1 perch) and part of Tongariro Street (3 roods 23.8 perches). On 27 October 1943, an Order in Council was issued under the Public Reserves, Domains, and National Parks Act 1928, changing the status of Waiouru Domain from a domain to a public reserve.[130] On 6 March 1962, the land was eventually set apart for defence purposes by a proclamation issued under the Public Works Act 1928.[131] More than two decade later, on 27 June 1983, the Tongariro Street land was also set apart for defence purposes, with a declaration made under section 52 of the Public Works Act 1981.[132]

Compensation

Following the taking of the various areas, the Public Works Department, on behalf of Defence Headquarters, proceeded to settle compensation with the former Maori and European owners as well as the former leaseholders. The Department also arranged settlements with the government departments that had held the required areas of Crown land.[133] This section examines the compensation settlements reached with the Maori and European owners and leaseholders.

Maori land

On 9 June 1943, the Native Land Court heard an application by the Minister of Works for a determination of the amount of compensation payable in respect of the taken Maori lands, Part Rangipo North 6C and Rangipo Waiu 1B.[134] The Maori owners were not represented at the hearing, which was held at Wanganui. (It is unclear whether any owners attended the hearing. The Court minutes are silent on this matter.) The application was presented to the Court by the

[124] Army Secretary to Permanent Head, Public Works, 5 November 1941, AD 1 1091 204/232 part 2, ANZ Wellington.
[125] Ibid.
[126] Assistant Under Secretary, Public Works, to Chief Surveyor, 12 November 1941, AAQB W3950 104 23/406/1 part 1, Waiouru Military Camp, 1939-1958, ANZ Wellington.
[127] *New Zealand Gazette*, 1942, p 1886.
[128] Section 254, Public Works Act 1928.
[129] *New Zealand Gazette*, 1943, pp. 357-358.
[130] *New Zealand Gazette*, 1943, p 1249.
[131] *New Zealand Gazette*, 1962, p 418.
[132] *New Zealand Gazette*, 1983, p 2085.
[133] See, for example, Land Purchase Officer to Under Secretary, Public Works, 18 October 1944, AAQB W3950 104 23/406/1 part 1, ANZ Wellington.
[134] Wanganui minute book 102, 9 June 1943, pp 102-103.

Public Works Department's Land Purchase Officer, H.J. Voice, who explained that a special valuation had been made by the District Valuer, O. Gardener. Voice stated that Gardener considered the lands to have no commercial value and had deemed both areas to be worth a nominal sum of £5.

Gardener was then called before the Court as a witness. His evidence indicates that his valuation was, in keeping with standard practice, strictly an assessment of commercial factors. Any other value that the owners may have ascribed to the land was not taken into consideration. Stating that he had known the land for many years, Gardener detailed that it lay 'well on the slopes of Ruapehu' and was covered with 'huge boulders, rocks, stones, down to gravel and scoria'. He noted that there was very little vegetation on either of the blocks apart from some stunted growth, and he detailed that the land was crossed by numerous water courses and very exposed.

Gardener described the land to be quite unsuitable for ordinary farming, though was less sure about the potential it might possess for the growth of timber. He thought that if the land was in any way suitable for timber growth the Crown would be the only purchaser. Gardener compared the taken Maori lands with Subdivision 1 of Run 1, the 15,850 acres that had been taken from Schollum in June 1942. (Schollum had paid £2,000 for this land.[135]) He claimed that Subdivision 1 of Run 1 was a 'different class of country.' In terms of land value, he provided the analogy of 'a dead sheep worth nothing compared with a sick sheep which could be worth something if it recovered.'

The Court viewed the offer of £5 for each area to be unreasonable and, at the conclusion of Gardener's evidence, it held the case over to enable the Crown to make another offer. The Registrar of the Court later stated that the Court considered that the valuation 'savoured of confiscation'.[136] The Registrar observed that the Crown obviously viewed the land to have some value because it had taken it for military purposes.

On 12 August 1943, Voice put forward a proposal for settling compensation with the Maori owners in a memorandum prepared for the Under Secretary of the Public Works Department.[137] Voice stated that the Court had not accepted the initial offer because of the size of the area involved (approximately 10 square miles) and because it understood that the owners had wished to retain the land. (It is unclear how the Court had learnt of the owners' views of the taking.) Noting that he had discussed the matter with the Judge, Voice believed that an offer of £250 would be acceptable, from which £155 18s 7d could be deducted for survey liens, leaving the owners with about £94.[138] This recommendation was approved by Treasury, the Minister of Defence, and the Minster of Works.[139]

On 14 September 1943, the Registrar of the Court advised that the offer would be accepted if the survey liens were reduced or cleared.[140] Believing that the liens were 'out of all proportion to

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[135] Note for file (writer unknown), 16 June 1941, AD 1 1091 204/232 part 2, ANZ Wellington.
[136] Whanganui minute book 102, 16 February 1944, pp 370-371.
[137] Land Purchase Officer, Public Works, to Under Secretary, Public Works, 12 August 1943, AAQB W3950 104 23/406/1 part 1, ANZ Wellington.
[138] On 3 August 1943, the Under Secretary of the Department of Lands and Survey had advised that both blocks were subject to survey liens: £95 16s 8d was owed on Rangipo Waiu 1B and £60 1s 11d on Rangipo North 6C. The total amount owing was £155 18s 7d. Under Secretary, Lands and Survey, to Permanent Head, Public Works, 3 August 1943, AAQB W3950 104 23/406/1 part 1, ANZ Wellington.
[139] Minutes on Land Purchase Officer, Public Works, to Under Secretary, Public Works, 12 August 1943, AAQB W3950 104 23/406/1 part 1, ANZ Wellington.
[140] Registrar, Native Land Court, to Assistant Under Secretary, Public Works, 14 September 1943, AAQB W3950 104 23/406/1 part 1, ANZ Wellington.

the value of the land', the Registrar proposed, on behalf of the owners, that an application be made to the Court under section 503 of the Native Land Act 1931 for a recommendation that at least part of the liens be released. The Registrar thought that the compensation case should be held over until such an application had been lodged with the Court and dealt with.

This proposal was accepted, and on 16 February 1944 the Maori Land Court heard an application made under section 503 of the 1931 Act, which was presented by the Registrar of the Court.[141] The Registrar explained the background to the case and how the proposed compensation offer of £250 would be significantly diminished if the survey liens were deducted. He told the Court that the Native Department considered the liens to be out of all proportion to the value of the land and thought that the Crown would not be paying too much for the land if the whole costs of the survey were remitted.

The Court then heard from a Department of Lands and Survey official, who stated that the Department could not object to the application because the land appeared to be 'worthless and not even worth the cost of survey'. He explained that the survey seemed to have been done in the days when the value of the area to be surveyed was not considered at all. Following this submission, the Judge stated that the Court would recommend the Minister of Lands to remit the outstanding survey liens of £155 18s 7d.

Evidence concerning Rangipo North 6C suggests that the survey liens were cancelled.[142] However, no further evidence has been found in relation to the settlement of compensation for the taking of Part Rangipo North 6C and Rangipo Waiu 1B. It is doubtful that the owners received any compensation monies. The case does not appear to have come before the Native Land Court again and there is no record of a Court order confirming the proposed payment of £250. Also, the relevant Public Works and Native Department files contain no mention of any payment being made to the owners.[143]

European land

As detailed above, four areas of European-owned land were included in the takings. All of these lands, which comprised a total area of only 16 acres 9 perches, were sections of Waiouru Township. Evidence concerning the settlement of compensation for these lands has only been located for the two largest areas: Section 14, Block IV, Waiouru Township and Section 17, Block V, Waiouru Township.

Land	Owner	Area
Section 1 and 2, Block IV, Waiouru Township	W. Meldrum	0a 2r 14p
Section 3, Block IV, Waiouru Township	E. Pratt	0a 1r 00p
Section 14, Block IV, Waiouru Township	A.E. McCormick	6a 1r 10p
Section 17, Block V, Waiouru Township	C. McCauley and C.D. McCauley	10a 3r 35p
	Total	16a 0r 09p

Table 4: European lands taken in July 1942

In both cases, compensation settlements were negotiated between the owners' solicitors and Public Works Department officials. The process was rather drawn out, primarily because the officials were sometimes slow to respond to correspondence from the owners' representatives.

[141] Whanganui minute book 102, 16 February 1944, pp 370-371.
[142] See transcript of Waitangi Tribunal hearings for the National Park district inquiry, Wai 1130, 4.1.7., p 406.
[143] MA1 69 5/5/29, ANZ Wellington. AAQB W3950 104 23/406/1 part 1, ANZ Wellington.

Communication was initiated soon after the taking, when on 27 July 1942 the Assistant Under Secretary of the Public Works Department wrote to the owners, advising that the land had been taken for defence purposes.[144] Given the absence of prior notification, it was probably through these letters that the owners first learnt that their land had been taken.

The amount of negotiation varied in the two cases. In the case of Section 14, Block IV, Waiouru Township, the owner's solicitor stated at the outset that his client was prepared to accept compensation based on the land's government valuation.[145] The Public Works Department's Land Purchase officer subsequently advised that the Government valuation was £19, though did not point out that the date of this valuation was 31 March 1936.[146] (Between 1936 and 1942, the unimproved value of land in New Zealand generally decreased, while the capital value, which comprised the value of land and improvements, rose somewhat.[147]) The owner's solicitor accepted this sum, and in July 1943 the settlement was approved by Treasury.[148]

In the case of Section 17, Block V, Waiouru Township, the owners claimed compensation of £90, being £50 for the land and £40 for improvements.[149] This was greater than the government valuation, which was £36 and again dated 31 March 1936.[150] In response to the owners' offer, the Land Purchase Officer suggested that the government valuation would be reasonable compensation.[151] The owners' solicitor, in reply, explained that the owners had paid £50 for the land many years previously and had subsequently undertaken a number of improvements that had cost more that £40.[152] The Land Purchase Officer advised that he would look into the matter, but no action was taken and eventually, after waiting about six months, the owners solicitor offered to accept £65.[153] In a report on the offer, the Land Purchase Officer stated that he had recently visited the property with the District Valuer and they had agreed that the Government valuation was low.[154] He recommended that the offer of £65 be accepted as a reasonable present-day value. In December 1943, the proposed settlement was approved by Treasury.[155]

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144 Assistant Under Secretary, Public Works, to McCormick, 27 July 1942, W 1 706 23/406/1/4, Defence Works and Buildings – Waiouru Military Camp – Compensation Claim – AE McCormick, 1942-1944, ANZ Wellington. Assistant Under Secretary, Public Works, to McCauley and McCauley, 27 July 1942, W 1 706 23/406/1/3, Defence Works and Buildings – Waiouru Military Camp – Compensation Claim – C McCawley[sic] and OD McCawley[sic], 1942-1944, ANZ Wellington.

145 Mackay to Permanent Head, Public Works, 15 September 1942, W 1 706 23/406/1/4, ANZ Wellington.

146 Land Purchase Officer to Mackay, 6 May 1943, W 1 706 23/406/1/4, ANZ Wellington [not copied]. Details of roll valuation dated 31 March 1936, W 1 706 23/406/1/4, ANZ Wellington.

147 *New Zealand Official Yearbook*, 1945, pp, 408-409.

148 Mackay to Land Purchase Officer, 10 July 1943, W 1 706 23/406/1/4, ANZ Wellington. Second Assistant Secretary to the Treasury, minute of 19 July 1943 on Land Purchase Officer, Application for Treasury Approval, 19 July 1943, W 1 706 23/406/1/4, ANZ Wellington.

149 Ongley to Acting Under Secretary, Public Works, 8 April 1943, W 1 706 23/406/1/3, ANZ Wellington [not copied].

150 Details of roll valuation dated 31 March 1936, W 1 706 23/406/1/3, ANZ Wellington.

151 Land Purchase Officer to Ongley, 6 May 1943, W 1 706 23/406/1/3, ANZ Wellington.

152 Ongley to Land Purchase Officer, 25 May 1943, W 1 706 23/406/1/3, ANZ Wellington.

153 Land Purchase Officer to Ongley, 2 June 1943, W 1 706 23/406/1/3, ANZ Wellington. Ongley to Land Purchase Officer, 27 November 1943, W 1 706 23/406/1/3, ANZ Wellington.

154 Land Purchase Officer, Application for Treasury Approval, 6 December 1943, W 1 706 23/406/1/3, ANZ Wellington.

155 Second Assistant Secretary to the Treasury, minute of 8 December 1943 on Land Purchase Officer, Application for Treasury Approval, 6 December 1943, W 1 706 23/406/1/3, ANZ Wellington.

Leasehold interests

Two leaseholders were affected by the acquisition of the Crown lands that were required for the enlargement of the Waiouru training ground. M.A. Harding held a lease over the areas of Education Reserve land – 1,017 acres that lay to the north-west of the camp and about 104 acres that extended south from Waiouru. E.A. Peters held a lease over a portion of the 245 acres of Crown land that lay between the camp and Waiouru-Tokaanu Road.

In the Harding case, the settlement of compensation was achieved through lengthy negotiations that involved Harding's solicitors, Mr Harding, and Public Works Department officials. During the negotiations, Harding's solicitors applied to have the claim heard by the Compensation Court.[156] However, the parties were able to avoid Court proceedings and an agreement was eventually reached. An initial claim for £8,847 17s 7d was submitted for the loss of Harding's leasehold interest, improvements, and injurious affect on the residual leasehold interest.[157] After receiving this claim, the Public Works Department arranged to have a valuation made and, on the basis of this valuation, proceeded with negotiations.[158] In May 1944, the following settlement was reached:

1. payment of £3,500 in full settlement of all claims (including costs of £100);
2. an annual rent reduction of £59 12s 0d on Harding's lease to the Crown; and
3. granting of a tenancy at will (terminable at any time) over the taken land at an annual rental of £105.[159]

Peters' interest in the areas of Crown land was different from Harding's lease over the Education Reserve and this was reflected in his compensation settlement. Peters held three temporary tenancies that did not provide any rights of compensation.[160] However, holders of such tenancies were typically allowed to remove any movable improvements. On this basis, Peters was compensated for several improvements that the Army wished to retain on the land (for example, fencing) and for other improvements (for example, crops) that Peters was unable to remove because the land was immediately occupied by the Army. Given the nature of his tenancy, Peters did not possess a strong position from which to negotiate, and it appears that, to a large extent, the Land Purchase Officer independently calculated the amount of compensation that Peters would receive, which was £338 10s.[161]

Conclusion

Prior to the July 1942 taking, the Crown Solicitor had advised, in relation to the land held by Wenzl Schollum (see chapter two), that taking under the Public Works Act was justified if the Army required full and ongoing control of the land. As with Schollum's land, the Army believed

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156 Notice requiring claim to be heard in Compensation Court, 9 June 1943, W 1 706 23/406/1/2, ANZ Wellington.
157 Claim for compensation under the Public Works Act 1928, 25 February 1943, W 1 706 23/406/1/2, ANZ Wellington.
158 Assistant Under Secretary, Public Works, to Valuer General, 6 May 1943, W 1 706 23/406/1/2, ANZ Wellington. Assistant Under Secretary, Public Works, to Treadwell, Gordon, Treadwell, and Haggitt, 15 September 1943, W 1 706 23/406/1/2, ANZ Wellington.
159 Treadwell, Gordon, Treadwell, and Haggitt, to Land Purchase Officer, 27 April 1944, W 1 706 23/406/1/2, ANZ Wellington. Land Purchase Officer, Application for War Cabinet Approval, undated, W 1 706 23/406/1/2, ANZ Wellington.
160 Under Secretary, Lands and Survey, to Under Secretary, Public Works, 25 July 1944, W 1 712 23/406/1/6, Defence Works and Buildings – Waiouru Military Camp – Compensation Claim – EA Peters, 1943-1947, ANZ Wellington.
161 Land Purchase Officer, Application for Approval of Compensation, 6 April 1945, W 1 712 23/406/1/6, ANZ Wellington.

that taking under the Public Works Act was the most appropriate means of obtaining use of the various Maori and European lands that it secured in July 1942. Cabinet, once again, approved this course of action. However, little consideration appears to have been given to other options, such as occupying the lands temporarily or negotiating long-term leases with the owners. Consideration of such options would appear to have been especially warranted given that there is likely to have been some uncertainty regarding the Army's post-war training requirements. The Native Department raised this issue, but Defence Headquarters did not respond to the Department's suggestions. Taking the land under the Public Works Act was no doubt viewed as the easiest course of action.

As with the earlier acquisition of Schollum's land, there is some doubt regarding the extent to which the Army required all of the areas that were taken in July 1942. The initial call for the acquisition of additional lands, made by Camp Commandant Powles in January 1941, stated that all of the lands were required for training purposes except the strip of Crown land that extended south from Waiouru. In a later report, dated August 1941, General Guy Williams mostly concurred with this, though he stated that the acquisition of the European-owned lands located near the camp was not necessary unless they could be secured at little cost. In spite of this acknowledgement that the European lands were not really required, they were nevertheless included among the areas that were taken in July 1942.

While Defence Headquarters consulted with certain government departments regarding their interests in the various Crown lands that were acquired for Waiouru training ground in March 1943, no effort was made to consult with the Maori and European owners of the lands that were taken in July 1942. It is also notable that prior to the taking the Army appears to have been using the Maori lands, Part Rangipo North 6C and Rangipo Waiu 1B, without the owners' consent. While Defence Headquarters did discuss the acquisition of the Maori land with the Native Department, it ignored the Department's views concerning the taking, including a suggestion that a meeting could be held with the owners in order to discuss the proposed acquisition. In spite of the large area of land involved, the Maori land was taken without any communication with the owners or formal notification. As noted previously, such notification was not required when lands were taken for defence purposes.

Though none of the affected Maori or European land owners were consulted, one of the leaseholders, M.A. Harding, was approached soon before the taking in respect of the acquisition of the leasehold interest that he held over 1,017 acres of Education Department reserve land. It may be that this consultation was undertaken because Defence Headquarters and the Public Works Department recognised that Harding had a significant economic interest in the leased area. Conversely, the fact that the Maori land and small areas of European land appeared to be of little value might explain why no effort was made to consult with the owners of these lands.

The July 1942 takings involve a number of issues relating to the payment of compensation. In respect of the Maori land, it is notable that the owners were not represented when the Native Land Court heard the Public Works Department's application for an assessment of compensation. Many owners were possibly unaware of the hearing or even that the land had been taken, while others may have decided that their individual interests were too small to justify their attendance. The Public Works Department's failure to finalise a compensation settlement was a serious oversight, but because the owners were not represented the Department was to a large extent unaccountable. The Court, it should be noted, showed some protection of the owners' interests when it rejected the Departments' initial offer of £10 for the Maori land, which comprised a total area of 6,324 acres.

The procedures for settling compensation with the European owners and leaseholders contrasts markedly with the process that was followed for the Maori lands. From the cases that have been examined, the Public Works Department contacted and negotiated a settlement directly with the owners or their representatives. (Court proceedings would have been necessary only if it had not been possible to negotiate a settlement.) It is evident that the Department showed a desire to limit compensation to Government valuation and also that settlements could be drawn out as a result of slow action by Department officials.

Chapter Four: Grazing leases over Waiouru Training Ground

Introduction

This chapter briefly examines the leasing of Waiouru training ground land for grazing purposes. It details that, following the initial acquisitions carried out in 1939, 1942, and 1943, the Army moved to lease a substantial portion of the training ground, much of which had been leased prior to taking. Further land was leased after additional land was taken in 1961, including an area that had been taken from Maori owners. By the end of the 1980s, the proportion of the training ground held under lease had declined significantly. None of the land that continued to be leased at this time had been taken from Maori. The leases issued over the training ground provided the Army with strong rights of access, enabling training to be undertaken at short notice. The leases raise the question as to whether options other than acquisition of full land title should have initially been pursued.

Arrangement of first leases

As noted above, much of the land acquired for Waiouru training ground in 1939, 1942, and 1943 was subject to various leasehold interests. Most of the land taken from Schollum in 1939 and 1942 seems to have been leased to W.E. and E. Fernie, with E.A. Peters also occupying an area and S.V. Burridge grazing about 3,000 acres.[162] (The lands occupied by Peters and Burridge were located along the southern boundary of Schollum's estate.) Leases were also held over some of the Crown land that was added to the training ground in 1943. As detailed earlier, M.A. Harding leased some 1,121 acres of Education Reserve land, while E.A. Peters leased part of a 245 acre area of Crown land that lay between the camp and the Waiouru-Tokaanu Road.

After the takings were carried out, the leaseholders continued to occupy the various lands and began paying rent to the Army while waiting for a decision to be made regarding the future of their tenancy.[163] From the outset, Defence Headquarters was favourable to the lands being leased as long as certain conditions were observed. (As discussed above, this position was noted in 1941 when the Public Works Department's Land Purchase Officer raised questions about the necessity of acquiring the Waiouru lands permanently.) On 23 August 1940, the Army Secretary discussed the leasing of the defence lands in a letter written to the Permanent Head of the Public Works Department. Commenting on a request from W.E. and E. Fernie, he stated that:

> As far as the Department's attitude to leasing is concerned, there is no objection to this provided that the lease is made to contain the usual clauses regarding maintenance of fences, burning tussock, felling trees, sub-letting land, noxious weeds, and the Army Department is afforded the right to use any part of the Reserve for military purposes.[164]

Writing to the Army Secretary on 14 January 1941, Powles, the Camp Commandant at Waiouru, identified lands that he thought would 'form the backbone of a grazing lease over the whole Defence Reserve.'[165] More than two decades later, in November 1964, the Army Secretary

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[162] Peters to Minister of Defence, 28 May 1938, AD 1 1091 204/232 part 1, ANZ Wellington. Schollum to Jones, 31 October 1938, AD 1 1091 204/232 part 1, ANZ Wellington. Manager, The Guardian Trust, to Army Secretary, 14 December 1939, AD 1 1091 204/232 part 1, ANZ Wellington.
[163] Army Secretary to Under Secretary, Public Works, 6 October 1942, AAQB W3950 104 23/406/1/5, Waiouru Military Camp – Leases, Tenancies and Land Dealings Other Acquisitions, Either Permanent or Temporary, 1941-1946, ANZ Wellington.
[164] Army Secretary to Permanent Head, Public Works, 23 August 1940, AD 1 1091 204/232 part 1, ANZ Wellington.
[165] Powles, to Army Secretary, 14 January 1941, AD 1 1091 204/232 part 2, ANZ Wellington.

advised the Commissioner of Crown Lands that the Army's main concern in allowing the defence lands to be leased was the control of unwanted vegetation.[166]

By October 1942, Defence Headquarters had further considered the conditions that would be included in leases. Writing to the Under Secretary of Public Works on 2 October 1942, the Army Secretary stressed that, in view of the possibility that an emergency might develop at any time, it was important that the Army should possess 'the utmost freedom of use' over all of the defence lands.[167] He stated that no lease should contain a condition that might restrict military activity and prevent vacation of the land at short notice.

The process of granting grazing licences was drawn out over a number of years. The first lease, dating from 1 October 1944, was issued to the estate of S.V. Burridge for a period of 10 years.[168] This lease related to an area of about 4,300 acres in the south-eastern corner of the training ground. Several further years passed before the tenancy of the other occupiers was similarly formalised. The early issue of a lease to the Burridge estate may indicate that the land was seen to be of limited use for training exercises.

On 14 December 1949, the Army Secretary wrote a memorandum for the Minister of Defence that recommended the granting of licences to four individuals who continued to occupy the defence lands as 'tenants at will'.[169] The Army Secretary explained that steps to formalise arrangements with these occupiers had been delayed by the need to decide upon post-war training policy. He advised that the cases had been carefully reviewed and that advice had been obtained from the Departments of Agriculture and Public Works.

A decision to tender grazing rights over some areas resulted in further delays.[170] Eventually, the following leases were entered into:

1. E.A. Peters – lease of 755 acres for a period of 10 years from 1 January 1951, annual rent of £20;[171]
2. W.R Harding – lease of 1017 acres for a period of 10 years from 1 January 1951, annual rent of £157;[172] and
3. W.R. Harding – lease of 61,890 acres for a period of 10 years from 1 March 1951, annual rent of £475.[173]

Peters also held a temporary licence over an area of 50 acres that lay between the camp and the Waiouru-Tokaanu Road, paying an annual rental of £3 15s. It appears that Peters was not

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166 Army Secretary to Commissioner of Crown Lands, 12 November 1964, ABFK 7291 W4776 32 204/232/5 part 2, Rifle Ranges General Policy – Waiouru Camp Rifle Range – WE & E Fernie Lease, 1955-1980, ANZ Wellington.
167 Army Secretary to Under Secretary, Public Works, 6 October 1942, AAQB W3950 104 23/406/1/5, ANZ Wellington.
168 Army Secretary to Minister of Defence, 14 December 1949, AALJ 7291 W3508 35 204/232/6 part 1, ANZ Wellington. Map of Waiouru Camp (showing grazing licence boundaries), AAQB W3950 104 23/406/1 part 1, ANZ Wellington.
169 Army Secretary to Minister of Defence, 14 December 1949, AALJ 7291 W3508 35 204/232/6 part 1, ANZ Wellington.
170 Army Secretary to CMD, undated (1950), AD-W 6 W2599 1 1/6/5 part 1, Land Lease – Waiouru – J Macrae, 1947-1951, ANZ Wellington.
171 Memorandum of Agreement, 17 April 1951, AALJ 7291 W3508 35 204/232/6 part 1, ANZ Wellington.
172 Memorandum of Agreement, 26 August 1953, AD-W 6 W2599 1 1/6/4 part 1, Land Lease – Waiouru – WR Harding, 1949-1958, ANZ Wellington.
173 Memorandum of Agreement, 31 August 1951, AD-W 6 W2599 1 1/6/4 part 1, ANZ Wellington.

granted a lease over this land because of a proposal for it to be developed for a housing scheme.[174]

The final report will include a map that shows the various leases that were held over Waiouru training grounds 1951.[175] Though the leases covered most of the training ground, none of the Maori lands that were taken in 1942 were leased. All of the leases contained clauses that provided the Army with full access to the land for all types of military training.[176] The lessee was to be given seven days notice to enable livestock to be removed before training was undertaken. Further, upon giving 24 hours written notice in the event of a national emergency, the Crown was able to suspend the license without compensation.

Areas leased in 1987

The leasing of large areas of land for grazing purposes became an entrenched feature of the Army's management of Waiouru training ground. In the next chapter, chapter five, it is detailed that following the taking of further land in 1961 a new area of 10,000 acres was leased. This lease included a significant area of land taken from Maori owners in 1961. The lease was renewed in 1971 and expired in 1981.

The final report will include a map that shows the areas of training ground land that continued to be leased for grazing purposes in 1987.[177] A significant area of land lying across the southern border of the training ground remained under lease at this time. However, it is notable that by 1987 the central portion of the training ground that had been leased to Harding in 1951 was no longer being leased. None of the areas leased in 1987 involved land that had been taken from Maori.

Research has not established whether any lands within Waiouru training ground are currently leased for grazing purposes. The amount of revenue that the Army has received from grazing leases over the years has also not been determined.

Conclusion

The Army's leasing of training ground land raises questions about the extent to which the acquisition of full land title was necessary. As detailed in chapter two, it was decided in 1941 that acquisition of full title was appropriate because the Army sought ongoing control of the land. However, the leases indicate that, except for the camp area, the Army's use of the training ground was not constant and that it might have been appropriate for some other form of occupation to initially have been trialled. It is also notable that one of the reasons that Army staff and Defence Headquarters considered that the acquisition of full title was necessary was the danger posed by unexploded shells. The leasing of the land would seem to undermine this

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[174] Recommendations concerning E.A. Peters (Appendix D to WA 3/6 of 22 September 1949), AALJ 7291 W3508 35 204/232/6 part 1, ANZ Wellington.

[175] Reference maps: map entitled 'Waiouru Camp shewing grazing licence boundaries', in AAQB W3950 104 23/406/1 part 1, ANZ Wellington; untitled map showing Harding licence, in AD-W 6 W2599 1 1/6/4 part 1, ANZ Wellington; and maps attached to agreement between Her Majesty the Queen and W.R. Harding, 20 June 1958, AD-W 6 W2599 1 1/6/4 part 1, ANZ Wellington.

[176] See, for example, Memorandum of Agreement, 17 April 1951, AALJ 7291 W3508 35 204/232/6 part 1, ANZ Wellington.

[177] Reference map: map attached to 'History of Land Boundaries and Purchases Waiouru Training Area', Annex A to HQ ATG 7805/1 of 3 August 1987, ABFK 7607 W5548 313 7805/B36/1 part 1, Works and Real Estate – Acquisition and Disposal of Land and Buildings – Army Training Group Waiouru (Excluding Moawhango Dam), 1982-1982, ANZ Wellington.

argument because it appears to have been possible to undertake training without exposing the leaseholders to unreasonable risk. A desire to eliminate claims for injury to stock and damage to the land may have been a more important motivation for securing full title.

The leases demonstrate that there was considerable flexibility in the arrangements that could exist between landowners and lessees. The Army ensured that it retained full rights of access over the leased lands, allowing it to undertake training at short notice. The Army could have attempted to obtain the same powers through entering leasing arrangements with landowners. Such leases could have included provisions relating to matters such as damages to the land, fencing, and access limitations. But at the same time, they would have enabled owners to retain ownership and receive an oncoming economic benefit from their land. If owners were unwilling to enter an arrangement that was suitable to the Army's needs, the Army could have then proceeded with acquisition under public works legislation.

It is notable that relatively little land taken from Maori was subsequently leased by the Army. This would appear to reflect the fact that the Maori land was of little agricultural value rather than that it was intensively used by the Army.

Chapter Five: Taking of Maori and European land for an extension of Waiouru Training Ground, 1959 and 1961

Introduction

In the late 1940s, the Army, wanting greater space for manoeuvres and artillery shooting, looked to acquire further land to enlarge Waiouru training ground. The land sought by the Army lay along the north-eastern boundary of the existing training ground. Broken into numerous blocks, this land was predominantly in Maori ownership. The process of securing it was drawn out over more than a decade. Lengthy and unsuccessful efforts were made to acquire the land through negotiation. At the request of Defence Headquarters, the Public Works Department handled the acquisition of the land.

In January 1959, an agreement was concluded in respect of European-owned Oruamatua Kaimanawa 2E, an area of 3,282 acres. The owners accepted £1,600 for the land, which formally passed into Crown ownership in May 1959, when it was taken for defence purposes by a proclamation issued under the Public Works Act 1928.

In February 1961, the other lands sought for the training ground extension were compulsorily acquired by another proclamation issued under the 1928 Act. Prior to this, in mid-1960, a notice of intention to take the various lands was distributed to known owners and published in local newspapers and the *New Zealand Gazette*. There was no statutory requirement for such notice to be given. The following table sets out the lands that were taken in February 1961.

Block	Ownership	Area
Oruamatua Kaimanawa 2A	Maori	2,712a 2r 00p
Oruamatua Kaimanawa 2B1	Maori	3,000a 0r 00p
Oruamatua Kaimanawa 2B2	Maori	3,080a 0r 00p
Oruamatua Kaimanawa 2C1	Maori	1,570a 0r 00p
Oruamatua Kaimanawa 2O	Maori	1,695a 2r 00p
Oruamatua Kaimanawa 2P	European – Forest Land Company	1,695a 2r 00p
Oruamatua Kaimanawa 2Q1	Maori	1,516a 0r 00p
Oruamatua Kaimanawa 2Q2	Maori	200a 0r 00p
Oruamatua Kaimanawa 3A, 3C, 3D, 3E, and 3F	Maori	10,320a 0r 00p
Oruamatua Kaimanawa 3B	European – Tussock Land Company	6,334a 0r 00p
Rangipo Waiu 2B1A	Maori	332a 1r 08p
Rangipo Waiu 2B1B	Maori	332a 1r 08p
Rangipo Waiu 2B1C	Maori	498a 1r 31p
Rangipo Waiu 2B1D	Maori	762a 0r 31p
Rangipo Waiu 2B1E	Maori	379a 2r 36p
Rangipo Waiu 2B2	Maori	996a 0r 21p
Rangipo Waiu 2B3	Maori	1,107a 3r 18p
Rangipo Waiu 2B4	Maori	664a 1r 15p
	Total	37,196a 3r 08p

Table 5: Lands taken for extension of Waiouru training ground, 1961

The total area of land taken was about 37,196 acres 3 roods 8 perches. The taking involved 20 blocks of Maori land, which had a total area of 29,167 acres 1 rood 8 perches. The two European blocks comprised an area of 8,029 acres 2 roods. One block of Crown land, Kaimanawa 3B1, containing 2,355 acres, was also included in the training ground at this time.

In October 1961, the Native Land Court assessed the compensation payable for the taken Maori lands. The Court made awards for each of the 20 blocks, which amounted to a total sum of £9,195. In contrast, a settlement was negotiated directly with the European owners, who operated Ohinewairua Station, a farming enterprise adjacent to the training ground. The terms of this settlement were finalised in August 1962. It was agreed that the Station would be paid the Government valuation of the two taken blocks, Oruamatua Kaimanawa 2P and 3B, a sum of £3,800. The settlement also provided the Station with a lease over 10,000 acres of training ground land, all of which had been acquired in 1959 and 1961.

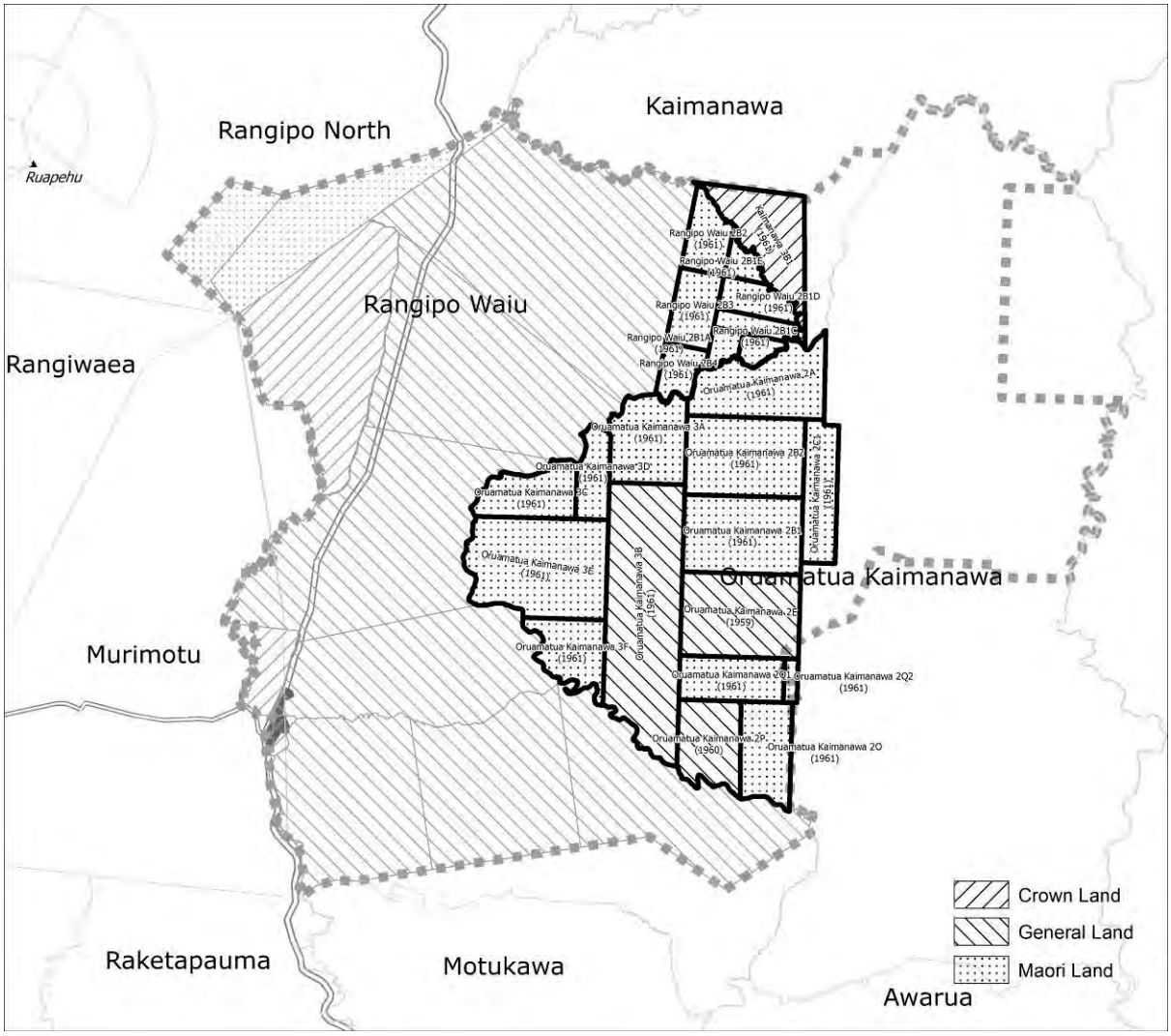

Figure 4: Lands taken in May 1959 and February 1961[178]

Security developments and the New Zealand Army, 1945-1960

Soon after the end of the Second World War, New Zealand's armed forces were demobilised, reducing the Army to a core of 3,700 troops.[179] However, New Zealand soon committed itself to a strategy of working with other countries to address joint security concerns, particularly perceived threats related to the spread of communism. In order to fulfil its commitments, New Zealand looked to bolster the capacity of its land force and ensure that it could be deployed

[178] Heinz, p 71.
[179] Rolfe, pp 13-15.

quickly. In August 1949, a national referendum voted for the introduction of compulsory military training, which would see individuals undertake a period of full-time training before being posted to a local Territorial unit.[180] By 1955, when the scheme was in full operation, about 10,000 18 year olds were annually receiving training. In 1959, Nash's Labour Government controversially abolished the scheme.

