

14 September 2026

DRAFT Report on land exchange

Tukituki Water Security Project –
Land Exchange Application (FTAA-2603-L003)



Department of
Conservation
Te Papa Atawhai

**Te Kāwanatanga
o Aotearoa**
New Zealand Government

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Cover photo: Smedley exchange block (credit: Jeremy Head, 16 June 2026)

1. Introduction

1. This report has been prepared on behalf of the Director-General of Conservation under section 35(3) of the Fast-track Approvals Act 2024 (FTAA) by the Department of Conservation (DOC / the Department). It provides information and advice for Tukituki Water Security Limited (TWSL / the Applicant) for the Tukituki Water Security Project. In accordance with section 35(7) this report must be provided to the applicant by 29 October 2026 as specified by the Panel Convener.
2. Pursuant to section 35(3), this report must include certain information. The requirements and where the information can be found is set out in Table 1 below.

Section	Requirement	Report Section
s 35(3)(a)	The matters specified in clause 26 of Schedule 6	Section 5
s35(3)(b)(i)	The information lodged under s33(1)	Appendix 1
s35(3)(b)(ii)	Any comments received under subsection (1) or (5)	Appendix 1 Appendix 3

Table 1: Requirements of s35(3) of the Act and location of information in this report.

3. This report may also include advice on matters relevant to sections 82-84 under s35(4) as set out in Table 2 below.

Section	Requirement	Report Section
s82(2)	Consideration of any document provided for in a relevant Treaty settlement, the Marine and Coastal Area (Takutai Moana) Act 2011, or the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019	Section 6.1 Section 6.2
s82(3)	Whether granting the approval would comply with s7	Section 7
s83	Conditions – noting that a condition must not be more onerous than necessary to address the reason for which it is set	Section 5.7
s84	Conditions which may be set to recognise or protect a relevant Treaty settlement and any obligations arising under the Marine and Coastal Area (Takutai Moana) Act 2011, or the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019	Section 5.7

Table 2: Relevant provisions of s82 to 84 of the Act and location of information within this report

4. The purpose of this report is to provide an overview of the information provided by the Applicant and advice of technical experts to DOC. The technical reports and comments are available either appended to this report or on the Fast-Track website should a reader seek further information. It does not provide a recommendation on whether the land exchange should be approved. That is for the Expert Consenting Panel to make its own decision on once appointed.

2. The land exchange application

5. Tukituki Water Security Ltd (TWSL) lodged an application with the Department of Conservation on 16 March 2026 for a land exchange as a listed project under the Fast-track Approvals Act 2024 (the Act) relating to the Tukituki Water Security Project (TWSP). Having considered the matters required under section 34(2) of the Act, the application was deemed complete on 20 April 2026.
6. The purpose of the application is to obtain the necessary report under the Fast Track Approvals Act 2024 (FTAA or the Act) to exchange approximately 170 hectares of private land with approximately 29.7 hectares of land held by the Department of Conservation (DOC) to enable the substantive FTAA application, and approval for construction and implementation of a dam and reservoir necessary to implement the TWSP.
7. The proposed reservoir will inundate approximately 29.7 hectares of land within the Ruahine Forest Park bordering the Mākaroro River and a tributary known as Dutch Creek, managed by DOC. The Public Conservation Land (PCL) subject to the exchange application ('DOC-Give' land) is shown in red shading on Figure 1. To compensate for the inundation of the 29.7 hectares of PCL, TWSL proposes to exchange 170 hectares of land owned by the Public Trust and managed as part of Smedley Station that directly adjoins the Gwavas Conservation Area. The Smedley Station land that is proposed to be exchanged is shown in yellow in Figure 1 ('DOC-Get' land).
8. The land exchange report prepared on behalf of TWSL explains that the exact area of land will be confirmed once a topographical survey of the exchange areas is completed. The land exchange application can be found at: <https://www.fasttrack.govt.nz/projects/tukituki-water-security/land-exchange-application>.

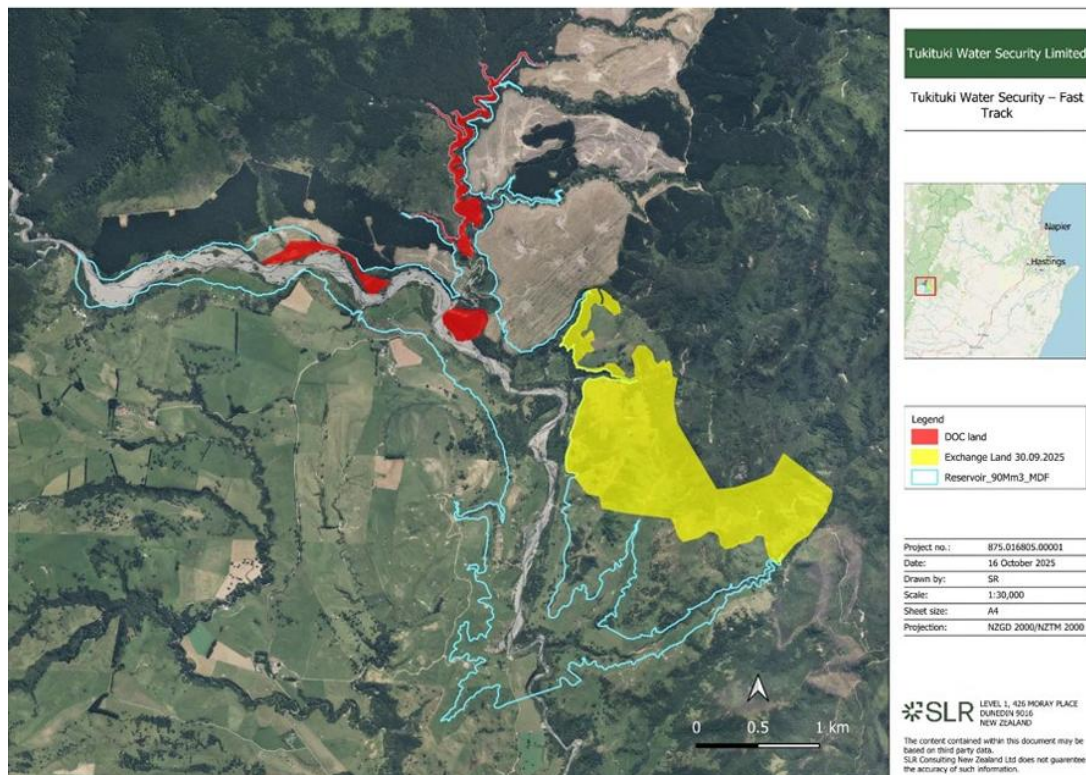


Figure 1: Location of the TWSP and land involved in the exchange¹.

¹ Pg 7 of TWSL – DOC Land Exchange Overview Report – March 2026

9. The applicant is proposing direct improvements to the Smedley Station Exchange Block (SEB) (being the DOC-Get land) through this proposal which they seek to be addressed through a management plan:
- Fencing of the proposed boundary with the remaining Smedley Station land;
 - Pest animal and plant control work; and
 - Restoration planting in the Donovan Creek area.
10. TWSL have indicated that any direct improvements are over and above mitigation and indirect improvements associated with existing Ruataniwha Water Storage Scheme² (RWSS) consents granted by Hawkes Bay Regional Council (included in Appendix 1). The applicant is not relying on the indirect improvements.
11. This report addresses the land exchange through two scenarios:
- Scenario One: which considers the value of the land as it is now; and
 - Scenario Two: which considers the value of the land, should the land exchange go ahead (and assumes that means the reservoir and irrigation project goes ahead). This scenario includes proposed improvements and relevant mitigation or offsetting that relates to the land that would be received by DOC, and any positive or negative impacts of inundation, where they relate to that land.
12. The applicant has indicated that a substantive application addressing the broader implications and impacts of the dam and reservoir would be lodged following receipt of this land exchange report.

2.1 The land proposed to be exchanged by the Crown

13. The DOC-Give land refers to the PCL subject to exchange being Crown Land within the Ruahine Forest Park. TWSL seek to obtain this land as part of the TWSP. The DOC-Give land is comprised of 29.7 hectares of land across six affected properties that are deemed to be Conservation Park pursuant to section 61(2) of the Conservation Act 1987³. This land is shown in Figure 2.

² The Ruataniwha Water Storage Scheme is a previous iteration of the TSWP, which did not proceed.

³ Land Exchange Application – Land Title Information provided by The Property Group, 28 November 2025 - pg 3

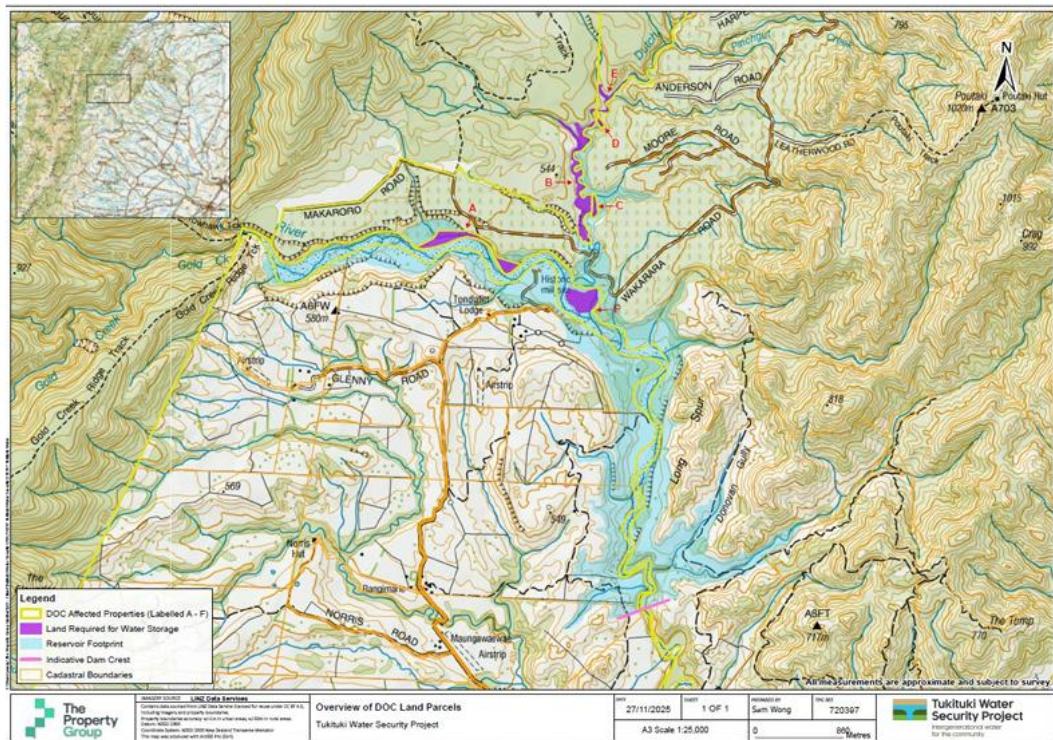


Figure 2: Overview plan of PCL exchange locations, prepared for the Applicant by The Property Group⁴.

