



Ngāti Kahungunu Iwi
INCORPORATED

1 October 2026

Fast-track Team C/ Amy Robinson
Department of Conservation
landexchange@doc.govt.nz

RE: Application FTAA-2603-L003

Ngāti Kahungunu comments on the draft Tukituki land exchange report

Tēnā koutou

NKII position and purpose of these comments

1. Ngāti Kahungunu Iwi Incorporated (NKII) opposes the proposed land exchange and maintains that approval should be declined. We welcome the Department's independent review and expressly support findings that identify the conservation values at risk, weaknesses in the applicant's assessment, and the liabilities the Crown would acquire. Those findings materially reinforce the concerns in our submission of 26 May 2026.
2. These comments respond to the draft report under section 35(5) of the Fast-track Approvals Act 2024. They supplement our earlier submission and attachments from marae, Taiwhenua and ecological material. We request that DOC include these comments in the final report, respond to the amendments sought, and retain the distinct positions of each tangata whenua entity.
3. We recognise that the report provides information and advice rather than a recommendation to approve or decline the exchange. Our request at this stage is that the final report accurately explain the evidence, uncertainty and unresolved issues bearing on the Panel's decision. NKII's position is that the available record does not establish the required enhancement of conservation values.¹

Findings in the draft report that NKII supports

4. NKII supports the freshwater findings that the land offered has lower aquatic and wetland habitat quality and extent, and that the exchange is not expected to produce a net enhancement of those values under either scenario. Improvements to degraded streams cannot be treated as equivalent to retaining the larger, more diverse flowing-water habitats and wetland sequences associated with Dutch Creek.²
5. We support the identification of stronger freshwater and terrestrial connections on the existing conservation land, the higher botanical diversity and integrity of the Dutch Creek beech forest, and differences in threatened land environments. The greater area offered is relevant, but the report correctly identifies the absence of an assessment demonstrating why the proposed vegetation area ratio is appropriate for the values being lost.³

¹ DOC, Draft Report on land exchange, Tukituki Water Security Project, FTAA-2603-L003, 14 September 2026, paras 4, 29–39 and 290–302.

² DOC, Draft Report on land exchange, Tukituki Water Security Project, FTAA-2603-L003, 14 September 2026, paras 61–80, 137 and 294; Budd, Goldwater and Storey, Ecology statement of advice, 3 September 2026, Appendix 4A, paras 60–66 and overall freshwater assessment, p 36.

³ DOC, Draft Report on land exchange, Tukituki Water Security Project, FTAA-2603-L003, 14 September 2026, paras 44–49 and 129–142; Budd, Goldwater and Storey, Ecology statement of advice, 3 September 2026, Appendix 4A, paras 16–17, 42–47 and 59.

6. We also support the identification of lower whio habitat values under both scenarios, the limitations in surveys and field information, and the findings of net loss in landscape character. These findings should remain prominent in the final conclusions. They should not be obscured by a general statement that the exchange provides a larger area or that some other values may improve.⁴
7. DOC's recognition of the management burden associated with approximately 45 hectares of pasture and rank grass, the time required for ecological gains, limited access, fire risk and continuing operational costs are also important. In addition who will monitor these undertakings to ensure they occur? We support making those liabilities explicit when assessing whether the exchange would benefit the conservation estate.⁵

Assess enhancement through a reasoned comparison of values

8. Paragraph 29 records the statutory requirement that the Panel be satisfied the exchange will enhance the conservation values of conservation areas and Crown-owned reserves considered as a whole. NKII does not contend that every individual value must improve as a separate statutory requirement. We do contend that counting the number of disciplines showing a gain cannot establish overall enhancement. The assessment must explain the significance of the losses and the credibility, scale and durability of the claimed gains.
9. Paragraphs 38–39 leave weighting to the Panel and assume equal weight across subject fields. We request an explanation of the implications and limits of that assumption. Scarce freshwater habitats, ecological connectivity, threatened species habitat and cultural relationships cannot reliably be compared by treating ordinal ratings across different disciplines as interchangeable units. The report should identify which values are irreplaceable or not meaningfully substitutable, and the consequences of losing them.
10. The two scenarios are useful, and we support DOC considering the foreseeable effects of inundation on the land offered. However, Scenario Two must assess gains and losses consistently. It should not credit reservoir-related access or habitat opportunities while excluding the loss of relevant ecological connections, customary relationships or heritage access because those effects also arise from the wider project. We request a clear account of the limits of each technical assessment, and of which connected effects remain unassessed.⁶