During the 1950s, New Zealand troops were involved in two conflicts. The most significant of these was the Korean War, which began in 1950 and was an important development in the 'Cold War' between communist and democratic powers. Between 1951 and 1957, about 4,700 New Zealanders served in Korea as part of a United Nations led force.[181] In the other conflict, known as the Malayan Emergency, a much smaller number of New Zealand troops served on the Malayan peninsular, fighting with British and Commonwealth forces against the guerrilla campaign of the Malayan Communist Party.[182] It was within this context that the Army looked to enlarge its main training ground at Waiouru.

Background to taking

In late 1949, around the time of the referendum on compulsory military training, Defence Headquarters began considering a proposal to acquire an area of almost 43,000 acres for a further extension of the training ground. This land – tussock country that was mostly in Maori ownership – was located to the east of the existing defence lands. In a memorandum written for the Minister of Defence on 8 November 1949, the Army Secretary stated that the additional land was required to overcome certain limitations of the existing training ground, which related partly to the increasing velocity and range of modern weapons.[183] He noted that Waiouru was the only large-scale military training area in New Zealand and was to be the future training ground for the Army's armour, artillery, and North Island infantry formations. All Army schools would be located in the camp. In light of this, the Army Secretary believed that Waiouru training ground was 'the logical area in which to carry out the firing of all major weapons in future'.

Though extensive in acreage, the Army Secretary explained that the existing training ground was limited in two ways that restricted the shooting of heavy weapons and the manoeuvre of large bodies of men. First, the shape of the training ground was too narrow. Though the distance from the southern and northern boundary was about 12 miles, it was only 3 miles wide in the centre, something that would 'always restrict manoeuvre in the important middle sector'. Secondly, the Waiouru-Tokaanu Road ran north to south through the training ground and the national 220 kilovolt transmission line was also to follow this route.[184] As a result, shooting from north to south was limited by the danger zone requirements of the road. It was claimed that shooting would be improved if it could be carried out from east to west.

The Army Secretary believed that the proposed acquisition of the additional lands would address both of these problems. He stated that the Army's peace time training needed to be as realistic

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[180] Ian McGibbon (ed.), *The Oxford Companion to New Zealand Military History*, Oxford University Press, Auckland, 2000, p 109-113.
[181] Ibid, pp 266-271. A further 1,300 served on Royal New Zealand Navy frigates.
[182] Ibid, pp 291-294.
[183] Army Secretary to Minister of Defence, 8 November 1949, AAQB W3950 104 23/406/1 part 1, ANZ Wellington.
[184] During the war, the Desert Road had been a rough track. Though a training hazard, the Army did not consider at this time that the road would ever be a serious inconvenience. However, in 1949, the Army learnt that the road had been declared a main highway in 1944 and a state highway in 1948 and that the training ground was going to be bisected by a major road. 'History of Land Boundaries and Purchases Waiouru Training Area', undated, Annex A to HQ ATG 7805/1 of 3 August 1987, ABFK 7607 W5548 313 7805/B36/1 part 1, ANZ Wellington, p 7.

as possible and that, while only a limited number of gun range areas could be established, it was essential that those that were set up were 'adequate to permit manoeuvre and shooting and to guarantee immunity of the public.'

Earlier, on 16 August 1949, the Army Secretary had written to the Commissioner of Works with regard to the proposed extension of Waiouru Camp.[185] In this letter, he advised that the Army Board wished to enlarge the defence area because the shape of the existing reserve imposed 'serious limitations' on manoeuvres and artillery shooting. The Army Secretary provided the Commissioner of Works with a list of the blocks that the Army Board wished to acquire. He requested the Commissioner of Works to consider the proposed acquisition of the European lands, noting that the Department of Maori Affairs was being consulted in respect of the Maori lands. Replying to the Army Secretary on 6 September 1949, the Commissioner of Works advised that no action would be taken with regard to the European lands until it was clear that the Maori lands – comprising most of the proposed extension – would be acquired.[186]

The Army Secretary also wrote to the Under Secretary of Maori Affairs on 16 August 1949. [187] He explained the proposal to enlarge the Waiouru training grounds and provided details of the Maori lands that were required for the extension. On 29 August 1949, the Under Secretary forwarded the Army Secretary's letter to the Registrar of the Maori Land Court in Wanganui, asking for the Registrar's comments on the proposal and also requesting ownership details for the lands in question.[188] The Under Secretary suggested that a 'special meeting' might be called to enable the proposal to be discussed with the owners. Replying on 14 September 1949, the Registrar agreed that a meeting should be called.[189] He provided ownership and area details for the lands required for the proposed extension. These details are presented in the following table:

Block	**Ownership Details**	**Area**
Kaimanawa 3B1	Crown land	2,355a 0r 00p
Oruamatua Kaimanawa 2A	Maori land	2,712a 2r 00p
Oruamatua Kaimanawa 2B1	Maori land – W.H. Turnbull and O.S. Watkins (trustees); leased to H.A. Anderson (21 years from 25 May 1935)	3,000a 0r 00p
Oruamatua Kaimanawa 2B2	Maori land	3,080a 0r 00p
Oruamatua Kaimanawa 2C1	Maori land	1,570a 0r 00p
Oruamatua Kaimanawa 2E	European land – D.E. Christie and A.G.H. Marshall; leased to Forest Land Company (50 years from 1 May 1906)	3,282a 0r 00p
Oruamatua Kaimanawa 2O	Maori land – leased to Forest Land Company (50 years from 1 May 1906)	1,695a 2r 00p
Oruamatua Kaimanawa 2P	European land – Forest Land Company	1,695a 2r 00p
Oruamatua Kaimanawa 2Q1	Maori land – W.H. Turnbull and O.S. Watkins (trustees)	1,516a 0r 00p
Oruamatua Kaimanawa 2Q2	Maori land	200a 0r 00p
Oruamatua Kaimanawa 3A	Maori land	2,122a 0r 00p
Oruamatua Kaimanawa 3B	European land – Tussock Land Company	6,334a 0r 00p
Oruamatua Kaimanawa 3C	Maori land	1,467a 0r 00p
Oruamatua Kaimanawa 3D	Maori land	910a 2r 00p
Oruamatua Kaimanawa 3E	Maori land	4,402a 2r 00p

[185] Army Secretary to Commissioner of Works, 16 August 1949, AAQB W3950 104 23/406/1 part 1, ANZ Wellington.
[186] Commissioner of Works to Army Secretary, 6 September 1949, AAQB W3950 104 23/406/1 part 1, ANZ Wellington.
[187] Army Secretary to Under Secretary, Maori Affairs, 16 August 1949, MA1 75 5/5/68, Waiouru military camp – acquisition of additional land by Army Department, 1949-1962, ANZ Wellington.
[188] Under Secretary, Maori Affairs, to Registrar, Maori Land Court, 31 August 1949, MA1 75 5/5/68, ANZ Wellington.
[189] Registrar, Maori Land Court, to Under Secretary, Maori Affairs, 14 September 1949, MA1 75 5/5/68, ANZ Wellington.

Block	Ownership Details	Area
Oruamatua Kaimanawa 3F	Maori land	1,467a 0r 00p
Rangipo Waiu 2B1A	Maori land	332a 1r 08p
Rangipo Waiu 2B1B	Maori land	332a 1r 08p
Rangipo Waiu 2B1C	Maori land	498a 1r 31p
Rangipo Waiu 2B1D	Maori land	762a 0r 31p
Rangipo Waiu 2B1E	Maori land	379a 2r 36p
Rangipo Waiu 2B2	Maori land	996a 0r 21p
Rangipo Waiu 2B3	Maori land	1,107a 3r 18p
Rangipo Waiu 2B4	Maori land	664a 1r 15p
	Total	**42,882a 3r 08p**

Table 6: Additional lands required for Waiouru training ground, 1949[190]

Of the total area required for the extension, 29,216 acres 1 rood 8 perches was stated to be Maori land. This land, which formed one contiguous area, was broken into 20 blocks and was held by more than 250 owners.[191] Europeans owned 11,311 acres 2 roods of the required land, which was held in three blocks. Table 6 details that the proposed extension included one block of Crown land, Kaimanawa 3B1, an area of 2,355 acres. This land had been awarded to the Crown in 1910 in satisfaction of survey charges owed by the Maori owners.[192]

On 28 September 1949, the Under Secretary of Maori Affairs forwarded the ownership and land area list to the Army Secretary.[193] Pointing to the large area of land and number of owners involved, the Under Secretary stated that he believed that a meeting of owners and departmental representatives should be held. He explained that the purpose of such a meeting would be to set out the proposal to the owners and ascertain their 'general feeling'. The Under Secretary noted that leaseholders would probably wish to be present. (Two of the Maori-owned blocks were leased – Oruamatua Kaimanawa 2B1 and 2O.) On 8 November 1949, the Army Secretary wrote to the Under Secretary of Maori Affairs, advising that government approval of the proposed acquisition was being sought. [194] He stated that negotiations would be undertaken by the Ministry of Works after this approval had been secured and, until such time, the Department of Maori Affairs should take no further action.

The Army Secretary discussed the proposed acquisition in a memorandum prepared for the Minister of Defence on 8 November 1949.[195] He stated that the acquisition of full title was desirable because it would eliminate possible claims for injury to stock or damage to the land, which would not be the case if the land was held under lease. The Army Secretary believed that the Ministry of Works should be requested to immediately negotiate for the required lands so that the training area might be extended as soon as possible. Commenting on the proposed meeting with the Maori owners, he anticipated that a considerable amount of negotiation would

[190] Registrar, Maori Land Court, to Under Secretary, Maori Affairs, 14 September 1949, MA1 75 5/5/68, ANZ Wellington. Amended ownership and area details for lands required for extension of Waiouru military training ground (Appendix B to Army 203/192 of 16 July 1949), AATC 5114 W3457 400 50/0, Waiouru Military Camp – Maori Land, 1950-1960, ANZ Wellington. District Commissioner of Works to Commissioner of Works, 22 July 1953, AATC 5114 W3457 400 50/0, ANZ Wellington. Land Purchase Officer to District Officer, Valuation Department, 8 July 1953, AATC 5114 W3457 400 50/0, ANZ Wellington.
[191] Secretary, Maori Affairs, to Minister of Maori Affairs, 30 October 1958, MA1 75 5/5/68, ANZ Wellington.
[192] These charges had amounted to £222 10s 8d. Commissioner of Crown Lands to Director General of Lands, 5 September 1949, AANS 6095 W5491 389 6/11/178, Reserves – General – Waiouru Military Camp, 1939-1963, ANZ Wellington.
[193] Under Secretary, Maori Affairs, to Army Secretary, 28 September 1949, MA1 75 5/5/68, ANZ Wellington.
[194] Army Secretary to Under Secretary, Maori Affairs, 8 November 1949, MA1 75 5/5/68, ANZ Wellington.
[195] Army Secretary to Minister of Defence, 8 November 1949, AAQB W3950 104 23/406/1 part 1, ANZ Wellington.

be necessary and that it would probably be some months before the transaction would be completed. The Army Secretary described the land to be 'mostly barren tussock country supporting only deer, wild horses and pigs and in general is not much used by the various Maori owners'. He noted that the District Valuer had suggested a nominal value of five shillings an acre. On the basis of this valuation, the Army Secretary recommended that Cabinet approve the acquisition of the required lands at an estimated cost of £10,713.

A copy of the Army Secretary's memorandum was forwarded to the Commissioner of Works. In a letter written on 22 November 1949, the Commissioner advised the Army Secretary that he believed that compulsory acquisition under the Public Works Act would be the most convenient way of securing the land:

> . . . it may not be practicable to deal with this matter by negotiation with the Maori owners in view of the number of blocks and the many owners affected. I think myself that the best procedure would be to take action to acquire the land under the Public Works Act, 1928, and leave the assessment of compensation to the Maori Land Court. The Maori owners could, if necessary, be advised of the proposals through the Department of Maori Affairs.[196]

The Commissioner suggested that Cabinet approval be obtained for the acquisition of all of the required land (European and Maori) under the provisions of the Public Works Act 1928. On 30 November 1949, the Army Secretary wrote another memorandum for the Minister of Defence, advising him of the Commissioner's views.[197] He stated that, from an administrative point of view, Defence Headquarters supported the use of the Public Works Act as the most expedient option available. He also noted that the Lands and Survey Department had stated that it had no objection to the block of Crown land being transferred to the Army.

A copy of this memorandum was forwarded to the Under Secretary of Maori Affairs. On 13 December 1949, the Under Secretary wrote to the Minister of Maori Affairs, advising him of the proposed enlargement of the Waiouru training ground and the intention to acquire the land compulsorily.[198] The Under Secretary stated that he believed that the proposed acquisition should be discussed with the owners before any action was taken under the Public Works Act. Repeating the views that he had previously put to the Army Secretary, the Under Secretary claimed that negotiations were appropriate because of the large area of land and the number of owners involved. The Under Secretary informed the Minister that, if he agreed, the matter would again be taken up with Defence Headquarters.

The Minister concurred with the Under Secretary, and accordingly, on 12 January 1950, the Under Secretary wrote again to the Army Secretary, stating that:

> . . . before taking any action under the Public Works Act, the proposals should be discussed with the Maori owners. It may very well be that such a meeting as I have suggested would not result in agreement but it is felt that less dissatisfaction would be caused if negotiation was at least attempted before compulsory taking was resorted to.[199]

The Under Secretary noted that the Minister of Maori Affairs agreed with this view.

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[196] Commissioner of Works to Army Secretary, 22 November 1949, AAQB W3950 104 23/406/1 part 1, ANZ Wellington.
[197] Army Secretary to Minister of Defence, 30 November 1949, AAQB W3950 104 23/406/1 part 1, ANZ Wellington.
[198] Under Secretary, Maori Affairs, to Minister of Maori Affairs, 13 December 1949, MA1 75 5/5/68, ANZ Wellington.
[199] Under Secretary, Maori Affairs, to Army Secretary, 12 January 1950, MA1 75 5/5/68, ANZ Wellington.

A copy of the letter was sent to the Commissioner of Works, who then discussed the matter in a letter written to the Army Secretary on 10 February 1950.[200] The Commissioner stated that he had not intended to take action without holding discussions with the owners, but he believed that there was no option but to acquire the land under the compulsory provisions of the Public Works Act:

> . . . I did not propose to proceed with action under the Public Works Act without consulting the Maori owners. However, it is apparent that it would be difficult, or impossible to reach agreement because of the number of owners interested, and ultimately action would have to be taken under the Public Works Act, and the amount payable would have to be determined through the medium of the Maori Land Court. My suggestion therefore, was . . . that the necessary authority for this action be obtained initially from Cabinet.[201]

The Commissioner of Works stated that he had no objection to the procedure suggested by the Maori Affairs' Under Secretary and would await Cabinet approval before taking any further action. On 25 May 1950, the Army Secretary wrote to the Commissioner of Works, informing him that the Prime Minister's office had advised that approval had been given for the additional lands to be acquired at the estimated cost of £10,713.[202] The Army Secretary requested the Commissioner of Works to arrange for the necessary action to be taken to secure the land and have it proclaimed a defence reserve.

Negotiations concerning Maori land

On 6 June 1950, the Commissioner of Works wrote to the District Engineer, asking that he meet with the principal owners of the required Maori lands in accordance with the wishes of the Maori Affairs Department.[203] Though clearly believing that the Public Works Act provided the only means by which the land could be transferred to the Crown, the Commissioner indicated that it was desirable that the approval of the owners be secured:

> An endeavour should be made to obtain their agreement in general to the proposals and to the land being acquired under the provisions of the Public Works Act, 1928, leaving the amount of compensation to be determined by the Maori Land Court. It is not essential that you enter into any formal agreement with the Maori owners, but it would assist if the principal owners agreed in writing to the land being taken, and the compensation being assessed by the Maori Land Court, or alternatively, if the meeting of principal owners passed a resolution to that effect.[204]

The Commissioner of Works also instructed the District Engineer to arrange for the purchase of the European owned lands. It was evidently believed that these lands, not held in multiple ownership like the Maori blocks, could be acquired by negotiated purchase without recourse compulsory taking provisions of the Public Works Act.

Proposal to exchange required Maori lands for Crown land

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[200] Commissioner of Works to Army Secretary, 10 February 1950, AAQB W3950 104 23/406/1 part 1, ANZ Wellington.
[201] Ibid.
[202] Army Secretary to Commissioner of Works, 25 May 1950, AAQB W3950 104 23/406/1 part 1, ANZ Wellington.
[203] Commissioner of Works to District Engineer, 6 June 1950, AAQB W3950 104 23/406/1 part 1, ANZ Wellington.
[204] Ibid.

On 11 October 1950, the District Engineer wrote to the Commissioner of Works, advising him of a meeting that had been held with the principal Maori owners at Tokaanu on 29 September 1950.[205] He stated that all the speakers had been averse to the land being taken by proclamation, but had indicated a willingness to exchange it for Crown land of an equal value. The District Engineer believed that this request had been inspired by a recent land exchange near Tokaanu (involving Maori owners and the Department of Lands and Survey) as well as an awareness that the Crown possessed considerable areas of land in the locality.[206] He stated that 'tentative enquiries' suggested that there might be Crown land or prison reserves that could be made available for exchange. However, he believed that a considerable period of time would be required to arrange such an exchange. He also noted that preliminary investigations indicated that the estimated value of the Crown lands would greatly exceed that of the required Maori lands.

On 11 October 1950, the District Engineer also wrote letters to the Controller General of Prisons and the Commissioner of Crown Lands, asking about any lands that might be suitable for exchange.[207] Both responses to this enquiry advised that no such lands were available. In a letter written on 1 December 1950, a Justice Department staff member 'safely' informed the District Engineer that the Department wished to retain all the areas known as Hautu and Rangipo Development Farms.[208] Similarly, in a letter dated 6 February 1951, the Commissioner of Crown Lands stated that almost all of the available Crown land in the Waiouru-Tokaanu area was required for exchange with Maori owners of certain lands required for water conservation purposes.[209] In view of this, he stated that the Department of Lands and Survey would be unable to help in the matter. This position contrasted with the Department's ready willingness to allow the Army to takeover Kaimanawa 3B1 for defence purposes.

On 27 February 1951, the Land Purchase Officer of the Public Works Department wrote to the Registrar of the Maori Land Court, advising that an exchange of lands was unlikely.[210] He asked the Registrar to 'suggest a means of overcoming the difficulty in view of the owners' attitude' and questioned whether the Maori Land Board would be agreeable to the land being acquired compulsorily. Replying on 8 March 1951, the Registrar could only suggest that further investigations be undertaken into the availability of other Crown lands suitable for exchange.[211] He pointed out that the compulsory acquisition of Maori land did not require the consent of either the Maori Land Board or the Department of Maori Affairs. Indicating that an option other than compulsory acquisition should be sought, the Registrar believed that the owners would not passively accept the taking of their lands under the Public Works Act:

> The Blocks are freehold owned by Maoris as tenants in common and their representatives have expressed the opinion that they are not agreeable to the taking of the land under the Public Works Act. The Maoris of the Tuwharetoa tribe are particularly land conscious at the present time, and

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[205] District Engineer to Commissioner of Works, 11 October 1950, AAQB W3950 104 23/406/1 part 1, ANZ Wellington.
[206] The land exchanges were carried out in about 1944. Director General of Lands to Under Secretary, Maori Affairs, 11 November 1952, MA1 75 5/5/68, ANZ Wellington.
[207] District Engineer to Controller General of Prisons, 11 October 1950, AATC 5114 W3457 400 50/0; District Engineer to Commissioner of Crown Lands, 11 October 1950, AATC 5114 W3457 400 50/0, ANZ Wellington.
[208] Unknown (for Acting Controller General of Prisons) to District Engineer, 1 December 1950, AATC 5114 W3457 400 50/0, ANZ Wellington.
[209] Commissioner of Crown Lands to Land Purchase Officer, 6 February 1951, AATC 5114 W3457 400 50/0, ANZ Wellington.
[210] Land Purchase Officer to Registrar, Maori Land Court, 27 February 1951, AATC 5114 W3457 400 50/0, ANZ Wellington.
[211] Registrar, Maori Land Court, to Land Purchase Officer, 8 March 1951, AATC 5114 W3457 400 50/0, ANZ Wellington.

> any arbitrary dispossession of their rights of ownership would be likely to have immediate political repercussions.[212]

On 15 March 1951, the District Engineer wrote again to the Commissioner of Works, advising that it was unlikely that any Crown land would be available for exchange.[213] Suggesting that further negotiations with the Maori owners would be 'useless', the District Engineer sought advice as to the best course of action. On 20 March 1951, the Commissioner of Works wrote to the Army Secretary, passing on the information provided by the District Engineer.[214] The Commissioner of Works stated that there appeared 'to be no alternative but to take action under the compulsory provisions of the Public Works Act, 1928.' He informed the Army Secretary that it would be necessary for Defence Headquarters to obtain Cabinet approval for such an action.

The Commissioner's advice was accepted and, on 18 April 1951, the Army Secretary prepared a memorandum for the Minister of Defence, recommending that Cabinet approve the acquisition of all the land required for the extension of the Waiouru training grounds under the compulsory provision of the Public Works Act.[215] The Army Secretary stated that:

> Considerable negotiations have taken place with the Maori owners of the major portion of the area but it has been found impossible to acquire this land from them by negotiation nor will they agree to the land being acquired under the provisions of the Public Works Act, 1928, leaving the matter of compensation to be assessed by the Maori Land Court.[216]

This statement somewhat exaggerated the extent of the discussions that had been held with the Maori owners, which amounted to just one informal meeting. It also failed to note that the owners were prepared to negotiate for the required lands to be exchanged for similarly valued Crown land.

It appears that at this time there was no communication between Army headquarters and the Department of Maori Affairs regarding the proposed acquisition under the Public Works Act. It was not until May 1951 that the Department's head office learnt of the meeting held at Tokaanu in September 1950 and of Defence Headquarters' plan to proceed with compulsory acquisition. On 14 May 1951, a Treasury official spoke of these developments in a telephone conversation with an unnamed Maori Affairs' staff member.[217] Following this, the Under Secretary of Maori Affairs prepared a memorandum for the Minister of Maori Affairs.[218] This memorandum, dated 22 May 1951, outlined all the developments surrounding the proposed acquisition. Accepting that there would be procedural and practical difficulties in obtaining a license to periodically shoot over the land, the Under Secretary identified three possible courses of action:

1. To make a formal offer to the owners on behalf of the Crown, with later recourse to the Public Works Act if the offer is refused.
2. To go further into the possibility of exchange for Crown land elsewhere.

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[212] Ibid.
[213] District Engineer to Commissioner of Works, 15 March 1951, AAQB W3950 104 23/406/1 part 1, ANZ Wellington.
[214] Commissioner of Works to Army Secretary, 20 March 1951, AAQB W3950 104 23/406/1 part 1, ANZ Wellington.
[215] Army Secretary to Minister of Defence, 18 April 1951, AAQB W3950 104 23/406/1 part 1, ANZ Wellington.
[216] Ibid.
[217] Note for file (writer unknown), 14 May 1951, MA1 75 5/5/68, ANZ Wellington.
[218] Under Secretary, Maori Affairs, to Minister of Maori Affairs, 22 May 1951, MA1 75 5/5/68, ANZ Wellington.

3. To take the land forthwith under the Public Works Act, and allow compensation to be assessed in the usual way before the Court.[219]

The Under Secretary believed that the first option was most favourable. He stated that no formal offer had been made to the owners and that meetings called to consider any offer would provide an opportunity to discuss exchange proposals and other ideas.

On 16 July 1951, a representative of the Maori owners, J.A. Asher, wrote to the Minister of Maori Affairs about the proposed acquisition of the Maori lands.[220] (The extent to which Asher represented all of the owners has not been established.) In his letter, Asher did not dismiss the need for the training ground to be extended, but he clearly believed that it would be inappropriate for the required lands to be taken compulsorily under the Public Works Act:

> Whilst the Maori owners in their ever ready patriotism of King and Country fully appreciate any recommendation for the possible extension of the Waiouru Military Camp which in turn must absorb some of their adjacent titles, there is at the same time no need to invoke already outdated methods of the dim past to achieve this end.[221]

Asher suggested that a meeting to discuss land exchange should be held between the owners' representatives and the relevant government departments. He asserted that the Maori lands possessed an economic potential that deserved to be recognised, and asked the Minister to protect the owners from compulsory acquisition:

> By mutual examination of local plans for the district, this will readily disclose ample Crown lands that could be made available to meet the more democratic procedure of 'equality'.
>
> The Maori lands required for military purposes whilst not wholly regarded as suitable for farming purposes, can on the other hand be applied as excellent areas for afforestation similarly to those Karioi exotic timber planted lands adjacent and nearing maturity.
>
> I shall be pleased to have your undertaking that anything approaching unfair treatment of that resembling any form of compulsion on the Maori will not be tolerated, and that more amicable measures will be made in providing a suitable solution along the lines more for some equitable exchanges with the Crown who yet hold considerable areas of land in the Tuwharetoa district capable of being eventually utilised . . . for land development generally.[222]

Replying to Asher on 20 July 1951, the Minister offered reassurances that no proclamations would be issued over the Maori blocks without first negotiating with the owners.[223] He also stated that he would be pleased to attend the meeting requested by Asher. The Minister instructed the Under Secretary to arrange for the meeting to be held.[224]

On 24 July 1951, the Maori Affairs' Under Secretary wrote to the Army Secretary, explaining that the Minister of Maori Affairs had considered the proposed land acquisition.[225] He reported that some of the Maori owners had discussed the matter with the Minister and would be submitting a list of Crown lands that they considered suitable for exchange. The Army Secretary was

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[219] Ibid.
[220] Asher to Minister of Maori Affairs, 16 July 1951, MA1 75 5/5/68, ANZ Wellington.
[221] Ibid.
[222] Ibid.
[223] Minister of Maori Affairs to Asher, 20 July 1951, MA1 75 5/5/68, ANZ Wellington.
[224] Minister of Maori Affairs to Under Secretary, Maori Affairs, 20 July 1951, on Minister of Maori Affairs to Asher, 20 July 1951, MA1 75 5/5/68, ANZ Wellington.
[225] Under Secretary, Maori Affairs, to Army Secretary, 24 July 1951, MA1 75 5/5/68, ANZ Wellington.

unequivocally informed that until this list had been handed in 'no further steps should be taken without some further discussions with the people.' The Under Secretary also noted that there was a statutory requirement that any purchase of Maori land by the Crown had to be approved and carried out by the Board of Maori Affairs and that all such requests should be made to the Department of Maori Affairs.

The Maori Affairs Department's engagement with the owners stalled for some time while it waited for the owners' representative, Asher, to provided details of the Crown lands that might be suitable for exchange. The Under Secretary unsuccessfully requested information from Asher in December 1951, February 1952, and March 1952.[226] On 6 May 1952, Asher wrote to the Under Secretary, asking for details of available Crown lands.[227] After being requested to provide this information, the Director General of Lands commented on the exchange proposal in a letter written to the Under Secretary of Maori Affairs on 11 June 1952.[228] Reiterating his earlier advice, he indicated that there was little suitable land available:

> Most of the Crown lands in this locality are set apart for specific purposes such as State Forest, National Park and Defence and are required for those purposes. Presumably, the Maoris would desire to receive in exchange areas of farmable lands but it is very doubtful whether the Land Settlement Board would agree to any areas suitable for development being used for exchange purposes and in any case it is very doubtful whether there are any large tracts of land in the locality which could be classified in this way.[229]

On 20 June 1952, the Under Secretary informed Asher of the Director-General's views and advised that the acquisition of the lands was 'a matter of national importance and . . . will have to be brought to a head very soon.'[230] He stated that if the owners intended to sell the land (in the event of there being no Crown land available for exchange) an offer should be made at the earliest possible stage. In July and August 1952, the Under Secretary unsuccessfully pressed Asher to submit details of an exchange proposal or sale offer.[231] On 31 August 1952, the Under Secretary advised Asher that, without a reply from him, Army Headquarters would be advised to secure the land by whatever means was necessary.[232]

In the meantime, on 8 July 1952, the Army Secretary had written to the Commissioner of Works, asking if any progress had been made with the acquisition of the lands required for the extension of the Waiouru training grounds.[233] In reply, the Commissioner of Works advised that no further action had been taken by the Ministry of Works and nor would such action be possible until Cabinet approval had been obtained. He stated that the Maori Affairs Department might have made progress, but was unaware if this was the case.[234]

On 15 September 1952, the Under Secretary of Maori Affairs wrote to the Commissioner of Works, informing him that 'numerous efforts' to secure a proposal from the owners had

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[226] Under Secretary, Maori Affairs, to Asher, 20 December 1951, MA1 75 5/5/68; Under Secretary, Maori Affairs, to Asher, 28 February 1951, MA1 75 5/5/68, ANZ Wellington; Under Secretary, Maori Affairs, to Asher, 24 March 1951, MA1 75 5/5/68, ANZ Wellington.
[227] Asher to Under Secretary, 6 May 1952, MA1 75 5/5/68, ANZ Wellington.
[228] Director-General of Lands to Under Secretary, Maori Affairs, 11 June 1952, MA1 75 5/5/68, ANZ Wellington.
[229] Ibid.
[230] Under Secretary to Asher, 20 June 1952, MA1 75 5/5/68, ANZ Wellington.
[231] Under Secretary, Maori Affairs, to Asher, 31 July 1952, MA1 75 5/5/68, ANZ Wellington; Under Secretary, Maori Affairs, to Asher, 29 August 1952, MA1 75 5/5/68, ANZ Wellington.
[232] Under Secretary, Maori Affairs, to Asher, 29 August 1952, MA1 75 5/5/68, ANZ Wellington.
[233] Army Secretary to Commissioner of Works, 8 July 1952, AAQB W3950 104 23/406/1 part 1, ANZ Wellington.
[234] Commissioner of Works to Army Secretary, 16 July 1952, AAQB W3950 104 23/406/1 part 1, ANZ Wellington.

produced no result.[235] Noting the length of time over which the matter had been drawn out, the Under Secretary stated that the best course of action would be for the Ministry of Works to prepare a formal offer for the purchase of the land. The Under Secretary explained that such an offer should be made to his Department, which would arrange the necessary meeting of owners. He stated that the outcome of this meeting would determine what further steps should be taken.

On 23 September 1952, in a letter written to the Under Secretary of Maori Affairs, Asher finally provided details of the Crown lands that he thought would be suitable for exchange.[236] Claiming that there were significant areas available, Asher listed 'a few of the open fern and tussock areas' that he thought would be suitable: Parts Hauhungaroa 3, Opawa Rangitoto 1, Hautu 2, Hautu 4, Rangipo North, and Tihoi. He stated that his suggestion for exchange was made 'as a move to commence negotiations'. Asher may have believed that some of the lands he identified were suitable for development for forestry purposes.

Upon receiving Asher's letter, the Under Secretary of Maori Affairs wrote to both the Director General of Lands and the Commissioner of Works. The Under Secretary requested the Director General of Lands to comment on the list of lands that Asher believed would be suitable for exchange.[237] He noted that the Ministry of Works was being asked to prepare a purchase offer in case nothing came of the exchange proposal. In his letter to the Commissioner of Works, the Under Secretary stated that moves towards making an offer of purchase should proceed.[238] He asked that special government valuations be obtained, explaining that these valuations had to be shown on the formal offer that the Minister of Maori Affairs was required to sign.

On 3 October 1952, the Director General of Lands wrote to the Under Secretary of Maori Affairs, advising that a report on the lands identified by Asher would be provided.[239] However, he again indicated that it was unlikely that the Land Settlement Board would agree to the exchange of any areas that were deemed suitable for development. Later, in letters written on 11 November 1952 and 28 November 1952, the Director General of Lands explained that none of the lands identified by Asher could be made available for exchange.[240] As summarised below, he provided details of the Crown's interests in the various lands and explained why they should remain in Crown ownership.

Parts Hauhungaroa 3 (2403 acres and 2648 acres) These lands appears to have been located on the western side of Lake Taupo. It was thought that they should be retained because they might 'prove invaluable for consolidating the Crown interests in that area and for exchanges for boundary adjustments.' The Crown, it was explained, possessed extensive interests in certain lands in this area, namely in the Tihoi and Waihaha blocks.

Opawa Rangitoto 1 (3011 acres) It was stated that portions of this block had been earlier been disposed of in 'the big series of exchanges' around Tokaanu. The remaining area included some

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[235] Under Secretary, Maori Affairs, to Commissioner of Works, 15 September 1952, MA1 75 5/5/68, ANZ Wellington.
[236] Asher to Under Secretary, Maori Affairs, 23 September 1952, MA1 75 5/5/68, ANZ Wellington.
[237] Under Secretary, Maori Affairs, to Director General of Lands, 30 September 1952, MA1 75 5/5/68, ANZ Wellington.
[238] Under Secretary, Maori Affairs, to Commissioner of Works, 30 September 1952, MA1 75 5/5/68, ANZ Wellington.
[239] Director General of Lands to Under Secretary, Maori Affairs, 3 October 1952, MA1 75 5/5/68, ANZ Wellington.
[240] Director General of Lands to Under Secretary, Maori Affairs, 11 November 1952, MA1 75 5/5/68, ANZ Wellington; Director General of Lands to Under Secretary, Maori Affairs, 28 November 1952, MA1 75 5/5/68, ANZ Wellington.

flat land along the main highway, but it was thought that this land 'should be retained for provision of amenities such as camping areas, access to Lake Taupo, and for subdivision into sections suitable for holiday residences.' The balance of the block was stated to be very steep and broken, and it was therefore considered that it would be unlikely that it would be useful for farming purposes if given to Maori as an exchange. It was also considered that this land, part of the Taupo watershed, would be best left to regenerate as a water and climatic conservation area.

Hautu 2 and 4 Crown interests in these blocks were stated to be extensive. It was explained that the bush areas were all required for administration by the State Forest Service, while the open areas were used and required for the Hautu Prison Farm.

Rangipo North It was explained that any Rangipo North land owned by the Crown and not included in the Tongariro National Park was used for the Rangipo Prison Farm.

Tihoi A small portion of this block, it was stated, was being developed by the Department of Lands and Survey as an extension to the Maraetai Farm Settlement. It was explained that the balance of the block was being used by the Army for training purposes, but would be developed for farming purposes after about ten years.

In light of the various lands having been deemed unavailable for exchange, the Director General of Lands advised the Under Secretary of Maori Affairs that it would be necessary to attempt to acquire the additional defence lands by purchase.

Efforts to purchase required Maori land

Steps were then taken to acquire the land by purchase. On 21 January 1953, the Commissioner of Works wrote to the Army Secretary, forwarding a list of special government valuations and requesting that approval be sought to enable a formal offer to be made to the Maori owners.[241] Accordingly, on 4 February 1953, the Army Secretary prepared a further memorandum for the Minister of Defence, recommending that approval be given for the purchase of 42,852 acres at a cost of £14,040.[242] (It appears that the recommendation related to the Maori, European, and Crown land.) The Army Secretary explained that the Department of Maori Affairs had asked for a formal offer to be made to the owners. He stated that since May 1950, when Cabinet had approved the expenditure of £10,713, the value of the required land had increased from five shillings an acre to approximately seven shillings an acre. It was again stressed that full and permanent control over the land was desirable:

> The training requirements of Waiouru Camp more and more show that there is a necessity to have complete control of a suitably sized area of land on which projectiles fired from any of the weapons the Army trains with may land. It is very unsatisfactory to have to obtain permission for shooting with the larger weapons every time a practice shoot takes place. It is not always possible to co-relate the times of shooting with times when no persons are working on the land. If the full benefit of Waiouru is to be obtained, it is very desirable that this purchase be proceeded with.[243]

On 10 March 1953, Cabinet approved in principle the purchase by negotiation of the required land at the estimated cost of £14,040.[244] The Commissioner of Works wrote to the Under Secretary of Maori Affairs on 25 March 1953, enclosing the valuation details, and asking that

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[241] Commissioner of Works to Army Secretary, 21 January 1953, AAQB W3950 104 23/406/1 part 1, ANZ Wellington.
[242] Army Secretary to Minister of Defence, 4 February 1953, AAQB W3950 104 23/406/1 part 1, ANZ Wellington.
[243] Ibid.
[244] Secretary of Cabinet to Minister of Defence, 10 March 1953, MA1 75 5/5/68, ANZ Wellington.

formal offers be made to the owners in accordance with the valuations provided.[245] He noted that Defence Headquarters requested that urgency be given to the matter because of the training limitations of the existing defence lands.