14. Further detail on each of areas A to F shown in Figure 2, including legal descriptions and gazette and status of the PCL subject to the exchange, is set out in the land exchange application.⁵ The areas are briefly described as follows:
 - Area A is a margin of the Mākaroro River;
 - Areas B to E run along the true right bank of Dutch Creek; and
 - Area F is an island on the Mākaroro River.
15. Further description of the physical attributes of these areas and drone imagery can be found in Mr Head's Landscape Assessment attached as Appendix 4D.⁶

2.2 The land offered by the Applicant

16. The DOC-Get land refers to the SEB offered by the applicant. The DOC-Get land is 170 ha (subject to survey) of fee simple land held by the Public Trust under the Howard Estate Act 1978. It forms part of Part Section 3 Block X Wakarara Survey District comprised in Record of Title 164412. The DOC-Get land is held by the Public Trust by virtue of the trust provisions established under the Howard Estate Act 1978 for the purposes of a cadet training farm in accordance with the objectives of that Act. Currently, the land forms part of what is referred to as 'Smedley Station'.⁷

⁴ TWSL – DOC Land Exchange Overview Report, Mitchell Daysh, dated 16 March 2026, pg. 9

⁵ Land Exchange Application – Land Title Information provided by The Property Group, 28 November 2025

⁶ Note Mr Head describes Area A as the SNA Block, Area B to E as Dutch Creek and Area F as River Island.

⁷ Application appendix 10 - Pg 4 Land Exchange Application – Land Title Information provided by The Property Group, 28 November 2025

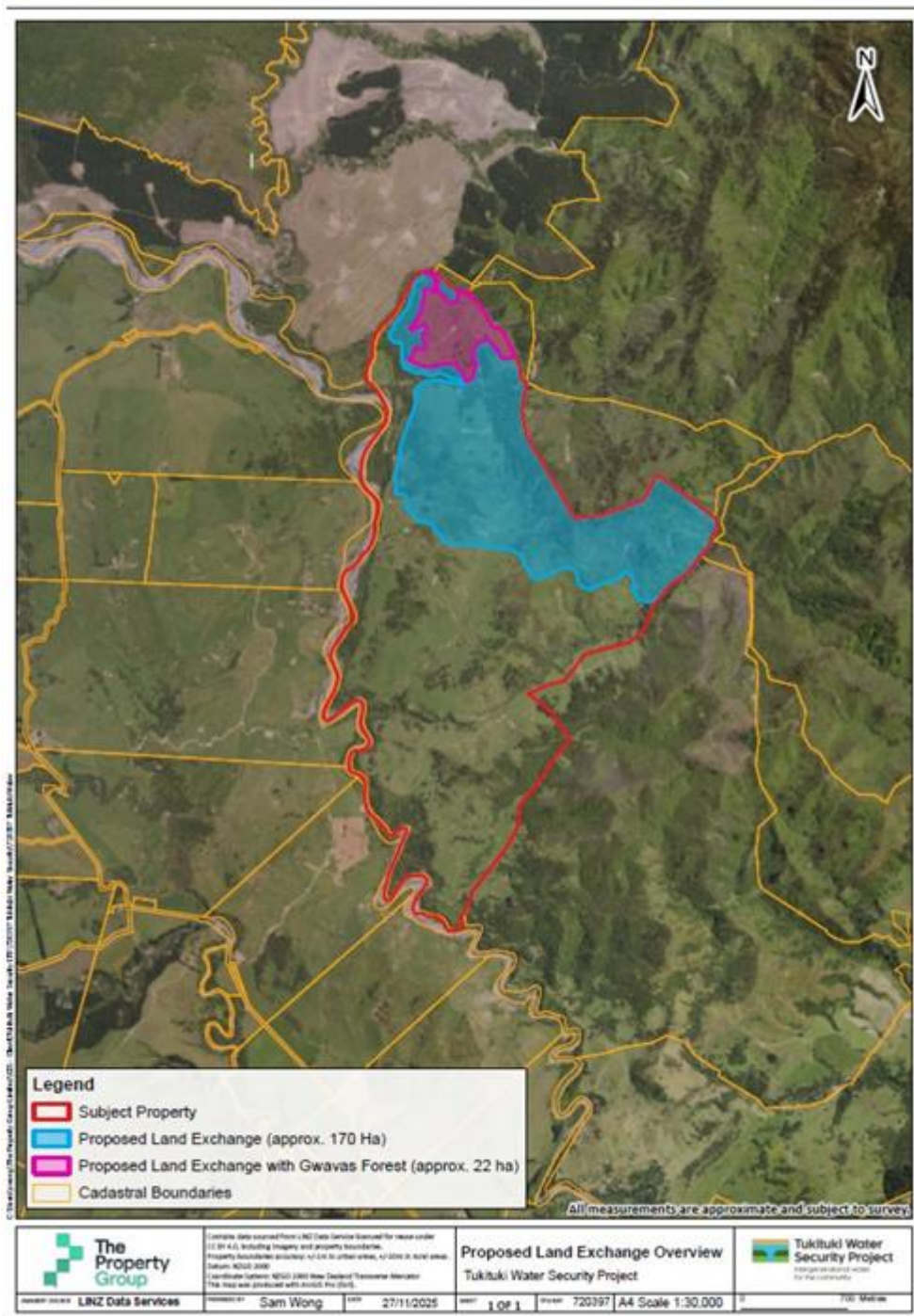


Figure 3: Land exchange area, marked in blue⁸.

17. The SEB adjoins the Gwavas Conservation Area which lays to the east. The SEB partially wraps around land that would be transferred to the Kaweka Gwavas Forestry Company Limited (KGFC). For avoidance of doubt, the land intended to be transferred to KGFC (shown in pink in Figure 3 above) does not form part of the land exchange application.

⁸ Land exchange application Appendix 10 – Land Title information, The Property Group

18. For a detailed description of the physical attributes of the DOC-Get land, Mr Head, Landscape Architect engaged by DOC to provide technical advice and review, has provided a useful description of the DOC- Get land parcel in Appendix 4D.

2.3 Improvements offered

19. The application sets out that, on the basis of a net conservation benefit from the exchange of 170ha of SEB (DOC-Get land) in exchange for the 29.7ha of PCL (DOC-Give land), no money is proposed to change hands as part of the exchange, however, improvements to the DOC-Get land are proposed.
20. TWSL offers the following improvements as part of the land exchange.⁹ These would occur prior to the land being exchanged and within one year of construction starting on the dam, tentatively before 31 December 2029:
- Stock proof fencing of the proposed new boundary of the SEB with the remaining Smedley Station land.
 - Pest control work across the 170 ha of the SEB, that is additional to the pest control required under Project C of the RWSS consents, Schedule 6 Integrated Mitigation and Offset Approach (IMOA) package.¹⁰
 - The pest control on the SEB will take place from the commencement of construction and be in accordance with the recommendations in the application documentation (also referred to as the SLR Report), which includes preparation of a management plan to address¹¹:
 - Fencing to exclude all stock to prevent browsing of indigenous vegetation, pugging, and soil compaction, allow natural regeneration of indigenous species, and improve water quality;
 - Long term pest animal control in addition to what is required under Project C of the RWSS consents Schedule 6 IMOA package, focussing on possums, but also including other species such as ungulates (particularly deer), mustelids, rats and feral cats to improve the quality of indigenous vegetation and indigenous fauna habitats by reducing browsing and predation by mammals; and
 - Long term pest plant control, notably on-going monitoring and control of wilding pines, to prevent spread of weeds and displacement of indigenous vegetation.
21. TWSL also offer:
- Restoration planting of the Donovan Stream and adjacent wetlands / Donovan's Gully area of the SEB, in accordance with the recommendations of the SLR Report.¹²
 - Prior to construction of the dam commencing, a management plan would be prepared by a suitably qualified terrestrial ecologist setting out the details of the proposed fencing, pest control, and restoration planting which shall include details of planting for the enhancement of wetland areas and seeps as well as for dry land planting in the Donovan's Gully area.
22. The above improvements and timings are set out in table 3 below.

⁹ See Pg 38 of TWSL – DOC Land Exchange Overview Report – March 2026.

¹⁰ For context Project C requires - Intensive animal pest control operation targeting (at least) 160ha of land, wetland and reservoir margin to be restored under Project A (over 30 years), including annual budget provision of \$10,000 (to be inflation adjusted from \$NZ 2014 to a current equivalent value).

¹¹ See SLR report Pages 47-48.

¹² The applicant states that this planting is additional to that required by the existing consents Schedule 6, Project A requirements of "enrichment planting of 97,000 plants over 10 years."

Action	Timing
Reparation of SEB Management Plan	Within one year of construction commencing on the dam.
Land exchange	Withing two years of construction commencing on the dam
Fencing, pest plant and animal pest control, indigenous planting.	Starting within one year of construction commencing on the dam, undertaken for a minimum of two years or until land transfer to DOC (whichever is longer). Plant pest and animal control for five years.
Transition of management responsibility to DOC	Two years following commencement of SEB management actions

Table 3 – Timing of proposed improvements and management actions

Indirect improvements associated with the broader reservoir project

23. Schedule 6 of the existing resource consent package for the RWSS requires a range of 'projects' to mitigate or offset adverse environmental effects of the RWSS project. This is included as Appendix 4 of the Land exchange application and is available in Appendix 1 of this report. The Applicant has provided a summary of the projects set out in Schedule 6 and considered their relevancy to the land exchange (see Table 1 of the Land Exchange Application Overview Report).
24. The Applicant considers the recreation values of the proposed DOC-Get land will be enhanced by the requirements of the existing RWSS consents (that are now part of the TWSL proposal), via the Project A Schedule 6 IMOA requirements which include:
 - Construction of new historic interpretation/picnic/camp site (once dam construction complete) (\$30,000 budget \$NZ 2014 to be inflation adjusted to current) – this will help ensure the Wakarara Road end continues to be a visitor destination once the existing road end is inundated. Those visitors may then choose to access the DOC-Get land on the other side of the reservoir.
 - Construction of access track around top-end of reservoir (budget not specified).
 - Development of walking/cycling tracks around reservoir (over five years) (\$150,000 budget \$NZ 2014 to be inflation adjusted to current).
 - Construction of boat ramp (once dam construction complete) (\$25,000 budget \$NZ 2014 to be inflation adjusted to current).
 - Construction of fisherman's hut shelter (post-dam construction) (\$30,000 budget \$NZ 2014 to be inflation adjusted to current).
25. The above requirements of Schedule 6 are shown in Schedule 9 included as Appendix 4 of the land exchange application (see Appendix 1 of this report).