Reconsider the cultural heritage net gain conclusion

11. NKII does not accept that the evidence establishes a net gain in cultural values. The report acknowledges concerns about wāhi tapu, pā sites, urupā and taonga tuku iho, and the absence of the April 2026 Cultural Impact Assessment (CIA) from the applicant's response package. Nevertheless, paragraphs 134, 138, 295 and 301 treat cultural heritage gain as an established component of the exchange. That conclusion is totally inappropriate and premature at best.⁷

⁴ DOC, Draft Report on land exchange, Tukituki Water Security Project, FTAA-2603-L003, 14 September 2026, paras 53–59, 72, 129–142 and 293–297.

⁵ DOC, Draft Report on land exchange, Tukituki Water Security Project, FTAA-2603-L003, 14 September 2026, paras 149–174, 209–220 and 298–300.

⁶ DOC, Draft Report on land exchange, Tukituki Water Security Project, FTAA-2603-L003, 14 September 2026, paras 11, 36–39 and 301; Budd, Goldwater and Storey, Ecology statement of advice, 3 September 2026, Appendix 4A, paras 7, 10–11 and 48; Nester, Cultural Heritage statement of advice, 3 September 2026, Appendix 4B, paras 13–14 and 22–26.

⁷ DOC, Draft Report on land exchange, Tukituki Water Security Project, FTAA-2603-L003, 14 September 2026, paras 82–98, 134 and 138–140; Nester, Cultural Heritage statement of advice, 3 September 2026, Appendix 4B, paras 15–21 and Table 2.

12. The lack of a publicly recorded archaeological site does not establish a lack of cultural significance. We support Mr Nester's express recognition that unrecorded sites and intangible values may be present. His Table 2 rates cultural and traditional significance medium/high for both areas, identifies potential permanent impacts from transfer, earthworks and inundation, and recognises possible loss under Scenario Two. Those findings require a substantive response, rather than being relegated to a request for more information.
13. The report also contains a factual inconsistency. Paragraphs 95–96 and Table 9 report the existing conservation land as low/medium and the land offered as medium. Paragraph 138 instead describes them as low and low/medium. Appendix 4B, Table 1, confirms low/medium and medium. We request correction of paragraph 138 and a review of every summary that relies on those ratings. Correcting the ratings alone will not resolve the underlying uncertainty that is expressed about cultural effects.⁸
14. The proposed gain associated with Smedley's farming history also requires reconciliation with the ecological proposal. Mr Nester states that retaining grazed pasture, fences and farming infrastructure would be required to maintain and interpret its agricultural heritage, and identifies retaining farming use as the best heritage management outcome. The proposed ecological conditions instead seek conversion of exotic vegetation to indigenous habitats. The final report must explain whether, and to what extent, these heritage and ecological benefits can be achieved together. Both should not be credited in full without that explanation.⁹ This also highlights that advice should be to decline the swap to maintain and enhance respective heritage.
15. We request that the final report distinguish archaeological and agricultural heritage assessment from tangata whenua assessment of cultural significance. Mana whenua evidence must inform the treatment of whakapapa, mauri, tikanga, kaitiakitanga, customary use and intergenerational relationships with the affected whenua and wai. A heritage rating cannot establish that those relationships would be enhanced by transferring and inundating the land.
16. Until those matters are adequately assessed, the report should state that a net enhancement of tangata whenua cultural values has not been demonstrated. NKII's cultural position remains that the threatened loss of ancestral places and relationships carries substantial weight against the exchange.

Obtain and assess the cultural material through an agreed process

17. There is a further discrepancy in the source record. Paragraph 90 says the April 2026 CIA was not provided with the applicant's response package, while Appendix 4B lists the B. Morris April 2026 CIA among the material reviewed and relies on it. We request that DOC identify the version used, when and how it was obtained, which advisers had access to it, and how its findings informed the report. A missing attachment should not leave uncertainty over the evidence underpinning a reported cultural gain.¹⁰
18. NKII supports further assessment but does not accept that affected whānau and hapū should be required to publicly disclose precise sensitive site locations to demonstrate that harm is possible. DOC should agree with the relevant knowledge holders how confidential information will be received, protected and

⁸ DOC, Draft Report on land exchange, Tukituki Water Security Project, FTAA-2603-L003, 14 September 2026, paras 95–98 and 138; Nester, Cultural Heritage statement of advice, 3 September 2026, Appendix 4B, Table 1, p 7.