Around the beginning of 1953, it appears that the Army began carrying out artillery training on some of the Maori lands that it sought to acquire.[246] It is evident that the Army secured the permission of certain Maori owners, though few details concerning this have been located. Writing to the Commissioner of Works on 16 June 1953, the Quarter-Master General noted that shooting rights had been obtained from a 'considerable number' of Maori owners.[247] Details of the lands involved and the nature of the shooting rights are unclear.

Between March 1953 and late 1957, the Department of Maori Affairs unsuccessfully sought to arrange for the required Maori lands to be purchased by agreement. When this course of action was finally abandoned, it was decided that taking under the Public Works Act provided the only means of securing the land. In its endeavour to organise the purchase of the Maori land, the Maori Affairs Department initially set about dealing with certain title matters. A considerable amount of time lapsed while steps were taken to resolve ownership issues concerning Oruamatua Kaimanawa 2B1 and 2Q1, which years earlier had been conveyed to two European trustees under Section 3 of the Maori Land Laws Amendment Act 1897.[248] For these lands to be purchased, the blocks needed to be revested in the beneficial owners. This process was not completed until around mid-1956.[249]

On 27 February 1956, the Commissioner of Works wrote to the Secretary of Maori Affairs, advising that Defence Headquarters was 'pressing for some finality in this long outstanding matter'.[250] He asked that formal offers be made to the owners as soon as possible. Responding on 23 March 1956, the Maori Affairs Secretary stated that there was no question of holding meetings of owners to consider the sale of Oruamatua Kaimanawa 2B1 and 2Q1.[251] He did not discuss the possibility of proceeding with the purchase of the other Maori blocks, possibly believing that it would be easiest to deal with all of the blocks at the same time. Writing again to the Secretary of Maori Affairs on 1 May 1956, the Commissioner of Works stated that the question of compulsory acquisition would have to be considered where it was impossible to arrange a meeting of owners or to reach an agreement on price.[252] He also thought that dealing with blocks in a piece-meal fashion, instead of as a whole, should be avoided.

The ownership issues concerning Oruamatua Kaimanawa 2B1 and 2Q1 were finally resolved around the beginning of May 1956.[253] Soon afterwards, the Board of Maori Affairs approved a

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[245] Commissioner of Works to Under Secretary, Maori Affairs, 25 March 1953, MA1 75 5/5/68, ANZ Wellington.
[246] McCulloch, Butler, and Spence to Land Purchase Officer, 12 February 1953, AAQB W3950 104 23/406/1 part 1, ANZ Wellington. This letter indicates that shelling was taking place on some of the Maori lands.
[247] Quarter-Master General to Commissioner of Works, 16 June 1953, AAQB W3950 104 23/406/1 part 1, ANZ Wellington.
[248] Secretary, Maori Affairs, to District Officer, Wanganui, 20 July 1953, MA1 75 5/5/68, ANZ Wellington.
[249] Registrar, Maori Land Court, to Head Office, Wellington, 29 July 1953, MA1 75 5/5/68, ANZ Wellington. Secretary, Maori Affairs, to District Officer, Wanganui, 11 August 1953, MA1 75 5/5/68, ANZ Wellington. District Officer, Wanganui, to Head Office, Wellington, 13 April 1954, MA1 75 5/5/68, ANZ Wellington. Extract from Wanganui minute book 113, pp 163-165, MA1 75 5/5/68, ANZ Wellington; extract from Wanganui minute book 114, pp 335-338, MA1 75 5/5/68, ANZ Wellington. District Officer, Wanganui, to Head Office, Wellington, 22 July 1955, MA1 75 5/5/68, ANZ Wellington. District Officer, Wanganui, to Head Office, Wellington, 4 May 1956, MA1 75 5/5/68, ANZ Wellington.
[250] Commissioner of Works to Secretary, Maori Affairs, 27 February 1956, MA1 75 5/5/68, ANZ Wellington.
[251] Secretary, Maori Affairs, to Commissioner of Works, 23 March 1956, MA1 75 5/5/68, ANZ Wellington.
[252] Commissioner of Works to Secretary, Maori Affairs, 1 May 1956, MA1 75 5/5/68, ANZ Wellington.
[253] District Officer, Wanganui, to Head Office, Wellington, 4 May 1956, MA1 75 5/5/68, ANZ Wellington.

proposal that negotiations be entered into with the Maori owners for the purchase of the Maori lands required for the extension of the Waiouru training grounds.[254] The recommendation to the Board detailed that the price was to be not less than seven shillings an acre or the amount of a special government valuation. It also noted that the purchase of the land had been approved by Cabinet and that there were approximately 260 owners. An attached schedule detailed the areas and values of the required Maori blocks.

On 17 January 1957, the Secretary of Maori Affairs wrote to the District Officer at Wanganui, advising that the purchase of the required Maori lands had been approved by the Board of Maori Affairs.[255] He enclosed a schedule of the lands and suggested that the easiest way to undertake negotiations would be by way of a meeting of owners. Replying on 1 February 1957, the District Officer listed 11 blocks for which he believed a quorum could be secured at a meeting of owners.[256] On 22 February 1957, the Secretary wrote again, asking about the remaining blocks, and pointing out that some of the blocks might have too few owners for a meeting to be called.[257] On 3 July 1957, the Secretary of Maori Affairs wrote to the Commissioner of Works, reporting that the District Officer was assembling information for meetings to be held, but was experiencing considerable difficulty in tracing those owners who remained alive and were likely to attend a meeting.[258]

On 13 November 1957, the Assistant District Officer reported on progress towards purchase negotiations.[259] He stated that quorums could be obtained for all except three of the required blocks: Rangipo Waiu 2B1A, 2B1B, and 2B1C.[260] The Assistant District Officer stated that discreet enquiries suggested that, if specific resolutions could not be obtained, it would at least be possible to 'get some idea as to what would be acceptable to the general body of the Maori owners.' However, he also explained that:

> . . . on the other hand the opinion was expressed that the expenses involved in attending meetings could be out of all proportion to the value at stake and for that reason some favoured the lands being taken by Proclamation leaving it to the Court to protect the interests of the owners on assessment of compensation. It is probable that the owners as a whole would in such a case instruct Counsel to act of their behalf. If, however, notice of intention to take was gazetted it would be an easy matter for extracts to be sent to those with known addresses. It may be that few objections would be received but in any case objections would give some indication as to what was in the minds of the owners.[261]

The Assistant District Officer stated that the owners were 'scattered all over New Zealand', and claimed that over the years they had generally 'evinced little, if any, interest in these lands'.

On 22 November 1957, the Secretary of Maori Affairs wrote to the Commissioner of Works, advising him of the contents of the Assistant District Officer's report.[262] In light of this information, and given that there was a reluctance to deal with the blocks in a piece-meal

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[254] Recommendation for the Board of Maori Affairs, MA1/75 5/5/68, ANZ Wellington.
[255] Secretary, Maori Affairs, to District Officer, Wanganui, 17 January 1957, MA1 75 5/5/68, ANZ Wellington.
[256] District Officer to Head Office, 1 February 1957, MA1 75 5/5/68, ANZ Wellington.
[257] Secretary, Maori Affairs to District Officer, Wanganui, 22 February 1957, MA1 75 5/5/68, ANZ Wellington.
[258] Secretary, Maori Affairs to Commissioner of Works, 3 July 1957, MA1 75 5/5/68, ANZ Wellington.
[259] Assistant District Officer, Wanganui, to Head Office, 13 November 1957, MA1 75 5/5/68, ANZ Wellington.
[260] The Assistant District Officer noted that the owners of two blocks had already given their consent to the land being purchased, but that these offers had been found to be unacceptable. The owners expected the Crown to meet rates arrears, a suggestion that had been rejected by the Public Works Department. Commissioner of Works to Secretary, Maori Affairs, 28 January 1957, MA1 75 5/5/68, ANZ Wellington.
[261] Assistant District Officer, Wanganui, to Head Office, 13 November 1957, MA1 75 5/5/68, ANZ Wellington.
[262] Secretary, Maori Affairs, to Commissioner of Works, 22 November 1957, MA1 75 5/5/68, ANZ Wellington.

fashion, the Secretary stated that the Public Works Department should proceed to take the land under the Public Works Act and have compensation determined by the Maori Land Court. The Secretary explained that he had come to this decision reluctantly, stating that it was 'contrary to normal Government policy'.

On 3 December 1957, the Commissioner of Works wrote to the Army Secretary, enclosing a copy of the Secretary's letter.[263] The Commissioner supported the views of the Secretary of Maori Affairs, asserting that: 'It is quite evident that there is no hope of securing this land by negotiation and . . . the only method by which the Crown can secure it is to take the land under the provisions of the Public Works Act 1928.' The Commissioner stated that the European lands should similarly be taken by proclamation. He asked the Army Secretary to proceed to obtain Cabinet approval for the taking.

For reasons that are unclear, it was not until October 1958 that the Army Secretary prepared a memorandum for the Minister of Defence that recommended that Cabinet approval be sought for compulsory acquisition under the Public Works Act.[264] The memorandum explained the background to the taking and the difficulties associated with negotiated purchase. A copy of the memorandum was forwarded to the Minister of Maori Affairs, who was requested by the Minister of Defence to comment on the proposal.[265]

On 3 November 1958, owner representative J.A. Asher wrote to the Secretary of Maori Affairs, enquiring whether the Crown still wished to secure the lands for defence purposes.[266] Asher stated that the negotiations he had had with Defence Headquarters had been abruptly terminated, even though the Army 'continually used much of our lands'. (There is no record of any meeting or correspondence between the Army and Asher or any other owners. It may be that Asher was referring to the meeting between the District Engineer and principal Maori owners that was held in September 1950.) In a letter written on 24 November 1958, the Secretary of Maori Affairs informed Asher that Defence Headquarters was still interested in securing the lands.[267] Referring to the exchange proposal that had been put forward by Asher, the Secretary advised that no Crown lands were available for this purpose.

On 11 March 1959, the Liaison Officer within the Minister of Maori Affairs' office, M.R. Jones, discussed the proposed compulsory taking in a memorandum prepared for the Minister of Maori Affairs, Walter Nash.[268] Jones recommended that the taking proceed under the Public Works Act, but at the same time thought that investigations should be made into the possibility of providing the owners with suitable Crown lands. He informed the Minister that the lands were unsuitable for development and also noted the difficulties of calling meetings when individual interests were often small. Stating that the Public Works Act provided 'the only practical way' by which the Crown could secure the land, Jones thought that notification of the intention to take the land should be given the widest possible publicity. He believed that the idea of an exchange had merit because, though the lands were economically marginal, their loss would nevertheless reduce the total area of land held by a growing Maori population.

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[263] Commissioner of Works to Army Secretary, 3 December 1957, AAQB W3950 104 23/406/1 part 1, ANZ Wellington.
[264] Army Secretary to Minister of Defence, 15 October 1958, AAQB W3950 104 23/406/1 part 1, ANZ Wellington.
[265] Minister of Defence to Minister of Maori Affairs, 1 December 1958, MA1 75 5/5/68, ANZ Wellington.
[266] Asher to Secretary, Maori Affairs, 3 November 1958, MA1 75 5/5/68, ANZ Wellington.
[267] Secretary, Maori Affairs, to Asher, 24 November 1958, MA1 75 5/5/68, ANZ Wellington.
[268] Liaison Officer to Minister of Maori Affairs, 11 March 1959, MA1 75 5/5/68, ANZ Wellington.

The Minister of Maori Affairs approved Jones' recommendation.[269] He then wrote to the Minister of Defence, advising that he agreed to the proposal to take the land.[270] Nash stressed that adequate notice should be given to the owners, commenting that it was 'always a very sore point with Maori owners to find that without notice their lands have been proclaimed for some Government purpose.' He also asked that the matter of a land exchange once again be looked into, requesting that the Minister of Defence discuss the availability of suitable Crown lands with the Minister of Lands.

On 13 May 1959, the Army Secretary wrote to the Minister of Maori Affairs, advising that the Commissioner of Works had been asked to proceed with the issuing of a notice of intention to take.[271] As to the question of providing the Maori owners with other lands, the Army Secretary thought that such an outcome was unlikely. On 22 July 1959, this view was confirmed in a letter written to the Minister of Maori Affairs by C.F. Skinner of the office of the Minister of Lands, who conveyed that there was little willingness to arrange an exchange with the Maori owners.[272] Skinner stated that it was 'not a practicable proposition to provide farmable Crown land in exchange for unfarmable Maori land.' He informed the Minister that a recent land utilisation survey had revealed that Maori in the Taupo-Rotorua region possessed considerably more undeveloped farmable land than the Crown. Skinner explained that the Government, through the Land Settlement Board, wished to provide the maximum number of farms for new settlement and was having to purchase land to achieve this. He stated that first option on these lands lay with ex-servicemen, followed by civilian farmers.

On 30 July 1959, the Minister of Maori Affairs wrote to the Minister of Defence, advising that an exchange of land could not be implemented. He stated that the taking should proceed as directed, with the notice of intention to take given the widest possible publicity.[273] In a letter written on 4 August 1959, the Secretary of Maori Affairs informed the Army Secretary that there would be no exchange of land.[274] He also stated that that Minister of Maori Affairs had expressed the wish that the application for assessment of compensation be filed with the Maori Land Court as soon as the proclamation had been issued, ensuring that the owners would receive the money without delay.

Negotiations concerning European land

As detailed above, the lands that the Army sought for the extension of Waiouru training ground from 1949 included three European-owned blocks:

Block	Owner	Area
Oruamatua Kaimanawa 2E	General land – D.E. Christie and A.G.H. Marshall	3,282a 0r 00p
Oruamatua Kaimanawa 2P	General land – Forest Land Company	1,695a 2r 00p
Oruamatua Kaimanawa 3B	General land – Tussock Land Company	6,334a 0r 00p
	Total	11,311a 2r 00p

Table 7: European lands required for the extension of Waiouru training ground, 1949

[269] Minister of Maori Affairs, 21 March 1959, minute on Liaison Officer to Minister of Maori Affairs, 11 March 1959, MA1 75 5/5/68, ANZ Wellington.
[270] Minister of Maori Affairs to Minister of Defence, 3 April 1959, MA1 75 5/5/68.
[271] Army Secretary to Secretary, Maori Affairs, 13 May 1959, MA1 75 5/5/68, ANZ Wellington.
[272] Skinner to Minister of Maori Affairs, 22 July 1959, MA1 75 5/5/68, ANZ Wellington.
[273] Minister of Maori Affairs to Minister of Defence, 30 July 1959, MA1 75 5/5/68, ANZ Wellington.
[274] Secretary, Maori Affairs, to Army Secretary, 4 August 1959, MA1 75 5/5/68, ANZ Wellington.

Europeans also leased three of the blocks required by the Army. As detailed in Table 8, two of the leases were held by the Forest Land Company. All three of the leases expired in 1956, when steps were being taken to acquire the various lands.

Block	Owner and Lessee	Area
Oruamatua Kaimanawa 2B1	Maori land – leased to H.A. Anderson (21 years from 25 May 1935)	3,000a 0r 00p
Oruamatua Kaimanawa 2E	General land – leased to Forest Land Company (50 years from 1 May 1906)	3,282a 0r 00p
Oruamatua Kaimanawa 2O	Maori land – leased to Forest Land Company (50 years from 1 May 1906)	1,695a 2r 00p

Table 8: Leases held over lands required for the extension of Waiouru training ground, 1949[275]

By 1961, when the acquisition of the lands was finalised, European leasehold interests appear to have been limited to two unregistered leases over the Maori-owned blocks Oruamatua Kaimanawa 20 and 2Q1:

Block	Owner and Lessee	Area
Oruamatua Kaimanawa 2O	Maori land – leased to Forest Land Company	1,695a 2r 00p
Oruamatua Kaimanawa 2Q1	Maori land – leased to Ohinewairua Station	1,516a 0r 00p

Table 9: Leases held over lands required for the extension of Waiouru training ground, 1961[276]

European interests in the lands that the Army wished to secure were dominated by the holdings of the Forest Land Company and Tussock Land Company, which were part of a partnership that operated a large farm known as Ohinewairua Station. Within the area required by the Army, the two companies held 8,029 acres 2 roods of freehold land as well as leasehold interests. Ohinewairua Station also farmed an adjacent area of about 11,000 acres.[277]

As noted above, action to acquire the various additional lands proceeded in May 1950.[278] On 6 June 1950, the Commissioner of Works instructed the District Engineer to meet with the Maori owners and to also arrange for the purchase of the European-owned lands. The Commissioner evidently believed that these lands, which were not held in multiple ownership like the Maori blocks, could be acquired by negotiated purchase without recourse to the compulsory taking provisions of the Public Works Act.

In October and September 1950, the Public Works Department's Land Purchase Officer corresponded with the European owners, advising of the Crown's interest in their land and asking the price at which they would be willing to sell.[279]

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[275] Land Purchase Officer to District Officer, Valuation Department, 8 July 1953, AATC 5114 W3457 400 50/0, ANZ Wellington.
[276] Branch Manager, Valuation Department, to District Commissioner of Works, 11 July 1961, AAQB W3950 104 23/406/1 part 2, Waiouru military camp, 1958-1973, ANZ Wellington.
[277] Army Secretary to Director General, Lands and Survey, 18 April 1961, AAQB W3950 104 23/406/1/8 part 1, Waiouru Military Camp – land taken for defence, Ohinewairua station claim, Forest Land Company Limited, and Tussock Land Company, also Maori lands, 1960-1975, ANZ Wellington.
[278] Army Secretary to Commissioner of Works, 25 May 1950, AAQB W3950 104 23/406/1 part 1, ANZ Wellington.
[279] Land Purchase Officer to Secretary, Forest Land Company, 12 September 1950, AATC 5114 W3457 400 50/0, ANZ Wellington. Land Purchase Officer to Secretary, Tussock Land Company, 13 September 1950, AATC 5114 W3457 400 50/0, ANZ Wellington. Land Purchase Officer to Marshall, Izard, and Wilson, 30 October 1950, AATC 5114 W3457 400 50/0, ANZ Wellington.

Oruamatua Kaimanawa 2P and 3B – Forest Land Company and Tussock Land Company

In response to the Land Purchase Officer's initial communication, the Forest Land Company and Tussock Land Company indicated that they were prepared to sell Oruamatua Kaimanawa 2P and 3B, but made it clear that they would seek substantial payment. On 13 October 1950, the companies' solicitors advised that their clients would accept 25 shillings an acre for their freehold land and also expected to be compensated for injurious affection to their remaining lands. They stated that the acquisition of the freehold and leasehold interests would 'seriously interfere' with the running of Ohinewairua Station:

> Land of this description to be farmed properly must be farmed in large areas, and this proposed serious reduction of our area will completely upset the balance of the farm generally, so that the land remaining to us will not be able to be farmed in any like so profitable a manner in proportion as we are farming today.[280]

Following this initial communication, the Public Works Department made no move to progress negotiations with the Forest Land Company and Tussock Land Company. Instead, it focussed primarily on the acquisition of the Maori land, which comprised the bulk of the area required for the training ground extension. This delay caused some frustration, and on 8 February 1851 the companies' solicitors wrote to the Land Purchase Officer, asking if a proposed special valuation had been carried out. The solicitors advised that the land acquisition was important from 'a stocking point of view' and that their clients wanted definite information as soon as possible.[281] Towards the end of the year, the Land Purchase Officer informed the solicitors that no definite decision had been made to acquire the companies' lands and he suggested that the Station should continue farming the land normally.[282]

On 10 March 1953, as detailed above, Cabinet approved the purchase of the required lands at the increased price of £14,040.[283] After this decision had been made, the Commissioner of Works advised the District Commissioner of Works that negotiations with the Forest Land Company and Tussock Land Company could proceed.[284] However, the Commissioner indicated that lengthy negotiations with the owners of Ohinewairua Station should not be entered into unless clear progress was being made with the acquisition of the Maori lands. The Commissioner stated that, until such time, any action regarding the companies' land might be premature unless an agreement could be reached at or near the valuation of these lands.

Around the beginning of 1953, as noted earlier, the Army was carrying out artillery training on some of the Maori lands that it sought to acquire. These training exercises gave rise to complaints from the owners and staff of Ohinewairua Station, who claimed that shells were passing over some of the Station land. In February, 1953, the owner's solicitors advised the Public Works Department's Land Purchase Officer that shells were flying overhead, making farming operations dangerous.[285] They asked whether a definite decision had been made about

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[280] McCulloch, Butler, and Spence to Land Purchase Officer, 13 October 1951, AATC 5114 W3457 400 50/0, ANZ Wellington.
[281] McCulloch, Butler, and Spence to Land Purchase Officer, 8 February 1951, AATC 5114 W3457 400 50/0, ANZ Wellington.
[282] Land Purchase Officer to McCulloch, Butler, and Spence, 26 November 1951, AAQB W3950 104 23/406/1 part 1, ANZ Wellington.
[283] Secretary of Cabinet to Minister of Defence, 10 March 1953, MA1 75 5/5/68, ANZ Wellington.
[284] Commissioner of Works to District Commissioner of Works, 25 March 1953, AAQB W3950 104 23/406/1 part 1, ANZ Wellington.
[285] McCulloch, Butler, and Spence to Land Purchase Officer, 12 February 1953, AAQB W3950 104 23/406/1 part 1, ANZ Wellington.

the acquisition of the Station land. If the land was not to be purchased, the solicitors requested the Land Purchase Officer to take steps to ensure that no military operations take place within or across the Station land.

In May 1953, further complaints were made about shelling and the disruption this was causing to farming operations on Ohinewairua Station.[286] Commenting on the claims, Defence Headquarters believed it was unlikely that any shells had 'trespassed' and instead thought it was likely that the Station's sheep had wandered owing to a lack of fencing.[287] It appears that at some point around this time, the Army unsuccessfully sought to acquire shooting rights from the Station's owners. In June 1953, the Quarter-Master General informed the Commissioner of Works that difficulties in carrying out artillery training were being experienced because it had not been possible to obtain shooting rights from the European owners. He therefore requested that the Crown secure ownership of the European land.[288]

By October 1953, Public Works Department officials and solicitors acting for the owners of Ohinewairua Station were communicating about the purchase of Oruamatua Kaimanawa 2P and 3B.[289] Around mid-December 1953, the valuer representing the Forest Land Company and Tussock Land Company advised that the owners would be claiming £15,000 for the freehold land and £5,000 for injurious affection to the other Station lands.[290] He also suggested that the Army might instead look to acquire a different area of land – a proposal that Defence Headquarters rejected.[291]

In March 1954, the owners broke off negotiations. It appears that they had become frustrated with the lack of progress. On 3 March 1954, the owners' solicitors wrote to the Land Purchase Officer:

> It is now almost 3½ years since your initial approach was made, and the parties for whom we act have suffered considerable monetary loss, as a result of the uncertainty and delay in this matter. It becomes necessary to put an end to this.
>
> Accordingly we are instructed to, and do hereby, break off all negotiations for the proposed sale of this land as from this date, and notify you that the parties for whom we act do not wish to dispose of their lands or there rights therein and will not consent to do so.[292]

The Public Works Department did not attempt to encourage the owners to re-enter negotiations. Writing on 21 December 1954, the District Commissioner of Works advised the Commissioner of Works that there was no good purpose in approaching the Station owners without a definite

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[286] McCulloch, Butler, and Spence to McCulloch, Butler, and Spence, 18 May 1953, AATC 5114 W3457 400 50/0, ANZ Wellington.
[287] Hawkins, 22 May 1953, minute on McCulloch, Butler, and Spence to McCulloch, Butler, and Spence, 18 May 1953, AATC 5114 W3457 400 50/0, ANZ Wellington.
[288] Quarter-Master General to Commissioner of Works, 16 June 1953, AAQB W3950 104 23/406/1 part 1, ANZ Wellington.
[289] See, for example, McCulloch, Butler, and Spence to District Land Purchase Officer, 15 October 1953.
[290] Commissioner of Works to District Commissioner of Works, 15 December 1953, AAQB W3950 104 23/406/1 part 1, ANZ Wellington.
[291] Quarter-Master General to Commissioner of Works, 21 December 1953, AAQB W3950 104 23/406/1 part 1, ANZ Wellington.
[292] McCulloch, Butler, and Spence to Land Purchase Officer, 3 March 1954, AAQB W3950 104 23/406/1 part 1, ANZ Wellington.

offer.[293] He commented that it would take some time to prepare such an offer, noting that there was a discrepancy between the owners' offer and the special Government valuation.

Early in 1956, Defence Headquarters was pressing for the required Maori and European lands to be purchased. On 27 February 1956, the Commissioner of Works wrote to the District Commissioner of Works, advising that Defence Headquarters was calling for the acquisitions to be progressed.[294] He requested the District Commissioner to arrange for the purchase of Oruamatua Kaimanawa 2E (owned by D.E. Christie and A.G.H. Marshall), but thought that negotiations concerning the Ohinewairua Station lands should continue to be deferred until the Maori lands had been dealt with. The Commissioner stated that:

> . . . it may be advisable to defer any further negotiations with them [Forest Land Company and Tussock Land Company] until the result of the offers to the Maori owners is known, having regard to the fact that these companies are claiming a very much higher price than the special Government valuation of the land on which the offers to the Maoris are based.[295]

It seems that the Commissioner believed that a settlement with the owners of Ohinewairua Station might undermine efforts to secure the Maori lands at a price equal to the special Government valuation.

No attempt was made to reopen purchase negotiations with the Station owners and, as detailed below, the two blocks, Ohinewairua 2P and 3B, were taken under the Public Works Act at the same time as the Maori-owned blocks. Writing on 3 December 1957, the Commissioner of Works suggested to the Army Secretary that if the Maori lands were to be secured under the Public Works Act the Ohinewairua Station lands should be included.[296]

Oruamatua Kaimanawa 2E – D.E. Christie and A.G.H. Marshall

As with the lands held by the Forest Land Company and Tussock Land Company, the Public Works Department did not push to acquire Oruamatua Kaimanawa 2E and instead waited for progress to be made with the acquisition of the Maori lands. Efforts to purchase the block appears to have begun sometime in 1956, after Defence Headquarters began pressing the Public Works Department to secure the various lands that the Army required for the extension of the Waiouru training ground. As noted above, the Commissioner of Works, in this letter of 27 February 1956, requested that Oruamatua Kaimanawa 2E purchased.[297]

On 11 February 1958, solicitors representing the owners of Oruamatua Kaimanawa 2E advised the District Commissioner of Works that their clients were prepared to sell the land at the current Government valuation, which was £1,600.[298] The District Land Purchase Officer

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[293] District Commissioner of Works to Commissioner of Works, 16 November 1953, AAQB W3950 104 23/406/1 part 1, ANZ Wellington.
[293] Commissioner of Works to District Commissioner of Works, 21 December 1954, AAQB W3950 104 23/406/1 part 1, ANZ Wellington.
[294] Commissioner of Works to District Commissioner of Works, 27 February 1956, AATC 5114 W3457 400 50/0, ANZ Wellington.
[295] Ibid.
[296] Commissioner of Works to Army Secretary, 3 December 1957, AAQB W3950 104 23/406/1 part 1, ANZ Wellington.
[297] Commissioner of Works to District Commissioner of Works, 27 February 1956, AATC 5114 W3457 400 50/0, ANZ Wellington.
[298] Duncan, Cotterill and Co to District Commissioner of Works, 11 February 1958, W 1 706 23/406/1/7, Defence Works and Buildings – Waiouru Military Camp – Compensation Claim – DE Christie and CSH Marshall, 1958-1959, ANZ Wellington.

recommended that a settlement based on this offer be approved.[299] In his report, he noted that the Government valuation was several years old, but he did not believe that the value had changed. In January 1959, Defence Headquarters approved the settlement, and on 12 May 1959 Oruamatua Kaimanawa 2E was formally taken for defence purposes by a proclamation issued under the Public Works Act 1928.[300]

The 1961 compulsory acquisition

With the exception of Oruamatua Kaimanawa 2E, which was purchased by negotiation, all of the lands that the Army wished to secure for the training ground extension were acquired under the compulsory taking provisions of the Public Works Act 1928.

Notification

The issuing of a proclamation under the 1928 Act did not proceed quickly. On 6 May 1960, the District Commissioner of Works wrote to the District Officer of the Department of Maori Affairs, requesting the owners' names and addresses, explaining that the Minister of Maori Affairs had directed that the notice of intention to take should be given the widest possible publicity.[301] Noting that the Public Works Act did not require notice to be given for defence takings, the District Commissioner stated that the Minister believed that such notice would be 'diplomatic'.

On 19 July 1960, a notice of intention to take the various lands was signed by the Minister of Works on 19 July 1960.[302] The notice detailed that the land was to be taken under the provisions of the Public Works Act 1928. It also stated that plans of the required land were available for inspection at the Waiouru post office and that all objections were to be made in writing to the Minister of Works within 40 days of the publication of the notice. On 17 August 1960, the Commissioner of Works wrote to the advertising office of the Government Tourist and Publicity Department, requesting that copies of the notice be printed in local papers.[303] Copies of the notice were posted to 112 Maori owners, all of those whose addresses were known.[304] (The schedules of owners' names and addresses that were provided by the Maori Affairs Department showed that a large number of owners were deceased and without successors, and also that the addresses of many of the living owners were unknown.[305]) Notices were also sent to the Forest Land Company and Tussock Land Company in respect of Oruamatua Kaimanawa 2P and 3B.[306]

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[299] Assistant Land Purchase Officer and District Land Purchase Officer to District Commissioner of Works, 25 March 1958, W 1 706 23/406/1/7, ANZ Wellington.
[300] Quartermaster General to Commissioner of Works, 30 January 1959, 25 March 1958, W 1 706 23/406/1/7, ANZ Wellington. *New Zealand Gazette*, 1959, p 611.
[301] District Commissioner of Works to District Officer, 6 May 1960, AATC 5114 W3457 400 50/0, ANZ Wellington.
[302] *New Zealand Gazette*, 1960, p 1166.
[303] Commissioner of Works to clerk in charge, Government Tourist and Publicity Department, 17 August 1960, AAQB W3950 104 23/406/1 part 2, ANZ Wellington.
[304] District Commissioner of Works to District Officer, 8 September 1960, AAQB W3950 104 23/406/1 part 2; list of posted notices of intention to take, AAQB W3950 104 23/406/1 part 2, ANZ Wellington.
[305] Schedules of owners' details, AAQB W3950 104 23/406/1 part 2, ANZ Wellington.
[306] List of posted notices of intention to take, AAQB W3950 104 23/406/1 part 2, ANZ Wellington.

Objections

One Maori owner made a formal objection to the proposed taking. On 29 September 1960, the Taihape manager of Dalgety and Company wrote to the Minister of Defence on behalf of Rini Williams (Rini Henare Whale) of Mataroa, who owned almost half of the interests held in Oruamatua Kaimanawa 3F.[307] He stated that Williams considered the land to possess potential for farming. It was asserted that the land, 'easy rolling country', was capable of carrying at least one ewe to the acre. Responding to this letter, the Minister of Works advised that the objection, though sympathetically considered, was not well grounded in terms of the Public Works Act 1928. He explained that Waiouru was the only area in New Zealand where the Army was able to fire its major weapons and that extra land was required to ensure safe firing. The Minister noted that all owners would be entitled to compensation.

The Director of the three companies that operated Ohinewairua Station also lodged an objection in respect of the Station lands. Writing to the Minister of Works on 13 September 1960, W.B. Williams stated that the companies were opposed to productive areas of land being acquired for the training ground extension.[308] He claimed that it was in the national interest for such lands to be developed and used for farming purposes, and he suggested that other lands of negligible agricultural value should instead be acquired. In an accompanying letter, the companies' solicitors reiterated Williams' comments:

> We are informed by our clients that their Station is the last area of land suitable for farming development on the Moawhango River, and that there is a very large area of unoccupied land North from the Station boundaries. This land also adjoins the existing Waiouru Camp area and on the face of it it is hard to understand why farm land should be taken for such purposes as an Artillery Range when other unoccupied areas are available in the immediate vicinity.[309]

Responding to the objection, the Minister of Works again emphasised that Waiouru training ground was the only area in New Zealand where the Army was able to fire major weapons, and he explained that the additional land was required to accommodate artillery firing, the range of which was likely to increase in the future.[310] The Minister further stated that it was not possible to discriminate between productive and unproductive land and that it would not be practical to exclude the Station land as this would restrict training activities. At the conclusion of his response, the Minister noted that the owners of Ohinewairua Station would be entitled to compensation. He also expressed hope that grazing licenses would be available to them.

Around this time, the solicitors that represented the companies that operated Ohinewairua Station were communicating directly with Defence Headquarters regarding the possibility of securing a grazing licence after the lands had been taken. On 12 October 1960, the Army Secretary wrote to the solicitors, advising that Defence Headquarters would authorise grazing licenses, which would be arranged by the Department of Lands & Survey.[311] He noted that the

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[307] Manager, Dalgety and Company Limited, to Minister of Defence, 29 September 1960, AAQB W3950 104 23/406/1 part 2, ANZ Wellington; schedule of owners' details for Oruamatua Kaimanawa 3F, AAQB W3950 104 23/406/1 part 2, ANZ Wellington.
[308] Williams to Minister of Works, 13 September 1960, AAQB W3950 104 23/406/1/8 part 1, Waiouru Military Camp – land taken for defence, Ohinewairua station claim, Forest Land Company Limited, and Tussock Land Company, also Maori lands, 1960-1975, ANZ Wellington.
[309] Nolan and Skeet to Minister of Works, 14 September 1960, AAQB W3950 104 23/406/1/8 part 1, ANZ Wellington.
[310] Minister of Works to Nolan and Skeet, 29 November 1960, AAQB W3950 104 23/406/1/8 part 1, ANZ Wellington.
[311] Army Secretary to Nolan and Skeet, 12 October 1960, AAQB W3950 104 23/406/1/8 part 1, ANZ Wellington.

licenses would be subject to certain restrictive clauses relating, for example, to fencing, Army manoeuvre rights, the control of noxious weeds and pests, and the removal of stock from specific areas upon request.

Proclamation

On 25 January 1961, the District Commissioner of Works wrote to the Commissioner of Works, recommending the signing of a proclamation that would take the additional defence lands under the Public Works Act 1928.[312] Noting that much of the land was Maori owned, the District Commissioner stated that:

> It is of relatively low value and the owners have little interest in it. The Department has been endeavouring since 1950 to purchase the land on behalf of Army Department, but little progress has been made because of the impossibility of arranging meetings of the assembled owners and the fact that the expense of the owners attending such meetings would be out of all proportion to the value of their interests in the land.[313]

The District Commissioner also stated that notification of the intention to take had been given at the request of the Minister. He advised that objections had been submitted by some owners, who had been informed that their objections were not well grounded. It was noted that the acquisition of the lands had been approved by Cabinet on 10 March 1953.

The proclamation was signed by the Governor-General on 7 February 1961.[314] The total area of land taken was 39,551 acres 3 roods 8 perches. This included 29,167 acres 1 rood 8 perches of Maori land. (Owing to discrepancies in the area given for Oruamatua Kaimanawa 3A, 3C, 3D, 3E, and 3F, this figure was about 49 acres less than the total area of Maori land detailed in Table 6.) The proclamation included the two European-owned blocks – Oruamatua Kaimanawa 2P and Oruamatua Kaimanawa 3B, which had a combined area of 8,029 acres 2 roods. The Crown land, Kaimanawa 3B1, an area of 2,355 acres, was also secured by the Army at this time.

Compensation for 1961 taking

After the proclamation was issued, the Public Works Department took steps to settle compensation and arranged for the taken lands to be valued. On 11 July 1961, the Valuation Department reported to the District Commissioner of Works, setting out the values of the various lands.[315] The report included comments made by the District Valuer, L.N. Fletcher, who had carried out the valuation assessment. The District Valuer observed that all the lands were without physical access, being between three to nine miles from the nearest road 'as the crow flies'. Stating that the land was mostly above 3,000 feet, he stated that the only improvements were a length of very old fencing and some pasture development resulting from stocking and introduced weeds and grasses on some of the better tussock areas. The District Valuer claimed that the best land was some areas of high, cold tussock county, which provided summer grazing at the rate of about one dry sheep to eight or ten acres.

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[312] District Commissioner of Works to Commissioner of Works, 25 January 1961, AAQB W3950 104 23/406/1 part 2, ANZ Wellington.
[313] Ibid.
[314] *New Zealand Gazette*, 1961, pp 315-316. The proclamation notice included an error, corrected by a later erratum notice, *New Zealand Gazette*, 1961, p 445.
[315] Branch Manager, Valuation Department, to District Commissioner of Works, 11 July 1961, AAQB W3950 104 23/406/1 part 2, ANZ Wellington.