3. Invitation to comment on the application

26. On 28 April 2026, the Director-General of Conservation invited comments on the proposed land exchange from the parties specified in section 35(1) of the Act. The list of those invited to comment is included in Appendix 1. Responses to that invitation to comment are included in Appendix 1, summarised in Appendix 2, and discussed further in section 8.1 of this report.

4. Draft report [Placeholder section to be completed after comments are received]

27. On 14 September 2026, the Director-General of Conservation invited comments on the draft report from the Applicant and the parties who provided comments under section 35(1), pursuant to section 35(5).
28. Responses to the invitation to comment on the draft report are included in Appendix 3 and discussed further in section 8.2 of this report. Where comments on the draft report have identified amendments warranted to the content of the draft report, these changes have been made as necessary.

5. Section 35(3)(a) requirements

5.1 Conservation values of the land (cl 26(1)(a))

29. A Panel cannot approve a land exchange unless satisfied that the exchange (taking into account any money that may be received and any conditions that may be imposed) will enhance the conservation values of conservation areas and Crown-owned reserves considered as a whole (cl 29(2), Sch 6.).
30. When considering a land exchange, the Panel must take into account the conservation values of the land concerned, including how threatened or abundant they are, and a comparative assessment of the values that relate to each area of land concerned.
31. The FTAA requires the Department to consider the following criteria:
 1. *As required under clause 26 of the FTAA, the report referred to in [section 35\(3\)](#) must include information to address the matters in [clause 29\(1\)\(a\)\(ii\) to \(vi\)](#) and [\(b\)](#), including—*
 - a. *the conservation values of the land concerned, including—*
 - i. *how threatened or abundant they are; and*
 - ii. *a comparative assessment of the values that relate to each area of land concerned; and*
 - iii. *an explanation of why the exchange would benefit the conservation estate; and*
 - iv. *the impact of anything registered or noted for conservation purposes on the record of title for the land; and*
 - b. *the financial implications for the Crown of the land exchange; and*
 - c. *whether the consequences of the land exchange would be practical to manage on an ongoing basis, including consideration of whether the land exchange would result in an enclave of private land within a conservation area or a Crown-owned reserve; and*
 - d. *the legal and financial liabilities, and health and safety risks, for the Crown associated with the land exchange; and*
 - e. *statements of general policy approved under [section 17B](#) or [17C](#) of the Conservation Act 1987; and*
 - f. *any conservation management strategy, conservation management plan, or reserve management plan that has been co-authored, authored, or approved by a Treaty settlement entity; and*
 - g. *any conditions that should be imposed in accordance with [clause 31](#) or [32](#) or [section 84](#).*
 2. *The report must specify any conditions of those specified under [section 78](#) that the panel must impose in accordance with [clause 33](#).*
 3. *If the land proposed to be exchanged by the Crown is a Crown-owned reserve managed by someone other than the Department of Conservation, in preparing the report, the Director-General of Conservation must consult the manager of the reserve.*

32. This report provides the necessary elements for the Panel to make a conclusion on whether the exchange will enhance conservation values, conservation areas and Crown-owned reserves considered as a whole.
33. Conservation values are comprised of biodiversity, freshwater, recreational, landscape, and cultural and heritage values (including natural, scenic, archaeological, historical, biological, geological, scientific, educational, or community values that contribute to these). Accordingly, experts in the following areas provided an analysis of the conservation values of each piece of land:
- terrestrial ecology;
 - freshwater ecology;
 - cultural and heritage;
 - recreation; and
 - landscape character.
34. Each subject field was assessed by a relevant expert, informed by a combination of site visit(s), research and review of the material provided by the Applicant. Criteria were developed to enable components of each block to be considered. These criteria differ across disciplines as they are appropriate to the subject field and are in line with the relevant industry guidelines or practices. Each expert has then undertaken an assessment of the DOC-Give and DOC-Get sites.
35. A sliding spectrum of scoring was used, ranging from low to high. The value assigned to each criterion for each area of land has then been documented in a matrix for easy reference. The rating for each value is directly derived from the analysis of each expert's report. This allows not only direct comparison of the conservation values of the DOC-Give site against those of the DOC-Get site, but also visibility of the analysis which sits behind the value attributed to it.
36. Two scenarios have been considered in preparing advice on this application:
- Scenario One: which considers the value of the land as it is now; and
 - Scenario Two: which considers the value of the land, should the land exchange go ahead (and assumes that means the reservoir and irrigation project goes ahead). This scenario includes proposed improvements and relevant mitigation or offsetting that relates to the land that would be received by DOC, and any positive or negative impacts of inundation, where they relate to that land.¹³
37. Regarding Scenario Two, this report and the expert reports that support it, consider this potential future because, assuming the land is exchanged, it will be only for the purpose of an irrigation scheme with resulting reservoir (inundation). In that sense, it would be irresponsible to not consider the values of the land obtained by the Department given that likely future. Especially if the values are significantly impacted upon negatively or positively by the inundation and associated scheme. The land that is lost through the exchange will be underwater, so the future values are likely to be negligible.
38. The conservation values for each subject field and for each area of land have been directly imported from the technical reports in Appendix 4. The benefit of a comparative analysis across each subject field, rather than an amalgamated value, is that it allows the identification of the subject field where the land exchange will result in a net gain, net loss or no change in conservation values. This approach also allows the Expert Panel to adequately consider the individual values within each field and determine whether weighting is appropriate – the Panel may consider conservation values for one subject field to be more critical than others.

¹³ Including the mitigation or offsetting in IIMOA Schedule 6.

39. This report assumes that each subject field has an equal weighting. The Expert Consenting Panel may wish to consider whether certain values or specific DOC-Give sites should carry a higher weighting than others. It is noted that the applicant's ecologist engaged to consider and respond to feedback received is of the view that in assessing overall conservation values and whether there has been a net enhancement, terrestrial biodiversity values should be afforded greater weight than freshwater values.

5.1.1 Biodiversity (Terrestrial)

40. Context on terrestrial biodiversity and the applicant's assessment of biodiversity values is contained within the Ecological Values Land Exchange Report, prepared by SLR Consultants Ltd (SLR). This forms part of Appendix 1. The applicant further engaged Dr Graham Ussher of RMA Ecology who has provided responses to feedback received on the application (see Appendix 1).
41. A review of the applicant's assessment of terrestrial biodiversity was undertaken for DOC by Ms. Sarah Budd and Mr Nicholas Goldwater of Wildlands Consultants Ltd (Wildlands). The following sections provide a summary of terrestrial vegetation types and representativeness, vegetation extent and significance, threatened flora, and terrestrial fauna based on findings of the wildlands review followed by a summary of their overall assessment of terrestrial biodiversity values.

Vegetation types and representativeness

42. The SLR report describes 22 vegetation types across the DOC-Give and DOC-Get land parcels.¹⁴ Vegetation types have been described across both the DOC-Give and the DOC-Get land parcels. Wildlands find that rather than using species names, they appear to be generally accurate based on photographs provided and observations made during the recent site visit¹⁵.
43. Wildlands highlight that it would have been more appropriate to provide separate descriptions of black beech forest for each site rather than provide a combined description. Wildlands have highlighted that the description provided in the SLR report states that black beech forest "consisted of black beech (up to 50% coverage)" and also contained "up to 25% cover of broadleaved species" in the sub-canopy and understorey. It also says that emergent matai and kahikatea are present.¹⁶
44. Wildlands note that during their site visit to the DOC-Get land, black beech appeared to be the dominant canopy cover and emergent podocarps were largely absent, and that palatable broadleaved species appeared to be sparse in the sub-canopy and understorey of black beech forest on the DOC-Get land. As it stands, the current description of black beech forest in SLR the report may inadvertently over value this habitat type on the SEB. Wildlands note that comparatively, inspection of the orthomosaic images of Dutch Creek provided by the Applicant indicates that black beech forest on DOC-Give land has a higher diversity of canopy and emergent species.¹⁷
45. From observations during the second site visit to Dutch Creek¹⁸ it appears beech forest on the DOC-Give land has higher representative and diversity values than that on the DOC-Get land.¹⁹

Extent of vegetation and significance

46. The total extent of indigenous vegetation on the DOC-Get land is greater than that on the DOC Give land. SLR identify that 125 ha of the DOC-Get land is comprised of indigenous vegetation.²⁰ This

¹⁴ see Table of SLR report, pg 22 – 23.

¹⁵ Appendix 4A, Ecology review, Wildlands Ltd, September 2026, pg. 4 para 15.

¹⁶ Appendix 4A, Ecology review, Wildlands Ltd, September 2026, pg. 4 para 15.

¹⁷ Appendix 4A, Ecology review, Wildlands Ltd, September 2026, pg. 4 para 15.

¹⁸ on 1 September 2026.

¹⁹ Appendix 4A, Ecology review, Wildlands Ltd, 3 September 2026, pg.5 para 16.

²⁰ see SLR report, pg 22 – 23.

equates to an exchange ratio of 1:4.2 for DOC-Give land to indigenous vegetation on the DOC-Get land.

47. The Wildlands review identifies that whilst this represents an overall increase in the total area of all structural vegetation classes (forest, treeland, scrub, shrubland and wetland), the SLR Report has not provided an analysis of whether the 1:4.2 ratio is appropriate given the difference in threatened environment classifications between the DOC-Give and the DOC-Get land parcels. Wildlands identify that the DOC-Give land is predominantly in Acutely and Chronically Threatened land environments, while most of the DOC-Get land indigenous vegetation sits in the "less reduced and better protected" category.²¹
48. SLR has classified 13 of the 22 vegetation types across the DOC-Get and DOC-Give land parcels as significant using criteria proved in the Hawke's Bay District Plan and Hawke's Bay Regional Policy Statement. Wildlands finds these classifications to be generally accurate, but the specific criteria that are met by each vegetation type has not been provided to verify the results of the significance assessment.²²
49. Wildlands note that the DOC-Get contains 45 hectares of grazed pasture and rank grass being of negligible ecological value and will create an ongoing management liability for DOC if stock is removed. No management actions are proposed by the applicant to return these areas to indigenous cover.²³

Threatened flora

50. SLR identify that red mistletoe, with a threat classification of 'At Risk – Declining' is the only threatened flora species recorded on the DOC-Give land²⁴. Wildlands highlight that while it has been recorded as a parasite on several species, red mistletoe's main host species include mountain beech, black beech, red beech and silver beech.²⁵
51. No survey for red mistletoe has been carried out on the DOC-Get land. The SLR report states that given the extent and quality of beech forest available at the DOC-Get site it is 'highly likely' red mistletoe will also be present at the DOC-Get site.²⁶
52. Wildlands highlight the possibility of other threatened species being present in cliff seepages on the DOC land. This was explored in 2013 when the site was surveyed by DOC staff and no additional threatened plant species were discovered at that time.²⁷

Terrestrial indigenous fauna

53. The Wildlands review notes terrestrial fauna surveys of the DOC-Get land to be absent or superficial. However, in the absence of surveys, Wildlands consider that the SLR report provides an adequate assessment of the habitat values for key fauna groups at both the DOC-Give land and DOC-Get land.²⁸
54. Wildlands consider that for most fauna species, the habitat values of the DOC-Get land are at least equivalent to the DOC-Give land, and the extent of available habitat is larger at the DOC-Get

²¹ Appendix 4A, Ecology review, Wildlands Ltd, September 2026, pg. 4-5 para 17 – see also paras 42 to 44.