⁹ Nester, Cultural Heritage statement of advice, 3 September 2026, Appendix 4B, para 26 and Table 2, historical and social significance; DOC, Draft Report on land exchange, Tukituki Water Security Project, FTAA-2603-L003, 14 September 2026, Appendix 8, conditions 13 and 24–31.

¹⁰ DOC, Draft Report on land exchange, Tukituki Water Security Project, FTAA-2603-L003, 14 September 2026, paras 89–91 and 139–140; Nester, Cultural Heritage statement of advice, 3 September 2026, Appendix 4B, para 9(vi), paras 16 and 20, and Table 2.

assessed. Public reporting can identify the nature, significance and consequences of effects without publishing restricted locations or mātauranga.

19. Requests for further tangata whenua information should explain what is needed and provide a practicable opportunity to contribute. The final report must record unresolved issues as unresolved, and specify their implications for the reliability of any enhancement finding. An intention to undertake later engagement cannot establish cultural acceptability at this stage.

Accurately record tangata whenua positions and Treaty interests

20. NKII supports the report's recognition that Tamatea Pōkai Whenua has not endorsed the proposed land exchange or the substantive project, and that its qualified support and aspirations for aspects of economic development must NOT be interpreted as blanket endorsement. We also support the report recording the opposition of Rākauātahi Marae, Tapairu Marae, Te Rongo o Tahu Marae, Te Taiwhenua o Tamatea and Te Taiwhenua o Heretaunga.¹¹
21. Participation in a working party or wider project discussions must not be represented as a mandate to exchange conservation land. The final report should expressly reject reliance on implied support where it is inconsistent with the statements of the relevant entity. It should record each organisation's position separately and identify the date and scope of any later change. Engagement with a PSGE does not establish agreement by Ngāti Kahungunu Iwi, Taiwhenua, hapū or marae.
22. We support inclusion of the statutory acknowledgements, deeds of recognition and statements of association. The final report should move beyond identifying these instruments to explaining the applicable obligations, actions taken to meet them, and matters still unresolved. It should distinguish the Fast-track Act's requirements concerning existing Treaty settlements from DOC's discussion of section 4 of the Conservation Act and the respective duties of DOC, the Crown and the eventual decision-maker.¹²
23. Where rights of first refusal, offer or return are relevant, any waiver must be verified with the actual rights holder and the applicable instrument. Appendix 8 condition 23 should not rely only on an approval holder confirming that rights have been waived. We request that DOC explain the verification required and identify any remaining uncertainty before an exchange could take effect.

Protect freshwater connectivity mauri and mahinga kai

24. The exchange concerns an interconnected landscape. The loss of flowing-water habitat, stream and wetland sequences, indigenous vegetation and species habitat is also relevant to mauri, mahinga kai and the exercise of kaitiakitanga. These cultural consequences should be examined alongside the ecological findings, with their meaning and significance informed by the relevant tangata whenua.
25. Wildlands identifies a permanent reduction in fish-related values of the land offered because the dam would prevent migration. Its advice identifies a low chance of successfully transferring mature eels downstream to breed and a significant risk that kōaro may not survive after access to the sea is blocked. The final report should carry those conclusions into the freshwater and cultural assessments, and explain the reliance of ratings on successful ongoing management. Trap-and-transfer should not be presented as

¹¹ DOC, Draft Report on land exchange, Tukituki Water Security Project, FTAA-2603-L003, 14 September 2026, paras 232–239, 244, 256 and 281–284; NKII submission, 26 May 2026, and attached marae and Taiwhenua letters.

¹² DOC, Draft Report on land exchange, Tukituki Water Security Project, FTAA-2603-L003, 14 September 2026, sections 6–7, particularly paras 224–230 and 233–239.

an established replacement for natural connectivity.¹³ Ngāti Kahungunu has previously opposed transferring tuna or other native species upstream of dams or other migration barriers where those species require access to the sea to complete their life cycles. Such intervention disrupts their natural migration and compromises their ability to reproduce and sustain the continuity of their whakapapa.

26. Our earlier submission identified Te Mana o te Wai and outstanding freshwater values associated with the wider Tukituki catchment, including the Ruataniwha Plains aquifer system and lower Tukituki River. We request that DOC identify the relevant current planning provisions and explain their relevance to the interconnected values and foreseeable consequences being assessed. This request does not assume that all wider freshwater planning provisions operate as independent statutory tests for this land exchange.