Maori lands

The Maori Land Court assessed compensation for the taken Maori lands at a hearing held in Wanganui on 6 October 1961.[316] Notice of the hearing had been sent to all owners whose addresses were known.[317] The application was presented to the Court by J.E. Harris, the Ministry of Works' Land Purchase Officer. Harris asked the Court to award compensation in line with values recently assessed by special government valuation. The Court heard from three owners: Te Harawira Downs, Hukutioterangi Whakatihi, and Henry Hartley. Each of these owners stated that they had not visited the blocks in which they possessed interests. Hartley thought that Oruamatua Kaimanawa might be worth £1 an acre, but admitted to having 'no evidence of value.'

The Court then heard from Fletcher, the District Valuer. Fletcher told the Court that most of the land was generally 'high tussock country with no physical access.' He acknowledged that the land had been improved by stocking, but noted that the greater part had never been leased. Fletcher told the Court that there had been two recent purchases, which his values reflected. He stated that he had determined the land to possess the minimum possible value given for land, 2s 6d an acre. This value was increased in cases where the land had been grazed. The values determined by Fletcher were, in some case, slightly greater than those of the special government valuation that had been carried out in 1953.[318]

Noting that no alternative valuations had been provided, the Court awarded compensation in accordance with the special government valuations, accepting these to be 'fair valuations of the interests of the owners':

Block	**Compensation (£)**
Oruamatua Kaimanawa 2A	360
Oruamatua Kaimanawa 2B1	1,200
Oruamatua Kaimanawa 2B2	400
Oruamatua Kaimanawa 2C1	100
Oruamatua Kaimanawa 2O	975
Oruamatua Kaimanawa 2Q1	750
Oruamatua Kaimanawa 2Q2	75
Oruamatua Kaimanawa 3A	280
Oruamatua Kaimanawa 3C	550
Oruamatua Kaimanawa 3D	580
Oruamatua Kaimanawa 3E	2,150
Oruamatua Kaimanawa 3F	1,115
Rangipo Waiu 2B1A	45
Rangipo Waiu 2B1B	40
Rangipo Waiu 2B1C	65
Rangipo Waiu 2B1D	95
Rangipo Waiu 2B1E	50
Rangipo Waiu 2B2	125
Rangipo Waiu 2B3	140
Rangipo Waiu 2B4	80
Total	**£9,195**

Table 10: Compensation awarded for Maori lands taken in 1961

316 Wanganui minute book 125, 6 October 1961, pp 232-234.
317 Land Purchase Officer to Judge, Maori Land Court, 6 October 1961, AAQB W3950 104 23/406/1 part 2, ANZ Wellington.
318 Commissioner of Works to Army Secretary, 21 January 1953, AAQB W3950 104 23/406/1 part 1, ANZ Wellington.

The Court ordered that the compensation be paid to the Maori Trustee for distribution to the owners. The Trustee's commission was to be met by the owners because the Crown was deemed to be paying 'full value'. On 26 February 1962, Cabinet approved expenditure for the compensation award.[319] The compensation payment was forwarded to the Maori Land Court in Wanganui on 12 March 1962.[320] Interest from the date of taking was not added to the Court's award.

European lands

The compensation settlement concerning the lands taken from Forest Land Limited and Tussock Land Limited included arrangements for the issue of a grazing licence. Prior to the taking, as detailed above, Defence Headquarters assured the companies' solicitors that a grazing licence would be authorised.[321]

Communication on the matter continued after the proclamation was issued. In a letter written to the Army Secretary on 15 May 1961, the companies' solicitors advised that their clients were anxious to minimise their losses and were therefore more interested in farming the land than obtaining the maximum amount of compensation from the Crown.[322] They stated that their clients thought that some of the loss of taking could be reduced if Ohinewairua Station was able to obtain a license from the Crown that would enable it to farm the land 'in a practical manner'. The solicitors noted that the Station manager had met the Camp Commandant and that, from these discussions, it was evident that the Army's use of the land would be intermittent, except in the event of a national emergency. They therefore sought negotiations to settle the compensation claim and the future use of the land – matters that they believed could not be separated.

Negotiations proceeded, with Defence Headquarters requesting the Department of Lands and Survey to assist in the arrangement of a grazing licence. Writing to the Director General of Lands on 18 April 1961, the Army Secretary advised that the Army wished to arrange grazing licences over as much of the taken land as possible.[323] By September 1961, Ohinewairua Station representatives and Public Works Department officials had agreed that compensation for the taking of the freehold lands owned by the Forest Land Company and Tussock Land Company would be fixed at the Government valuation.[324] However, further negotiations were required in respect of the terms of the lease.[325]

By March 1962, the area proposed for leasing had been agreed upon.[326] The lease would cover an area of approximately 10,000 acres. As shown in Figure 5 and detailed in Table 11, this area included not only some of the freehold land that had been owned by the Forest Land Company

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[319] Secretary of Cabinet to Minister of Defence, 26 February 1962, AAQB W3950 104 23/406/1 part 2, ANZ Wellington.
[320] District Commissioner of Works to Registrar, Maori Land Court, 12 March 1962, AAQB W3950 104 23/406/1 part 2, ANZ Wellington.
[321] Army Secretary to Nolan and Skeet, 12 October 1960, AAQB W3950 104 23/406/1/8 part 1, ANZ Wellington.
[322] Nolan and Skeet to Army Secretary, 15 May 1961, AAQB W3950 104 23/406/1/8 part 1, ANZ Wellington.
[323] Army Secretary to Director General, Lands and Survey, 18 April 1961, AAQB W3950 104 23/406/1/8 part 1, ANZ Wellington.
[324] Commissioner of Works to Nolan and Skeet, 8 September 1961, AAQB W3950 104 23/406/1/8 part 1, ANZ Wellington.
[325] Commissioner of Works to Nolan and Skeet, 8 September 1961, AAQB W3950 104 23/406/1/8 part 1, ANZ Wellington.
[326] Commissioner of Crown Lands to Commissioner of Works, 20 March 1962, AAQB W3950 104 23/406/1/8 part 1, ANZ Wellington.

and Tussock Land Company, but also lands that had been taken from Maori and part of the block that had been owned by D.E. Christie and A.G.H. Marshall. Ohinewairua Station had formerly occupied some of this land under lease arrangements.

Figure 5: Ohinewairua Station lease area[327]

Block	Ownership at time of 1961 taking and leasing arrangements	Extent of inclusion in lease
Oruamatua Kaimanawa 2E	Crown land that had been purchased from D.E. Christie and A.G.H. Marshall in 1959; lease to Forest Land Company expired in 1956	Partially
Oruamatua Kaimanawa 2O	Maori land, unregistered lease held by Forest Land Company at time of taking	Wholly
Oruamatua Kaimanawa 2P	General land owned by Forest Land Company	Wholly
Oruamatua Kaimanawa 2Q1	Maori land; unregistered lease held by Ohinewairua Station at time of taking	
Oruamatua Kaimanawa 2Q2	Maori land	Partially
Oruamatua Kaimanawa 3B	General land owned by Tussock Land Company	Partially
Oruamatua Kaimanawa 3E	Maori land	Partially
Oruamatua Kaimanawa 3F	Maori land	Partially

Table 11: Lands wholly or partially included within Ohinewairua Station lease area

Progress towards finalising the terms of the proposed lease was unsteady and it was not until August 1963 that an agreement was finally reached.[328] The delay largely resulted from the need of Defence Headquarters and the Department and Lands and Survey to consider how much rent

[327] Reference map: map entitled 'Army land leased to Ohinewairua Station Ltd', in ABFK 7291 W4776 33 204/232/10 part 1, Rifle Ranges General Policy – Waiouru Camp Rifle Range – Ohinewairua Station, 1961-1980, ANZ Wellington.
[328] Nolan Skeet to District Commissioner of Works, 23 August 1963, AAQB W3950 104 23/406/1/8 part 1, ANZ Wellington. Land Purchase Officer to District Commissioner of Works, 28 August 1963, AAQB W3950 104 23/406/1/8 part 1, ANZ Wellington.

should be paid and whether the land would be liable to rates.[329] The terms of the lease were negotiated after these matters had been considered.[330]

The compensation settlement with the Forest Land Company and Tussock Land Company provided for the payment of £3,800 for the freehold of Oruamatua Kaimanawa 2P and 3B, plus interest from the date of proclamation.[331] This amount was in accordance with the special Government valuation that had been carried out on 11 July 1961. In respect of the lease, Ohinewairua Station would pay an annual rental of £200 for the 10,000 acre area. This equated to four percent of the capital value of the land. However, rent was typically calculated to equate to five percent of capital value. The low rental was set in recognition of the Army's right to occupy the land. The term of the lease was 10 years, commencing from the date of proclamation.

Like the other leases concerning defence lands at Waiouru, the Ohinewairua Station lease included a number of special conditions and restrictions. The Crown possessed the right to give the occupier 10 days notice to remove livestock from all or part of the leased area, though stock could not be excluded from the whole property for more than four months in any calendar year.[332] The Army reserved the right to enter upon the land at any time. Also, the occupier was unable to erect new fencing or cultivate the land without the consent of the Army. However, the Army was to pay rabbiting costs and the occupier was not liable for payment of local body rates.

The grazing license was duly executed. However, the Army's use of the area appears to have significantly limited the extent to which the Station was able to develop and utilise the leased land. In December 1964, Station representatives claimed that much of the area had been rendered useless because Army vehicles had wrecked fences and because of the danger of unexploded shells.[333] As a result, the Station had largely abandoned development proposals within the lease area. Nevertheless, at the end of the 10 year term, the lease was renewed for a further 10 years, dating from 1 July 1971.[334]

Conclusion

As with the earlier takings, the Army's call from the late 1940s for the acquisition of further lands for an extension of Waiouru training ground seems to have been accepted without much scrutiny. Once again, the Army sought the full title of the lands it required. In November 1949, the Army Secretary reasoned that full title needed to be acquired to eliminate potential claims for injury to stock and damage to the land. Though the Army described its need for additional land in rather general terms, there was no independent assessment of the Army's requirements and whether alternatives to the acquisition of full title might have been appropriate. Nevertheless, in March 1953, Cabinet approved the plan to secure all of the lands identified by the Army.

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329 Minister of Public Works to Nolan Skeet 26 February 1963, AAQB W3950 104 23/406/1/8 part 1, ANZ Wellington.
330 See, for example, District Commissioner of Works to Commissioner of Works, 24 June 1963, AAQB W3950 104 23/406/1/8 part 1, ANZ Wellington.
331 Land Purchase Officer to District Commissioner of Works, 28 August 1963, AAQB W3950 104 23/406/1/8 part 1, ANZ Wellington.
332 Land Settlement Board, grazing license application, case no. 63/399, AANS 6095 W5491 389 6/11/178, ANZ Wellington.
333 File note, minutes of meeting held in Napier on 14 December 1964, AAQB W3950 104 23/406/1 part 2, ANZ Wellington.
334 Commissioner of Crown Lands to Army Secretary, 21 June 1971, ABFK 7291 W4776 33 204/232/10 part 1, ANZ Wellington.

The steps that preceded the acquisition of the lands in 1959 and 1961 indicate a shift in policies concerning how lands required for public works purposes should be secured. Compared with the earlier takings, considerably greater emphasis was placed on acquiring the land by negotiation rather than by simply following the compulsory taking provisions of the Public Works Act. The relative lack of urgency that existed during peace time no doubt made such an approach feasible. The acquisition of the lands was significantly delayed while efforts were made to reach an agreement with the owners. In the case of the Maori land, the Public Works Department was from the outset pessimistic about the prospect of securing these lands by negotiation. However, the Department waited while the Maori Affairs Department sought the owners' agreement. The Maori Affairs Department and Minister of Maori Affairs believed that consultation with the owners was necessary given the large area of land and the number of owners involved.

The initial efforts of the Maori Affairs Department focussed on the possibility of an exchange, which had been suggested by owners at a meeting with the District Engineer in September 1950. By the end of 1952, the prospect of an exchange faded, all investigations undertaken by the Department of Lands and Survey having established that no suitable Crown lands were available. It may be that greater flexibility could have been shown to accommodate an exchange, particularly as such a large area of Maori land was sought for the training ground extension. Without specific requirements to take account of Maori interests, it appears that the Lands and Survey Department would always have determined that Crown land was needed for a more important purpose than exchange with Maori owners.

Between 1953 and 1957,. the Maori Affairs Department unsuccessfully attempted to arrange the purchase of the required Maori lands. The Department faced the difficultly of having to deal with a large number of owners whose interests were typically small. It seems that some owners felt that attendance at meetings was unjustified because they would individually be entitled to only a small sum of purchase money. Locating owners also seems to have been problematic, as were title issues and the need for successors to be appointed. All of these difficulties stemmed from the form of title that had been created for Maori through the Native Land Court. As noted in chapter one, it was not until 1974 that legislation was enacted to enable Maori land required for public works to be more easily purchased by negotiation. Late in 1957, the Secretary of Maori Affairs advised the Public Works Department to proceed with compulsory acquisition, noting that such action was 'contrary to normal Government policy'.

While the Maori Affairs Department was dealing with the Maori lands, the Public Works Department reached an agreement with the owners of one of the three European-owned blocks required for the training ground extension. This land was formally taken in May 1959. The Department was, however, unable to negotiate an agreement with the owners of the other two European blocks, which were part of Ohinewairua Station. These blocks were taken alongside the Maori lands in February 1961. Prior to the taking, the Public Works Department received and dismissed objections made by the station owners and by one Maori owner. However, Defence Headquarters, advised the station owners that they would be able to secure a grazing licence over training ground land after the taking was completed.

The determination of compensation for the Maori lands taken in 1961 involved similar issues to those arising from the 1942 taking of Maori land. While some owners were present at the Native Land Court compensation hearing, the owners' interests were not comprehensively represented. In particular, no valuation information had been obtained to contest the Government valuation that the Public Works Department put before the Court. Once again, multiple ownership presented a problem. Arranging and paying for Court representation and a valuation would have been difficult when there was a large number of owners who mostly held small interests. The

presence of some owners at the hearing possibly reflected the fact that many owners had been notified of the intention to take the land.

Compensation for the two European blocks taken in 1961 was negotiated directly with the owners. Both the Public Works Department and Defence Headquarters were involved in the these negotiations. The willingness to issue a grazing licence over 10,000 acres of the recently taken land perhaps reflects the strength with which the Ohinewairua Station had lobbied against the taking. It also probably indicates a certain sympathy with claims that the Station made about the economic impact of the taking as well as a desire to avoid drawn-out negotiations or Court proceedings. It seems unlikely that there would have been much concern as to how the taking would affect the Maori owners. Prior to the taking, both Defence and Public Works officials observed that that the Maori land was of little economic value and not much used by the owners.

It is notable that the land that was leased to the station included areas that had not been taken from the station. A significantly proportion of the land had been in Maori ownership prior to the 1961 taking. One of blocks taken from Maori, Oruamatua Kaimanawa 2O, was wholly included in the leased area. It might be argued that the issuing of the grazing licence was insensitive to the former owners, who may have been confused as to why lands taken from them for defence purposes were being occupied by the station. The extent to which former owners were aware of the situation is unclear. The Ohinewairua Station lease again raises questions regarding the extent to which the Army needed the land that was taken and whether an alternative to the acquisition of full title might have been appropriate. Evidence suggests that the Army, initially at least, made considerable use of the leased area, to the extent that it limited the station's ability to utilise the land.

Chapter Six: Taking of Maori and European land for an extension of Waiouru Training Ground, 1973

Introduction

This chapter examines the taking of land for a further extension of Waiouru training ground in 1973. The acquisition was largely connected with the construction of the Tongariro Power Scheme, part of which was formed on the land that had been taken in November 1939, when the training ground was established. The scheme limited the Army's use of some of this area, prompting it to acquire new lands to compensate for the ground that it had lost.

Initially, when the scheme was being built, the Army sought temporary use rights over certain lands lying along the northern and eastern boundary of the existing training ground. It secured firing rights over an area belonging to Ohinewairua Station, securing a 10 year grant that dated from 1 January 1966. The Army also looked to acquire similar rights over certain Maori lands, various subdivisions of Rangipo North and Kaimanawa blocks. Though it obtained the approval of two of the principal owners, it did not secure proper, formal authority. Nevertheless, it appears to have carried out training exercises on these lands for many years.

As construction of the scheme progressed, the Army became more certain as to how its use of the existing training ground would be compromised. In early 1971, the Camp Commandant recommended the acquisition of several blocks lying to the northeast of the training ground. In September 1971, the Minister of Defence wrote to the Minister of Works, requesting assistance to secure the various lands. Owing to opposition from one European owner, the acquisition of the lands was drawn out. In November 1973, the lands were eventually taken by a proclamation issued under the Public Works Act 1928. The various lands taken are detailed in Table 12. A total area of 24,224 acres was taken, being 16,277 acres 2 roods of European land and 7,946 acres 2 roods of Maori land.

Block	Owners	Area
Oruamatua Kaimanawa 1X	European	16,277a 2r 00p
Oruamatua Kaimanawa 2C2	Maori	1570a 0r 00p
Oruamatua Kaimanawa 2C3	Maori	1571a 2r 00p
Oruamatua Kaimanawa 2C4	Maori	1353a 0r 00p
Oruamatua Kaimanawa 4	Maori	3452a 0r 00p
	Total	**24,224a 0r 00p**

Table 12: Lands taken for extension of Waiouru training ground, November 1973

Compensation for the taking of the European block was settled first. It appears that claims concerning the Maori lands were held back in order await the outcome of this case. After efforts to negotiate a settlement failed, a claim concerning the European land was heard in the Supreme Court in April 1977. The Court found that the owner was entitled to compensation of $92,154.

Settlements concerning the Maori land followed. By this time, the Native Land Court was no longer responsible for determining the amount of compensation payable for Maori lands taken for public works. Late in 1978, the Maori Trustee and Ministry of Works' land purchase officers reached an agreement concerning Oruamatua Kaimanawa 2C3 and 2C4. Compensation of $9,500 was paid for these lands, plus interest from the date of taking and valuation fees. In July 1982, a claim concerning Oruamatua Kaimanawa 4 was heard in the Land Valuation Court. The Court assessed that at the time of taking the value of the land and an airstrip upon it was

$25,000. In addition to the land value, the owners were paid interest and costs. No details have been located regarding a compensation settlement for the taking of Oruamatua Kaimanawa 2C4.

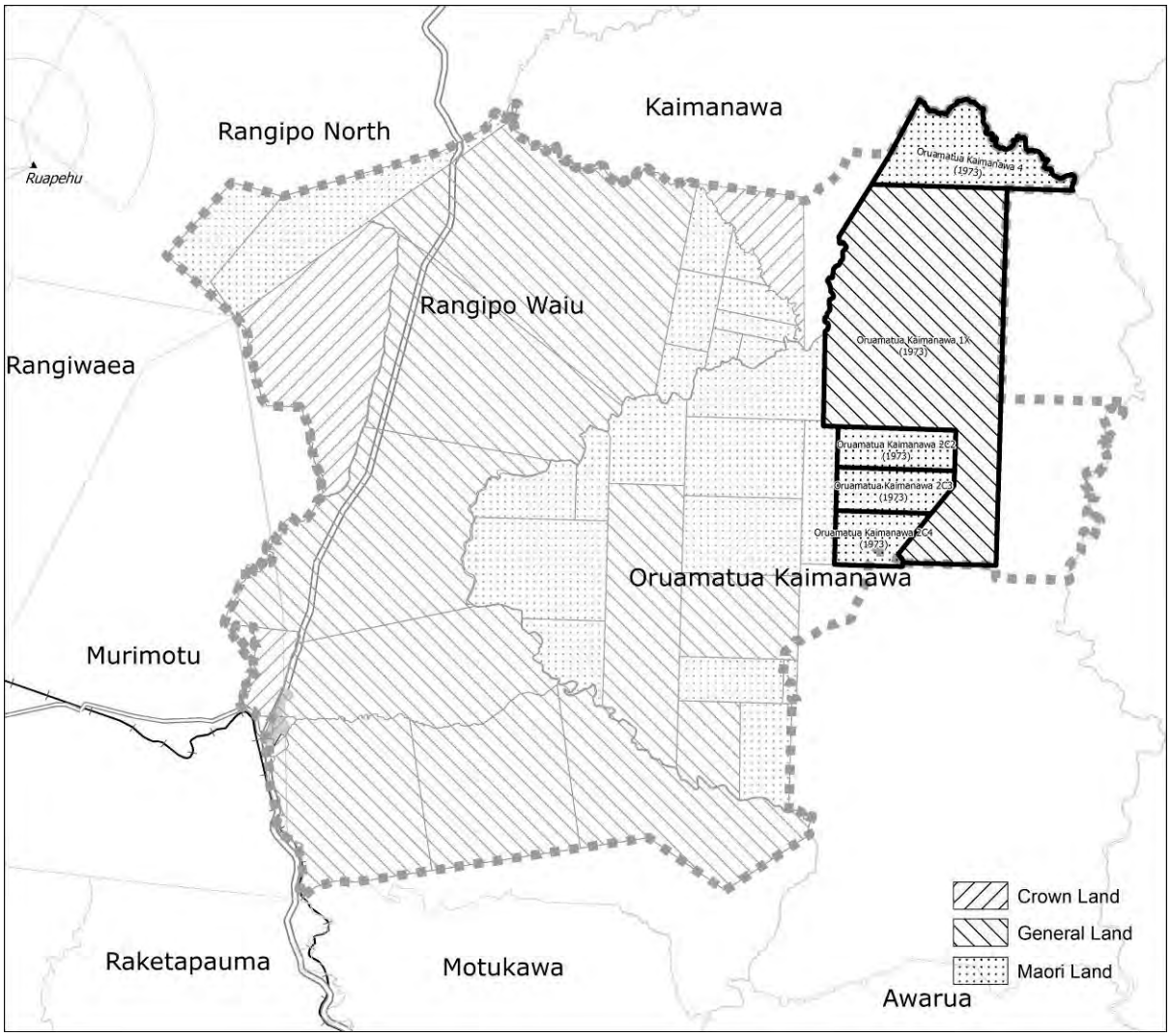

Figure 6: Lands taken in November 1973[335]

Security developments and the New Zealand Army, 1960-1975

In the years leading up to the 1973 taking, New Zealand maintained its post-war security policy of cooperating with other nations on matters of mutual interest, with a firm focus on the Asian region. By 1960, it was evident that future security operations would involve the quick deployment of well-trained troops rather than the raising of a citizen army.[336] Indeed, from this time, there would be no further reliance on amateur forces when New Zealand troops were deployed, though volunteer reserves continued to be trained. In 1965 and 1966, in support of the new Federation of Malaysia, a New Zealand battalion stationed in Malaysia was deployed on Borneo to carry out operations against Indonesia. Also, between 1964 and 1972, New Zealand contributed to the United States-led war effort in Vietnam. Aiming to meet the minimum

[335] Heinz, p 76.
[336] Rolfe, pp 16-19.

expectations of New Zealand's allies, the National Government committed some 3,890 military personal for service in the conflict.[337]

Construction of the Tongariro Power Scheme and Army efforts to secure shooting rights over new lands, 1964-1969

In the mid-1960s, the Army's use of a substantial portion of Waiouru training ground (land that had been taken in 1939) was disturbed by the construction of the Tongariro Power Scheme.[338] Completed in the 1970s, this scheme would draw water from tributaries of the Rangitikei, Whangaehu, Whanganui, and Tongariro Rivers, diverting it through tunnels and canals, with electricity being generated at the Tokaanu and Rangipo Power Stations. Within the Waiouru defence lands, tunnels and aqueducts were built and the Moawhango River was dammed to create Lake Moawhango.

Figure 7: Tongariro Power Development Scheme[339]

Restrictions resulting from the construction of the power scheme prompted the Army to acquire shooting rights over certain lands that lay to the east and to the north of the existing training ground. It seems that there was uncertainty as to how the scheme would affect the Army's long-

[337] McGibbon (ed.), p 563.
[338] In March 1965, the Commissioner of Works advised that access for preliminary work was required immediately and that construction work would begin at the end of the year. Commissioner of Works to Commissioner of Crown Lands, 25 March 1965, AANS 6095 W5491 389 6/11/178, Reserves – General – Waiouru Military Camp & Airfield, 1963-1972, ANZ Wellington.
[339] Te Ara website.

term use of the defence land, and the Army therefore sought only temporary rights over the new areas.[340] On 16 November 1964, the Army Secretary wrote to the Commissioner of Works, requesting that shooting rights urgently be negotiated.[341] He explained that construction work would restrict Army training in the Moawhango area, particularly the firing of live ammunition in tank training. During a subsequent meeting between Army and Ministry of Works' representatives, held at Waiouru in December 1964, it was stated that the firing rights were needed for safety purposes as there was a very small chance of shot landing in the areas.[342]

As well as several blocks of land owned by the companies that operated Ohinewairua Station, a total area of about 6,400 acres, the Army sought temporary rights over various Maori lands. The available evidence is somewhat unclear as to which Maori blocks the Army wished to obtain rights over. Reporting to the Commissioner of Works on 23 December 1964, the District Commissioner of Works stated that the Army sought rights over Maori-owned Oruamatua Kaimanawa 2C2, 2C3, and 2C4 and also Kaimanawa 3B2A and 3B2B.[343] However, later correspondence between the Army's commanding officer at Waiouru and the Department of Maori Affairs indicates that the Maori-owned blocks that the Army wished to obtain rights over were Rangipo North 4C, 5C, 6C, and 7C as well as Kaimanawa 3B2A and 3B2B.[344]

Efforts to obtain the shooting rights initially focussed on the Ohinewairua Station lands. On 23 December 1964, Army staff and Ministry of Works officials met with Station representatives to discuss the proposal.[345] At the outset of the meeting, the Station representatives stated that they would strongly resist any attempt by the Army to take further Station land. They pointed out that the Station had lost a significant area in 1961 and claimed that the 10,000 acres leased from the Army was of little use. The Station representatives explained that the land that the Army was interested in had been purchased for development purposes in 1961 and that significant ploughing and grassing work had since been carried out.

Though opposed to any taking, the Station representatives indicated that they would be prepared to grant firing rights. Accordingly, on 17 December 1964, solicitors representing the owners of the Station wrote to the Minister of Defence, advising that their clients agreed to grant shooting rights for the months of January and February 1965.[346] The solicitors also briefly outlined the Station's past dealings with the Army and reiterated that the owners were strongly opposed to any further land taking. Following further negotiations, the Station owners eventually agreed to

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[340] Commander, Waiouru, to Home Command, 19 February 1971, AD-W 6 W2600 1 1/6 part 3, ANZ Wellington, pp 1-2.
[341] Army Secretary to Commissioner of Works, 16 November 1964, AAQB W3950 104 23/406/1 part 2, ANZ Wellington. The Army Secretary mistakenly stated that it would be necessary to purchase the land at a later point. The position was clarified in subsequent communication between the Army and the Ministry of Works. See, for example, file note, minutes of meeting held at Waiouru on 10 December 1964, AAQB W3950 104 23/406/1 part 2, ANZ Wellington.
[342] File note, minutes of meeting held at Waiouru on 10 December 1964, AAQB W3950 104 23/406/1 part 2, ANZ Wellington.
[343] District Commissioner of Works to Commissioner of Works, 23 December 1964, AAQB W3950 104 23/406/1 part 2, ANZ Wellington.
[344] Colonel, Waiouru Camp, to Cater, Maori Affairs, 13 April 1965, AALJ 7291 W3508 16 203/192/13 part 1, ANZ Wellington. Deputy Registrar to Commanding Officer, Waiouru Camp, 21 April 1965, AALJ 7291 W3508 16 203/192/13 part 1, ANZ Wellington.
[345] File note, minutes of meeting held in Napier on 14 December 1964, AAQB W3950 104 23/406/1 part 2, ANZ Wellington.
[346] Nolan and Skeet to Minister for Defence, 17 December 1964, AAQB W3950 104 23/406/1/8 part 1, ANZ Wellington.

grant rights for a ten year period dating from 1 January 1966.[347] As part of the agreement, the Station was able to purchase the freehold of an adjacent block of Crown land, Oruamatua Kaimanawa 1T, which it had been leasing.[348]

Securing shooting rights over the Maori land proved to be more problematic because of the difficulty of negotiating with a large number of owners. At first, with the assistance of Maori Affairs' Wanganui district office, Army command at Waiouru looked to secure the agreement of certain principal owners.[349] In May and November 1965, two owners with large shareholdings, Pateriki Hura and Wharehau Mateparae, consented to the Army using various Rangipo North and Kaimanawa blocks for training purposes.[350] Under these agreements, the Army was required to compensate the owners for any damages resulting from training operations.

Soon after the consents were obtained, the Army identified that they did not provide a legally recognisable right of entry for the various lands.[351] In order to safeguard against actions being brought against the Army for trespass or compensation for damage, the Army endeavoured to obtain legal rights. Defence Headquarters initially thought that the Public Works Act could be used to secure an easement that would provide shooting rights.[352] However, no such option was available. In a letter written to the District Commissioner of Works in November 1966, the Commissioner of Works observed that 'firing rights' was not defined as a public work in the legislation.[353] The Commissioner noted that, because of the number of owners, it would be difficult to get an easement by way of an agreement. However, he suggested that it might be possible to get a meeting of assembled owners to pass a resolution. He also stated that the Army could be asked to get Cabinet approval for the land to be taken under the Public Works Act.

In the end, neither approach was adopted. Writing to the Deputy Secretary of Defence in December 1966, the Commissioner of Works proposed that the acquisition of firing rights over the Maori lands not be pursued.[354] Again, he noted the difficulty of having to deal with a large number of owners. The Commissioner stated that there was little chance of shells falling on the land and that, if shells did land, compensation for damage would have to be paid whether or not shooting rights had been obtained. The Deputy Secretary of Defence was prepared to agree to this approach, but sought an assurance that the Army would not be liable for trespass, which he believed was a possibility.[355]

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[347] Quartermaster-General to Waiouru Command, 31 March 1969, AALJ 7291 W3508 16 203/192/13 part 1, Waiouru – Land – Army Requirement to Additional Land, Oruamatua, Kaimanawa Blocks; Negotiations Mr N Koreneff and Others, 1970-1972, ANZ Wellington.
[348] 'History of Land Boundaries and Purchases Waiouru Training Area', undated, Annex A to HQ ATG 7805/1 of 3 August 1987, ABFK 7607 W5548 313 7805/B36/1 part 1, ANZ Wellington, p 9.
[349] Colonel, Waiouru Camp, to Cater, Maori Affairs, 13 April 1965, AALJ 7291 W3508 16 203/192/13 part 1, ANZ Wellington. Deputy Registrar to Commanding Officer, Waiouru Camp, 21 April 1965, AALJ 7291 W3508 16 203/192/13 part 1, ANZ Wellington.
[350] Consent signed by Pateriki Hura, 11 May 1965, AALJ 7291 W3508 16 203/192/13 part 1, ANZ Wellington. Consent signed by Wharehau Mataparae, November 1965, AALJ 7291 W3508 16 203/192/13 part 1, ANZ Wellington.
[351] DADQ, minute concerning Waiouru Firing Rights, 16 June 1969, AALJ 7291 W3508 16 203/192/13 part 1, ANZ Wellington.
[352] Deputy Secretary of Defence to Commissioner of Works, 14 September 1966, AAQB W3950 104 23/406/1/8 part 1, ANZ Wellington.
[353] Commissioner of Works to District Commissioner of Works, 2 November 1966, AAQB W3950 104 23/406/1/8 part 1, ANZ Wellington.
[354] Commissioner of Works to Deputy Secretary of Defence, 19 December 1966, AAQB W3950 104 23/406/1/8 part 1, ANZ Wellington.
[355] Deputy Secretary of Defence to Commissioner of Works, 16 January 1967, AAQB W3950 104 23/406/1/8 part 1, ANZ Wellington.

The Ministry of Works did not provide a response to this question in subsequent correspondence, but the matter of shooting rights over the Maori land was briefly discussed again in 1969. Writing to the Army Secretary in June 1969, the Commissioner of Works reiterated his earlier comments regarding the difficulty of reaching an agreement with the Maori owners.[356] He again suggested that no further action be taken, noting that the Army would, in any event, be responsible for any damage. A Defence Headquarters' staff member, whose identify is unclear, recommended that this approach be adopted.[357]

It appears that the Army undertook training exercises on at least some of the Maori lands – Kaimanawa 3B2A and 3B2B – without obtaining the proper consent of the owners. In January 1970, a senior Defence staff member recommended that the Army should continue to use Kaimanawa 3B2A and 3B2B (known as 'Zone Alpha') until these lands were acquired by the New Zealand Forest Service, which was interested in securing the land as an addition to Kaimanawa Forest Park.[358]

In reports prepared in February and March 1971, which discussed the need for the Army to acquire further land, the Commander at Waiouru stated that the Army held a lease over Maori land that lay between the northern boundary and the Waipakihi River.[359] However, no other evidence relating to such a lease has been located and it would seem that the Commander was referring to the two consents obtained from the principal owners, Hura and Mataparae. It is unlikely that the Army would have been able to secure a single lease over multiple blocks owned by different owners. Poananga noted that the area was used mainly for infantry patrol exercise.

The Army continued to use Kaimanawa 3B2A and 3B2B without the proper consent of the Maori owners until at least 1980. In September 1976, a staff member at Defence Headquarters observed that the Army had been carrying out non-firing training on Kaimanawa 3B2A and 3B2B for a number of years without ever having formalised an agreement with the owners.[360] A later report noted that in 1980 the 'vague authority' obtained from the two owners continued to be the sole authority for army training in the area.[361]

Plans to take further land

By 1971, as noted above, Army leadership at Waiouru was examining the need to permanently acquire further lands. In a report prepared for Defence Headquarters on 21 February 1971, the Commander at Waiouru, Colonel Poananga, recommended that acquisition of a large area of land that lay adjacent to the training ground's north-eastern boundary.[362] Poananga explained that the requirement for additional land had evolved mainly from the creation of Lake Moawhango. Though it had initially been thought that firing restrictions in the vicinity of the lake would only cover the period of construction, Poananga stated that it had become clear that the restrictions would be permanent. Further, he claimed that even without the restrictions in

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[356] Commissioner of Works to Army Secretary, 5 June 1969, AALJ 7291 W3508 16 203/192/13 part 1, ANZ Wellington.
[357] Unknown writer, minute, 18 June 1969, on DADQ, minute sheet, 16 June 1969, AALJ 7291 W3508 16 203/192/13 part 1, ANZ Wellington.
[358] ADW2, minute sheet, 23 September 1976, AALJ 7291 W3508 16 203/192/13 part 1, ANZ Wellington.
[359] Commander, Waiouru, to Home Command, 19 February 1971, AD-W 6 W2600 1 1/6 part 3, ANZ Wellington, p 2. Commander, Waiouru, to Home Command, 31 March 1971, AALJ 7291 W3508 16 203/192/13 part 1, ANZ Wellington, p 2.
[360] ADW2, minute sheet, 23 September 1976, AALJ 7291 W3508 16 203/192/13 part 1, ANZ Wellington.
[361] 'History of Land Boundaries and Purchases Waiouru Training Area', undated, Annex A to HQ ATG 7805/1 of 3 August 1987, ABFK 7607 W5548 313 7805/B36/1 part 1, ANZ Wellington, p 9.
[362] Commander, Waiouru, to Home Command, 19 February 1971, AD-W 6 W2600 1 1/6 part 3, ANZ Wellington.

the lake area the training ground was too small to allow tanks to shoot at maximum range without closing most of the training area to other units.

Poananga stated that it would be virtually impossible to acquire alternative land that would adequately compensate the Army for the land lost to the Tongariro Power Scheme, which had offered good terrain for fire and movement training and had been easily accessible from Waiouru. However, he provided details of the various lands that surrounded the training ground, commenting on their suitability:

1. Western boundary. Except for the land in the south, the land along this boundary was stated to be State Forest or National Park land, held by government departments that would 'be loathe to part with it'. Moreover, the land lay to the west of State Highway 1 and would therefore be of limited value because it was not possible to fire across the road.

2. Northern boundary. It was noted that some of this land, lying between the northern boundary and Waipakihi River, was leased to the Army. However, the land was very hilly and vehicle access was difficult. It was considered that the land was of no use for fire and movement training and would not help to accommodate the range of larger weapons.

3. Southern boundary. This land was also noted to be very hilly and much of it was State Forest. It was considered to be limited by many of the same factors that applied to the lands that lay along the northern boundary. However, if the southern boundary was extended at one point, it was thought that some of the restrictions of the existing tank range would be removed.

4. Eastern boundary (south). It was detailed that the lands that lay along the southern portion of the eastern boundary belonged to Ohinewairua Station, which had already lost a large area of land to the Army. The acquisition of further land from Ohinewairua Station was 'considered inappropriate'. It was noted that recent efforts to extend the eastern boundary into the Station to accommodate tank shooting had been successfully resisted and that the land in question had been developed for farming purposes.