²² Appendix 4A, Ecology review, Wildlands Ltd, September 2026, pg. 20 - 21 para 41-43.

²³ Appendix 4A, Ecology review, Wildlands Ltd, September 2026, pg. 6 para 20.

²⁴ SLR Report, Pg. 23.

²⁵ Appendix 4A, Ecology review, Wildlands Ltd, September 2026, pg. 6 para 18.

²⁶ Appendix 4A, Ecology review, Wildlands Ltd, September 2026, pg. 6 para 19.

²⁷ Appendix 4A, Ecology review, Wildlands Ltd, September 2026, pg. 6 para 19.

²⁸ Appendix 4A, Ecology review, Wildlands Ltd, September 2026, pg. 12 para 30.

land than the DOC land. Exceptions to this are for fernbird²⁹, shag and waterfowl species³⁰ and whio (Threatened – Nationally Vulnerable)³¹. Wildlands note Whio rely on flowing water the creation of the reservoir will not provide an increase in habitat, and the exchange will therefore represent a net loss in habitat availability and quality for whio under both scenarios.

55. Wildlands note that Fernbird were heard calling from vegetation on the true left side of Dutch Creek during their site visit on 1 September 2026³².

Assessment of terrestrial biodiversity values

56. Wildlands note the SLR assessment of the relative values of the DOC-Give land and DOC-Get land does not discuss the inclusion of the grazed pasture and areas of rank grass as part of the DOC-Get land. Wildlands highlight that, for the purposes of comparing the terrestrial ecological values of the DOC-Give and DOC-Get land parcels, they have focused on the relative quality and abundance of indigenous ecosystems only. However, Wildlands have identified concerns regarding the ongoing ecological management liability associated with 45 hectares of pasture included in the DOC-Get land and have proposed conditions for the management of these areas.³³
57. SLR assigned the DOC-Give and DOC-Get land parcels the same scores for three of the four assessment criteria (Representativeness, Rarity and Distinctiveness, and Ecological Context).³⁴ Wildlands notes much of the SLR assessment of Rarity and Distinctiveness of the DOC-Get land is based on assumptions regarding the indigenous species likely to be present within the available habitat.³⁵ Wildlands consider in the absence of surveys the assumptions made appear to be reasonable.³⁶
58. For the Diversity and Pattern criterion Wildlands note that SLR assigned the DOC-Get land a rating of high (H), while the DOC-Give land rated moderate (M), largely due to the different underlying geology and greater altitudinal range (> 300 metres) within the DOC-Get land compared with the DOC-Give land³⁷. Wildlands found that while the SEB is relatively more diverse than the DOC land, at least in terms of the range of terrestrial habitats present, it is not a particularly high-diversity site, particularly given the scarcity of palatable species due to deer browse³⁸. Wildlands consider the rating of H overstates the value of this criterion and find a rating of M/H would be more appropriate.³⁹

²⁹ Fernbird were heard calling from vegetation on the true left side of Dutch Creek during the site visit undertaken by Wildlands on 1 September 2026. The location is slightly upstream of the oxbow wetland.

³⁰ However, it is noted that significantly more habitat will be provided for most waterfowl species by the creation of the reservoir (Scenario 2), acknowledging that these will likely include exotic species such as mallard and Canada geese. See Appendix 4A, Ecology review, Wildlands Ltd, September 2026, pg. 12 para 30.

³¹ was recorded in the Mākaroro River in December 2023, near the confluence with Dutch Creek. The SLR report states that "It is likely whio will also be utilising suitable feeding and nesting habitat within Dutch Creek (SLR report, pg. 25).

³² Location noted as slightly upstream of the oxbow wetland. See Appendix 4A, Ecology review, Wildlands Ltd, September 2026, Pg. 14, para 31.

³³ Appendix 4A, Ecology review, Wildlands Ltd, September 2026, Pg. 23, para 55.

³⁴ SLR report, Table 11, pg. 42.

³⁵ Wildlands consider this does not reflect best practice, and ideally the assessment would also have included surveys for threatened plants and key fauna groups within the DOC-Get. See Appendix 4A, Ecology review, Wildlands Ltd, September 2026, Pg. 23, para 54.

³⁶ Appendix 4A, Ecology review, Wildlands Ltd, September 2026, Pg. 23, para 54.

³⁷ Appendix 4A, Ecology review, Wildlands Ltd, September 2026, Pg. 23, para 56.

³⁸ based on the site visit to Dutch Creek undertaken on 1 September 2026, Wildlands note it appears that the beech forest on DOC land is more botanically diverse and intact than the equivalent on the SEB, despite also having the presence of deer. See Appendix 4A, Ecology review, Wildlands Ltd, September 2026, Pg. 23, para 58.

³⁹ Appendix 4A, Ecology review, Wildlands Ltd, September 2026, Pg. 26, para 58.

Criteria	DOC-Give Land		DOC-Get Land (SEB)		
	Applicant	DOC	Applicant	DOC: Scenario 1	DOC: Scenario 2
Representativeness	M	M	M	M	M/H or H ⁴⁰
Diversity & Pattern	M	M/H	H	M	M/H or H ⁴¹
Rarity & Distinctiveness	M	M	M	M or L ⁴²	M
Ecological Context	M/H	M/H	M/H	M/H ⁴³	M/H

Table 4: Summary of DOC's overall assessment of terrestrial biodiversity values (Give and Get land)

59. Overall, the SLR (Applicant's) assessment of biodiversity values is that the DOC-Get land (SEB) is of comparable value to the DOC-Give land⁴⁴. Wildlands assessment on behalf of DOC finds the following:

Based on the limited data available and the two site visits undertaken by Wildlands, this overall assessment appears to be generally accurate for most ecological attributes (noting that wetland values are addressed below). However, under both scenarios the SEB provides lower habitat values for whio than the DOC land.

In terms of vegetation, under Scenario 1 the ecological values of the SEB will likely remain static or gradually decline. Under Scenario 2, it is highly likely that Representativeness and Diversity & Pattern would improve if stock and deer are appropriately excluded from forest and shrubland habitats.

While terrestrial habitats on the SEB are likely to be of comparable value due to the larger extent of forest and scrub, the evidence provided does not indicate that the exchange will enhance the conservation values of land managed by the Department of Conservation under Scenario 1 (i.e. current values). However, under Scenario 2, it is likely that the overall conservation values of Crown owned land will be enhanced.⁴⁵

5.1.2 Freshwater values

60. A review of the applicant's assessment of freshwater values was undertaken for DOC by Wildlands. Dr. Richard Storey assessed streams and Mr Nicholas Goldwater assessed wetlands. The Wildlands assessment can be found within Appendix 4A. This section provides a summary of the Wildlands review.

Stream length and habitat quantity

61. SLR states that the length of stream and river on the DOC-Give land is 1.9 kilometres (including 1.2 kilometres of Dutch Creek mainstem and 0.7 kilometres of tributaries)⁴⁶. Wildlands consider that, using the GIS shapefiles provided by the Applicant, the total length of streams on DOC land is more than 3.3

⁴⁰ if stock are excluded and deer are effectively controlled in forest and shrubland habitats.

⁴¹ if stock are excluded and deer are effectively controlled in forest and shrubland habitats.

⁴² in the absence of management (particularly the control of predators and possums), noting that in the absence of more robust surveys of the DOC Get, there is still some degree of uncertainty regarding the appropriateness of this rating.

⁴³ In absence of future management.

⁴⁴ SLR report, pg. 42.

⁴⁵ Appendix 4A, Ecology review, Wildlands Ltd, September 2026, pg. 29.

⁴⁶ SLR Report, Table 12, pg. 43.

kilometres. Wildlands consider the large discrepancy between the figures in the SLR report and those measured by himself needs to be resolved.⁴⁷

62. Regarding the DOC-Get land the SLR report notes 2.03 kilometres of streams length. Wildlands has calculated the length could be as low as 1.57 kilometres or as high as 2.8 kilometres, depending on where in the catchment of Donovan's Creek streams are considered to originate, and therefore how many small tributaries of Donovan's Creek are included tributaries of Donovan's Creek are included. Wildlands note the figure given by SLR is in the middle of this range, but that stream length beyond 1.57 kilometres includes very small tributaries that are not comparable to Dutch Creek in regard to their ecological values.⁴⁸
63. Wildlands consider that habitat area is more appropriate for comparing habitat quantity than stream length. Wildlands note the DOC-Get streams are considerably smaller than the 1.2km of Dutch Creek (DOC-Give stream). Dr. Storey illustrates that if the lengths and water widths of Dutch Creek and the DOC-Get streams are correctly stated in the SLR report then the DOC-Get streams are approximately just over half the size of the open water habitat as that in the DOC-Give streams.⁴⁹

Aquatic Habitat diversity

64. Wildlands finds the habitat diversity in the DOC-Get streams is less than in the larger Dutch Creek which has frequent deep pools and high velocity rapids. Backwaters and rockface seepages are other habitat types common in Dutch Creek but rare or absent in DOC-Get Streams. For the DOC Get streams, Wildlands also notes that aquatic habitat in South Stream and Donovan Stream is currently degraded by stock access.⁵⁰

Future fish passage - Fish barrier created by the dam

65. Wildlands highlight that under Scenario Two (in the event the dam goes ahead), the ecological value of the SEB streams, with respect to fish diversity, will be reduced compared to the current assessment (Scenario One). This future impact would cause permanent reduction in the values of the DOC Get.⁵¹
66. Wildlands note the SLR report states shortfin and longfin eels will be regularly trapped and transferred across the dam. Wildlands consider this may be effective in facilitating upstream migration of juvenile eels to the DOC-Get streams, but the chance of successfully transferring mature adults downstream to breed is low. If eels in the DOC-Get streams are unable to breed, then the ecological value of these streams will be diminished.⁵²
67. Wildlands note the SLR highlights the only other indigenous migratory fish affected is kōaro. SLR points out that kōaro can form landlocked populations. Wildlands consider landlocked populations are not common in the North Island, being mainly limited to cold, deep lakes. Wildlands note presence of trout further limits lake populations. Regarding Scenario Two, Wildlands identify there is significant risk that kōaro may not survive in the DOC-get streams once the dam prevents migration to the sea. If this occurs, the ecological value of the DOC-Get streams will be lower than stated in the SLR report.⁵³

⁴⁷ Appendix 4A, Ecology review, Wildlands Ltd, September 2026, pg. 13 para 31.

⁴⁸ Appendix 4A, Ecology review, Wildlands Ltd, September 2026, pg. 13 para 32.