Resolve survey limitations and avoid double counting improvements

27. We acknowledge Wildlands considers some habitat assumptions reasonable and anticipates terrestrial improvement if management succeeds. NKII supports reporting those findings accurately, together with their qualifications. Wildlands also identifies absent or superficial surveys, difficulty being fully confident in conclusions, the missing analysis of the vegetation ratio, and unresolved landowner negotiations that may affect the final area offered. The final report should identify what evidence is required to resolve these issues and avoid presenting conditional outcomes as demonstrated gains.¹⁴
28. Current findings should be distinguished from historical evidence. The Kelvin Lloyd summary attached to our May submission concerns the earlier scheme and a wider footprint. It remains relevant to questions of habitat significance and substitution, but should not be used to attribute all historically identified habitat or species to the 29.7 hectares now proposed for exchange without a location-specific assessment.
29. Dr Marie Brown's earlier evidence on mitigation and offsetting remains relevant to evaluating the claimed gains. Her concise summary identifies the importance of additionality, comparable habitat, the duration of gains, timing of delivery and enforceable performance. It cautions against assuming that mitigation itself establishes an adequate offset. These matters inform the questions DOC should ask of this proposal, while her evidence predates the current application and is not a current finding about its exact parcels.¹⁵
30. The applicant's response recorded in Appendix 2 characterises Dr Brown's and Dr Lloyd's evidence as relating to the wider scheme. That does not answer the relevance of their methodological concerns to the exchange. DOC should identify which concerns remain applicable and whether current information resolves them.¹⁶
31. Wildlands expressly questions whether management described as additional is already required by Projects A and C of the existing Integrated Mitigation and Offset Approach. We request an itemised comparison of existing obligations, new exchange obligations, funding and the gain attributed to each. The

¹³ Budd, Goldwater and Storey, Ecology statement of advice, 3 September 2026, Appendix 4A, paras 53–54 and freshwater comparative assessment, pp 30–36; DOC, Draft Report on land exchange, Tukituki Water Security Project, FTAA-2603-L003, 14 September 2026, paras 65–67 and Table 7.

¹⁴ Budd, Goldwater and Storey, Ecology statement of advice, 3 September 2026, Appendix 4A, paras 30, 46–49 and 55–59; DOC, Draft Report on land exchange, Tukituki Water Security Project, FTAA-2603-L003, 14 September 2026, paras 51–59 and 136.

¹⁵ Marie Brown, Concise summary of evidence for the Environmental Defence Society, Tukituki Catchment Proposal Board of Inquiry, December 2013, paras 9–11 and 15–17. Available through the EPA record: <https://www.epa.govt.nz/assets/FileAPI/proposal/NSP000028/Hearings-Week-04/4cdee17d97/17-Marie-Brown-Concise-Summary-of-Evidence.pdf>

¹⁶ DOC, Draft Report on land exchange, Tukituki Water Security Project, FTAA-2603-L003, 14 September 2026, Appendix 2, p 63.

assessment must avoid counting the same action as both mitigation of existing consented effects and a separate benefit justifying the exchange.¹⁷

Account for lasting costs and the limits of proposed conditions

32. The report estimates ongoing costs of approximately \$25,000 a year after the proposed improvements. It identifies continuing weed control, ungulate management and fence maintenance. We request a transparent assessment of the duration, assumptions, funding and allocation of those costs, including restoration, access and monitoring costs where relevant. The statement at paragraph 148 about no valuation-related financial implications should remain clearly confined to valuation and not be read as a finding that the exchange has no cost to the Crown.¹⁸
33. NKII supports the purpose of proposed restoration targets, pest management, fencing, annual reporting and financial security. These can improve the certainty of implementation. They do not themselves demonstrate that irreversible freshwater, landscape and cultural losses would be outweighed. Comments on conditions are provided without withdrawing NKII's opposition.
34. The final report should reconcile the timing in paragraph 21 and Table 3 with the proposed conditions. It should identify which gains depend on a plan being developed later, when each gain is expected to occur, and how failure or delay would affect the comparison. Enduring gains require enduring management. A minimum ten-year obligation cannot be assumed to secure values indefinitely after responsibility passes to DOC.
35. Appendix 8 condition 10 appears to require cash or independent surety security, but condition 10(c) also permits a group-company guarantee. Conditions 11–12 appear to provide different routes to calling security, with condition 12 requiring a cure period and arbitration before disputed funds are released. DOC should obtain legal and financial assurance that the final security is independently reliable, sufficient and available when remedial work is needed. Conditions should also provide verified outcomes, clear intervention powers and continued management where targets are not sustained.
36. Legal and practical access for conservation management must be secured. Signs cannot create access rights or make isolated land practicable to manage. Heritage advice about possible reduced access to Ellis Hut and Yeomans Track should also be reconciled with the draft report's statements about unaffected recreation access. The final report should explain the distinction between the exchange alone and the reservoir scenario, and any access mitigation relied on.¹⁹