5. Eastern boundary (north). The lands that extended north of the station were, owing to their altitude, unsuitable for farming purposes. It was thought that these lands would be suitable for military training purposes, being 'open rolling country, affording reasonable going for tracked vehicles and good observation'. By extending the existing training ground's eastern boundary, the area would also help to accommodate long range weapons. It was noted that the lands were without access.

In summary, Poananga stated that, except for the area lying to the north-east, the land around the existing boundaries would be of little value as compensation for the land lost through the creation of Lake Moawhango. The land across the north-eastern boundary was suitable, though relatively inaccessible.

Discussing the ownership of the north-eastern land, Poananga stated that it was owned by Maori, though private interests were attempting to acquire it. He detailed that a European, Nicholas Koreneff had obtained shares and was in the process of having his interests legally recognised. Poananga thought that Koreneff's intention was to establish a tourist hunting and fishing lodge in the area, and he commented that this was likely to aggravate existing problems of

trespass caused by the likes of deerstalkers. He further noted that Koreneff had requested access across the training ground and that this had been refused. Nevertheless, Koreneff had been found on Army land a number times without authority.

At the end of his report, Poananga recommended that immediate action be taken to acquire the land that lay along the north-eastern boundary. He stated that any delay might allow private interests to carry out capital improvement that, even if only nominal, would prevent purchase by the Crown.

In March 1971, Poananga prepared another report for Defence Headquarters, which discussed a number of issues arising from the creation of Lake Moawhango, including the effect of the lake on the training area and the extent to which it should be accessible to the public.[363] The report noted that the Electricity Department would require frequent access to the lake and almost certainly would not allow the Army to fire over the tunnel portal or the dam. The report reiterated the need for land to be acquired along the north-eastern boundary, referring to the recommendation made in the February report. It included a map that showed the area that could no longer be used for artillery firing positions around the lake.[364]

Lands proposed for taking

Table 13 sets out the Maori lands that were proposed for acquisition – a total area of 24,224 acres 2 roods. By far the largest block was Oruamatua Kaimanawa 1X, which contained 16,277 acres. In October 1971, the Department of Maori Affairs furnished ownership details for four of the blocks: Oruamatua Kaimanawa 2C2 (1 owner, who was deceased), Oruamatua Kaimanawa 2C3 (12 owners), Oruamatua Kaimanawa 2C4 (7 owners), and Oruamatua Kaimanawa 4 (67 owners).[365]

Block	Area
Oruamatua Kaimanawa 1X	16,277a 2r 00p
Oruamatua Kaimanawa 2C2	1,570a 0r 00p
Oruamatua Kaimanawa 2C3	1,571a 2r 00p
Oruamatua Kaimanawa 2C4	1,353a 0r 00p
Oruamatua Kaimanawa 4	3,452a 0r 00p
Total	**24,224a 2r 00p**

Table 13: Maori lands sought for extension of Waiouru training ground, 1971[366]

As well as the Maori lands, it was also proposed that an area of adjacent State Forest should be secured – Part Kaimanawa 3A, comprising 2,200 acres.[367] The taking of this land, however, did not proceed alongside the acquisition of the lands listed in Table 13. As detailed later, it was eventually added to the training ground in 1979, when Defence Headquarters and the State Forest Service exchanged lands along the ground's northern boundary.[368]

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[363] Commander, Waiouru, to Home Command, 31 March 1971, AALJ 7291 W3508 16 203/192/13 part 1, ANZ Wellington.
[364] This area was established from calculations based on 'safety templates'.
[365] District Officer to Head Office, 15 October 1971, MA 1 90 5/5/296 part 1, Tongariro Power Development Scheme, Crown Purchase – Defence Training Area (Nicolas Charles Koreneff), 1971-1973, ANZ Wellington.
[366] District Officer to Head Office, 15 October 1971, MA 1 90 5/5/296 part 1, ANZ Wellington. Minister of Defence, Memorandum for the Cabinet Committee for the Environment, undated [June 1972], MA 1 90 5/5/296 part 1, ANZ Wellington.
[367] See, for example, Assistant Chief of Defence Staff to Minister of Defence, 13 March 1972, AALJ 7291 W3508 16 203/192/13 part 1, ANZ Wellington.
[368] *New Zealand Gazette* 1979, p 2628.

As noted in Poananga's report of February 1971, a European, Nicholas Koreneff, was actively seeking to secure control of some of the Maori-owned blocks that the Army wished to acquire, including Oruamatua Kaimanawa 1X. In July 1970, Koreneff began lodging applications with the Maori Land Court with the aim of formally securing shares in Oruamatua Kaimanawa 1X that he had purchased from owners.[369] The applications were made under section 213 of the Maori Affairs Act 1953, which empowered the Court to make a vesting order to transfer any interest in Maori freehold land for the purpose of giving effect 'to any arrangement or agreement'.[370] The 1953 Act required that the vesting order was to be made to a Maori, the descendant of a Maori, or to a body corporate of owners established under Part XXII of the 1953 Act. However, the Maori Affairs Amendment Act 1967 amended section 213 of the 1953 Act so that shares could be vested in any person.[371] As a result of this amendment, Koreneff was able to apply to have the Oruamatua Kaimanawa 1X shares vested in him, and by this means he managed to secure about 6197 shares out of a total of 16,777.5 shares – an interest of about 37 percent.[372]

The Maori Purposes Act 1970 prevented Koreneff from securing further shares in Oruamatua Kaimanawa 1X. The Act removed the Court's ability to vest shares in Europeans, except in cases where an individual had close family connections with the owner.[373] The 1970 Act provided that shares could be vested in individuals who were closely related to the owner, any Maori or descendent of a Maori, a trustee appointed under the Act, or a Maori incorporation. Following the passage of the 1970 Act, Koreneff's wife, Frances, who claimed to be of Maori descent, began buying shares in Oruamatua Kaimanawa 1X. She secured about 850 shares, which equated to a holding of about five percent.[374]

On 5 April 1971, a meeting of owners considered a resolution to sell Oruamatua Kaimanawa 1X to Nicholas Koreneff.[375] The meeting was attended by Nicholas and Frances Korenoff and 11 other owners. Two owners were also represented by proxy. The Koreneff's outvoted the other owners who were present or represented and the resolution was passed.[376] The owners who opposed the sale signed a memorial of dissent. Some believed that the land could be developed for forestry and tourism.[377] Before the Chief Judge confirmed the resolution, three more owners sold their shares to Francis Koreneff. On 23 August 1971, the resolution was confirmed, and on 4 February 1972 the Maori Trustee executed the transfer.[378]

In addition to Oruamatua Kaimanawa 1X, Koreneff looked to obtain controlling interests in several neighbouring blocks that were also in Maori ownership. These included Oruamatua Kaimanawa 2C3, 2C4, and 4, which the Army was wished to acquire. Applications concerning these blocks were made in the names of Frances Koreneff, Harriet Penhay (sister of Frances Koreneff), and Abigail Denz.[379] By May 1972, a number of shares in the three blocks had been

[369] District Officer to Head Office, 17 May 1972, MA 1 90 5/5/296 part 1, ANZ Wellington.
[370] Section 213(1), Maori Affairs Act 1953.
[371] Section 90, Maori Affairs Amendment Act 1967.
[372] District Officer to Head Office, 17 May 1972, MA 1 90 5/5/296 part 1, ANZ Wellington.
[373] Section 5, Maori Purpose Act 1970.
[374] District Officer to Head Office, 17 May 1972, MA 1 90 5/5/296 part 1, ANZ Wellington.
[375] Proceedings of meeting of assembled owners, 5 April 1971, MA 1 90 5/5/296 part 1, ANZ Wellington.
[376] 6621.7517 shares were in favour of the resolution, while 5123.8805 shares were against.
[377] Extract from Tokaanu Alienation minute book 6, pp 115-116, MA 1 90 5/5/296 part 1, ANZ Wellington.
[378] District Officer to Head Office, 15 October 1971, MA 1 90 5/5/296 part 1, ANZ Wellington. District Officer to Head Office, 17 May 1972, MA 1 90 5/5/296 part 1, ANZ Wellington.
[379] District Officer to Head Office, 17 May 1972, MA 1 90 5/5/296 part 1, ANZ Wellington.

either secured by these individuals or were subject to applications in their names made under section 213 of the 1953 Act:

Block	Total number of share	Approxiate number of shares acquired	Approximate proportion acquired
Oruamatua Kaimanawa 2C3	1571	693	44%
Oruamatua Kaimanawa 2C4	1353	902	67%
Oruamatua Kaimanawa 4	3452	92	3%

Table 14: Frances Koreneff, Harriet Penhay, and Abigail Denz – number of shares acquired in Oruamatua Kaimanawa 2C3, 2C4, and 4 or subject to applications under section 213 of the Maori Affairs Act 1953, May 1972[380]

Maori voiced opposition to Koreneff's land dealings and the legislation that enabled him to secure interests in the Oruamatua Kaimanawa land.[381] In December 1972, the *Waikato Times* reported that Maori protestors at Parliament raised Koreneff's acquisition of Oruamatua Kaimanawa 1X as an example of the unjust application of land laws.[382] The protestors expressed bitterness at the provisions of the Maori Affairs Amendment Act 1967 that enabled the Court to vest interests in Europeans. While the Maori Purposes Act 1970 had largely stopped this, it was noted that shares in land could be vested in Maori who were not related to the owners – something that Koreneff had exploited. The *Times* reported that a considerable number of owners of Oruamatua Kaimanawa 1X had opposed the sale. It also stated that: 'The deal deeply upset Maori people over a wide area, including the paramount chief of Ngati Tuwharetoa, Mr Hepi Te Heuheu.'

Of the five blocks that the Army was looking to secure along the north-eastern boundary of the Waiouru training ground, Koreneff had acquired no interest in Oruamatua Kaimanawa 2C2 (owned by one individual, who was deceased) and had made little headway with Oruamatua Kaimanawa 4. On 29 September 1971, a meeting of assembled owners of Oruamatua Kaimanawa 4 rejected a resolution to lease the block to W.R. Connor and, instead, an amended resolution to vest the land in trustees was carried.[383] The nominated trustees were Julie Morton, Te Awhina Katerina Wikaera, and John Rerekura Waetford. On 23 February 1973, the trustees were formally appointed by the Court with an order made under section 438 of the 1953 Act. It appears that the trustees subsequently began to explore development options, believing that a commercial venture could be established on the land.[384] By November 1973, the trustees had entered into an agreement with an aviation company and were receiving revenue from an airstrip.

Steps towards taking

Defence Headquarters reviewed Colonel Poananga's reports of February and March 1971, with several internal memoranda being prepared on the matter.[385] In each instance, the proposal to acquire additional lands along the north-eastern boundary of the Waiouru training ground was

[380] District Officer to Head Office, 17 May 1972, MA 1 90 5/5/296 part 1, ANZ Wellington.
[381] 'Protest group critical of 'unjust' Act', *Waikato Times*, 5 December 1972, extract in MA 1 90 5/5/296 part 1, ANZ Wellington.
[382] 'Protest group critical of 'unjust' Act', *Waikato Times*, 5 December 1972, extract in MA 1 90 5/5/296 part 1, ANZ Wellington.
[383] Registrar to Head Office, 24 October 1973, MA 1 90 5/5/296 part 1, ANZ Wellington.
[384] Morton to Rata, 21 November 1973, AAQB W3950 104 23/406/1/8 part 1, ANZ Wellington.
[385] See, for example: Director Army Training to General Staff, 13 May 1971, AALJ 7291 W3508 16 203/192/13 part 1, ANZ Wellington; Brigadier, DCGS to CGS, 20 May 1971, AALJ 7291 W3508 16 203/192/13 part 1; Brigidier for Chief of General Staff to Secretary of Defence, 12 July 1971, AALJ 7291 W3508 16 203/192/13 part 1, ANZ Wellington.

accepted. In one of the papers, dated 20 May 1971, the Brigadier for the Chief of the General Staff stated that there seemed to be no practical alternative to acquiring the land, though he observed that 'the reasons for the exact boundaries of the new area are not spelt out'.[386]

In July 1971, there was also communication between Defence Headquarters and the Ministry of Works, particularly in respect of Koreneff's moves to secure Oruamatua Kaimanawa 1X and the implications that this might have. Writing to the Secretary of Defence on 20 July 1971, the Commissioner of Works advised that, before using compulsory taking powers, the Government would require evidence that Koreneff had secured a controlling interest in the land. It would also want to know whether an effort had been made to obtain an acceptable offer from Keroneff by negotiation. The Commissioner further stated that Defence Headquarters should explain why the land was required for future army operations and why there was no alternative to the acquisition that would enable Army activities to continue to operate.[387]

On 31 August 1971, Defence Headquarters wrote to the Minister of Defence.[388] This letter outlined why the additional land was needed and sought the Minister's approval for steps to be taken to acquire it, using the compulsory taking powers of the Public Works Act if necessary. Soon afterwards, on 2 September 1971, the Minister of Defence wrote to the Minister of Works, requesting that he take action to secure the various lands that were required as a result of the Tongariro Power Scheme.[389] The Minister stated that 'there was no alternative' to this action.

The five blocks were eventually acquired more than two years later, when in November 1973 they were compulsorily taken under the Public Works Act 1928. The drawn-out nature of the acquisition owed much to opposition from Koreneff, who strongly resisted moves to secure Oruamatua Kaimanawa 1X. There was considerable communication between Koreneff and his representatives and the Ministry of Works and Defence Headquarters. The earliest meeting took place on 20 October 1971, when Koreneff, his wife Frances, and his mother met the Secretary of Defence.[390] Koreneff appears to have sought the meeting after becoming concerned that his land might be taken under the Public Works Act. The Secretary of Defence admitted that the Army wished to obtain further land, but indicated that a definite decision had yet to be made. Koreneff stated that he would not voluntarily negotiate a sale of his interests to the Crown.

It is notable that the Department of Maori Affairs, Defence Headquarters, and the Ministry of Works made no attempt to communicate with the Maori owners prior to the taking. This contrasts markedly with the events that preceded the 1961 taking, when over a number of years the Maori Affairs Department had sought to have the required Maori land secured by negotiated purchase. The Department was certainly aware of the proposal to acquire the additional land along the training ground's north-eastern boundary, but did not press for negotiations to be opened with the affected Maori owners.[391]

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386 Brigadier, DCGS to CGS, 20 May 1971, AALJ 7291 W3508 16 203/192/13 part 1, ANZ Wellington.
387 Commissioner of Works to Secretary of Defence, 20 July 1971, AAQB W3950 104 23/406/1/8 part 1, ANZ Wellington.
388 A copy of this memorandum has not been located. However, a record of its contents is recorded in a file resume document. 'Waiouru – Defence Training Area, file resume', AALJ 7291 W3508 16 203/192/13 part 1, ANZ Wellington, p 5.
389 'Waiouru – Defence Training Area, file resume', AALJ 7291 W3508 16 203/192/13 part 1, ANZ Wellington, p 6.
390 Minutes of a meeting between the Secretary of Defence, N. Koreneff, F. Koreneff, and Deaconess Koreneff held on 20 October 1971, AALJ 7291 W3508 16 203/192/13 part 1, ANZ Wellington. Secretary of Defence to Minister of Defence, 11 November 1971, AALJ 7291 W3508 16 203/192/13 part 1, ANZ Wellington.
391 The Department was aware of the proposal by October 1971. District Officer to Head Office, 15 October 1971, MA 1 90 5/5/296 part 1, Tongariro Power Development Scheme, Crown Purchase – Defence Training Area (Nicolas Charles Koreneff), 1971-1973, ANZ Wellington.

The fact that Maori owned a relatively small proportion of the required land (unlike the situation in 1961) might partly explain why no effort was made to consult with the Maori owners. But a more important explanation was probably that, once again, the difficulty of dealing with multiple owners would have meant that negotiation efforts were likely to be prolonged and, ultimately, unsuccessful. It should be noted, however, that only four Maori blocks were involved and the number of owners does not appear to have especially large. In October 1971, as detailed above, Maori affairs reported the following ownership details: Oruamatua Kaimanawa 2C2 (1 owner, who was deceased), Oruamatua Kaimanawa 2C3 (12 owners), Oruamatua Kaimanawa 2C4 (7 owners), and Oruamatua Kaimanawa 4 (67 owners, with trustee's appointed).[392] It was not until 1974, after the taking had been carried out, that legislation was enacted to overcome the difficulties of negotiating the acquisition of land held in multiple ownership.[393]

Defence Headquarters and the Ministry of Works focussed exclusively on Koreneff, who lobbied stridently against the acquisition of his land, demanding the attention of Defence staff and Works' officials. Koreneff sought support for his position from a number of quarters, including the Leader of the opposition, Norman Kirk, and the Speaker of the House of Representatives, Roy Jack.[394] He also communicated with the Minister of Defence and the Minister for the Environment.[395] In May 1972, the Minister for the Environment decided that the Cabinet Committee for the Environment should investigate environmental issues arising from the proposed land acquisition.[396]

The proposed land acquisition was widely reported upon in the media. One newspaper report recorded the views of Professor John Salmon, who warned of environmental disaster through erosion if the Army's guns and tracked vehicles were allowed to take over the land.[397] Another article reported that the New Zealand Deerstalkers Association was strongly opposed to Koreneff's land being added to the Waiouru training ground. The views of Koreneff himself were recorded in a number of reports. In general, commentators were sympathetic to Koreneff and did not support the Army's plans, which were perceived to be heavy-handed. On 14 May 1972, the *Sunday Times* commented that:

> Many will see the Army's proposed takeover of more than 25,000 acres belonging to Nicholas Koreneff and abounding in wild-life as an example of bureaucracy riding roughshod over the individual. . . . It might be worth considering a compromise. There would seem to be nothing to prevent Koreneff retaining his land to live the life he wants, wild horses and all, and the army being granted shooting rights on the days it needs them.[398]

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[392] District Officer to Head Office, 15 October 1971, MA 1 90 5/5/296 part 1, ANZ Wellington.
[393] Under Part IX of the 1974 Amendment Act, notice could be served on the Registrar of the Maori Land Court, who was then required to summon a meeting of owners or, in cases of urgency, appoint trustees to negotiate on behalf of owners.
[394] Kirk to Secretary of Defence, 5 November 1971, AALJ 7291 W3508 16 203/192/13 part 1, ANZ Wellington. 'Waiouru – Defence Training Area, file resume', AALJ 7291 W3508 16 203/192/13 part 1, ANZ Wellington, p 8.
[395] 'Waiouru – Defence Training Area, file resume', AALJ 7291 W3508 16 203/192/13 part 1, ANZ Wellington, pp 6-8.
[396] 'Waiouru – Defence Training Area, file resume', AALJ 7291 W3508 16 203/192/13 part 1, ANZ Wellington, p 8. 'Cabinet study of land row', *Dominion*, 12 May 1972, extract in AALJ 7291 W3508 16 203/192/13 part 1, ANZ Wellington.
[397] "Disaster' will follow deal', *Sunday Times*, 23 July 1972, extract in AAQB W3950 105 23/406/1/9 part 1, Waiouru Military Camp – Claim – Koreneff N – Whenuarangi Station, 1971-1972, ANZ Wellington.
[398] 'Comment', *Sunday Times*, 14 May 1972, extract in AAQB W3950 105 23/406/1/9 part 1, 1971-1972, ANZ Wellington.

The editorial incorrectly stated that Koreneff owned all of the land that the Army wised to acquire. It is notable that the plight of the Maori owners who would be affected by the taking received no attention, though one article noted that Maori land had previously been acquired for the Waiouru training ground.[399]

In spite of Koreneff's lobbying and the media attention that cast the proposed acquisition in a negative light, Defence Headquarters and the Ministry of Works pushed forward with plans to secure the land. In March 1972, the Defence Headquarters prepared a memorandum for the Minister of Defence, seeking his approval for the expenditure of $15,000 on the acquisition of the lands required for the training ground extension.[400] Repeating the advice received from the Ministry of Works, the memorandum noted that compulsory taking powers could not be invoked until an attempt had been made to obtain an acceptable offer by negotiation. The need for urgency was emphasised. Any undue delay, it was claimed, would allow 'Mr Koreneff to become more committed in the area'. The Minister of Defence approved the proposed expenditure, and the Commissioner of Works was then requested to acquire the land by negotiation as a matter of priority.[401]

The first step taken by the Ministry of Works was to have the various lands zoned for defence purposes under the Town and Country Planning Act 1953. In April 1972, the Minster of Defence wrote to the Taupo County Council and Rangitikei County Council, requesting that the required lands that lay within the boundaries of each Council be designated 'defence' in the Councils' district schemes.[402] The designations interfered with Koreneff's developments plans, with the Minister of Works refusing to consent to the issuing of a building permit for a dwelling that Koreneff proposed to erect on his property. After unsuccessfully appealing this decision, Koreneff lodged a claim with the Supreme Court in July 1972, contesting the Ministers' authority to have the land designated for defence purposes.[403] The case was heard in November 1972, and in March 1973 judgment was given in favour of the Crown.[404]

In the meantime, on 4 September 1972, Cabinet agreed in principle to the acquisition of the lands required for the extension of the training ground.[405] It also agreed that arrangements should be made for public access around Lake Moawhango and directed the Cabinet Committee for the Environment to report back on environmental factors. In October 1972, a working party of officials reported to the Cabinet Committee of the Environment. This report concluded that

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[399] "Land gobble' on for years', *Sunday Times*, 21 May 1972, extract in AAQB W3950 105 23/406/1/9 part 1, 1971-1972, ANZ Wellington.
[400] Assistant Chief of Defence Staff to Minister of Defence, 13 March 1972, AALJ 7291 W3508 16 203/192/13 part 1, ANZ Wellington.
[401] Minister of Defence, 22 March 1972, minute on Assistant Chief of Defence Staff to Minister of Defence, 13 March 1972, AALJ 7291 W3508 16 203/192/13 part 1, ANZ Wellington. 'Waiouru – Defence Training Area, file resume', AALJ 7291 W3508 16 203/192/13 part 1, ANZ Wellington, p 7.
[402] This request was made pursuant to section 21(7) of the Town and Country Planning Act 1953. Minister of Works to County Clerk, Rangitikei County Council, 21 April 1972, AAQB W3950 105 23/406/1/9 part 1, Waiouru Military Camp – Claim – Koreneff N – Whenuarangi Station, 1971-1972, ANZ Wellington. Minister of Works to County Clerk, Taupo County Council, 26 April 1972, AAQB W3950 105 23/406/1/9 part 1, ANZ Wellington.
[403] Notice of appeal pursuant to Section 26(3) of the Town and Country Planning Act 1953, 2 June 1972, AAQB W3950 105 23/406/1/9 part 1, ANZ Wellington. Statement of Claim lodged with Supreme Court, 21 July 1972, AAQB W3950 105 23/406/1/9 part 1, ANZ Wellington.
[404] Minister of Defence, Memorandum for Cabinet, undated [September/October 1973], AAQB W3950 104 23/406/1/8 part 1, ANZ Wellington, p 3.
[405] 'Waiouru – Defence Training Area, file resume', AALJ 7291 W3508 16 203/192/13 part 1, ANZ Wellington, p 16.

the physical environment was likely to suffer damage as a result of use by either the Army or Koreneff, but that it was likely that less damage would result from defence activities.[406]

While steps to secure the land advanced, Defence Headquarters held a number of meetings with the State Forest Service regarding land issues along the northern boundary of the training ground.[407] (The Forest Service administered Kaimanawa State Forest, a large tract of land that lay to the north of Waiouru training ground.) Defence Headquarters and the Forest Service explored how their respective land holdings might be rationalised, and it is evident that the lands that Defence Headquarters was in the process of securing were mentioned in these discussions.[408] As discussed below, adjustments to the northern boundary of the training ground were finalised several years later.

In November 1972, Koreneff approached Defence Headquarters with an offer that would enable him to retain ownership of Oruamatua Kaimanawa 1X by providing the Army with access rights.[409] Little evidence has been located about this proposal, but it appears that Koreneff offered the Army the use of Oruamatua Kaimanawa 1X on the condition that he could continue to graze cattle on the land. Koreneff planned to relocate his proposed tourist operation to an adjacent block of land that the Army did not wish to acquire.[410] Defence Headquarters rejected the proposal, considering it to be unsatisfactory on both operational and environmental grounds.[411]

In June 1973, after obtaining a valuation of the property, the Ministry of Works offered Koreneff $26,400 for the acquisition of Ohinewairua 1X.[412] (Koreneff had earlier submitted a claim for $130,695.[413]) On 29 August 1973, the Commissioner of Works wrote to the Secretary of Defence, advising that it was unlikely that Koreneff would agree to the proposed settlement.[414] He noted that Koreneff's solicitors had asked that the Crown's valuation be reviewed and had also proposed that negotiations should proceed to enable Koreneff to be resettled on an alternative farming property. The Commissioner of Works considered that there was no prospect of concluding an agreement by consent in the near future, and he therefore recommended that Defence Headquarters seek Cabinet approval for compulsory acquisition of the lands required for the training ground extension.

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406 Chairman, Officials Committee for the Environment, to Chairman, Cabinet Committee for the Environment, 10 October 1972, MA 1 90 5/5/296 part 1, ANZ Wellington. Report of the Officials Committee of the Environment on the environmental effects of the proposed use of land at Waiouru by Ministry of Defence of Mr N.C. Koreneff, MA 1 90 5/5/296 part 1, ANZ Wellington.

407 The first such meeting appears to have been held on 20 October 1971. Air Cadre (ACDS) to Secretary of Defence, 27 October 1971, AALJ 7291 W3508 16 203/192/13 part 1, ANZ Wellington.

408 See, for example, Minister of Forests to Minister of Defence, undated [June 1972], MA1 69 5/5/29, ANZ Wellington.

409 Minister of Defence, Memorandum for Cabinet, undated [October 1973], AAQB W3950 104 23/406/1/8 part 1, ANZ Wellington, p 4.

410 It is likely that this block was Maori-owned Oruamatua Kaimanawa 1V, an area of 3,721 acres. Koreneff had secured an ownership interest in this block. See District Officer to Head Office, 17 May 1972, MA 1 90 5/5/296 part 1, ANZ Wellington.

411 Minister of Defence, Memorandum for Cabinet, undated [October 1973], AAQB W3950 104 23/406/1/8 part 1, ANZ Wellington, p 4.

412 Senior Land Purchase Officer to Phillips and Powell, 19 June 1973, AAQB W3950 105 23/406/1/9 part 2, ANZ Wellington.

413 District Commissioner of Works to Commissioner of Works, 24 July 1973, AAQB W3950 105 23/406/1/9 part 2, ANZ Wellington.

414 Commissioner of Works to Secretary of Defence, 29 August 1973, AAQB W3950 105 23/406/1/9 part 2, ANZ Wellington.

On 1 October 1973, Cabinet considered the proposal to compulsorily take the lands required for the extension of Waiouru training ground.[415] The Minister of Defence provided a memorandum for Cabinet, which set out the reasons why the lands were required and the various issues and developments that had arisen in connection with their proposed acquisition.[416] The Cabinet paper emphasised the importance of acquiring additional lands. It stated that if additional lands could not be secured it would be necessary to re-establish the entire training ground and facilities in some other location. Assuming that another location could be found, it was estimated that the cost of this would be in the order of $30 million.[417]

The paper stated that the lands that the Army wished to secure had been identified from an extensive review of the surrounding lands and were the only undeveloped lands that would meet the Army's requirements. It specified the various areas that were proposed for taking and provided ownership details.[418] (Maori-owned Oruamatua Kaimanawa 2C2 was incorrectly stated to be owned by Nicholas Koreneff.) The paper detailed the negotiations that had been undertaken with Koreneff and explained that it had not been possible to reach an agreement.[419] No mention was made of communication with the Maori owners. As noted above, no effort had been made to consult with the Maori owners or acquire the various Maori lands by negotiated purchase.

The Cabinet paper briefly summarised a number of reports from several government departments that had an interest in the proposed acquisition. It was noted that the Ministry of Works believed that State Forest Service plans to negotiate for the acquisition of an adjoining block might affect land values and amplify the amount of compensation payable for the lands required for the training ground extension.[420] The Ministry of Works recommended that these negotiations be either deferred until compensation claims had been settled or carried out alongside the process of settling claims. The Cabinet paper noted that Treasury also recommended that the State Forest Service negotiations should be deferred.[421] Treasury supported the use of the Public Works Act, acknowledging that compensation was now expected to be in the vicinity of $50,000. The Cabinet paper made no mention of a report from the Department of Maori Affairs. No advice from this Department had been sought.

Cabinet followed all of the recommendations put forward in the Cabinet paper. Most significantly, it:

- approved the compulsorily acquisition of the various lands under section 254 of the Public Works Act 1928;
- invited the Minister of Forests to direct the State Forest Service to defer purchase negotiations in the vicinity until compensation had been settled; and
- noted that proposals to adjust boundaries to provide better access to National Park and State Forest areas would be further examined.[422]

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[415] Secretary of the Cabinet to Minister of Defence, undated [received by Office of the Commissioner of Works on 2 October 1973], AAQB W3950 104 23/406/1/8 part 1, ANZ Wellington.
[416] Minister of Defence, Memorandum for Cabinet, undated [October 1973], AAQB W3950 104 23/406/1/8 part 1, ANZ Wellington.
[417] Ibid, p 1.
[418] Ibid, p 3.
[419] Ibid, p 4.
[420] Ibid, pp 5-6.
[421] Ibid, p 6.
[422] Ibid, p 7. Secretary of the Cabinet to Minister of Defence, undated [received by Office of the Commissioner of Works on 2 October 1973], AAQB W3950 104 23/406/1/8 part 1, ANZ Wellington.

Cabinet also discussed a matter that was not related to the recommendations put forward in the Cabinet paper. The Secretary of the Cabinet recorded that Cabinet noted that the Minister of Lands would consult with the Minister of Maori Affairs regarding a proposal whereby the Maori land required for the training ground extension land might be exchanged for more productive land.[423] Such an exchange, it was noted, might not necessarily be on 'acre for acre basis'.

It appears that the Minister of Maori Affairs, Matiu Rata, may have raised the possibility of exchange, though no record of the discussions held during the Cabinet meeting has been located. The extent to which Rata was aware of the proposed taking prior to the Cabinet meeting is unclear. Rata was a member of Norman Kirk's Labour government, which had come to power after the proposal to extend Waiouru training ground had first been put before Cabinet in September 1972. Following the Cabinet meeting held on 1 October 1973, Rata wrote to the Secretary of Maori Affairs, requesting information on the Maori lands that would be affected by the proposed taking.[424] Rata was accordingly provided some basic information about the lands involved.[425]

Compulsory acquisition

On 29 October 1973, the District Commissioner of Works wrote to the Commissioner of Works, enclosing an unsigned proclamation that would take the various lands required for the training ground extension under the Public Works Act 1928.[426] Recommending that the proclamation be signed, the District Commissioner stated that the European owner (Koreneff) had displayed a reluctance to negotiate with the Army and that there was no alternative but to acquire the Maori land under the compulsory provisions. Cabinet approval, he noted, had been obtained.

Formal notification of the intention to take the land was not given. A notice was not published in the *New Zealand Gazette*. (As stated earlier, such notification was not required when land was taken for defence purposes.) It is possible that the owners may have received informal notification of the intention to take the land. Writing to the Commissioner of Works on 5 December 1973, the Secretary of Defence stated that 'adequate notice was given of the intention to alienate [the] Maori land'.[427]

On 13 November 1973, the Governor General signed the proclamation and the lands required for the extension of the training ground were taken.[428] A total area of 24,224 acres was acquired by the Crown, being 16,277 acres 2 roods of European land and 7,946 acres 2 roods of Maori land.

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[423] Secretary of the Cabinet to Minister of Defence, undated [received by Office of the Commissioner of Works on 2 October 1973], AAQB W3950 104 23/406/1/8 part 1, ANZ Wellington.
[424] Minister of Maori Affairs to Secretary of Maori Affairs, 3 October 1973, MA 1 90 5/5/296 part 1, ANZ Wellington.
[425] Deputy Secretary of Maori Affairs to Minister of Maori Affairs, 1 November 1973, MA 1 90 5/5/296 part 1, ANZ Wellington.
[426] District Commissioner of Works to Commissioner of Works, 29 October 1973, AAQB W3950 104 23/406/1 part 2, ANZ Wellington.
[427] Secretary of Defence to Commissioner of Works, 5 December 1973, AAQB W3950 104 23/406/1/8 part 1, ANZ Wellington.
[428] *New Zealand Gazette*, 1973, pp 2427-2428.

Opposition from trustees of Oruamatua Kaimanawa 4 and exchange proposals

On 23 November 1973, Julia Morton, one of the trustees of Oruamatua Kaimanawa 4, wrote to Rata, stating that she had been 'very disturbed' to learn that the block was 'to be zoned Defence under the Public Works Act'.[429] Morton stated that she had been aware that Koreneff's land was sought by the Army, but had not known that Oruamatua Kaimanawa 4 was also to be included 'in the Defence plan'. Owing to the position of the block and the terrain, Morton stated that she could not understand why the Army wanted Oruamatua Kaimanawa 4. She informed Rata that the trustees were investigating development proposals and had begun to receive revenue from a local aviation company that was using an airstrip on the block. She claimed that some $8,000 had been incurred in development costs. Morton stated that the trustees would like to show Rata the land so that he could see its potential for himself.

On 27 November 1973, Rata wrote to Morton, advising that enquiries would be made into the matters she had raised.[430] On the same day, Rata asked the Minister of Defence and Secretary of Maori Affairs to comment on Morton's letter.[431] On 13 December 1973, the Secretary of Maori Affairs advised Rata that he was unable to offer any comments on the matter.[432] He suggested that Rata await the comments of the Minister of Defence.

It appears that around this time Rata was actively exploring the possibility of land being given to the former owners of Oruamatua Kaimanawa 4 and the other Maori-owned blocks as compensation for the taking of their properties for the training ground extension. In December 1973, Rata and the Minister of Forests discussed this in connection with a proposal whereby certain Maori lands in the Kaimanawa district would be exchanged with Crown lands at Kaiangaroa. In a letter written to the Minister of Forests, Rata stated:

> I agree that if land can be made available from Kaingaroa Forest to offer in exchange for areas required for the Forest Service, and also for the land taken for Defence, this will provide a very satisfactory means of settling the compensation claims.[433]

Rata also discussed the land exchange proposal with the Minister of Defence. On 17 December 1973, the Minister of Defence wrote to Rata, expressing his support for the plan.[434] He stated that Defence Headquarters agreed to Oruamatua Kaimanawa 4 being included in the 'overall exchange proposals', and he indicated that part of the block might be excluded from the training ground as a consequence. The Minister also noted that, once the land exchange proposal became clearer, Defence Headquarters and the Forest Service would be able to 'reach mutually acceptable decisions on future land boundaries.'

On 15 February 1974, Rata wrote again to Morton. He confirmed that Oruamatua Kaimanawa 4 had been taken for defence purposes and broadly set out the proposals that were being discussed

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[429] Morton to Rata, 23 November 1973, AAQB W3950 104 23/406/1/8 part 1, ANZ Wellington.
[430] Rata to Morton, 27 November 1973, MA 1 90 5/5/296 part 1, ANZ Wellington.
[431] Rata to Minister of Defence, 27 November 1973, minute on Rata to Morton, 27 November 1973, MA 1 90 5/5/296 part 1, ANZ Wellington. Rata to Secretary, Maori Affairs, 27 November 1973, minute on Rata to Morton, 27 November 1973, MA 1 90 5/5/296 part 1, ANZ Wellington.
[432] Secretary, Maori Affairs, to Minister of Maori Affairs, 13 December 1973, MA 1 90 5/5/296 part 1, ANZ Wellington.
[433] Minister of Maori Affairs to Minister of Forests, undated [December 1973], AAQB W3950 104 23/406/1/8 part 1, ANZ Wellington.
[434] Minister of Defence to Minister of Maori Affairs, 17 December 1973, AAQB W3950 104 23/406/1/8 part 1, ANZ Wellington.

in relation to the block.[435] Rata mentioned the land exchange proposal being developed by the Forest Service, noting that Oruamatua Kaiamanawa 4 would be considered 'as part of the over-all exchange proposals'. He also stated that the block would be included in future plans to rationalise the boundary between Defence and Forest Service land. While this action would take some time, Rata advised that the Minister of Defence believed that it might 'be possible to come to some arrangement in respect of such land which meets the interests of the Trustees of this area.'

On 28 February 1928, soon after Rata had written to Morton, solicitors representing the trustees of Oruamatua Kaimanawa 4 wrote to the Commissioner of Works, advising that their clients had received no notice of the taking or any other communication from the Ministry of Works.[436] Describing the owners to be 'very concerned' at the loss of their land, the solicitors stated that they were investigating the legality of the taking.