⁴⁹ additionally, Wildlands note that the area of habitat is greater than product of the width and length of open water. see Appendix 4A, Ecology review, Wildlands Ltd, September 2026, pg. 13 to 14, para 33-34.

⁵⁰ for further description of stream habitats in the DOC-Give and DOC-Get see Appendix 4A, Ecology review, Wildlands Ltd, September 2026, pg. 15 to 16. para. 35.

⁵¹ Appendix 4A, Ecology review, Wildlands Ltd, September 2026, pg. 22, para. 52.

⁵² Appendix 4A, Ecology review, Wildlands Ltd, September 2026, pg. 22, para. 53.

⁵³ Appendix 4A, Ecology review, Wildlands Ltd, September 2026, pg. 22, para. 53.

Wetlands

68. The DOC-Give land contains a 0.24 ha oxbow wetland located in the lower reach of Dutch Creek. Wildlands note that this is described by SLR as comprising small ponds that are largely covered with azolla fern and is surrounded by rush/sedgeland grading into indigenous woody vegetation.⁵⁴ Wildlands inspected this wetland and have provided a more detailed description of this wetland and its vegetation. Wildlands finds this wetland is highly representative of its type, scores highly for diversity and pattern and also forms part of a freshwater-terrestrial ecological sequence.⁵⁵
69. Wildlands have identified and described another wetland, of an estimated 700m², on the DOC-Give land approximately 330 metres upstream of the oxbow wetland not mapped SLR. Further description this is contained in Appendix 4A⁵⁶.
70. There are six wetland areas within the DOC-Get land, five of which are located in Donovan Gully near the centre of the site covering a total of 0.13 ha.⁵⁷ Wildlands consider the five wetlands in Donovan Gully are low-quality modified wetlands typical of pastoral landscapes.⁵⁸ Wildlands notes that at least three of the degraded wetlands in the DOC-Get appear to have formed in stream channels because of pugging by stock, and it is likely they will revert to streams (i.e. the wetlands may disappear) once stock are excluded and the riparian planting matures. If this occurs, wetlands in the DOC-Get land will only comprise the areas labelled 'kahikatea treeland' and 'rautahi sedgeland'.⁵⁹
71. Wildlands consider the ecological value and description of the sixth wetland ('kahikatea treeland') is inaccurate and the size has been overstated in the SLR report. Wildlands consider the larger trees on the periphery of the wetland include kahikatea, rimu and black beech, are not hydrologically linked to the wetland.⁶⁰ Wildlands consider the size of this wetland is closer to 2,100m² and not 5,001m² as stated by SLR.⁶¹ Wildlands consider that rather than a seepage (as described by SLR), this wetland would better be described as an ephemerally wet shallow basin.⁶²

Assessment of Freshwater values

72. Wildlands raise a number of issues with the SLR report, in addition to the matters addressed above. Wildlands identify significant gaps and missing information in SLR assessment that raise issues of confidence, accuracy and the quality of assessments.⁶³ In absence of information to address those gaps Wildlands note, the assessments of the ecological values of the streams and rivers on the DOC-Give and DOC-Get are based on assumptions. However, based on the information available Wildlands tentatively finds the assessments and assumptions made to be reasonable for Scenario 2.⁶⁴
73. Considering Scenario 2, Wildlands note that direct improvements including stock exclusion, pest control and planting along Donovan Stream and associated wetlands along with the indirect improvements of trap and transfer of eels across the dam are appropriate management actions to improve the ecological values of the DOC-Get streams and Dutch Creek. Those improvements considered, Wildlands finds the ecological value of the DOC-Get streams would still be lower than the DOC-Give Dutch Creek.⁶⁵

⁵⁴ Appendix 4A, Ecology review, Wildlands Ltd, September 2026, pg. 6 para 21.

⁵⁵ see Appendix 4A, Ecology review, Wildlands Ltd, September 2026, pg. 6-7, para 22 – 23.

⁵⁶ see Appendix 4A, Ecology review, Wildlands Ltd, September 2026, pg. 7 para 24.

⁵⁷ for locations of wetlands see SLR Report, Figure 6, Pg. 21.

⁵⁸ Appendix 4A, Ecology review, Wildlands Ltd, September 2026, pg. 9 para 25.

⁵⁹ Appendix 4A, Ecology review, Wildlands Ltd, September 2026, pg. 11 para 28.

⁶⁰ Appendix 4A, Ecology review, Wildlands Ltd, September 2026, pg. 10 para 26.

⁶¹ Appendix 4A, Ecology review, Wildlands Ltd, September 2026, pg. 11 para 27.

⁶² Appendix 4A, Ecology review, Wildlands Ltd, September 2026, pg. 10 para 26

⁶³ For further detail see Appendix 4A, Ecology review, Wildlands Ltd, September 2026, pg. 19. para. 36. See also pgs. 24-25, paras 46-53.

⁶⁴ Appendix 4A, Ecology review, Wildlands Ltd, September 2026, pg. 20. para. 37.

⁶⁵ Appendix 4A, Ecology review, Wildlands Ltd, September 2026, pg. 20. para. 38.

74. SLR's overall freshwater assessment is that freshwater values are **moderate to high** on the DOC-Give land and that freshwater values in the DOC-Get land are lower but are still considered **moderate to high** because of the presence of three At Risk fish species (longfin eel (*Anguilla dieffenbachii*), kōaro (*Galaxias brevipinnis*) and dwarf galaxias (*Galaxias divergens*). SLR further consider that with freshwater values of the SEB will improve with restoration work in Donovan Gully, Donovan Stream and the wetlands, and with exclusion of livestock from all waterways on the DOC-Get land.⁶⁶
75. Wildlands consider that SLR's overall assessment of the DOC-Get aquatic values **moderate to high** is not consistent with its assessments of individual ecological criteria, which are all identified as **moderate**.⁶⁷
76. Wildlands overall assessment of DOC-Get streams in Scenario One is **moderate to low**, based on stream quality. In scenario 2, Wildlands notes the dam will create a barrier to fish migration but the exclusion of livestock from all waterways on the DOC-Get land will also significantly improve aquatic values. Therefore, Wildlands overall assessment for aquatic values in DOC-Get streams under Scenario 2 is **moderate**.⁶⁸
77. Further to the overall rating, Wildlands consider the DOC-Get streams have naturally lower conservation value than those on the DOC-Give streams because the quantity of freshwater habitat is less (whether measured as total stream length or stream habitat area) and the quality is lower (as smaller streams, they have less habitat diversity and in particular are missing deep pools, deep turbulent, fast-flowing habitats, backwaters and rockface seepages). Wildlands also note the streams in the DOC-Get land also offer no habitat for whio, whereas those on the DOC land do.⁶⁹
78. Wildlands find the extent and ecological value of wetlands on the DOC-Get land are clearly lower than the DOC-Give land⁷⁰. An additional wetland during their September 2026 site visit, bringing the total extent of wetland habitat on the DOC-Give land to at least 3,100 m².
79. Wildlands note the SLR report does not appear to provide an overall comparison of wetland values between the DOC-Give land and DOC-Get land. Wildlands note that Under Scenario 1, wetland values on the DOC-Get land are likely to remain unchanged or decline in the long term. Under Scenario 2, values for two wetlands (rautahi sedgeland and kahikatea treeland seepage) are likely to increase as a result of fencing and ungulate exclusion. However, the remaining gully wetlands will likely revert to streams, and their wetland values will therefore be nullified. This will also result in a net reduction in wetland extent on the DOC-Get land.⁷¹
80. Overall, Wildlands find the quality of aquatic and wetland habitats on the DOC-Get land is lower than on the DOC land, and the extent of habitat (measured as habitat area) is also reduced.⁷² Wildlands find that under both Scenario 1 and Scenario 2, the exchange is not expected to result in a net enhancement of aquatic and wetland conservation values on Crown-owned land.⁷³
81. For comparative purposes, Table 7 provides a summary of the overall freshwater values as assessed by SLR (the applicant) and Wildlands (DOC).

⁶⁶ SLR Report, page 45.

⁶⁷ Appendix 4A, Ecology review, Wildlands Ltd, September 2026, Pg 36.

⁶⁸ Appendix 4A, Ecology review, Wildlands Ltd, September 2026, Pg 36.

⁶⁹ Appendix 4A, Ecology review, Wildlands Ltd, September 2026, Pg 36.

⁷⁰ Based on observations made during two site visits – see Appendix 4A, Ecology review, Wildlands Ltd, September 2026, Pg 36.

⁷¹ Appendix 4A, Ecology review, Wildlands Ltd, September 2026, Pg 36.

⁷² Appendix 4A, Ecology review, Wildlands Ltd, September 2026 paras 65, Pg 25.

⁷³ Appendix 4A, Ecology review, Wildlands Ltd, September 2026, Pg 36.

DOC-Give Land			DOC-Get land		
	Applicant	DOC	Applicant	DOC (Scenario 1)	DOC (Scenario 2)
Representativeness	H (Dutch creek) M (Oxbow wetland)	H (Dutch creek) H (Oxbow Wetland) H (new wetland)	M	M-L (Streams overall) M (Middle Stream) M (North Stream) L (Donovan Stream) M (Rautahi sedgeland ⁷⁴) L (remaining 5 wetlands ⁷⁵)	M (Streams overall) M Rautahi sedgeland L ⁷⁶) L/M (Kahikatea treeland seepage)
Diversity & Pattern	H	H	M	M-L (Streams overall) M (Middle stream) M (North Stream) ⁷⁷ M (Kahikatea treeland seepage) L (Remaining wetlands)	L (Gully wetlands) M/H (Kahikatea treeland wetland) M (Streams Overall) M (Donovan's Stream)
Rarity & Distinctiveness	H	H	M	M (Streams overall) H (Rautahi sedgeland) H (Kahikatea treeland seepage) L (Gully wetlands)	M (Streams overall) ⁷⁸ H (Rautahi sedgeland) H (Kahikatea treeland seepage) L (Gully wetlands)
Ecological Context	M/H	H	M	M-L (Streams overall) L (All wetlands)	L (Streams overall) L (All wetlands)

Table 7: Summary of Applicant's (SLR) and DOC's (Wildlands) assessments of freshwater values

⁷⁴ Wetland 5 shown in SLR Report, Figure 6, Pg. 21.

⁷⁵ Wetlands 1, 2, 3 and 4 and Type 20 Wetland (Kahikatea) shown in SLR Report, Figure 6, Pg. 21.

⁷⁶ Wetlands identified as 1, 2, 3 and 4 in the SLR report – Pg 19.

⁷⁷ Wildlands note no species information has been provided in the SLR report so this is based on habitat description – See Appendix 4A, Ecology review, Wildlands Ltd, September 2026, Pgs 34-35.