¹⁷ Budd, Goldwater and Storey, Ecology statement of advice, 3 September 2026, Appendix 4A, para 50; DOC, Draft Report on land exchange, Tukituki Water Security Project, FTAA-2603-L003, 14 September 2026, paras 10, 19–25 and 36–37.

¹⁸ DOC, Draft Report on land exchange, Tukituki Water Security Project, FTAA-2603-L003, 14 September 2026, paras 143–150 and 298–299.

¹⁹ Nester, Cultural Heritage statement of advice, 3 September 2026, Appendix 4B, paras 22–26; DOC, Draft Report on land exchange, Tukituki Water Security Project, FTAA-2603-L003, 14 September 2026, paras 108–110, 157–160, 201, 212 and Appendix 8 condition 17.

Amendments requested and concluding position

37. The table below identifies the main amendments NKII seeks. These requests are intended to improve the final report's evidential reliability and the clarity of advice available to the Panel. They should not be interpreted as suggesting that the proposal becomes acceptable merely through better reporting or additional conditions.

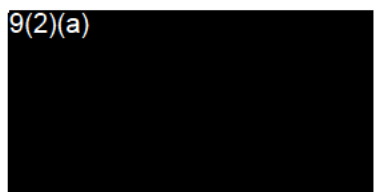
Draft report reference	Amendment requested
Paras 29–39 and 292–301	Explain the whole-estate enhancement assessment, the limits of equal weighting, irreplaceable losses, uncertainty and the consistency of Scenario Two.
Paras 89–98, 134, 138–140 and 295	Resolve CIA provenance; correct paragraph 138; reconsider the cultural heritage net gain; distinguish archaeological and agricultural heritage from tangata whenua cultural values.
Appendix 4B and Appendix 8	Reconcile agricultural heritage benefits dependent on farming use with indigenous restoration obligations. Address possible heritage access losses.
Sections 6–7 and paras 244, 256 and 281–284	Retain entity-specific opposition and qualified positions; explain relevant Treaty settlement obligations and their implementation; verify any rights waiver with the rights holder.
Paras 61–80, 137 and 294	Retain freshwater loss findings; resolve stream and wetland measurement discrepancies; explain fish migration effects and the implications for mauri and mahinga kai.
Paras 44–59 and Appendix 4A	Identify survey limitations, threatened environment differences, the evidence for area ratios, and the final land area available. Preserve qualifications on terrestrial improvement.
Paras 10, 19–25 and Appendix 4A para 50	Compare existing mitigation obligations with new exchange improvements and prevent double counting. Address the relevance of earlier Brown and Lloyd evidence.
Sections 5.2–5.4 and Appendix 8	Make continuing Crown costs explicit; reconcile timing; ensure enforceable, lasting management, practical access and independently reliable financial security.
Throughout	Correct names to Ngāti Kahungunu Iwi Incorporated, Rākauātāhi Marae, Te Rongo o Tahu Marae, Te Taiwhenua o Tamatea and Te Taiwhenua o Heretaunga. Correct DOC-Give/DOC-Get errors, including paragraph 153.

38. NKII maintains that the proposed exchange should be declined. DOC's own findings identify freshwater and landscape losses, conditional terrestrial gains, unresolved cultural effects and continuing management liabilities. The final report should state plainly that the evidence currently available does not demonstrate a net enhancement of tangata whenua cultural values, and should explain why the claimed overall conservation enhancement remains contested.

39. Please include these comments and our earlier submission and supporting letters in the final report, provide a clear response to the amendments sought, and notify NKII when the final report is available. We also request direct engagement on the treatment of cultural evidence and any further material that materially changes the assessment.

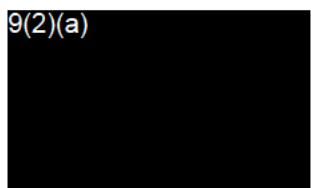
Nā māua,

9(2)(a)



Bayden Barber
Tumuaki/Chairman
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Chrissie Hape
Kaiwhakahaere Matua/Chief Executive
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