It is evident that nothing came of the proposal that the owners of Oruamatua Kaimanawa 4 might be compensated in land as part of an exchange involving Maori lands in the Kaimanawa district and State Forest lands in the Kaimanawa area. While further research is required into the matter, it appears that the Ministry of Works opposed the proposal because it was to involve at least some of Oruamatua Kaimanawa 4 being excluded from the Army training ground. Writing to head office on 15 January 1974, the District Land Purchase Officer had expressed concern that the recently taken land might not be required for defence purposes. He stated that, if any of the land was not needed, the Minister of Works should be given the opportunity to revoke the proclamation.[437]

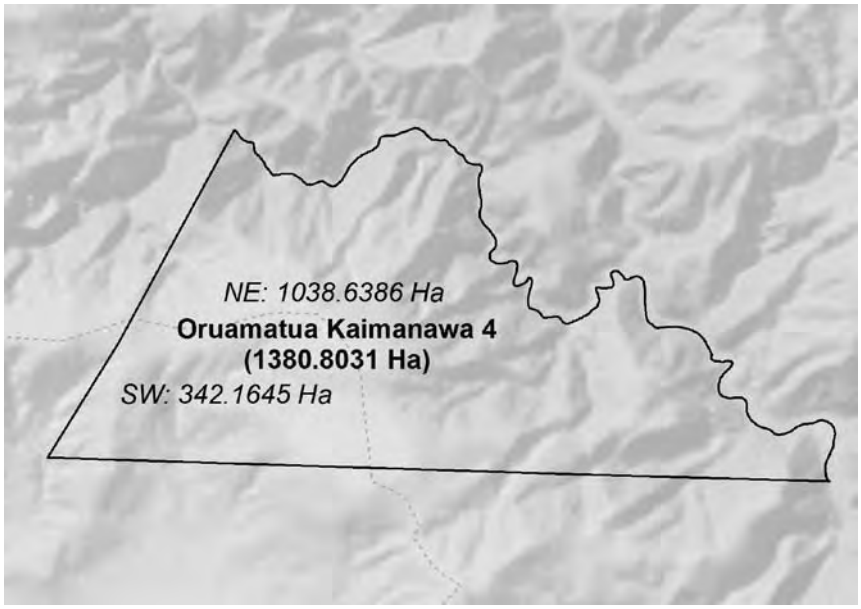

Figure 8: Oruamatua Kaimanawa 4 (dotted line shows ridge line)

Proposed boundary adjustments involving Oruamatua Kaimanawa 4 were also deferred because of concerns that the transfer of any of the land to the Forest Service might be considered

[435] Minister of Maori Affairs to Morton, 15 February 1974, AAQB W3950 104 23/406/1/8 [part 2], Waiouru Military Camp – land taken for defence, Ohinewairua station claim, Forest Land Company Limited, and Tussock Land Company, also Maori lands, 1975-1979, ANZ Wellington.
[436] Tripe, Matthews, and Feist to Commissioner of Works, 28 February 1974, AAQB W3950 104 23/406/1/8 part 1, ANZ Wellington.
[437] Egan to ACLPO, telex, 15 January 1974, AAQB W3950 104 23/406/1/8 part 1, ANZ Wellington.

improper. This matter was addressed in July 1974, when Defence staff and Forest Service officials met to discuss boundary issues. At this meeting, the Secretary of Defence and the Chief of the General Staff admitted that the Army 'did not really need' the northern slopes of Oruamatua Kaimanawa 4 that led down to the Otamateanui Stream.[438] (This area, shown in Figure 8, comprised about 1,039 hectares or 2,567 acres.) It was explained that a 2,500 metre safety margin needed to be maintained between land boundaries and artillery impact areas, and that this could be achieved if the training ground boundary was set along the ridge that ran through Oruamatua Kaimanawa 4. However, it was recognised that any action to change the status of the block might be 'politically unacceptable', and the Director General of Forests therefore suggested that the proposal be put on hold.

Rata's communication with Morton understandably led the owners to believe that they might be able to regain possession of part of Oruamatua Kaimanawa 4. In a letter written on 15 September 1975, the trustees' solicitors advised the District Commissioner of Works that the owners had been informed that only a portion of the land was required for defence purposes and that the remainder would be returned.[439] The solicitors sought information as to what area was in fact needed and requested a meeting to discuss compensation issues. They noted that they were unable to make a formal claim for compensation while being uncertain as to how much land the Army required. A reply to this letter has not been located. However, the solicitors wrote again to the Ministry of Works in March 1976. In this letter they requested the return of all of Oruamatua Kaimanawa 4 except 500 acres, which was all that they believed the Army required.[440] The solicitors claimed that Rata had made a formal undertaking to revest the land at a meeting held in Taupo.

On 30 April 1976, the Commissioner of Works wrote to the Secretary of Defence, advising of the communication received from the trustee's solicitors.[441] He stated that the former Minister of Maori Affairs had had no authority to give undertakings about land taken for defence purposes. The Commissioner pointed to the letter that Rata had written to Morton on 15 February 1974 and suggested that Rata's comments were probably based on the letter that the Minister of Defence had written to Rata on 17 December 1973. As well as questions concerning the taking of Oruamatua Kaimanawa 4, the Commissioner noted that the Forest Service had recently proposed that a substantial part of Oruamatua Kaimanawa 1X and 2C4 should be made available to Ohinewairua Station. He observed that:

> This department has consistently advised against any suggestion that land taken compulsorily for defence could be released for other purposes. However, Ministerial statements and discussions with other owners by Forest Service staff have given the Maori owners a clear indication that substantial areas are not really required for the purpose for which they were taken.[442]

The Commissioner advised that if the whole of Oruamatua Kaimanawa 4 was required for defence purposes the solicitors representing the trustees should be advised accordingly, but he warned that it might be necessary for Defence Headquarters to defend its stance in legal

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[438] Record of discussions held at Defence Headquarters on 3 July 1974, AD-W 6 W2600 1 1/6 part 3, ANZ Wellington.
[439] Phillips and Powell to District Commissioner of Works, 15 September 1975, AAQB W3950 104 23/406/1/8 [part 2], ANZ Wellington.
[440] A copy of this letter has not been located. However it's contents are summarised in another letter: Commissioner of Works to Secretary of Defence, 30 April 1976, AAQB W3950 104 23/406/1/8 [part 2], ANZ Wellington.
[441] Commissioner of Works to Secretary of Defence, 30 April 1976, AAQB W3950 104 23/406/1/8 [part 2], ANZ Wellington.
[442] Ibid.

proceedings. The Commissioner also noted that confirmation of the taking would mean that 'any proposals for releasing any parts of the Blocks for any purposes must be deferred indefinitely.'[443]

In a lengthy response written on 7 July 1976, the Secretary of Defence defended the taking of Oruamatua Kaimanawa 4, stating unequivocally that the land was required for the Waiouru training ground.[444] He asserted that Rata had been wrong to express the views that he had set out in his letter to Morton of 15 February 1974. Summarising why Oruamatua Kaimanawa 4 was needed by the Army, the Secretary stated that the block provided:

1. much needed additional depth and width to the area available for training;
2. significantly wider opportunities for live shooting from guns and tanks through allowing the safety buffer zones to be pushed beyond what had previously been forbidden target areas; and
3. additional tactical land of real significance for manoeuvres by infantry and supporting arms.[445]

The Secretary acknowledged the comments that had been made at the meeting between Defence staff and Forest Service officials held on 3 July 1974.[446] (As detailed above, the Secretary and the Chief of General Staff had stated at this meeting that the Army 'did not really need' a portion of Oruamatua Kaimanawa 4.[447]) He insisted, however, that the Army had begun to use the block and that no decision concerning the disposal of any land in the Waiouru training ground would be made in the near future.

The Secretary explained that before any such decision could be made the Army needed to gain more experience of the training ground's changing dimensions. He detailed that a number of factors were involved – the impact of boundary adjustments, the effect of Lake Moawhango Dam and Lake, the extent to which efforts to control the pest plant *pinus contorta* would be successful, and changes arising from two small areas being closed off for the protection of flora.[448] In spite of the size of the training ground, the Secretary claimed that there were real difficulties in carrying out effective training throughout the year. He further noted that the possibility of acquiring more modern weapons in the future would compound these difficulties. In summary, he stated that 'any decision to release even the small part of OK 4 referred to by the Secretary of Defence and the CGS [Chief of the General Staff] must remain in abeyance for a number of years ahead so that correct decisions can be made in the future.'[449]

In late 1976, it appears that the solicitors representing the trustees of Oruamatua Kaimanawa 4 were advised that the Army required the whole of the block and that none of the land could be

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[443] Ibid.
[444] Secretary of Defence to Commissioner of Works, 7 July 1976, AAQB W3950 104 23/406/1/8 [part 2], ANZ Wellington.
[445] Ibid, p 4.
[446] Secretary of Defence to Commissioner of Works, 7 July 1976, AAQB W3950 104 23/406/1/8 [part 2], ANZ Wellington, p 5.
[447] Record of discussions held at Defence Headquarters on 3 July 1974, AD-W 6 W2600 1 1/6 part 3, ANZ Wellington.
[448] The Army closed the two areas off for the protection of flora following a request made by the Nature Conservation Council in April 1974. 'History of Land Boundaries and Purchases Waiouru Training Area', undated, Annex A to HQ ATG 7805/1 of 3 August 1987, ABFK 7607 W5548 313 7805/B36/1 part 1, ANZ Wellington, p 13.
[449] Ibid.

returned.[450] During 1977, as detailed below, the trustees began pursuing a compensation settlement. They also took the opportunity to again express their opposition to the taking of their land when the 'defence' zoning of Oruamatua Kaimanawa 4 was considered by the Taupo County Council.

In order to carry out adjustments along the northern boundary of the training ground, the Ministry of Works sought to have the various areas rezoned in the Taupo County's district scheme in accordance with the requirements of the Town and Country Planning Act 1953. Though Oruamatua Kaimanawa 4 was not part of the exchange proposal, the Ministry of Works, for reasons that are unclear, also sought to have the block's existing designation confirmed.[451] The trustees of Oruamatua Kaimanawa 4 and the aviation company that had operated on the block both lodged formal objections against the designation. The objections were heard in March 1978. The trustees' solicitor, Mr Phillips, spoke of the trustees' communication with Rata and the indication that only part of the land was required. He went on to warn that:

> If the land should ever be used for a purpose other than defence, the stage will be set for a situation similar to that of the Maori land taken at Raglan for a military aerodrome and subsequently used not for that purpose but for a golf course.[452]

While the objections were disallowed (on the grounds that they resulted from a ministerial requirement), members of the Council expressed sympathy with the objectors and the Council resolved to inform the Minister of Works and Development that it was concerned that the owners had not been consulted prior to the taking.[453]

Compensation

Block	Year of settlement	Value ($)
Oruamatua Kaimanawa 1X	1977	92,154
Oruamatua Kaimanawa 2C2	no details	no details
Oruamatua Kaimanawa 2C3 and 2C4	1979	9,500
Oruamatua Kaimanawa 4	1982	25,000

Table 15: Compensation paid for lands taken in November 1973, excluding payments for interest and costs

The process of settling compensation for the various lands taken in 1973 was drawn out over several years. Table 15 sets out when the settlements were reached and the amount of compensation that was paid (exclusive of interest and costs). No details have been located in respect of Oruamatua Kaimanawa 2C2, though there is some evidence to suggest that compensation was paid for this land. The first claim to be settled was Koreneff's claim for the taking of Oruamatua Kaimanawa 1X, which was heard in the Supreme Court in 1977. Claims concerning the Maori lands were submitted after Koreneff's claim had been dealt with, seemingly because those who were responsible for making the claims wished to await the outcome of

[450] Minister of Works and Development to Minister of Maori Affairs, 29 November 1976, AAQB W3950 104 23/406/1/8 [part 2], ANZ Wellington.
[451] Secretary of Defence to Commissioner of Works, 1 December 1977, ABFK 7291 W4776 18 203/192/1/2 part 1, Works and Buildings – Waiouru Military Camp – Northern Boundary Adjustments, 1977-1979, ANZ Wellington.
[452] *Taupo Times*, 9 March 1978, extract in ABFK 7291 W4776 18 203/192/1/2 part 1, 1977-1979, ANZ Wellington.
[453] Ibid.

Koreneff's case.[454] In the case of Oruamatua Kaimanawa 4, the trustees deferred making a claim while they believed that some of the block might be returned.

By 1973, procedures for compensating the owners of Maori lands taken for public works had changed from those that existed when Maori land was taken in 1961. Section 6 of Public Works Amendment Act 1962 ended the Maori Land Court's role in assessing compensation. Maori land became subject to the same provisions for determining compensation that applied to general land – claims could be either settled by negotiation or put before the Land Valuation Court. Except in cases where Maori land was owned by a single individual or vested in a trust, body corporate, or trustee (other than the Maori Trustee), the 1962 Amendment Act stipulated that the Maori Trustee was to submit claims and reach settlements on behalf of owners. In the cases where the Maori Trustee was not required to act, responsibility for submitting and handling claims lay with the owner, trust, body corporate, or trustee. In every case where Maori land was taken for a public work, the taking authority was to notify the Maori Trustee of the taking.

Soon after the 1973 taking was carried out, the Commissioner of Works wrote to the Secretary of Defence, advising that notice of the taking had been given to the Maori Trustee, the solicitors representing the trustees of Oruamatua Kaimanawa 4, and the solicitors representing Koreneff.[455] In February 1974, the Maori Trust Office informed the Secretary of Defence that the Maori Trustee would represent the owners of Oruamatua Kaimanawa 2C3 and 2C4 for compensation purposes, but would not act for the single owner of Oruamatua Kaimanawa 2C2 or the trustees of Oruamatua Kaimanawa 4.[456] A copy of this letter was forwarded to the Ministry of Works, which was responsible for dealing with the claims.

European land – Oruamatua Kaimanawa 1X

Compensation for the taking of Oruamatua Kaimanawa 1X was not settled through negotiation as an agreement could not be reached regarding the value of the taken land and the extent to which Koreneff should be compensated for 'disturbance'. Koreneff and the Ministry of Works both obtained two land valuations, but these varied considerably.[457] The valuations undertaken for the Crown averaged at $49,250, while Koreneff's valuations averaged at $155,264. In the end, Koreneff applied to have his claim heard by the administrative section of the Supreme Court. The claim amounted to a total sum of $338,894, comprising $244,155 for the land and $144,739 for disturbance.[458]

Attempts to reach an agreement continued before the case was heard. In October 1976, following advance payments amounting to $46,800, Koreneff was offered a further payment of $25,000 in full settlement of the claim.[459] This offer was rejected, but Koreneff's solicitors suggested that the claim might be either partly or wholly settled using the recently passed provisions of the Public Works Amendment Act 1976.[460] Section 4 of the Amendment Act

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[454] Senior Land Purchase Officer and District Land Purchase Officer to District Commissioner of Works, 13 July 1978, AAQB W3950 104 23/406/1/8 [part 2], ANZ Wellington.
[455] Commissioner of Works to Secretary of Defence, 3 December 1973, AAQB W3950 104 23/406/1/8 part 1, ANZ Wellington.
[456] Maori Trustee to Secretary of Defence, 18 February 1974, AAQB W3950 104 23/406/1/8 part 1, ANZ Wellington.
[457] Attorney General to MacIntyre, 7 October 1976, AAQB W3950 105 23/406/1/9, Waiouru Military Camp – Claim – Koreneff N – Whenuarangi Station, 1974-1979, ANZ Wellington.
[458] Ibid.
[459] Ibid.
[460] Cooper, Rapley, Bennett, and Thomson to Minister of Works and Development, 16 December 1976, AAQB W3950 105 23/406/1/9, ANZ Wellington.

inserted new clauses into the 1928 Act, which provided that land could be granted as compensation on a 'home for home' or 'farm for farm' basis. The suggestion that this could be applied in Koreneff's case was dismissed on the grounds that there was no suitable Crown land available and that the value of the taken land had not been agreed upon.[461]

Koreneff's claim was heard in the Supreme Court in April 1977. The Court's judgement, dated 22 April 1977, found that Koreneff was entitled to compensation of $92,154, which included $54,000 for the value of the land.[462] After the decision was made, Koreneff again questioned whether he might be able to take advantage of the 1976 Amendment Act for the purpose of resettling on a suitable area of Crown land.[463] Commenting on the matter, the Director-General of the Department of Lands and Survey asserted that the legislation was not applicable to Koreneff's case and that, essentially, Koreneff was wanting the Land Settlement Board to make a preferential allotment to him.[464] The Director-General stated that he was not prepared to make an allotment on this basis. On 30 June 1977, Koreneff was advised that the 1976 Amendment Act could not be applied to his situation and that no suitable Crown lands were available.[465]

Maori land – Oruamatua Kaimanawa 2C2, 2C3, 2C4, and 4

In June 1977, after the Supreme Court had dealt with Koreneff's case, Oruamatua Kaimanawa 2C3, 2C4, and 4 were valued at the request of the Maori Trustee and the trustees of Oruamatua Kaimanawa 4.[466] The valuations were carried out by a Mr Newman, who had valued Oruamatua Kaimanawa 1X for Koreneff.

On 16 September 1977, the Maori Trustee formalised a compensation claim for Oruamatua Kaimanawa 2C3 and 2C4, which was based on Newman's valuation.[467] The Maori Trustee claimed $8,000 for Oruamatua Kaimanawa 2C3 and $10,600 for Oruamatua Kaimanawa 2C4. Additionally, a sum of $1,860 was claimed for disturbance. It was also expected that interest would be paid from the date of taking and that valuation costs would be met.

The Ministry of Works' response to the claim was delayed owing to the loss of certain files and the need to carry out fresh valuations.[468] In June 1978, a valuation was eventually undertaken by the District Valuer, who assessed that Oruamatua Kaimanawa 2C3 and 2C4 had respectfully been worth $4,800 and $3,300 at the time of taking.[469] Commenting of the two valuations, Ministry of Works' land purchase officials believed that Newman's figures were based on sales

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461 Minister of Works and Development to Cooper, Rapley, Bennett, and Thomson, 2 February 1977, AAQB W3950 105 23/406/1/9, ANZ Wellington.
462 Crown Counsel to Commissioner of Works, 25 August 1977, AAQB W3950 105 23/406/1/9, ANZ Wellington.
463 Commissioner of Works to Director General of Lands, 26 May 1977, AAQB W3950 105 23/406/1/9, ANZ Wellington.
464 Director General, Lands and Survey, to Commissioner of Works, 13 June 1977, AAQB W3950 105 23/406/1/9, ANZ Wellington.
465 Commissioner of Works to Koreneff, 30 June 1977, AAQB W3950 104 23/406/1/8 part 1, ANZ Wellington.
466 Senior Land Purchase Officer and District Land Purchase Officer to District Commissioner of Works, 13 July 1978, AAQB W3950 104 23/406/1/8 [part 2], ANZ Wellington. Senior Land Purchase Officer and District Land Purchase Officer to District Commissioner of Works, 13 July 1978, AAQB W4073 70 23/406/1/10, Waiouru Military Camp – Julia Moana Morton, Awahina Katarina, Timu Te Heuheu, Kurihawa Maniapoto, 1978-1985, ANZ Wellington.
467 Compensation claim for Oruamatura Kaimanawa 2C3 and 2C4, 16 September 1977, AAQB W3950 104 23/406/1/8 [part 2], ANZ Wellington.
468 Commissioner of Works to District Officer, Maori Affairs Department, 21 December 1977, AAQB W3950 104 23/406/1/8 [part 2], ANZ Wellington. District Commissioner of Works to Secretary of Defence, 9 May 1978, AAQB W3950 104 23/406/1/8 [part 2], ANZ Wellington.
469 Senior Land Purchase Officer and District Land Purchase Officer to District Commissioner of Works, 13 July 1978, AAQB W3950 104 23/406/1/8 [part 2], ANZ Wellington.

that were of doubtful relevance. They also could not see any justification for the claim for disturbance and thought that this should be ignored.[470]

On 10 November 1978, the Maori Trustee, Ministry of Works' land purchase officers, and the valuers met to discuss the claim.[471] It was agreed that the value of Oruamatua Kaimanawa 2C3 and 2C4 should respectively be put at $5,000 and $4,500. Following the meeting, the land purchase officers reported that

> Because of the remoteness and type of terrain both parties agreed that it was difficult, if not impossible to relate sales of neighbouring properties as a whole to these blocks. It was found that the owners valuer did not approach his valuations in the same analytical manner as the District Valuer. The District Valuer was able to produce detailed analysis of sales which reduced his valuation to rates per acre based on classes of land found within the subject blocks.[472]

A settlement was finalised on the basis of the agreed values.[473] In July 1979, compensation amounting to $13,756.49 was paid to the Maori Trustee.[474] As well as the agreed value of the land, this sum included interest of $3,796.09 and valuation costs of $460.40.

The trustees of Oruamatua Kaimanawa 4 formalised a compensation claim in November 1977.[475] They sought $36,000 for the value of the land and also interest from the date of taking and costs. In July 1978, the District Valuer undertook a special valuation of the land, establishing a value of $20,000 at the time of taking.[476] This valuation formed the basis of an offer that was made to the trustees in September 1978.[477] The offer was rejected and in October 1978 the trustees applied to have their claim heard in the Land Valuation Court.[478]

For reasons that are unclear, the case was not heard until July 1982. In its decision, the Court accepted the evidence of the District Valuer and fixed the land value at $25,000.[479] (In addition to a land value of $20,000, the Court found that an airstrip on the block had a value of $5,000.) Interest of 10 percent was to be paid on this sum, compounding annually. The compensation money was paid in November 1982.[480] As well as $25,000 for the value of the land, the payment included interest of about $58,950 and costs amounting to $2,253.46.[481]

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[470] Ibid.
[471] Senior Land Purchase Officer and District Land Purchase Officer to District Commissioner of Works, 7 March 1979, AAQB W3950 104 23/406/1/8 [part 2], ANZ Wellington.
[472] Ibid.
[473] District Commissioner of Works to Maori Trustee, 21 May 1979, ABFK 7291 W4776 19 203/192/13 part 6, Works and Buildings – Waiouru Military Camp – Oruamatua Kaimanawa Blocks Negotiations Koreneff and Others, 1978-1979, ANZ Wellington.
[474] Voucher number 1075, 5 July 1979, ABFK 7291 W4776 19 203/192/13 part 6, 1978-1979, ANZ Wellington.
[475] Compensation claim – Oruamatua Kaimanawa 4, 22 November 1977, AAQB W4073 70 23/406/1/10, ANZ Wellington.
[476] Senior Land Purchase Officer and District Land Purchase Officer to District Commissioner of Works, 13 July 1978, AAQB W4073 70 23/406/1/10, ANZ Wellington.
[477] District Commissioner of Works to Commissioner of Works, 27 October 1978, AAQB W4073 70 23/406/1/10, ANZ Wellington.
[478] Notice requiring claim to be heard in the Land Valuation Tribunal, 9 October 1978, AAQB W4073 70 23/406/1/10, ANZ Wellington.
[479] Decision of Tribunal – claim of Morton and others, undated, AAQB W4073 70 23/406/1/10, ANZ Wellington.
[480] Compensation payment voucher, 24 November 1982, ABFK 7607 W5548 313 7805/B36/1 part 1, ANZ Wellington.
[481] District Property Officer to District Commissioner of Works, 15 October 1982, ABFK 7607 W5548 313 7805/B36/1 part 1, ANZ Wellington.

No details have been located regarding a compensation settlement for the taking of Oruamatua Kaimanawa 2C2. In March 1979, a Ministry of Works officer noted that a claim had yet to be submitted for the land.[482] As this block was owned by one individual, responsibility for making the claim lay with the owner, not the Maori Trustee. Earlier, in October 1971, it had been recorded that the owner of the block was deceased.[483] However, a successor may have been appointed and compensation settled, because in October 1982 the District Property Officer of the Ministry of Works reported that compensation had been settled for all the lands taken in 1973 except Oruamatua Kaimanawa 4.[484] Further research is required to establish whether compensation was in fact paid for the taking of Oruamatua Kaimanawa 2C2 and, if so, the details of the settlement.

Conclusion

The Tongariro Power Scheme had a major impact on the Army's use of the Waiouru training ground, prompting it to secure rights over other lands. During the construction phase, when the long-term implications of the scheme were unclear, the Army looked to negotiate temporary use rights over certain neighbouring lands. From the mid-1960s, it secured firing rights over several blocks controlled by Ohinewairua Station and also sought consent to use various Maori-owned blocks. Though the approval of two principal owners was obtained, the Army failed to secure proper authority to utilise the Maori lands, partly reflecting the difficulty of dealing with lands held in multiple ownership. The Army nevertheless proceeded to use two Maori-owned blocks, Kaimanawa 3B2A and 3B2B, without legal authority. Its use of these lands continued until at least 1980.

In keeping with the earlier takings, the 1973 taking was carried out on the basis of Defence Headquarters' recommendations, without independent scrutiny of the Army's requirements and whether alternatives to compulsory acquisition might have been appropriate. As progress with the power scheme advanced, the Army became more certain of the areas that would not be available for training and in 1971 began to look at acquiring permanent rights over new lands. The available evidence does not offer an explanation as to why permanent rights were deemed to be necessary, though presumably the reasons were similar to those provided when lands had previously been taken. Without question, the earlier takings had established a strong precedent for permanent acquisition.

The reasoning that underpinned the Army's selection of the lands that were taken in 1973 seems questionable and should have been subject to wider discussion. The lands were initially identified in the February 1971 report of the Commander at Waiouru, Colonel Ponanga. The report stated that there were two areas of land along the eastern boundary that were suitable for the training ground extension: an area of Maori land and an area that lay within Ohinewairua Station. Noting that Station lands had previously been taken and that the station lands that he identified in his report had been developed for farming purposes, Ponanga believed that the acquisition of further land from Ohinewairua Station would be 'considered inappropriate'. He acknowledged that the Station's representatives were effective lobbyists, indicating that they would strongly resist additional taking.

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[482] Note for file, 27 March 1979, ABFK 7291 W4776 19 203/192/13 part 6, 1978-1979, ANZ Wellington.
[483] District Officer to Head Office, 15 October 1971, MA 1 90 5/5/296 part 1, Tongariro Power Development Scheme, Crown Purchase – Defence Training Area (Nicolas Charles Koreneff), 1971-1973, ANZ Wellington.
[484] District Property Officer to District Commissioner of Works, 15 October 1982, AAQB W4073 70 23/406/1/10, ANZ Wellington.

Ponanga instead recommended the acquisition of the Maori land. He observed that this land was unsuitable for farming, but noted that Nicholas Koreneff was acquiring interests in the land. Though Ponanga had viewed the previous taking of land as a reason against the acquisition of further land from Ohinewairua Station, he did not acknowledge the fact that Maori owners had also lost a considerable area to earlier takings. Of the lands taken in 1961, about 29,167 acres had been in Maori ownership and some 8,029 acres had been owned by Ohinewairua Station. It is uncertain whether Maori owners affected by the 1961 taking also had interests in the lands that were acquired in 1973. However, the taking of further Maori land in 1973 clearly would have had an impact on collective, tribal landholdings.

In recommending the taking of the Maori land, Ponanga was no doubt aware that the acquisition of undeveloped land would involve less financial cost. He also would have been aware that the ability of the Maori owners to effectively lobby against the proposed acquisition would be limited. Within government departments and among politicians, opposition against the taking of unproductive, marginal land was unlikely to generate anywhere near as much support as protests against the taking of developed land that was part of an existing farming operation. As events unfolded, Maori owners were not made aware of the plan to take their land, so had little opportunity to oppose it. All opposition to the proposed taking would come from Koreneff.

As with the previous takings, the lands taken in 1973 appear to have been selected without careful consideration of exactly how much land was required and how all of the land would be utilised. Commenting on the proposal in May 1971, the Brigadier for the Chief of the General Staff considered that there was no alternative to the acquisition, but thought that the reasons for the exact boundaries of the new area had not been properly explained. It seems that the taking included at least one area of land that the Army did not require for its training purposes. In July 1974, following the taking, the Army Secretary and Chief of the General Staff admitted that the Army did not need a portion of Oruamatua Kaimanawa 4. After concerns were raised by the Ministry of Works, the Army Secretary defended the taking of the block, but some doubt remains as to whether the acquisition of the whole block was necessary.

The 1973 taking contrasts markedly with the 1961 taking in that the Maori owners were not consulted and no effort was made to purchase the Maori land by negotiation. Defence Headquarters and the Ministry of Works focussed entirely on dealing with Koreneff, who lobbied stridently against the taking his land. On 1 October 1973, after efforts to reach an agreement with Koreneff had failed, Cabinet approved the compulsory acquisition of the various lands. The lack of consultation with the Maori owners perhaps reflected that Koreneff had secured ownership of most of the land. Oruamatua 1X, which Koreneff had acquired outright, comprised about two-thirds of the area that was taken in 1973. (Indirectly, through his wife and others, Koreneff also had an interest in some of the other blocks.) In spite of this, a significant area of Maori land was involved and it seems that consultation would have been appropriate.

The difficulty of dealing with multiple owners was also probably a factor in explaining why the Maori owners were not consulted. However, this probably wouldn't have presented a major obstacle to negotiating with the owners. Only four Maori-owned blocks were involved and the number of owners was relatively small. In the case of the block with the most owners, Oruamatua Kaimanawa 4, trustees had been appointed. For reasons that are unclear, the Maori Affairs Department avoided becoming involved, though it was aware of the plan to acquire the lands.

It is likely that the Maori owners were completely unaware of the proposal to take their land, except perhaps in the period immediately before the proclamation was issued. The intention to

take the land was not formally notified, though it seems that the Maori owners may have received some form of notification from Defence Headquarters. Soon after the taking, the Secretary of Defence claimed that 'adequate notice' had been given in respect of the Maori land. Following the taking, the trustees of Oruamatua Kaimanawa 4, the largest of the Maori blocks, objected to the taking. The trustees were clearly angry that they had not been given the opportunity to comment on the acquisition prior to taking. They continued to object to the taking over several years, but these efforts were unsuccessful.

One of the matters that might have been discussed with the Maori owners prior to the taking was the possibility of land exchange. Arguably, the taking should not have proceeded until Rata had had time to fully investigate the exchange proposal put forward at the Cabinet meeting of 1 October 1973. This would have included discussions involving the Maori owners and the relevant government departments. In December 1973, after the taking, Rata discussed the exchange proposal with the Minister of Forests. However, the idea was abandoned. While further research is required into the matter, it appears that the proposal would have seen a portion of Oruamatua Kaimanawa 4 excluded from the training ground – something that the Ministry of Works opposed because the land had recently been taken for defence purposes.

The settlement of compensation for the lands taken in 1973 was drawn out over a number of years. The new provisions relating to Maori land, introduced in 1962, had ended the Maori Land Court's role in determining compensation, which appears to have typically seen compensation settled comparatively quickly. It seems that claims for the Maori lands taken in 1973 were withheld until Koreneff's claim was settled. This happened in 1977, after Koreneff's claim was heard in the Supreme Court.

The Maori Trustee's role in concluding a settlement on behalf of the owners of Oruamatua Kaimanawa 2C2 and 2C3 appears to have provided greater protection of the owners' interests. However, under the new procedures, the Maori Trustee did not act where trustees had been appointed or where lands were held by a single owner. In such cases, responsibility for making a claim lay with the trustees or the owner. While the claim of the trustees of Oruamatua Kaimanawa 4 was eventually settled in the Land Valuation Court in 1982, some doubt exists as to whether a settlement was ever reached in respect of Oruamatua Kaimanawa 2C4, which at the time of taking had been held by a single, deceased owner. Depending on the nature of the notification given by Defence Headquarters prior to the taking, it is possible that relatives of the deceased owner were unaware of the taking and did not take steps to make a claim.

Chapter Seven: Exchange of Crown lands along northern boundary of Waiouru Training Ground, 1979-1981

Introduction

Between 1979 and 1981, an exchange of lands was carried out along a section of the northern boundary of Waiouru training ground. It involved the transfer of an area of State Forest land to Defence (for inclusion in the training ground) and the transfer of training ground land to the State Forest Service and Department of Lands and Survey (for inclusion in Kaimanawa Forest Park and Tongariro National Park). Table 16 provides details of the areas that were exchanged, while Figure 9 indicates the location of these lands. (A more accurate map will be prepared for the final report). The transfers were carried out under the Public Works Act 1928, which enabled Crown land to be set aside for a public work and land held for a public work to be used for another purpose. Most of the defence land that was transferred had been compulsorily acquired from European and Maori owners.

Transfer	Land area involved (hectares)
State Forest Service to Defence	896.3600
Defence to State Forest Service	1,402.8280
Defence to Lands and Survey	338.6372

Table 16: Areas of land transferred along northern boundary of Waiouru training ground, 1979-1981

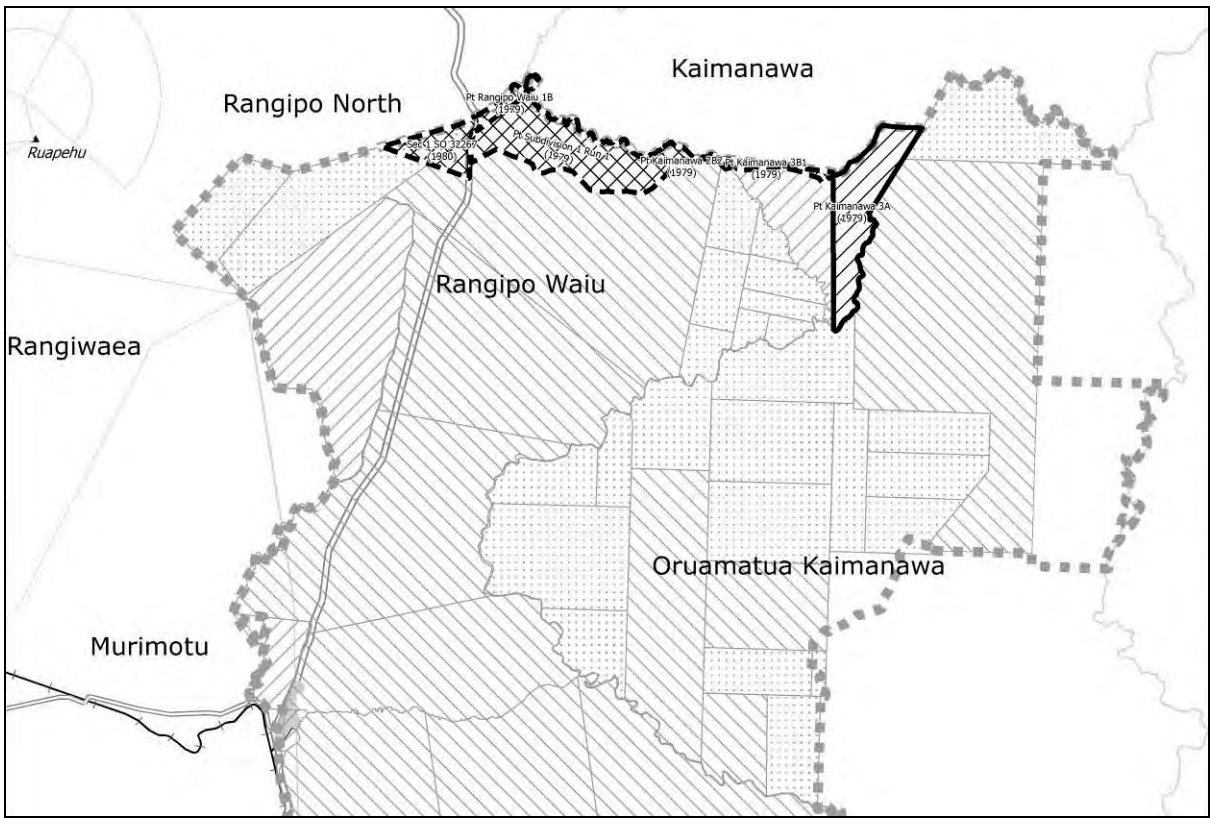

Figure 9: Adjustments to northern boundary of Waiouru training ground, 1979-1981[485]

[485] Heinz, p 78.

Early negotiations

As detailed above, Defence Headquarters and the State Forest Service were discussing issues relating to the northern boundary of Waiouru training ground in the early 1970s, prior to the land taking of November 1973. Around this time, discussions also appear to have been initiated with the Department of Lands and Survey in respect of defence lands lying east of Desert Road, which the Department wished to add to Tongariro National Park. In March 1974, Defence Headquarters prepared a map that showed areas of the training ground that it believed the Forest Service and Department of Lands and Survey might claim in future negotiations.[486] The map, which is presented in Figure 10, also marked two areas of Forest Service land that the Army wished to add to the training ground.