⁷⁸ Wildlands note that if kōaro do not persist due to becoming landlocked, then the number of At Risk species will decline from three to two. Further, this rating of M relies on the trap and transfer of longfin eels after the dam is built. Without trap and transfer the rating should be L - Appendix 4A, Ecology review, Wildlands Ltd, September 2026, Pg 28.

5.1.3 Cultural and Heritage values

82. Regarding cultural values, the applicant notes a Cultural Values Assessment report titled '*Tukituki River Catchment Cultural Values and Uses*' compiled by Te Taiwhenua o Tamatea in partnership with Te Taiwhenua o Heretaunga, dated June 2012 was prepared for the Hawke's Bay Regional Council as part of the RWSS application. This had a stated aim '*to clarify and define key Māori environmental cultural values and their application within the Tukituki River catchment*'.⁷⁹
83. A number of parties who provided feedback raised concerns about the cultural values and the applications consideration and assessment of these.
84. Tamatea Pōkai Whenua consider the applicant has dismissed any cultural or heritage values and that the Connection of Heretaunga Tamatea with the areas remains set out in the Statutory Acknowledgements and Deeds of Recognition which apply to the areas as described in the Cultural Impact Assessments that are referred to in the application and additional CIAs that have been developed.
85. For further context, the land exchange is located within the Heretaunga Tamatea Area of Association as identified in the land exchange is also within a Statutory Acknowledgement Area which spans the catchment of the Waipawa River and its tributaries as shown (OTS-110-31). The Statement of Association for this Area is included in Appendix 5. Downstream of the land exchange area is a Statutory Acknowledgement for the Tukituki River and its tributaries.⁸⁰
86. The DOC-Give land, except the river island, is included in the Statutory Acknowledgments and Deeds of Recognition as addressed in the Heretaunga Tamatea Deed of Settlement 2015.⁸¹
87. Ngāti Kahungunu Iwi Incorporated consider that the applicant has mischaracterised mana whenua support and has included letters of opposition to the land exchange from Rākauatahi Marae, Tapairu Marae, Te Rongo o Tahu Marea, Taiwhenua o Tamatea and Tai whenua o Heretaunga.
88. The letters provided by Rākauatahi Marae, Tapairu Marae note:
- "We understand there are wāhi tapū, pā sites urupa and other taonga tuku iho located within or near the proposed flooded area. Flooding this whenua before these sites are fully identified, assessed, and protected risks irreversible cultural loss."⁸²
89. The applicant's response package identifies they have commissioned a Cultural Impact Assessment (CIA) in relation to the substantive TWSL FTAA project. The applicant highlights that whilst the CIA (dated April 2026) was not specific to the land exchange application, it does refer to wāhi tapū within the vicinity of the proposed reservoir and that the specific location is stated as confidential cultural information and is not disclosed. The applicant further notes the CIA identifies effects on various cultural principles that must be upheld to achieve culturally acceptable outcomes and they have undertaken to engage with Tamatea Pōkai Whenua to understand how the project can be best managed to achieve such culturally acceptable outcomes.⁸³
90. For completeness it is noted the April 2026 CIA was not provided with the applicant's response package.

⁷⁹ TWSL – DOC Land Exchange Overview Report – March 2026, pg 31.

⁸⁰ Further addressed in section 6.

⁸¹ Further addressed in section 6.

⁸² Ngāti Kahungunu Iwi Incorporated - response to the land exchange application – see Attached letters from Raukautātahi Marae and Tapairu Marae (pgs. 9 and 10).

⁸³ TWSL Response to Comments on Land Exchange FTAA Application - Planning Memo, section 3.3.1 pg. 10-11.

91. The applicant and parties commenting may wish to provide further information in response to this draft report (to the extent possible at this time) on effects to wāhi tapū, pā sites, urupa and other taonga tuku iho located within or near the proposed flooded area to assist the Panel in their consideration of the land exchange application.
92. As regards heritage values, the applicant has included an archaeological assessment completed as part of the RWSS titled 'Archaeological Assessment', prepared by Clough & Associates Ltd and P Parsons and dated May 2013.
93. DOC Senior Heritage Advisor Mr Richard Nester, who has reviewed the land exchange for the Department, notes that while there are no-known or publicly recorded archaeological or post 1900 built heritage assets on the DOC-Give or DOC-Get land parcels, this does not mean there are no areas of cultural heritage value in the exchange areas and the potential for unrecorded sites remains. He further notes:
- "The cultural impacts assessment (Morris 2026) identifies that information and cultural knowledge held by iwi for the area has the potential for unrecorded sites and places associated with intangible cultural values or areas that can be considered Waahi Tapu."⁸⁴*
94. Overall, the applicant considers the cultural and heritage values of both the DOC-Give land and DOC-Get land (SEB) to be **Low** noting that no specific archaeological, heritage or Māori cultural values have been recorded as applying to the subject PCL. The applicant also considers that there are no heritage or cultural reasons against the proposed land exchange.
95. Mr Nester's review is included in Appendix 4B. Regarding the DOC-Give land, Mr Nester does not agree with the overall findings of the applicant and concludes that the overall values are **Low/Medium**.
96. Mr Nester comes to the overall value of Medium for cultural heritage values for the DOC-Get land under Scenario One and Scenario Two. With regard to the DOC-Get land, Mr Nester notes the absence of recorded archaeological sites or post-1900 built heritage may be through a lack of thorough field work in the area to establish if any cultural heritage features exist. Mr Nester notes that the SEB can be considered to have heritage value by way of its long and continued history associated with agriculture and agricultural training in New Zealand.
97. Mr Nester's comparative reporting on cultural and heritage values is summarised in Table 8 below. It is noted that the Applicant has not provided an assessment on a 'criteria by criteria' basis and may wish to consider this in any feedback on this draft report.

⁸⁴ Appendix 4B – Cultural heritage, R Nester, para 16, Pg. 6.

Cultural Heritage Criterion	DOC-Give	DOC-Get (Scenario 1)	DOC-Get (Scenario 2)
Aesthetic significance or value	L	L	L
Archaeological significance or value	L	L	L
Architectural significance or value	L/M	L	L
Cultural significance or value	M/H	M/H	M/H
Historical significance or value	M	M	M
Scientific significance or value	L	L	L
Social significance or value	L	M	M
Spiritual significance or value	M	M	M
Technological significance or value	L	L	L
Traditional significance or value	M/H	M/H	M/H

Table 8: Summary of DOC's comparative cultural heritage assessment of the DOC-Give land and DOC-Get land.

98. Table 9 provides a comparative summary of the overall cultural and heritage values of the DOC-Give and DOC-Get land parcels as assessed by the applicant and DOC. This indicates the applicant finds no net gain in culture and heritage values, and Mr Nester for the Department findings indicate a net gain of cultural and heritage values.

Assessor	DOC-Give	DOC-Get	Net Gain
DOC	L/M	M	Yes – Net Gain
Applicant	L	L	No – No change

Table 9: Comparative Summary of overall cultural and heritage values

5.1.4 Recreational values

99. As part of the Land Exchange Application the applicant has submitted a recreation assessment from Opus International Consultants Ltd titled “Ruataniwha Water Storage Scheme Recreation Assessment”. This is dated 2013 and formed part of the RWSS application. Additionally, the applicant's ecological report prepared by SLR addresses recreation values of the DOC-Get and DOC-Give land parcels. The Applicant's assessment of recreational values based on DOCs guidelines⁸⁵ is contained in their overview report and within an addendum provided in their response package⁸⁶.

⁸⁵ External guidelines DOCs External Guideline for conservation values assessments for land exchanges under the Fast-track Approvals Act 2024 Current 18 August 2025.

⁸⁶ TWSL – DOC Land Exchange Overview Report – March 2026, Pg 27-30 and TWSL Response to Comments on Land Exchange FTAA Application - Planning Memo Pg 3.

100. Mr Michael Harbrow, Senior Visitor Advisor at DOC, who has reviewed the land exchange application, provides a useful overview of the wider recreational setting and recreational opportunities surrounding the DOC-Give land and DOC-Get land. Mr Harbrow has considered the recreation values in light of Scenario One and Scenario Two.
101. Mr Harbrow's assessment of the recreational values is contained in Appendix 4C⁸⁷.

DOC - Give land

102. The Applicant and Mr Harbrow highlight the DOC-Give sites do not contain walking or other tracks nor any specific recreational facilities. However, all three areas of DOC-Give land are adjacent to river and stream beds which are available as public access routes into the Ruahine Forest Park and the associated track network. These areas would also therefore be theoretically available for hunters or bird watchers to access from the river and stream bed.⁸⁸
103. The DOC-Give land is located close to routes used to access Ruahine Forest Park and Gwavas Forest, access for four-wheel drives along the Mākaroro River-bed, areas likely to be used for fishing, and to the historic mill site. The three areas of DOC-Give land can be assumed to receive some incidental use as a result of this, but there is no indication that they are a focus for recreational use in their own right.⁸⁹
104. A public access easement runs over Kaweka Gwavas Forestry Company (KGFC) owned land immediately adjacent to Area A of the DOC-Give land offering connection from the true left bank of the Mākaroro River to the Ruahine Range. Mr Harbrow notes that this easement is used for access between the Wakarara Road-end and riverbed, and both the Yeoman's Track and the continuation of the public access easement east and west.⁹⁰
105. The Applicant's overall assessment of recreational values considers the DOC-Give land to be of Low recreation value given it does not include any recreational tracks or infrastructure, albeit that the land could be accessed from the adjacent river and stream. Mr Harbrow comes to the same conclusion as the applicant in finding the recreational values of the DOC-Give site to be Low.

DOC-Get land

106. The Applicant highlights that the DOC-Get land would have no public road access and that public access would be from the reservoir margins and the wider network of public access easement over KGFC land located between the Ruahine Forest Park and Gwavas Conservation Areas. The applicant notes these easements generally follow existing forestry roads as shown in yellow in Figure 4 below. The applicant considers a connection to this broader network could theoretically be achieved over future marginal strip connecting the easements and DOC-Get land.⁹¹

⁸⁷ Mr Harbrow has also followed the criteria in DOC's 'External guidance for conservation values assessments for land exchanges under the Fast-track Approvals Act'.

⁸⁸ For further context of recreation use, tracks and huts within the Ruahine Forest Park see Appendix 4C, Pg. 6 to 9.

⁸⁹ Appendix 4C – Recreation Values Technical Advice – Pg. 10, para 32.

⁹⁰ Appendix 4C – Recreation Values Technical Advice – Pg. 9, para 31.

⁹¹ TWSL – DOC Land Exchange Overview Report – March 2026, Pg 27-30 and TWSL Response to Comments on Land Exchange FTAA Application - Planning Memo.