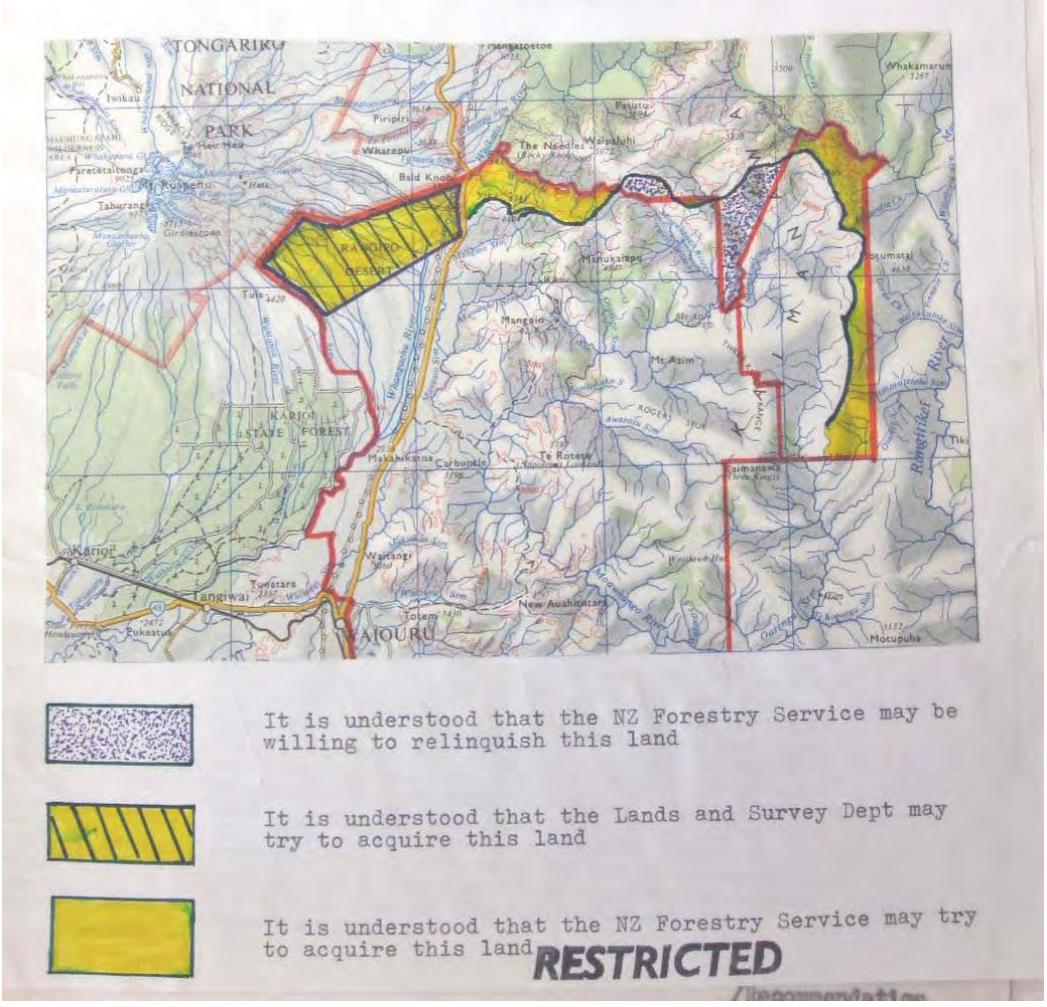

Figure 10: Areas sought by State Forest Service, Lands and Survey, and Defence, March 1974[487]

On 3 July 1974, as detailed earlier, Defence Headquarters staff and Forest Service officials met to discuss how the northern boundary of the training ground might be adjusted to suit their respective interests. An examination of Figure 10 shows that the recently-taken Oruamatua Kaimanawa 4 and 1X blocks were among the areas that the Forest Service wished to secure.

[486] Chief of the General Staff to Home Command, 29 March 1974, AD-W 6 W2600 1 1/6 part 3, Land Waiouru Acquisition and Disposal Policy, 1968-1974, ANZ Wellington.
[487] Reference map: map entitled 'Possible Boundary Change Proposals to the Waiouru Training Area', attached to Chief of the General Staff to Home Command, 29 March 1974, AD-W 6 W2600 1 1/6 part 3, ANZ Wellington.

While Defence staff admitted that they did not require part of Oruamatua Kaimanawa 4, it was recognised that the transfer of lands that had recently been taken for defence purposes would be politically unacceptable and should therefore be excluded from exchange proposals. By mid-August 1974, an agreement had been reached whereby the Forest Service would gain various areas of defence land that would provide access to the southern end of the Kaimanawa Forest Park from the Desert Road.[488] In return, the Army would secure Part Kaimanawa 3A, a finger of land that protruded into the training ground.[489]

Having reached an agreement with the State Forest Service, Defence Headquarters began discussions with the Department of Lands and Survey regarding defence lands lying west of the Desert Road and adjoining Tongariro National Park.[490] The Department of Lands and Survey wished to secure an area that included a track that provided access to Tukino village and ski fields. By March 1976, an agreement was in place regarding the transfer of this land.[491]

Land transfer

Several years passed before the process of formally transferring the various lands was completed. The lands needed to be surveyed in some cases and valuations had to be carried out to enable financial adjustments between departments. The various areas also needed to be redesignated under the Taupo County Council district scheme in accordance with the requirements of the Town and Country Planning Act 1953.[492] The Ministry of Works and Development undertook this work and was responsible for the issuing of the necessary ministerial declarations, proclamations, and orders in council.

On 28 August 1979, the Minister of Works and Development made two declarations concerning the training ground transfers. In the first, the Minister declared Part Kaimanawa 3A, an area of 896.36 hectares and formerly part of Kaimanawa Forest Park, to be set apart for defence purposes pursuant to section 25 of the Public Works Act 1928, effective from 6 September 1979.[493] (Section 25 of the 1928 Act enabled Crown land to be set aside for a public work without requiring compliance with the procedures that applied to the taking of other lands.) In the second declaration, the Minister declared various lands held for defence purposes to be set aside for the purpose of the Forests Act 1949.[494] The declaration was made pursuant to section 25 of the 1928 Act and, again, was effective from 6 September 1979. Table 17 sets out the various lands that were subject to the second declaration, which were to be added to Kaimanawa Forest Park.

On 2 November 1979, the Minister of Works and Development signed a declaration that concerned the defence lands that would be added to Tongariro National Park.[495] It stated that various lands taken for defence purposes would become Crown land subject to the Land Act 1948, effective from 15 November 1928. Details of the various lands are set out in Table 18.

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[488] Secretary of Defence to Director General of Forests, 16 August 1974, AD-W 6 W2600 1 1/6 part 3, ANZ Wellington.
[489] It will be recalled that Defence Headquarters had initially looked to secure this land alongside the areas that were taken in November 1973. For reasons that are unclear, it did not proceed with this plan.
[490] Deputy Secretary of Defence to Home Command, undated minute on Secretary of Defence to Director General of Forests, 16 August 1974, AD-W 6 W2600 1 1/6 part 3, ANZ Wellington.
[491] *AJHR*, 1976, G4, p 24.
[492] See ABFK 7291 W4776 18 203/192/1/2 part 1, Works and Buildings – Waiouru Military Camp – Northern Boundary Adjustments, 1977-1979, ANZ Wellington.
[493] *New Zealand Gazette*, 1979, p 2628.
[494] *New Zealand Gazette*, 1979, p 2628.
[495] *New Zealand Gazette*, 1979, p 3305.

The declaration was made pursuant to section 35 of the Public Works Act 1928, which provided two options for dealing with lands that were no longer required for the purpose for which they were taken. Land could either be sold or remain in Crown ownership and used for another purpose.

Land	Area (hectares)
Part Rangipo Waiu 2B2	7.0180
Part Kaimanawa 3B1	80.9500
Part Rangipo Waiu 1B	95.8600
Part Subdivision 1 Run 1	1219.0000
Total	1402.8280

Table 17: Defence lands set aside for the purpose of the Forests Act 1949 (to be added to Kaimanwa Forest Park), September 1979

Land	Area (hectares)
Parts Rangipo Waiu 1B	224.3570
Parts Subdivision 1 of Run 1	109.3290
Parts Rangipo Waiu 1	4.9512
Total	338.6372

Table 18: Defence lands declared Crown land (to be added to Tongariro National Park), September 1979

On 13 October 1980, the defence lands that had been declared Crown land were added to Tongariro National Park by an Order in Council issued under section 10 of the National Parks Act 1952.[496] The lands had been amalgamated into a single block – Secton 1 Block X Kaimanawa Survey District, which was stated to have an area of 338.71 hectares. The following year, on 8 May 1981, the defence lands that had been set aside for the purpose of the Forests Act 1949 were added to Kaimanawa State Forest Park by a proclamation issued under the 1949 Act.[497]

While the land exchanges did not involve any of the land that had been taken in November 1973, it did involve areas that had been acquired for defence purposes through earlier compulsory takings. As noted above, section 35 of the Public Works Act 1928 provided that land taken for a public work could be used for another purpose when it was no longer required for the purpose for which it was taken. Table 19 sets out the defence lands taken from Maori and European owners that were transferred for addition to Kaimanawa Forest Park or Tongariro National Park. The transfers involved about 327 hectares of compulsorily-acquired Maori land and about 1328 hectares of compulsorily-acquired general land.

Land	Purpose of transfer	Ownership history	Area (hectares)
Part Rangipo Waiu 2B2	Kaimanawa Forest Park	Maori land taken in 1961	7.0180
Parts Rangipo Waiu 1B	Kaimanawa Forest Park	Maori land taken in 1942	95.8600
	Tongariro National Park		224.3570
Parts Subdivision 1 Run 1	Kaimanawa Forest Park	General land taken from Forest Farm	1,219.0000
	Tongariro National Park	Products Limited (Wenzl Schollum) in 1942	109.3290
		Total	1,655.5640

Table 19: Compulsorily taken defence lands added to Kaimanawa Forest Park and Tongariro National Park[498]

[496] *New Zealand Gazette*, 1980, p 3315.
[497] *New Zealand Gazette*, 1981, p 1419.
[498] *New Zealand Gazette*, 1979, p 2628, 3305.

Conclusion

The exchange of lands along the northern boundary of Waiouru training ground, carried out between 1979 and 1981, saw the Army relinquish almost twice as much land as it gained. Nearly all of the land that was given up from the training ground had been acquired compulsorily from Maori and European owners in 1942. The transfer of this land did not necessarily indicate that it had been little used by the Army. Rather, it is possible that the State Forest land that was acquired in the exchange, which protruded into the training ground, was simply seen to be of greater value to the Army.

The transfer of the training ground lands clearly raises issues regarding the legislation that enabled taken lands to be used for a purpose other than that for which they had been acquired. This especially seems to have been the case because the lands were transferred for a purpose that is unlikely to have been regarded as an essential public work in the same way as defence. While compulsory acquisition might have been seen as justifiable for defence purposes, it is less likely that this was the case where lands were sought for inclusion in a national park or forest park. In light of this, it might be argued that the transfer of the training ground lands without consultation with the former owners was improper. However, from the Army's perspective, the transfer was no doubt seen as justifiable because it enabled it to obtain another area of land that potentially improved the shape of the training ground.

Chapter Eight: Exchange of Crown and European lands along eastern boundary of Waiouru Training Ground, 1990

Introduction

In December 1990, after drawn out negotiations between Defence Headquarters and Ohinewairua Station, an exchange of lands was carried out along the eastern boundary of Waiouru training ground. The exchange saw about 2,800 hectares of Station land added to the training ground. In return, about 580 hectares of defence land was transferred to Ohinewairua Station. Figure 11 shows the various areas involved. (A more accurate map will be produced for the final report.) The agreement under which the exchange was carried out also saw the Army acquire a lease that the Station held over Maori-owned Oruamatua Kaimanawa 1U as well as firing rights over other station lands.

The exchange was implemented under the Public Works Act 1981, which included offer back provisions that provided former owners with a right of repurchase when lands taken for public works were disposed of. All of the training ground land transferred to Ohinewairua Station had been taken, mostly from Maori. However, for reasons that are unclear, offer back to the former owners was deemed to be inapplicable.

Neighbouring Maori owners were not consulted about the exchange. Claimants state that the transfer of the Ohinewairua Station lands has affected their ability to access the north-lying Oruamatua Kaimanawa 1U and 1V blocks. They had previously accessed these blocks through the Station land, but since the exchange the Army has largely stopped this.

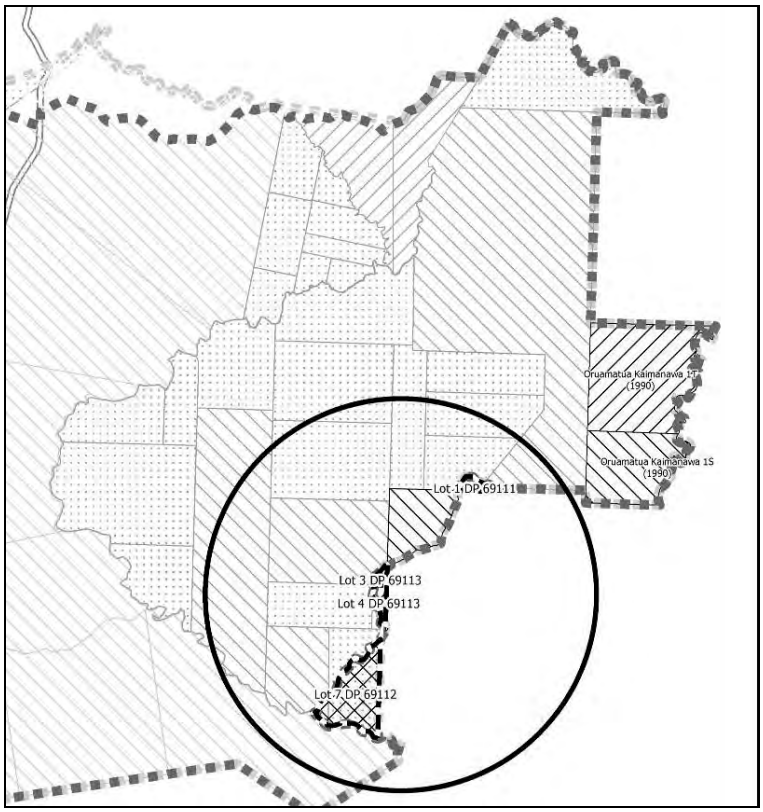

Figure 11: Lands acquired from and transferred to Ohinewairua Station, 1990[499]

[499] Heinz, p 80.

Security developments and the New Zealand Army, 1975-2000

The withdrawal of troops from Vietnam in 1972 marked the end of New Zealand's 'Asian wars'.[500] However, a battalion remained stationed in Singapore until 1989 and New Zealand continued to work with certain Southeast Asian states on security matters. In the 1980s and 1990s, the focus of the armed forces turned to international peacekeeping, with individuals and units serving in a range of locations, including Mozambique, the Middles East, Cambodia and Slovenia.[501] During this time, the Army continued long-range weaponry training at Waiouru, and in the late 1980s looked to secure more land for this purpose.

Ohinewairua Station exchange proposal

In the late 1970s, the owners of Ohinewairua Station proposed an adjustment to the boundary that ran between the Station and the training ground.[502] It was suggested that this boundary be realigned with natural land features rather than follow land parcel boundaries that did not have a physical basis. In particular, the Station wished to secure ownership of Moawhango Flats, an area of about 600 acres that lay within the 10,000 acres leased by the Station.[503] In return, the Station was prepared to give up an area that was of little use for farming.

The Army considered the proposal, but could see few advantages to the suggested realignment. The Commander of Waiouru Camp believed that the proposal, if carried out, would set a 'dangerous precedence' and lead to further encroachment of the training ground boundaries.[504] In November 1979, the Secretary of Defence advised the Station's solicitors that Defence Headquarters did not wish to proceed with the proposal.[505] It was explained that the loss of the Moawhango Flats land would restrict live firing templates. Further, the land that the Army would gain from the exchange would be of limited use.

In spite of this letter, the proposal was discussed further at a meeting held at Waiouru and also in correspondence between the Stations' solicitors and Defence Headquarters.[506] Commenting on the matter in May 1980, the Commander of Waiouru Camp again expressed opposition to the proposal, but recognised that the grazing companies were effective lobbyists:

> . . . land tenure, leases, grazing licences and boundary conflicts in ATG are difficult. Unfortunately the grazing companies will not cease their lobbying until there is a resolution. The resolution must either be equitable in the eyes of the grazing company or be so logical and/or arbitrary and strongly executed on our part as to preclude further lobbying.[507]

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[500] Rolfe, p 17.
[501] Rolfe, p 18.
[502] Colonel for CGS to HQ Home Command and ATG Waiouru, 12 February 1979, ABFK 7291 W4776 18 203/192/1/5 part 1, Works and Buildings – Waiouru Military Camp – Proposed Exchange with Ohinewairua Station, 1979-1980, ANZ Wellington.
[503] Nolan and Skeet to Secretary of Defence, 31 March 1980, ABFK 7607 W5056 29 7816/B36/14 part 1, Works and Real Estate – Leases Defence Property Revenue – Waiouru (Ohinewairua Station Ltd), 1978-1984, ANZ Wellington.
[504] Colonel Commander to HQ NZLF, 14 May 1979, ABFK 7291 W4776 18 203/192/1/5 part 1, ANZ Wellington.
[505] Secretary of Defence to Nolan and Skeet, 2 November 1979, ABFK 7291 W4776 18 203/192/1/5 part 1, ANZ Wellington.
[506] See ABFK 7607 W5056 29 7816/B36/14 part 1, ANZ Wellington.
[507] Colonel Commander to HQ NZLF, 26 May 1980, ABFK 7607 W5056 29 7816/B36/14 part 1, ANZ Wellington.

While the Ohinewairua Station proposal was being discussed, Defence Headquarters became interested in acquiring further lands along the eastern boundary of Waiouru training ground. An internal memorandum prepared in December 1980 noted that the Army, as a matter of policy, wanted to increase the size of the Waiouru training area.[508] Specifically, it wished to acquire title to the land that lay between the Stowman Range and the Rangitikei River. In order to achieve this, the Army hoped to secure Oruamatua Kaimanawa 1S and 1T, both owned by Ohinewairua Station. It also looked to secure Oruamatua Kaimanawa 1R and unsuccessfully attempted to purchase this block when it was sold by auction in early 1981.[509] As well as acquiring the title to these lands, the Army was interested in obtaining firing rights over other parts of Ohinewairua Station and over Oruamatua Kaimanawa 1K.

The Army sought to extend the eastern boundary of the training ground because, again, it wished to secure an area that would provide adequate range for weapons firing. It was claimed that the acquisition of land and shooting rights would significantly improve the land that was available for safety areas when larger calibre weapons were fired. It was stated that this would 'almost remove the "choke" effect on safety templates of the gap between the Moawhango dam and the North-West corner of Ohinewairua Station.'[510]

During 1981, Ohinewairua Station's efforts to negotiate an exchange stalled. On 11 March 1981, the Acting Deputy Secretary of Defence wrote to the Station's solicitors, stating that Defence Headquarters was not prepared to transfer any training ground land to the Station.[511] He stated that the Moawhango Flats area could be leased to the Station and also advised that Defence Headquarters was interested in acquiring the freehold of two blocks owned by the Station, Oruamatua Kaimanawa 1T and 1S. The matter remained unresolved for several years. On 30 June 1981, the Station's lease of the 10,000 acres of the training ground expired.[512] Except for the Moawhango Flats area, it appears that the Station had not occupied the land for a number of years.[513]

Agreement between Defence Headquarters and Ohinewairua Station

In September 1986, Defence Headquarters and Ohinewairua Station again discussed a land exchange proposal, and by November 1986 a broad agreement had been reached.[514] By this time, the Army had changed its position and was prepared to give up a limited area of training ground land in order to reach an agreement with the Station. The exchange, which was eventually finalised in 1990, would involve the transfer of several areas of land. Defence would acquire the freehold of Oruamatua Kaimanawa 1S and 1T and three other areas of Station land:

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[508] Colonel for CGS to ACDS (Spt), 19 December 1980, ABFK 7291 W4776 18 203/192/1 part 4, Works and Buildings – Waiouru Military Camp – Buildings Waiouru Land, 1979-1981, ANZ Wellington.
[509] ADW2 to D Wks, 29 January 1981, ABFK 7607 W5056 27 7805/B36 part 1, Works and Real Estate – Acquisition and Disposal of Land and Buildings – Waiouru Army Training Group, 1980-1982, ANZ Wellington. Colonel for CGS to ACDS (Spt), 16 February 1981, ABFK 7291 W4776 18 203/192/1 part 4, ANZ Wellington.
[510] Colonel for CGS to ACDS (Spt), 19 December 1980, ABFK 7291 W4776 18 203/192/1 part 4, ANZ Wellington.
[511] Acting Deputy Secretary of Defence to Nolan and Skeet, 11 March 1981, ABFK 7607 W5056 29 7816/B36/14 part 1, ANZ Wellington.
[512] Secretary of Defence to Commissioner of Crown Lands, 30 July 1981, ABFK 7607 W5056 29 7816/B36/14 part 1, ANZ Wellington.
[513] Nolan and Skeet to Secretary of Defence, 1 October 1982, ABFK 7607 W5056 29 7816/B36/14 part 1, ANZ Wellington.
[514] Notes of meeting held on 29 September 1986, ABFK 7607 W5548 341 7816/B36/14 part 2, Works and Real Estate – Defence Property Revenue – Waiouru – (Ohinewairua Station Ltd), 1972-1989, ANZ Wellington. Secretary of Defence to Egan, 28 November 1986, ABFK 7607 W5548 341 7816/B36/14 part 2, ANZ Wellington.

Ohinewairua Station land transferred to Defence	Further detail	Area (hectares)
Oruamatua Kaimanawa 1S	Owned by Tussock Land Company Limited	830.8196
Oruamatua Kaimanawa 1T	Owned by Tussock Land Company Limited	1449.9886
Lot 2, LT 69111, Wellington Land District	Comprised of parts of Oruamatua Kaimanawa 2F and 2D, owned by Woodlands Limited.	514.5548
Lot 5, LT 69111, Wellington Land District	Comprised of part of Part Lot 9 DP 5906 (formerly part of Oruamatua Kaimanawa 2G), owned by Woodlands Limited.	1.4852
Lot 6, LT 69111, Wellington Land District	Comprised of part of Part Lot 9 DP 5906 (formerly part of Oruamatua Kaimanawa 2N), owned by Forest Land Company Limited.	3.4785
	Total	**2800.3267**

Table 20: Ohinewairua Station land transferred to Defence, 1990[515]

In return, four areas of training ground land would be transferred to Ohinewairua Station:

Defence land transferred to Ohinewairua Station	Further detail and ownership history	Area (hectares)
Lot 1, LT 69111, Wellington Land District	Comprised of part of Oruamatua Kaimanawa 2C4. This block had been compulsorily taken from Maori owners in 1973.	44.1022
Lot 3, LT 69111, Wellington Land District	Comprised of part of Oruamatua Kaimanawa 2E. This block had been purchased from European owners (Christie and Marshall) in 1959.	25.0639
Lot 4, LT 69111, Wellington Land District	Comprised of parts of Oruamatua Kaimanawa 2Q1 and 2Q2. These blocks had been compulsorily taken from Maori owners in 1961.	51.6647
Lot 7, LT 69111, Wellington Land District	Comprised of parts of Oruamatua Kaimanawa 2O and 2P. Most of the area, about 434 hectares, had lain within Oruamatua 2O, which had been compulsorily taken from Maori owners in 1961. About 24 hectares had lain within Oruamatua 2P, which had been compulsorily taken from Forest Land Company (Ohinewairua Station) in 1961.	458.7276
	Total	**579.5584**

Table 21: Defence land transferred to Ohinewairua Station, 1990[516]

In addition to the land exchanges, the agreement between Defence Headquarters and Ohinewairua Station provided that Defence would acquire a lease that the Station held over

[515] Final draft of deed between Her Majesty the Queen, Woodlands Limited, Forest Land Company Limited, and Tussock Land Company Limited, attached to Consultancy Property Manager to Secretary of Defence, 16 February 1989, ABFK 7607 W5548 341 7816/B36/14 part 2, ANZ Wellington. Plan of proposed boundary adjustment [LT 69111, Wellington Land District], September 1989, ABFK 7607 W5548 341 7816/B36/14 part 2, ANZ Wellington. *New Zealand Gazette*, 1990, p 4669.

[516] Final draft of deed between Her Majesty the Queen, Woodlands Limited, Forest Land Company Limited, and Tussock Land Company Limited, attached to Consultancy Property Manager to Secretary of Defence, 16 February 1989, ABFK 7607 W5548 341 7816/B36/14 part 2, ANZ Wellington. Plan of proposed boundary adjustment [LT 69111, Wellington Land District], September 1989, ABFK 7607 W5548 341 7816/B36/14 part 2, ANZ Wellington. Certificates under section 107(7) of the Public Works Act 1981, attached to District Solicitor to Chief Executive Officer, Ruapehu District Council, 24 April 1991, ABFK 7607 W5548 341 7816/B36/14 part 3, Works and Real Estate – Defence Property Revenue – Waiouru – Tussock Land Co Ltd (Ohinewairua Station Ltd), 1989-1991, ANZ Wellington.

Maori-owned Oruamatua Kaimanawa 1U block.[517] The agreement also contained provisions relating to the fencing of the boundary between the training ground and Station, and, lastly, the Army obtained shooting rights over certain other Station lands.

Consideration of offer back provisions of Public Works Act 1981

In April 1987, when steps were being taken to finalise an agreement with Ohinewairua Station, Defence Headquarters recognised that the offer back provisions of the Public Works Act 1981 would need to be taken into consideration before any of the defence land was transferred to the Station.[518] Section 40 of the 1981 Act provides former owners or their successors a right of repurchase when land held for a public work becomes surplus and is to be disposed of. This provision applies both to Crown land and land held by local authorities. It does not apply if the land is required for another public work or if the disposing authority considers that it would be 'impracticable, unreasonable, or unfair to do so', or there has been a 'significant change' to the character of the land.

As detailed in Table 21, all of the land that Defence wished to transfer to Ohinewairua Station had been acquired for defence purposes from private interests. About 530 hectares had been taken from Maori, while some 49 hectares had been acquired from Europeans. Some of the land acquired from Europeans, an area of about 24 acres, had been taken from Forest Land Company, one of the three companies that made up Ohinewairua Station. The proposed exchange would see this land returned to its former owner.

In June 1987, having realised that the statutory requirements of the 1981 Act were relevant to the proposed exchange, Defence Headquarters sought the involvement of the Ministry of Works and Development.[519] From this point, the Ministry and its successor agency, Works Consultancy, worked on finalising the exchange proposal and implementing the agreed terms. However, following the restructuring of the Ministry in 1988, matters relating to section 40 of the 1981 Act were handled by the Department of Lands.[520] The Department of Lands was responsible for deciding whether it was necessary for the defence land to be offered back to the former owners or their successors.

In August 1989, after some delay, the Department of Lands advised Works Consultancy that the defence land did not have to be offered back to the former owners because an exemption existed under section 40(2)(a) of the 1981 Act.[521] This section of the 1981 Act provides that land does not have to be offered back if it is considered that it would be 'impracticable, unreasonable, or unfair to do so'.[522] Unfortunately, the Department of Lands' file that concerns the transfer of the defence lands has not been located, so it has not been possible to establish the reasoning behind the decision.[523] Offer back may have been seen to be 'impracticable' because the various

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[517] Final draft of deed between Her Majesty the Queen, Woodlands Limited, Forest Land Company Limited, and Tussock Land Company Limited, attached to Consultancy Property Manager to Secretary of Defence, 16 February 1989, ABFK 7607 W5548 341 7816/B36/14 part 2, ANZ Wellington.
[518] Quinn, file note, 23 April 1987, ABFK 7607 W5548 341 7816/B36/14 part 2, ANZ Wellington.
[519] Secretary of Defence to District Commissioner of Works, 22 June 1987, ABFK 7607 W5548 341 7816/B36/14 part 2, ANZ Wellington.
[520] District Property Manager to Secretary of Defence, 9 May 1988, ABFK 7607 W5548 341 7816/B36/14 part 2, ANZ Wellington.
[521] Acting District Property Officer to Manager, Works Consultancy Services, 10 August 1989, ABFK 7607 W5548 341 7816/B36/14 part 2, ANZ Wellington.
[522] Section 2, Public Works Amendment Act 1982.
[523] Department of Lands, Wanganui office, file 50/0/5. The file may be held by the Department of Conservation in Wanganui.

lands appear to have lacked legal access. The relatively small size of some of the subdivided areas that were to be transferred also may have been a factor. Marr has observed that the offer back exemptions are open to interpretation and that there has been some uncertainty as to how they should be applied.[524]

In respect of land area, the decision to not offer the land back primarily affected the former Maori owners of Oruamatua Kaimanawa 2O. As detailed in Table 21, most of the Defence land that would be transferred to the Station (some 530 hectares) had lain within this block, which had been taken in 1961.

Implementation of agreement

After the Department of Lands advised that the land did not have to be offered back, the agreement between Defence Headquarters and Ohinewairua Station was confirmed and then implemented.[525] On 7 December 1990, the various defence lands were granted to Woodlands Limited and Forest Land Limited, two of the three companies that operated Ohinewairua Station. The lands were granted under sections 105 and 106 of the 1981 Act and were to be amalgamated with existing titles held by the two companies.

On 13 December 1990, the Ohinewairua Station lands passed into Crown ownership. In a notice published in the *New Zealand Gazette*, the District Solicitor of the Department of Survey and Land Information, Wanganui, declared the lands to be acquired for defence purposes.[526] The declaration, made pursuant to section 20(1) of the Public Works Act 1981, noted that agreements had been entered into regarding the various lands.

Access issues concerning Maori-owned Oruamatua Kaimanawa 1U and 1V

Claimants state that the 1990 exchange has affected access to two blocks of Maori-owned land, Oruamatua Kaimanawa 1U and 1V. These blocks lie immediately to the north of Oruamatua Kaimanawa 1T and are without legal access. According to Graeme Gummer, the owners were, prior to the exchange, able to access the blocks using a customary route from the Napier-Taihape Road, which passed through Oruamatua Kaimanawa 1S and 1T.[527] The exchange was undertaken without consultation with the owners of the Oruamatua Kaimanawa 1U and 1V blocks. Following the exchange, the owners have found it difficult to obtain the Army's permission to access these lands, thought meetings concerning the matter have been held between Army and owner representatives. Gummer states that the lack of access has limited the owners' ability to visit and effectively manage their lands.

Conclusion

The 1990 land exchange saw another large area added to Waiouru training ground – land owned by Ohinewairua Station. This was the final major acquisition carried out in connection with the training ground. Once again, the Army sought the land because it wished to increase the area available for safe firing of artillery. It seems that this need was, as with the 1973 taking, connected to the loss of land resulting from the creation of Lake Moawhango. It is notable that

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[524] Cathy Marr, 'The Waimarino Purchase Report', a report commissioned by the Waitangi Tribunal, 2004, pp 656-657.
[525] Consultancy Property Manager to Works Officer, Ministry of Defence, 15 August 1989, ABFK 7607 W5548 341 7816/B36/14 part 2, ANZ Wellington.
[526] *New Zealand Gazette*, 1990, p 4669.
[527] Gummer, pp 6-7.

artillery capability remained important to the Army, even though deployments had shifted to peacekeeping operations.

The exchange shows a change in land acquisition policy. Compared with earlier takings, Defence Headquarters was prepared to go to greater lengths to reach an agreement with owners. This included relinquishing training ground land to private interests, something that had been considered unacceptable at the close of the 1970s. The new approach reflected a new statutory regime – the Public Works Act 1981 placed greater emphasis on lands being acquired by agreement. The concessions made to the Station also no doubt reflected an awareness of the Station's demonstrated ability to lobby and of the sympathies that would lie with an established agricultural enterprise.

Like the exchanges along the northern boundary, a significant aspect of the 1990 exchange is that it involved training ground land that had been taken from private interests. In the case of the 1990 exchange, most of the land involved, an area of at about 530 hectares, had been taken from Maori owners. The 1990 exchange differed from the earlier exchange in that the land was transferred out of Crown ownership rather set aside for another Government purpose. In this situation, the offer back provisions of the 1981 Act needed to be taken into consideration. After assessing the proposed disposal, the Department of Lands determined that an exemption was applicable and that the land did not have to be offered back.

Unfortunately, research has not shed light on the reasoning that lay behind this decision, though an apparent lack of legal access to the lands may have been a factor. No evidence has been located to indicate that the former owners' views were sought on the matter or whether any investigations were made into the possibility of providing access through the training ground. Claimants have raised another issue concerning access to lands lying on the eastern boundary, stating that the Army's acquisition of the Station lands in 1990 cut off access to the Maori-owned Oruamatua Kaimanawa 1U and 1V blocks. Claimants believe that they should have been consulted about the exchange and potential loss of access, though it is possible that the Army was unaware that Maori were accessing the Oruamatua Kaimanawa 1U and 1V blocks through the Station lands.

Chapter Nine: Miscellaneous acquisitions and disposals

Introduction

The previous sections have examined the major land takings and exchanges associated with the development of Waiouru training ground. This section briefly provides details of a number of relatively small, miscellaneous acquisitions and disposals that concern the defence lands of the Taihape inquiry district. While care has been taken to locate as many of these as possible, research into small acquisitions and disposals has not been exhaustive and some may have been overlooked.

The earliest of the small acquisitions, which was undertaken in 1945, did not concern Waiouru training ground, but was instead related to the establishment of a wireless station at Hihitahi (located between Taihape and Waiouru). Many of the dealings involved the taking and disposal of small areas of land in and around Waiouru township. One of the more significant takings, carried out in 1965, concerned the acquisition of land for an airfield near Waiouru. None of the takings involved Maori land, though a portion of the land acquired for the airfield was general land owned by an individual of Maori descent.

Crown land set apart for naval and air force wireless transmitting station, 1945

In August 1945, an area of Crown land was set apart for defence purposes at Hihitahi, located between Taihape and Waiouru.[528] The land was Parts of Subdivision 1, SO Plan 18558, Wellington Land District, a total area of 159 acres 3 perches. Set aside under the provisions the Public Works Act 1928, the land was required for the site of a naval and air force wireless transmitting station, which would be known as HMNZS Irirangi. A leaseholder, K.C. Webster, occupied the land. Before the land was set apart, a compensation settlement was negotiated with Webster, an agreement being reached in May 1945.[529] A settlement was also reached with a neighbouring farmer with regard to the erection of transmitter poles on another area of leased Crown land.[530]

In the early 1970s, HMNZS Irirangi was relocated within the boundaries of Waiouru training ground.[531] A portion of the Hihitahi site became surplus to requirements and in 1976 was declared to be Crown land. The declaration was made under section 35 of the Public Works Act 1928.[532] The surplus land was Parts Section 8, SO 30722, Wellington Land District, a total area of 13.0418 hectares. The current status of the residual area of the former HMNZS Irirangi site has not been established.

Crown land set apart for defence purposes, 1953

In July 1953, about six acres of Crown land at Waiouru was set apart for defence purposes under section 25 of the Public Works Act 1928.[533] The land was Section 16, Block V, Waiouru

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528 *New Zealand Gazette*, 1945, p 1048.
529 Under Secretary, Public Works, to Under Secretary, Lands, 16 May 1945, W 1 712 23/406/27/3 part 1, Defence Works and Buildings – Waiouru Military Camp – HMNZS "Irirangi" (ship) – Compensation Claim – KC Webster, 1943-1945, ANZ Wellington.
530 Under Secretary, Public Works, to District Chief Clerk, 23 June 1947, W 1 712 23/406/1/6, Defence Works and Buildings – Waiouru Military Camp – Compensation Claim – EA Peters, 1943-1947, ANZ Wellington.
531 Assistant Land Purchase Officer and District Land Purchase Officer to District Commissioner of Works, 18 December 1973, W 1 712 23/406/27/3 part 1, ANZ Wellington.
532 *New Zealand Gazette*, 1976, p 2501.
533 *New Zealand Gazette*, 1953, p 1127.

Township. It appears that this land was an old school site held by the Education Department and that the Army planned to establish a new school on a different site within Waiouru Camp.[534]

Taking of land for defence purposes, 1958

In May 1958, Sections 1 and 2, Block I, Waiouru Township, an area of 1 rood 33 perches, were taken for defence purposes under the Public Works Act 1928.[535] It is unclear why this land was acquired. Prior to the taking, it appears that the Public Works Department reached an agreement with the European owner, V.M. Parker, who accepted £50 for the land.[536]

Taking of land, leasehold, and easement for airfield, 1965

In May 1965, an area of land, a leasehold interest, and an easement were declared to be taken for defence purposes pursuant to section 32 of the Public Works Act 1928.[537] The *Gazette* notice recorded that agreements had been entered into in connection with the taking, which was carried out to secure lands required for the establishment of an airfield near Waiouru.