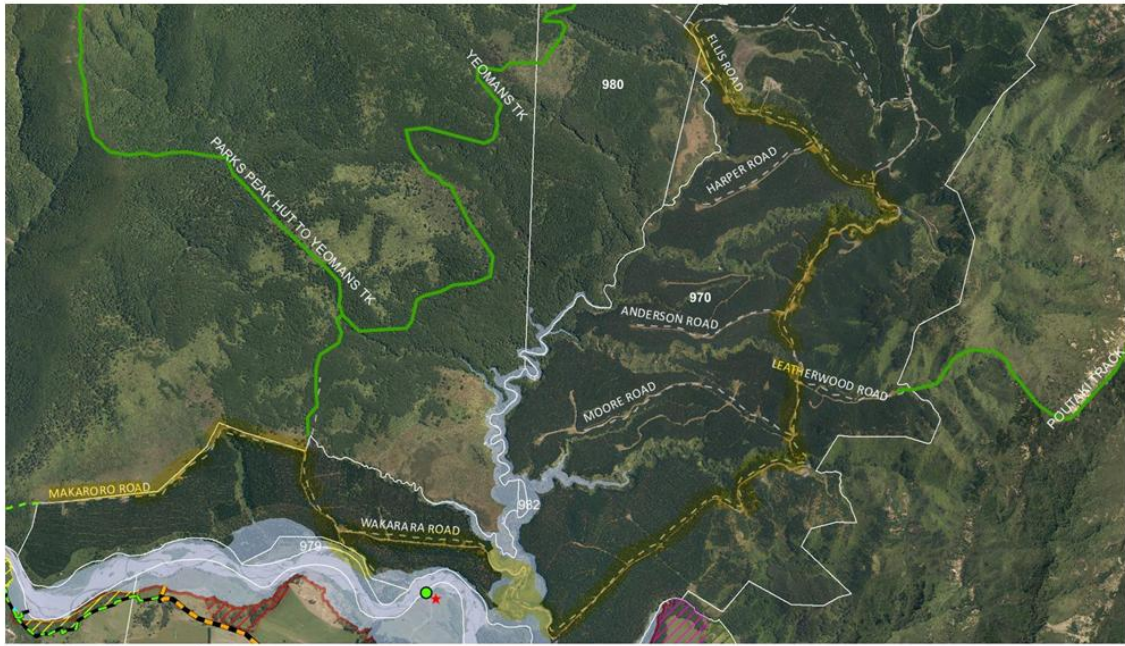


Figure 4: Approximate location of public access over forestry roads (marked yellow) offering public access to the Ruahine forest park adjacent to the proposed land exchange ⁹²

107. The Applicant also highlights that marginal strip would extend along the true left bank margin of the reservoir with the KGFC land, providing theoretical overland access between the DOC-Get land and Ruahine Forest Park boundary.⁹³
108. Under Scenario 2, Mr Harbrow has discounted this access as an arm of the proposed reservoir (extending up the current extent of Dutch Creek and surrounds) would sever any direct link to Ruahine Forest Park or the current public access easement and access may also be required across KGFC land. Mr Harbrow identifies that under Scenario 1, prior to filling the reservoir, public access would be relatively poor, but possible by walking off-track from the adjacent Gwavas Conservation Area or from neighbouring private land, with the permission of landowners.⁹⁴
109. The Applicants' overall assessment of recreational values of the DOC-Get land is **Medium** based on having boat access directly across the reservoir, that the SEB land includes flat and open areas and glades found in the beech tree land habitats adjacent to streams in the northern portion, as well as viewpoints along the western ridge, all of which would have value for walking, picnicking, and bird watching activities.
110. Mr Harbrow's overall finding is the DOC-Get land has **Low** recreation value under Scenario 1. Under Scenario 2 Mr Harbrow's assessment finds **Low/Medium** recreation for the DOC-Get land. A summary of Mr Harbrow's findings is included in Table 10.

⁹² Source: TWSL Response to Comments on Land Exchange FTAA Application - Planning Memo Pg 6.

⁹³ TWSL – DOC Land Exchange Overview Report – March 2026, Pg 28.

⁹⁴ Appendix 4C – Recreation Values Technical Advice – Pg. 10, para 36.

Criteria	DOC-Give	DOC-Get (Scenario 1)	DOC-Get (Scenario 2)
Alignment with strategic objectives/visitor network strategy	L	L	L
Social license – for PCL, social license for exchanging away the land, and for the land offered, social license for acquiring the land	L	L/M	L/M
Rarity of experience within the region	L	L	M
Use level (for PCL)/anticipated use level (for land offered)	L	L	L/M
Level of access (e.g. tracks)	L/M	L	L/M
Natural hazard/climate risk	L/M	L	L
How do any heritage or biodiversity values affect the visitor experience (for land offered, how might heritage or biodiversity values affect the visitor experience?)	L	L/M	L/M
Overall	L	L	L/M

Table 10: Summary of DOCs comparative assessment of recreational values associated with the land exchange.

111. The Applicant concludes there is a significant net positive benefit in the recreational values of the proposed DOC-Get land compared to the 29.7 ha of DOC-Give land.⁹⁵ Mr Harbrow's findings however indicate the land exchange does not represent an enhancement in recreational values under Scenario 1. A summary comparison of the Applicant's and DOC's overall assessment of recreational values is shown in Table 11 below.

Assessor	DOC-Give	DOC-Get	DOC-Get (Scenario 1)	DOC-Get (Scenario 2)	Net Gain
Applicant	L	M	-	-	Yes
DOC	L	-	L	L/M	Scenario 1: No Scenario 2: Yes

Table 11: Comparison of the overall assessment of recreation values assessed by the applicant and DOC

⁹⁵ TWSL – DOC Land Exchange Overview Report – March 2026, Pg 31.

5.1.5 Landscape character values

112. As identified in DOC's completeness assessment, expert landscape assessment was not provided by the Applicant. The Applicant agreed to DOC commissioning expert landscape review of the land exchange proposal. Landscape Architect Mr Jeremy Head was subsequently engaged to provide landscape assessment for the Department. Mr Head's assessment addresses landscape character and waterway values and is included as Appendix 4D.
113. Mr Head's landscape assessment followed *Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines* with the DOC-Give and DOC-Get parcels being assessed in terms of the following attributes:
- Physical - being the tangible elements of the landscape;
 - Perceptual – which is how people experience and interpret the landscape; and
 - Associative – which captures the cultural, historical and spiritual connections that people and communities have with a place.

Mr Head's assessment addresses landscape character and waterway values assessed across a seven-point scale as shown in

114. Figure 5 below.



Figure 5: Seven-point scale adopted by Mr Head from *Te Tangi a te Manu Aotearoa New Zealand Landscape Assessment Guidelines*, July 2022.

115. Mr Head's landscape assessment and review of the DOC-Give and DOC-Get land parcels are summarised below.

DOC-Give land

116. Mr Head identifies and assesses the DOC-Give land as including three physically separate land parcels being:
- The SNA block⁹⁶
 - Island Block⁹⁷
 - Dutch Creek⁹⁸

SNA block

117. Overall Mr Head assessed the SNA Block to have a **Low-Moderate** to **Moderate** level of landscape character due to its SNA status, mature podocarps present, its river corridor location and setting and strong geomorphic legibility. Mr Head notes detractors include its isolated location, its modified vegetation cover and terrestrial surrounds, its linear shape and likely threats from neighbouring areas.⁹⁹
118. Regarding waterway values Mr Head finds:

⁹⁶ True left of Mākaroro River (Area A).

⁹⁷ River Island (Area F).

⁹⁸ Dutch Creek (Area B, C D E).

⁹⁹ Landscape Assessment Proposed Exchange of Land, Dated 4 September 2026, Jeremy Head, pg. 26.

Overall, the parts of the waterways and their margins within this land parcel are assessed to have '**Moderate**' landscape value, due to their proximity and ecological connection with the Mākaroro River coupled with some wetland habitat present. Landscape values are slightly downgraded as the watercourses and their margins are mostly within the western end of the land parcel which has lower levels of naturalness. This is due to the presence of exotic weed species (including willow) and the areas ongoing re-infestation from upstream weedy margins sites. Another detractor is the tributary passing through a plantation forestry area, where debris, including unwanted seedlings will likely be transported.¹⁰⁰

119. Mr Head's combined assessment of landscape character (land value and waterways) for the SNA Block is **Low-Moderate to Moderate**.¹⁰¹

Island block

120. Overall Mr Head assessed the Island block land parcel as having **Moderate-High** landscape character due largely to its intactness and location at the confluence of Dutch Creek with the Mākaroro River.¹⁰²
121. Regarding waterway value, Mr Head notes there is no obvious evidence of any human-induced modifications to the waterways or their margins within or abutting the Island block land parcel. Overall Mr Head assessed the parts of the waterways and their margins where they abut or are within this land parcel as having **High** landscape value, largely because the margins appear to include intact indigenous forest cover.¹⁰³
122. Mr Head's combined assessment of landscape character (land value and waterways) for Island block is **Moderate-high**.¹⁰⁴

Dutch Creek

123. Overall Mr Head's evaluation found that the Dutch Creek land parcel has **Moderate-high to High** landscape character noting the following;

'This long and tightly meandering land parcel includes parts of Dutch Creek, its margins and some tributaries. Much of the land parcel is within a large ONF/L ('Kaweka and Ruahine Ranges' ONFL7).

The land parcel has a high level of legibility as the creek has obviously down-cut through the soft substrates exposing steep bank or cliff faces in many areas.

The land parcel is for the most part well vegetated with a high diversity of canopy and emergent species and appears largely intact other than the southern end of the land parcel where historic clearance has occurred including on neighbouring land. These areas are now regenerating.

The land parcel is not especially accessible and due to its tight and enclosed incised character is remote. Though the land parcel is highly linear, and therefore high in 'edge' versus core, this is not really the case as the land parcel mostly abuts and is essentially part of a large area of intact indigenous mixed podocarp forest which is ONF/L or where not, has the same outward looking properties. To the east, commercial plantation forestry occupies

¹⁰⁰ Landscape Assessment Proposed Exchange of Land, Dated 4 September 2026, Jeremy Head, pg. 29.

¹⁰¹ Landscape Assessment Proposed Exchange of Land, Dated 4 September 2026, Jeremy Head, pg. 30.

¹⁰² Landscape Assessment Proposed Exchange of Land, Dated 4 September 2026, Jeremy Head, pg. 27.

¹⁰³ Landscape Assessment Proposed Exchange of Land, Dated 4 September 2026, Jeremy Head, pg. 29.

¹⁰⁴ Landscape Assessment Proposed Exchange of Land, Dated 4 September 2026, Jeremy Head, pg. 30.

the terrace lands on the true left above Dutch Creek, however indigenous vegetation has been retained along the steep stream margins providing a landscape and visual buffer'.¹⁰⁵

124. Mr Head finds the Dutch Creek land parcel to have **High** waterway values. In relation to the waterway values of Dutch Creek Mr Head notes, amongst other matters:

'Water quality is expected to be high as the majority of the catchment is deemed outstanding or highly natural and dense indigenous vegetation cover. Any influence that the commercial forestry on higher land above the true left of the river may have on the land parcel is likely well buffered by the indigenous 'buffer strip' of sorts although the efficacy of this vegetation as a 'filter' is assumed. Some wilding pines and 'old man pines' are present within the land parcel. Vegetation cover while highly natural is not pristine.