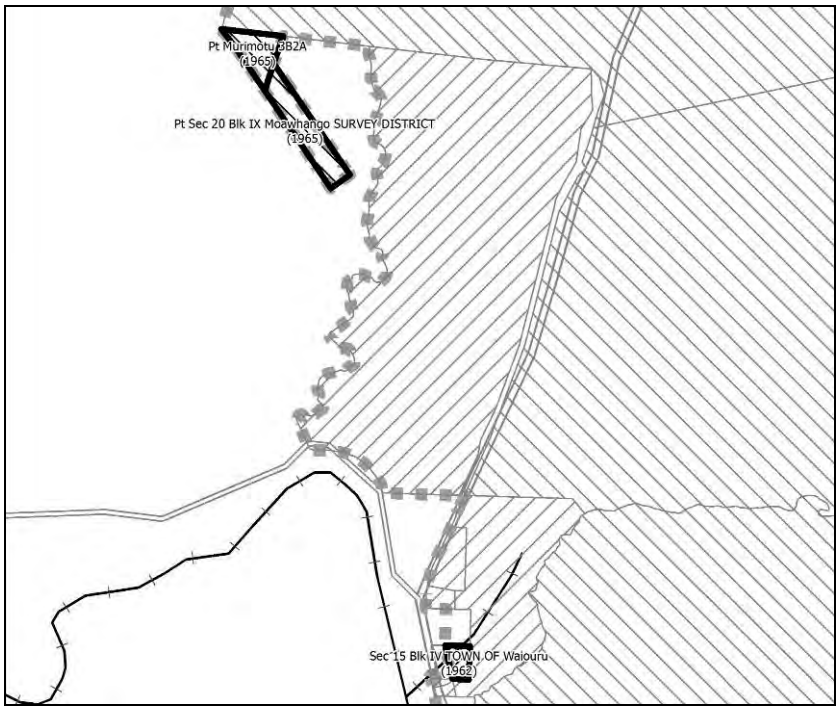

Figure 12: Lands taken for airfield in May 1965[538]

The decision to establish the airfield had been finalised early in 1962.[539] Discussions with the land owner and leaseholder appear to have been undertaken at an early stage.[540] In March 1964,

[534] District Commissioner of Works to Commissioner of Works, 1 July 1953, AAQB W3950 104 23/406/1 part 1, ANZ Wellington.
[535] *New Zealand Gazette*, 1958, p 693.
[536] District Commissioner of Works to Commissioner of Works, 15 May 1958, AAQB W3950 104 23/406/1 part 2, ANZ Wellington.
[537] *New Zealand Gazette*, 1965, pp 1101-1102.
[538] Heinz, p 73.
[539] Commissioner of Works to District Commissioner of Works, 23 February 1962, AAQB W4073 68 23/381/210, ANZ Wellington.

Ministry of Works land purchase officers reported that an agreement had been reached with Stephens.[541] The agreed value of the land was a compromise that reflected valuations undertaken for Stephens and the Crown. Stephens accepted £160 15s 11d for the taking of her land.[542]

By June 1964, an agreement had also been reached in respect of Waiouru Station's leasehold interest and the easement.[543] Again, both parties had obtained valuations. As well as providing a sum of compensation, the agreement provided that the Station could use the airfield with the permission of the commanding officer of Waiouru Camp. The Station accepted £1,141 13s 4d for the taking of its leasehold interest and the easement.[544] The value of the leasehold interest recognised certain factors of injurious affection.[545] In particular, the proposed airfield cut across existing runways used by the Station and an associated company, Wanganui Aero Works Limited. While the agreement provided that the Station could use the Defence airfield, the extent to which this would be possible was unclear. The establishment of the airfield would also result in the loss of well established shelter belts and create a severance effect on land to the north.

Defence land declared to be Crown land, 1967

In July 1967, an area of land held for defence purposes, Part Run 4, containing 2 roods 10.9 perches, was declared to be Crown land.[546] The declaration was made under section 35 of the Public Works Act 1928. It appears that the Wanganui-Rangatikei Electric Power Board required the land for the establishment of a substation.[547] Defence Headquarters agreed to relinquish the site after discussions were held with the Power Board.[548] The land had been part of an area of Crown land that was set apart for defence purposes in March 1943.[549]

Defence land set apart for a road, 1972

In March 1972, several areas of defence land and Crown land were declared to be set apart for a road.[550] The declaration was made under section 25 of the Public Works Act 1928. It appears that the land was required for a realignment of the Desert Road. The defence land was Parts Subdivisions 3 and 4 of Run 1, a total area of 9 acres 2 roods 36.8 perches. This land had been taken from Forest Farm Products Limited in November 1939.[551]

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[540] In November 1961, the District Commissioner of Works reported that Stephens had consented to the taking of the area required from her property. District Commissioner of Works to Commissioner of Works, 14 November 1961, AAQB W4073 68 23/381/210, ANZ Wellington.
[541] Land Purchase Officer and District Land Purchase Officer to District Commissioner of Works, 18 March 1964, AAQB W4073 68 23/381/210, ANZ Wellington.
[542] District Commissioner of Works, to Commissioner of Works, 19 May 1965, AAQB W4073 68 23/381/210, ANZ Wellington.
[543] Land Purchase Officer and District Land Purchase Officer to District Commissioner of Works, 9 June 1964, AAQB W4073 68 23/381/210, ANZ Wellington.
[544] District Commissioner of Works, to Commissioner of Works, 19 May 1965, AAQB W4073 68 23/381/210, ANZ Wellington.
[545] Land Purchase Officer and District Land Purchase Officer to District Commissioner of Works, 9 June 1964, AAQB W4073 68 23/381/210, ANZ Wellington.
[546] *New Zealand Gazette*, 1967, p 1461.
[547] Land Purchase Officer and District Land Purchase Officer to District Commissioner of Works, 21 April 1961, AAQB W3950 104 23/406/1 part 2, ANZ Wellington.
[548] Deputy Secretary of Defence to Commissioner of Works, 14 January 1966, AAQB W3950 104 23/406/1 part 2, ANZ Wellington.
[549] *New Zealand Gazette*, 1943, pp 357-358.
[550] *New Zealand Gazette*, 1972, p 536.
[551] *New Zealand Gazette*, 1939, p 3062.

Defence land set apart for a road, 1978

In March 1978, further areas of defence land and Crown land were declared to be set apart for a road.[552] Again, the declaration was made under section 25 of the Public Works Act 1928. The defence land was Parts Subdivisions 1, 2, and 3 of Run 1 and Parts Rangipo Waiu 1B, a total area of 24.234 hectares. Subdivisions 1, 2, and 3 of Run 1 had been taken from Forest Farm Products Limited in November 1939 and June 1942, while Rangipo Waiu 1B had been taken from Maori owners in July 1942.[553]

Crown land set apart for defence purposes, 1978

In September 1978, several areas of Crown land, Parts Rangipo Waiu 1, were set apart for defence purposes through a declaration made under section 25 of the Public Works Act 1928.[554] The total area of land involved was 23.7893 hectares. It appears that this land was set apart for defence purposes in exchange for the defence land that had been set apart for a road in March 1978, possibly in connection with a realignment or resurvey of the Desert Road.[555]

Defence land taken for housing purposes, 1978 and 1979

In April 1978, several areas of defence land at Waiouru were taken and vested in the Rangitikei County Council for housing purposes.[556] The taking was carried out under section 32 of the Public Works Act 1928, subject to an agreement. The lands involved were:

- Part Section 3, Block IV, Waiouru Township;
- Part Section 14, Block IV, Waiouru Township;
- Part Section 15, Block IV, Waiouru Township; and
- Part Section 16, Block V, Waiouru Township.

The total area of land vested in the Council was 3.8518 hectares. The lands had formerly been Crown land or in European ownership and were variously acquired for defence purposes in 1942, 1953, and 1962.[557]

In July 1979, another area of defence land at Waiouru was vested in the Rangitikei County Council for housing purposes.[558] This land, an area of 880 square metres, was Part Section 2 and Part Section 14, Block IV, Waiouru Township. It had been taken for defence purposes from European owners in 1942.

Defence land declared to be Crown land, 1978

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[552] *New Zealand Gazette*, 1978, p 719.
[553] *New Zealand Gazette*, 1939, p 3062. *New Zealand Gazette*, 1942, p 1652. *New Zealand Gazette*, 1942, p 1886.
[554] *New Zealand Gazette*, 1978, p 2587.
[555] Assistant Land Purchase Officer and District Property Officer to District Commissioner of Works, 9 March 1976, ABFK 7291 W4776 18 203/192/1 part 3, Works and Buildings – Waiouru Military Camp – Buildings Waiouru Land, 1971-1978, ANZ Wellington.
[556] *New Zealand Gazette*, 1978, p 1077.
[557] *New Zealand Gazette*, 1942, p 1886. *New Zealand Gazette*, 1953, p 1127. *New Zealand Gazette*, 1962, p 418.
[558] *New Zealand Gazette*, 1979, p 2019.

In October 1978, an area of defence land at Waiouru was declared to be Crown land, effective from 2 November 1978.[559] The declaration was made under section 35 of the Public Works Act 1928. The land, an area of 2.3543 hectares, was Section 32, Block IX, Moawhango Survey District. It was declared Crown land to enable it to be transferred to the Army Memorial Trust Board, which was to use it for the site of the Army Museum.[560]

Road stopped and land set apart for defence purposes, 1993

In December 1993, declarations made under sections 116 and 52 Public Works Act 1981 saw an area of road at Waiouru stopped and set apart for defence purposes.[561] The land was Part Section 1, Block IV, Waiouru Township, an area of 319 square metres.

Defence land set apart for road, 2001 and 2002

In June 2001, an area of defence land was set apart for a road as a result of a declaration made under section 52 of the Public Works Act 1981.[562] The land was Parts Run 4, a total area of 0.5713 hectares. This land had been part of an area of Crown land that was set apart for defence purposes in March 1943.[563]

In June 2002, several other small areas of defence land at Waiouru were set apart for roads.[564] A severed area of defence land was also taken. The total area involved was less than two hectares and was mostly comprised of Parts Run 4.

Conclusion

This chapter has provided brief details of a number of relatively small defence land transactions. While the coverage of such transactions has endeavoured to be complete, it is possible that some may have been overlooked. None of the acquisitions discussed in the chapter involved Maori land, though a portion of the area taken for the airfield in 1965 was general land held by an individual of Maori descent. One of the areas of defence land that were set apart for other purposes appears to have included land taken from Maori. This land, which was set apart for a road in 1978, had been taken from Maori in July 1942.

The chapter sheds further light on how land takings were handled from the end of the Second World War. In the 1945, 1958, and 1965 takings, negotiations were held with the owners and leaseholders, and settlements were reached before the takings were carried out. This approach contrasts with the defence takings that were carried out in 1939 and 1942, which involved European and Maori land and also leasehold interests. With the exception of the owners of the Maori land that was taken in 1973, it seems that attempts were made to negotiate the acquisition of all defence lands acquired in the Taihape inquiry district after the end of the Second World War. Compulsory acquisition was resorted to when these negotiations were unsuccessful and an agreement could not be reached.

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[559] *New Zealand Gazette*, 1978, p 2979.
[560] District Commissioner of Works to Commissioner of Works, 24 October 1978, ABFK 7291 W4776 18 203/192/1/1 part 1, Works and Buildings – Waiouru Military Camp – Sales of Land to Rangatikei County Council for Residential Purposes, 1977-1980, ANZ Wellington.
[561] *New Zealand Gazette*, 1994, pp 71-72.
[562] *New Zealand Gazette*, 2001, p 1375.
[563] *New Zealand Gazette*, 1943, pp 357-358.
[564] *New Zealand Gazette*, 2002, p 1773.

Conclusion

A significant area of Maori land was taken in connection with the Army's Waiouru training ground. In three takings carried out in July 1942, February 1961, and November 1973, about 43,438 acres of Maori land were acquired compulsorily under the Public Works Act 1928 for the purpose of enlarging the training ground. As detailed in Table 22, the 1961 taking was the largest of the three acquisitions. Waiouru training ground was (and remains) the Army's only large-scale training area, providing open space for manoeuvres and the firing of long-range weapons.

Date of taking	Area (acres)
July 1942	6,324a 0r 00p
February 1961	29,167a 1r 08p
November 1973	7,946a 2r 00p
Total	43,437a 3r 08p

Table 22: Maori lands taken for Waiouru training ground

Land in Maori ownership was not the only land acquired for the training ground. The training ground was established after an initial taking of 51,600 acres of European-owned land in November 1939. The total area of European land acquired for the training ground amounted to at least 101,975 acres. Over the years, areas of Crown land were also included in the training ground.

Evidence concerning the selection of the various areas of Maori land taken for the training ground is rather limited. The reports and memoranda prepared prior to the 1942 and 1961 takings set out how the lands would be used, but do not discuss whether alternative areas were available. As detailed in chapter six, the 1973 taking was different in this respect. In February 1971, Colonel Ponanga examined all of the lands surrounding the training ground. He identified only two suitable areas – an area of Maori land and an area that lay within Ohinewairua Station. Ponanga recommended that the Maori land be acquired, asserting that it would be inappropriate to acquire the Station land because it had been developed for farming purposes and because land had previously been taken from the Station. As well as indicating a preference towards acquiring undeveloped land, this decision reflects the extent to which the Station – unlike the Maori owners – was able to effectively lobby against further taking.

The Army's calls for land taking at Waiouru were, on the whole, approved by Cabinet and carried out by the Public Works Department with little assessment of whether the takings were necessary. In each case, it would seem that two matters required scrutiny – (1) the extent to which the Army required use of the lands proposed for taking and (2) the extent to which the acquisition of full land title was appropriate. In respect of the first matter, no attempt was made to independently verify that the Army required the use of all the lands that it sought. Indeed, there is evidence to indicate that some of the land may not have been required – relatively small areas of European land taken in 1939 and 1942 and larger area of Maori land (part of Oruamatua Kaimanawa 4) taken in 1973.

The other aspect of the takings that warranted careful consideration was whether acquisition of full land title was justifiable and the most suitable approach to securing the Army's use of the lands it required for training. The Army clearly believed that permanent ownership of the land was desirable. Prior to the initial taking carried out in 1939, the commanding officer of Central Command argued that that obtaining permanent rights would end reliance on the goodwill of land owners, stop compensation claims for damage, and end the menace of stray and

unexploded shells. In respect of the lands that were taken in 1961, the Army Secretary reasoned that full title needed to be acquired to eliminate potential claims for injury to stock and damage to the land.

The necessity of acquiring full land title was considered only in connection with the initial taking carried out in 1939. Before and after this taking, questions were raised about whether taking of the land under the Public Works Act was the most suitable course of action. The Public Works Department's Land Purchase Officer suggested that only the camp area needed to be taken because it was proposed that the other lands would be grazed, indicating that the Army's use of these lands would not be continuous. The Crown Solicitor clarified the matter, stating that taking under the Public Works Act was appropriate if the Army required full control of the land for all time. The decision was left to the Army, which resolved that full and ongoing control was required.

The 1939 taking set the precedent for acquisition of full title. The issue of whether this was appropriate received little further attention when subsequent takings were carried out. As recognised by the Public Works Department's Land Purchase Officer, the Army's leasing of training ground land raises questions about the extent to which the acquisition of full title was necessary. The leases indicate that, except for the camp area, the Army's use of the training ground was not constant and that it might have been appropriate for some other form of occupation to have been trialled. Reflecting that it was of little value for agricultural purposes, only a relatively small area of land taken from Maori was subsequently leased by the Army.

The leases are also notable because they demonstrate that there was considerable flexibility in the arrangements that could exist between landowners and lessees. The Army ensured that it retained full rights of access over the leased lands, allowing it to undertake training at short notice. Presumably, backed by the option of proceeding with acquisition under public works legislation, the Army could have attempted to obtain the same powers through entering into leasing arrangements with landowners. Such leases would have enabled owners to retain ownership and receive an ongoing economic benefit from their land.

While the three takings of Maori land differed somewhat with regard to the extent to which owners were consulted, all of the lands were, in the end, acquired compulsorily without the owners' agreement. There was no statutory requirement for owners to be consulted. As detailed in chapter one, separate provisions for defence takings in the 1928 Act, which had been introduced in 1894, did not even require that notice of intention to take was to be given and owners possessed no formal right of objection. These provisions applied to Maori and general lands.

The 1942 and 1973 takings were both carried out without any consultation with the Maori owners. Prior to the 1942 taking, Defence Headquarters discussed the proposed acquisition with the Native Department, but ignored the Department's views concerning the taking, including a suggestion that a meeting could be held with the owners. Wartime conditions may have hastened steps to take the lands, disinclining Defence Headquarters from engaging with the owners. It is evident that the Army began using the land before the taking without the owners' consent.

Prior to the 1961 taking, an attempt was made to secure the land with the owners' agreement. These efforts, which were drawn out over a number of years and ultimately unsuccessful, reflected a greater emphasis on acquiring land for public works by negotiation. Following initial investigations into the possibility of an exchange, the Maori Affairs Department unsuccessfully

attempted to arrange the purchase of the required Maori lands. It faced the difficultly of having to deal with some 20 blocks that were held by a large number of owners whose interests were typically small. The existing legislation was inadequate to deal with this problem. (It was not until 1974 that legislation was enacted to enable Maori land required for public works to be more easily purchased by negotiation.) As a token of courtesy to the owners, notice of intention to take was given before the 1961 taking was carried out.

The failure of efforts to reach an agreement with the Maori owners prior to the 1961 taking might partly explain why no consultation was undertaken with the Maori owners affected by the 1973 taking. The Maori Affairs Department was aware of the proposal to take the land, but unlike the earlier takings did not suggest that the owners should be consulted. Defence Headquarters and the Public Works Department focussed entirely on dealing with Nicholas Koreneff, who had recently acquired a large proportion of the land that was to be taken. It is unlikely that negotiations with the owners of the Maori lands taken in 1973 would have presented anywhere near the same amount of difficulty as was experienced prior to the 1961 taking. Considerably fewer blocks were involved and the number of owners was much smaller. In the case of the block with the largest number owners, Oruamatua Kaimanawa 4, trustees had been appointed.

With the exception of the 1973 taking, European and Maori owners were treated similarly in respect of the extent to which the Public Works Department and Defence Headquarters sought to consult with owners about proposed takings. European owners were not consulted prior to the 1939 and 1942 takings, though discussions were held with a leaseholder just before the latter taking was carried out. Though there was generally more willingness to consult with owners from the end of the Second World War, the Public Works Department was clearly prepared to take European land compulsorily if negotiations were unsuccessful. The 1961 taking included two blocks of Ohinewairua Station land and Koreneff's land was also subject to compulsory taking in 1973. In contrast, the lands acquired from Ohinewairua Station in 1990 were secured by agreement under the provisions of the Public Works Act 1981. No Maori land has been acquired for the training ground under this legislation.

Compensation for the Maori lands taken in 1942 and 1961 was dealt with by the Land Court under legislative provisions that did not appropriately recognise issues arising from the fact that Maori land was typically held by multiple owners. Arranging and paying for Court representation presented a difficulty when there was a large number of owners who held small interests. There were also problems concerning notification, with there being no requirement for individual owners to be notified of compensation hearings. This was compounded by the fact that responsibility for applying to the Court for a compensation assessment lay with the taking authority.

These shortcomings in the legislation were evident in the way that compensation for the 1942 and 1961 takings was handled. In the case of the land taken in 1942, none of the owners were present at the compensation hearing. The case was particularly notable because the Public Works Department failed to finalise a compensation settlement. This was a serious oversight, but because the owners were not represented the Department was to a large extent unaccountable. (The Court, it should be noted, showed some protection of the owners' interests when it rejected the Departments' initial offer of £10 for the taken land.) While some owners of the lands taken in 1961 were present at the compensation hearing, it could not be said that the owners' interests were adequately represented. In particular, the owners had not obtained valuation information to contest the Government valuation that the Public Works Department put before the Court.

Compensation for the four blocks of Maori lands taken in 1973 was settled in accordance with legislative provisions introduced in 1962, which ended the Maori Land Court's jurisdiction over compensation. The Maori Trustee's role in concluding a settlement on behalf of the owners of Oruamatua Kaimanawa 2C2 and 2C3 appears to have provided greater protection of the owners' interests. However, under the new procedures, the Maori Trustee did not act where trustees had been appointed or where lands were held by a single owner. In such cases, responsibility for making a claim lay with the trustees or the owner. While the claim of the trustees of Oruamatua Kaimanawa 4 was eventually settled in the Land Valuation Court, some doubt exists as to whether a settlement was ever reached in respect of Oruamatua Kaimanawa 2C4, which at the time of taking had been held by a single, deceased owner.

The compensation provisions that applied to Maori land up until 1962 contrasted with the procedures that were followed when general lands were taken. Settlements were negotiated directly with European owners or their representatives and all were concluded without Court proceedings. However, this does not necessary mean that European owners obtained better settlements. As with the Maori lands, the Public Works Department sought to settle compensation on the basis of Government valuation and generally appears to have been successful in achieving this. From 1962, the compensation provisions applying to general and Maori lands were more closely aligned.

The taking of lands for Waiouru training ground highlights issues relating to the legislative provisions that have applied when lands taken for public works are no longer used or required for the purpose for which they were taken. On two occasions, lands taken from European and Maori owners were excluded from the training ground without offer back to the former owners. In the first case, discussed in chapter seven, lands were transferred for inclusion in Kaimanawa Forest Park and Tongariro National Park between 1979 and 1981 as part of an exchange.

The second case, discussed in chapter eight, saw training ground land disposed of to Ohinewairua Station as part of an exchange carried out in 1990. Most of the land involved, an area of at about 530 hectares, had been taken from Maori owners. The offer back provisions of the 1981 Act were relevant to this case as the lands were being disposed of, not simply set aside for another Government work. After assessing the proposal, the Department of Lands determined that an exemption was applicable. Research has not shed light on the reasoning that lay behind this decision, but a lack of legal access to the lands may have been a factor. No evidence has been located to indicate that the former owners' views were sought on the disposal, which potentially deprived the owners of an opportunity to secure the return of a small part of the large area that had been taken from Maori for Waiouru training ground.

Bibliography

Published Sources

Books, journal articles, etc

McGibbon, Ian, ed., *The Oxford Companion to New Zealand Military History*, Oxford University Press, Auckland, 2000,
Rolf, James, *The Armed Forces of New Zealand*, Allen & Unwin, St Leonards, New South Wales, 1999.

Official publications

Appendices to the Journals of the House of Representatives
New Zealand Gazette
New Zealand Official Yearbook
New Zealand Statutes

Unpublished Sources

Archival records and manuscripts

Archives New Zealand, Wellington

Army Department
AD 1 1082 203/192/1 part 2, Waiouru Military Camp – Taking of Land, 1961-1971 [ANZ reference gives incorrect date range of 1946-1961].
AD 1 1091 204/232 part 1, Rifle Range – Camp – Military – Waiouru, 1940-no date.
AD 1 1091 204/232 part 2, Rifle Range – Camp – Military – Waiouru, no date-no date.
AD 1 1092 204/232 part 3, Rifle Range – Camp – Military – Waiouru, no date-1944.

Central Military District, Wellington
AD-W 6 W2599 1 1/6/4 part 1, Land Lease – Waiouru – WR Harding, 1949-1958.
AD-W 6 W2599 1 1/6/5 part 1, Land Lease – Waiouru – J Macrae, 1947-1951.
AD-W 6 W2600 1 1/6/4 part 2, Land Waiouru – WR Harding Lease, 1960-1978.
AD-W 6 W2600 1 1/6 part 3, Land Waiouru Acquisition and Disposal Policy, 1968-1974.

Department of Conservation, Head Office
AANS 6095 W5491 389 6/11/178, Reserves – General – Waiouru Military Camp, 1939-1963.
AANS 6095 W5491 389 6/11/178, Reserves – General – Waiouru Military Camp & Airfield, 1963-1972.

Maori Affairs Department, Head Office
MA 1 69 5/5/29 Rangipo North 6G Rangipo Waiu 1B – Purchase by Army Department – Defence Purchase at Waiouru, 1941-1941.
MA 1 75 5/5/68, Waiouru Military Camp – Acquisition of Additional Land by Army Department, 1949-1962.
MA 1 90 5/5/296 part 1, Tongariro Power Development Scheme, Crown Purchase – Defence Training Area (Nicolas Charles Koreneff), 1971-1973.

Ministry of Defence Headquarters
AALJ 7291 W3508 16 203/192/13 part 1, Buildings: Waiouru – Land: Army Requirement to Additional Land, Oruamatua, Kaimanawa Blocks; Negotiations Mr N Koreneff and Others, 1970-1972.
AALJ 7291 W3508 35 204/232/1 part 1, Rifle Ranges – Waiouru Camp Land – Lease to CA Gillett, 1940-1954.

AALJ 7291 W3508 35 204/232/6 part 1, Rifle Ranges – Waiouru Camp Land – Lease to EA Peters, 1944-1969.

Native Land Court
Tokaanu minute book
Whanganui minute book

Headquarters New Zealand Defence Force
ABFK 7291 W4776 18 203/192/1 part 3, Works and Buildings – Waiouru Military Camp – Buildings Waiouru Land, 1971-1978.
ABFK 7291 W4776 18 203/192/1 part 4, Works and Buildings – Waiouru Military Camp – Buildings Waiouru Land, 1979-1981.
ABFK 7291 W4776 18 203/192/1/1 part 1, Works and Buildings – Waiouru Military Camp – Sales of Land to Rangatikei County Council for Residential Purposes, 1977-1980.
ABFK 7291 W4776 18 203/192/1/2 part 1, Works and Buildings – Waiouru Military Camp – Northern Boundary Adjustments, 1977-1979.
ABFK 7291 W4776 18 203/192/1/5 part 1, Works and Buildings – Waiouru Military Camp – Proposed Exchange with Ohinewairua Station, 1979-1980.
ABFK 7291 W4776 19 203/192/13 part 6, Works and Buildings – Waiouru Military Camp – Oruamatua Kaimanawa Blocks Negotiations Koreneff and Others, 1978-1979.
ABFK 7291 W4776 20 203/192/137 part 2, Works and Buildings – Waiouru Military Camp – Military Reserve, Tongariro Power Station, 1968-1978.
ABFK 7291 W4776 32 204/232/5 part 2, Rifle Ranges General Policy – Waiouru Camp Rifle Range – WE & E Fernie Lease, 1955-1980.
ABFK 7291 W4776 32 204/232/6 part 2, Rifle Ranges General Policy – Waiouru Camp Rifle Range – EA Peters Lease, 1970-1978.
ABFK 7291 W4776 33 204/232/7 part 2, Rifle Ranges General Policy – Waiouru Camp Rifle Range – WA Harding Lease, 1965-1980.
ABFK 7291 W4776 33 204/232/10 part 1, Rifle Ranges General Policy – Waiouru Camp Rifle Range – Ohinewairua Station, 1961-1980.
ABFK 7560 W4982 13 7795/6/7/440 part 1, Works – Rifle Ranges – Kaimanawa Block 4 – Waiouru, 1980-1988.
ABFK 7560 W4982 15 7816/1/440 part 4, Works – Leases – Defence Property – Revenue – Army Training Group – Waiouru, 1983-1988.
ABFK 7560 W4982 15 7816/1/440 part 5, Works – Leases – Defence Property – Revenue – Army Training Group – Waiouru, 1984-1985.
ABFK 7560 W5464 20 7805/1/2 part 2, Works and Real Estate – Works, Property Management – Acquisition and Disposal of Land & Buildings – Waiouru, 1992-1992.
ABFK 7607 W5056 27 7805/B36 part 1, Works and Real Estate – Acquisition and Disposal of Land and Buildings – Waiouru Army Training Group, 1980-1982.
ABFK 7607 W5056 28 7816/B36/11/E part 1, Works and Real Estate – Leases Defence Property Revenue – Waiouru Station Ltd Waiouru Army Training Group (Eastern), 1980-1982.
ABFK 7607 W5056 29 7816/B36/12 part 1, Works and Real Estate – Leases Defence Property Revenue – Trustees Fernie Estate Army Training Group Waiouru.
ABFK 7607 W5056 29 7816/B36/14 part 1, Works and Real Estate – Leases Defence Property Revenue – Waiouru (Ohinewairua Station Ltd), 1978-1984.
ABFK 7607 W5548 279 7795/B36 part 1, Works and Real Estate – Ranges and Training Areas – Army Training Group Waiouru, 1983-1989.
ABFK 7607 W5548 283 7800/B36 part 1, Works and Real Estate – Real Estate – Army Training Group Waiouru, 1979-1987.
ABFK 7607 W5548 313 7805/B36/1 part 1, Works and Real Estate – Acquisition and Disposal of Land and Buildings – Army Training Group Waiouru (Excluding Moawhango Dam), 1982-1982.
ABFK 7607 W5548 313 7805/B36/1 part 2, Works and Real Estate – Acquisition and Disposal of Land and Buildings – Army Training Group Waiouru (Excluding Moawhango Dam), 1990-1994. [Looked at this one.]

ABFK 7607 W5548 313 7805/B36/2 part 1, Works and Real Estate – Acquisition of Land and Buildings – Moawhango Dam, 1982-1988.
ABFK 7607 W5548 313 7805/B36/3 part 1, Works and Real Estate – Acquisition and Disposal of Land and Buildings – Waiouru ATG – HMNZS (Her Majesty's New Zealand Ship) Irirangi – Area within ATG Area, 1991-1993. [Looked at this one.]
ABFK 7607 W5548 339 7816/B35/1 part 1, Works and Real Estate – HMNZS (Her Majesty's New Zealand Ship) Irirangi – Post Office Cable Easement Waiouru-Taihape, 1982-1982.
ABFK 7607 W5548 340 7816/B36/11/E part 2, Works and Real Estate – Defence Property Revenue – Waiouru – Waiouru Station Ltd (Eastern), 1982-1989.
ABFK 7607 W5548 340 7816/B36/11/HV part 1, Works and Real Estate – Defence Property Revenue – Waiouru – Waiouru Station Ltd – Home Valley, 1984-1989.
ABFK 7607 W5548 341 7816/B36/11/NS part 1, Works and Real Estate – Defence Property Revenue – Waiouru – Waiouru Station Ltd – Ngatamatea Swamp, 1984-1989.
ABFK 7607 W5548 340 7816/B36/11/W part 1, Works and Real Estate – Defence Property Revenue – Waiouru – Waiouru Station Ltd – (Western) WR Harding, 1974-1989.
ABFK 7607 W5548 340 7816/B36/11/W part 2, Works and Real Estate – Defence Property Revenue – Waiouru – Waiouru Station Ltd WR Harding, 1989-1995.
ABFK 7607 W5548 341 7816/B36/12 part 2, Works and Real Estate – Defence Property Revenue – Waiouru – E Fernie Estate Trustees, 1984-1984.
ABFK 7607 W5548 341 7816/B36/13 part 1, Works and Real Estate – Defence Property Revenue – Waiouru – BA Peters, 1966-1994.
ABFK 7607 W5548 341 7816/B36/14 part 2, Works and Real Estate – Defence Property Revenue – Waiouru – (Ohinewairua Station Ltd), 1972-1989.
ABFK 7607 W5548 341 7816/B36/14 part 3, Works and Real Estate – Defence Property Revenue – Waiouru – Tussock Land Co Ltd (Ohinewairua Station Ltd), 1989-1991.
ABFK 7607 W5548 341 7816/B36/14 part 4, Works and Real Estate – Defence Property Revenue – Waiouru – Tussock Land Co Ltd (Ohinewairua Station Ltd), 1991-1994.
ABFK W3593 3 1/6 part 4, Waiouru – Policy on Acquisition and Disposal, 1974-1979.

Public Works Department
W 1 706 23/406/1/2, Defence Works and Buildings – Waiouru Military Camp – Compensation Claim – MA Harding, 1941-1950.
W 1 706 23/406/1/3, Defence Works and Buildings – Waiouru Military Camp – Compensation Claim – C McCawley and OD McCawley, 1942-1944.
W 1 706 23/406/1/4, Defence Works and Buildings – Waiouru Military Camp – Compensation Claim – AE McCormick, 1942-1944.
W 1 712 23/406/1/6, Defence Works and Buildings – Waiouru Military Camp – Compensation Claim – EA Peters, 1943-1947.
W 1 706 23/406/1/7, Defence Works and Buildings – Waiouru Military Camp – Compensation Claim – DE Christie and CSH Marshall, 1958-1959.
W 1 712 23/406/27 part 1, Defence Works and Buildings – Waiouru Military Camp – Naval Wireless Station – HMNZS "Irirangi" (ship), 1942-1943.
W 1 712 23/406/27/3 part 1, Defence Works and Buildings – Waiouru Military Camp – HMNZS "Irirangi" (ship) – Compensation Claim – KC Webster, 1943-1945.
W 1 706 23/406/27/6, Defence Works and Buildings – Waiouru Military Camp – Compensation Claim – JW Sinclair, 1955-1955.
W W2813 f2 AER/DR, Waiouru Military Camp, 1943-1943.

R Corporation Limited, Head Office
AAQB W3950 104 23/406/1 part 1, Waiouru Military Camp – Acquisition of Land, 1939-1958.
AAQB W3950 104 23/406/1 part 2, Waiouru Military Camp – Acquisition of Land, 1958-1973.
AAQB W3950 104 23/406/1/5, Waiouru Military Camp – Leases, Tenancies and Land Dealings Other Acquisitions, Either Permanent or Temporary, 1941-1946.
AAQB W3950 104 23/406/1/8 part 1, Waiouru Military Camp – land taken for defence, Ohinewairua station claim, Forest Land Company Limited, and Tussock Land Company, also Maori lands, 1960-1975.

AAQB W3950 104 23/406/1/8 [part 2], Waiouru Military Camp – land taken for defence, Ohinewairua station claim, Forest Land Company Limited, and Tussock Land Company, also Maori lands, 1975-1979.
AAQB W3950 105 23/406/1/9, Waiouru Military Camp – Claim – Koreneff N – Whenuarangi Station, 1974-1979.
AAQB W3950 105 23/406/1/9 part 1, Waiouru Military Camp – Claim – Koreneff N – Whenuarangi Station, 1971-1972.
AAQB W3950 105 23/406/1/9 part 2, Waiouru Military Camp – Claim – Koreneff N – Whenuarangi Station, 1972-1976.
AAQB W3950 105 23/406/1/9 part 3, Waiouru Military Camp – Claim – Koreneff N – Whenuarangi Station – Minutes, 1972-1976.
AAQB W3950 105 23/406/1/9 part 4, Waiouru Military Camp – Claim – Koreneff N – Whenuarangi Station – Minutes, 1975-1977.
AAQB W4073 68 23/381/210, Defence – Waiouru Aerodrome Landing Ground, 1940-1981.
AAQB W4073 69 23/406/1, Waiouru Military Camp – Land, 1973-1984.
AAQB W4073 70 23/406/1/10, Waiouru Military Camp – Julia Moana Morton, Awahina Katarina, Timu Te Heuheu, Kurihawa Maniapoto, 1978-1985.
AAQB W4073 203 28/31/4 part 2, Acquisition of Land for the Crown (Including Other Government Departments) Documents Relating To Formal Taking Proclamations etc, 1943-1943.
AAQB W4073 203 28/31/4 part 3, Acquisition of Land for the Crown, 1944-1944.

Ministry of Works and Development Residual Management Unit, Wanganui District Office
AATC 5114 W3457 226 16/10/0/1, Waiouru Aerodrome – Harding, WR, 1961-1981.
AATC 5114 W3457 400 50/0, Waiouru Military Camp – Maori Land, 1950-1960.

Department of Lands
AAQU 889 W3428 470 92/12/67/6/35, Tongariro Power Development – Claim: Defence Land, Waiouru, 1971-1979.
AAQU 889 W3428 586 24/5089 part 1, Forest Service – Kaimanawa: Acquisition of Leasehold in Oruamatua-Kaimanawa 4 Block NC Koreneff, 1975-1979.

New Zealand Forest Service
F 1 W3129 54 6/3/51/1 part 1, State Forest Areas – Wellington Conservancy – Kaimanawa – Approaches by Defence Department for part and Whenua-rangi Station, 1971-1972.
F 1 W3129 54 6/3/51/1 part 2, State Forest Areas – Wellington Conservancy – Kaimanawa – Approaches by Defence Department for part and Whenua-rangi Station, 1972-1973.

Reports

Cleaver, Philip, 'The Taking of Maori Land for Public Works in the Whanganui Inquiry District, 1850-2000', a report commissioned by the Waitangi Tribunal, September 2004.
Cleaver, Philip, and Sarich, Jonathan, 'Turongo, North Island Main Trunk Railway and the Rohe Potae, 1870-2008', a report commissioned by the Waitangi Tribunal, December 2009.
Gummer, R. Graeme, research paper addressed to Hunter, Wipaki, and Taiuru, 16 January 2005, held by author.
Heinz, Adam, 'Waiouru Defence Lands: Research Scoping Report', a scoping report commissioned by the Waitangi Tribunal, December 2009.
Marr, Cathy, 'Public Works Takings of Maori Land: 1840-1981', Waitangi Tribunal Rangahaua Whanui series (working paper: first release), May 1997.