Other than localised effects associated with historic logging, adjacent plantation forestry and scattered exotic species, the watercourse remains largely intact'.¹⁰⁶

125. Mr Head's combined assessment arrives at a landscape value of **High** for the Dutch Creek parcel¹⁰⁷

DOC-Get land - SEB

126. Mr Head has considered landscape values through both Scenario One and Scenario Two.
127. Regarding current values (Scenario One), Mr Head finds an overall **Moderate** landscape character, noting that much of the SEB is graded open pasture, is remote and lacks visibility from outside view. Mr Head notes that this scoring is in part due to the remaining indigenous forest cover contrasted with open pastoral grassland. With regards to edge effects, the land parcel abuts an ONF/L and so part of the land parcel's edge is less susceptible to weed and animal pests compared to if it abutted a more modified landscape.¹⁰⁸
128. Regarding waterway values in Scenario One, overall Mr Head assesses the waterways in the SEB as **Low-Moderate**. Mr Head notes four streams pass through the SEB and finds that overall, the majority of waterways and their margins within the SEB land parcel, apart from Donovan Stream (Low), are assessed to have on average 'Low-moderate' to 'Moderate' landscape value due to the streams' locations largely in forested and unfarmed areas. Mr Head notes that several streams pass through or have caused landslips which has degraded values where these instances occur.¹⁰⁹ A summary of Mr Head's landscape character assessment is included in Table 12.

Criteria	DOC-Give -SNA block	DOC-Give -Island block	DOC-Give -Dutch Creek	DOC-Get (Scenario 1)	DOC-Get (Scenario 2)
Landscape value	L/M to M	M/H	M/H to H	M	M/H
Waterways Value	M	H	H	L/M	M
Combined Value	L/M to M	M/H	H	M	M

Table 12: Summary of landscape character values¹¹⁰

¹⁰⁵ Landscape Assessment Proposed Exchange of Land, Dated 4 September 2026, Jeremy Head, pg. 27.

¹⁰⁶ Landscape Assessment Proposed Exchange of Land, Dated 4 September 2026, Jeremy Head, pg. 30.

¹⁰⁷ Landscape Assessment Proposed Exchange of Land, Dated 4 September 2026, Jeremy Head, pg. 30.

¹⁰⁸ Landscape Assessment Proposed Exchange of Land, Dated 4 September 2026, Jeremy Head, pg. 25-26

¹⁰⁹ Landscape Assessment Proposed Exchange of Land, Dated 4 September 2026, Jeremy Head, pg. 28.

¹¹⁰ Landscape Assessment Proposed Exchange of Land, Dated 4 September 2026, Jeremy Head, pg. 30.

129. Overall Mr Head finds that the proposed land exchange would result in a **net loss** in combined landscape value to DOC under Scenario One noting this is associated with:

The SEB's large proportion of pasture, inferior quality waterways, wetlands and their margins compared to the DOC Give areas. Terrestrial values (excluding the areas of pasture) and where native vegetation is present are however comparable. Positives include the SEB's larger area of extensive indigenous vegetation, its greater diversity and close association with the Gwavas Conservation Area; however, the native forest is affected by stock access and deer browse. In contrast, the DOC land parcels, particularly Dutch Creek, include more intact freshwater environments, stronger terrestrial-freshwater ecological connections, and higher quality wetland and stream habitats.¹¹¹

130. Mr Head also finds a net loss of landscape values under Scenario Two. For Scenario Two, Mr Head notes the gap in values between the DOC-Give land and DOC-Get land narrows when the applicant's proposed direct improvements are considered and the indirect improvements associated with the wider dam and reservoir project are considered. However, for both Scenario 1 and 2, Mr Head finds the area of destocked pasture (approximately 45ha of the DOC-Get land), its vegetative change to weed cover and ongoing management requirements "drags down" the overall landscape values of the DOC-Get land¹¹².

5.1.6 Conclusion on Conservation values

131. The applicant considers the land exchange will enhance conservation values. The applicants' assessment of the DOC-Give land and DOC-Get land considers gains for terrestrial biodiversity and recreation would be achieved.
132. The Department's review of the land exchange application has covered values in the following subject areas, based on direction in the Departments External Guidance for conservation values assessments for land exchanges under the Fast-track Approvals Act 2024:
- Terrestrial biodiversity
 - Freshwater
 - Cultural Heritage
 - Recreation
 - Landscape character
133. The subject matter experts considered two scenarios. Scenario One considered the current values of the land involved in the exchange and Scenario Two considered the values of the DOC-Get (SEB) land with the improvements proposed by the applicant and as impacted by the proposed dam and reservoir.
134. Based on Scenario One, only cultural and heritage values is where there would be overall enhancement. Under Scenario Two, the proposal would provide an enhancement of conservation values for terrestrial biodiversity, cultural and heritage and recreation.
135. A summary of each subject area is provided below.

Terrestrial biodiversity

136. Wildlands terrestrial biodiversity assessment on behalf of DOC finds the following:

Based on the limited data available and the two site visits undertaken by Wildlands, this overall assessment appears to be generally accurate for most ecological attributes (noting that

¹¹¹ Landscape Assessment Proposed Exchange of Land, Dated 4 September 2026, Jeremy Head, pg. 30-31.

¹¹² Landscape Assessment Proposed Exchange of Land, Dated 4 September 2026, Jeremy Head, pg. 31.

wetland values are addressed below). However, under both scenarios the SEB provides lower habitat values for whio than the DOC land.

In terms of vegetation, under Scenario 1 the ecological values of the SEB will likely remain static or gradually decline. Under Scenario 2, it is highly likely that Representativeness and Diversity & Pattern would improve if stock and deer are appropriately excluded from forest and shrubland habitats.

While terrestrial habitats on the SEB are likely to be of comparable value due to the larger extent of forest and scrub, the evidence provided does not indicate that the exchange will enhance the conservation values of land managed by the Department of Conservation under Scenario 1 (i.e. current values). However, under Scenario 2, it is likely that the overall conservation values of Crown owned land will be enhanced.¹¹³

Freshwater

137. Regarding freshwater, Wildlands found the quality of aquatic and wetland habitats on the DOC-Get land is lower than on the DOC land, and the extent of habitat (measured as habitat area) is also reduced.¹¹⁴ Wildlands found that under both Scenario 1 and Scenario 2, the exchange is not expected to result in a net enhancement of aquatic and wetland conservation values on Crown-owned land.¹¹⁵

Cultural heritage

138. Regarding cultural heritage values, Mr Nester has reviewed the proposal for the Department. He finds the DOC Give land to have low cultural heritage values and the DOC-Get land to have Low/Medium values in both Scenario One and Two. His assessment indicates a net gain in cultural and heritage values would result from the exchange.
139. The applicant has not provided a 2026 Cultural Impact Assessment with the application, with this only having been completed in April 2026. Marae and Taiwhenua understand that there are wāhi tapū, pā sites urupa and other taonga tuku iho located within or near the proposed flooded area and that flooding this whenua before these sites are fully identified, assessed, and protected risks irreversible cultural loss.
140. The applicant and parties commenting may wish to provide further information in response to this draft report on effects to wāhi tapū, pā sites urupa and other taonga tuku iho located within or near the proposed flooded area to assist the Panel in their consideration of the land exchange application.

Landscape character

141. To determine landscape character values, the Department engaged Landscape Architect Jeremy Head to carry out a landscape character evaluation. Overall Mr Head found the proposed land exchange would result in a net loss in combined landscape value to DOC under Scenario One noting this is associated with:

“...the SEB’s large proportion of pasture, inferior quality waterways, wetlands and their margins compared to the DOC-Give areas. Terrestrial values (excluding the areas of pasture) and where native vegetation is present are however comparable. Positives include the SEB’s larger area of extensive indigenous vegetation, its greater diversity and close association with the Gwavas

¹¹³ Appendix 4A, Ecology review, Wildlands Ltd, September 2026, pg. 29.

¹¹⁴ Appendix 4A, Ecology review, Wildlands Ltd, September 2026 paras 65, Pg 25

¹¹⁵ Appendix 4A, Ecology review, Wildlands Ltd, September 2026, Pg 36.

Conservation Area; however, the native forest is affected by stock access and deer browse. In contrast, the DOC land parcels, particularly Dutch Creek, include more intact freshwater environments, stronger terrestrial-freshwater ecological connections, and higher quality wetland and stream habitats.”¹¹⁶

142. Mr Head also finds a net loss of landscape values under Scenario Two. For Scenario Two Mr Head notes the gap in values between the DOC-Give land and DOC-Get land narrows when the applicants’ proposed direct improvements are considered and the indirect improvements associated with the wider dam and reservoir project are considered. However, for both Scenario 1 and 2, Mr Head finds that the area of destocked pasture (approximately 45ha of the DOC-Get land), its vegetative change to weed cover and ongoing management requirements “*drags down*”/reduces the overall landscape values of the DOC-Get land.¹¹⁷

5.2 Financial implications for the Crown (cl 26 (1)(b))

143. When considering a land exchange, the Panel must take into account the financial implications for the Crown of the land exchange.
144. The applicant has not provided a registered valuation of the DOC-Give land or the DOC-Get land. Regarding the Smedley block, the applicant notes in their application form:

“The land will be acquired by TWSL and exchanged, free of charge, with DOC. The purchase price that TWSL pays to acquire the land is commercially sensitive (noting other land purchases) and includes land for multiple purposes other than exchanging with DOC (such as reservoir footprint). A good portion of the 170ha of land being exchanged is, furthermore, bush and native forest with minimal commercial value (unless cleared). As a guide, previous negotiations and current grazing land prices, indicate \$6k to \$15k per ha, equivalent to an indicative value of \$1M to \$2.5M”.¹¹⁸

145. The applicant has since provided more clarity as to the value of the DOC-Get land. TWSL have obtained a recent valuation from Logan Stone dated 26 February 2026 that shows a value of \$[REDACTED]¹¹⁹ per hectare for the DOC-Get land. This would equate to \$[REDACTED] for the 170 ha of land forming part of the land exchange. The Logan Stone valuation shows \$[REDACTED] for the entire 451.55 ha of proposed acquisition.
146. The applicant highlights that the DOC-Give land is difficult to value as it has no economic value and very little potential for development but has provided an indication that forestry land is currently \$5.5k to \$8k per ha depending on the quality / topography of the land. This would give the DOC-Give land of 29 ha an indicative value of **\$160k to \$230k**.
147. Given the difference in values, clause 31(2) of the Schedule 6 is relevant to this application. It requires:

No condition may be imposed in accordance with subclause (1) requiring the payment of money by the Crown to offset any inequality between the market value of the land to be acquired by the Crown and the land to be given by way of exchange by the Crown, and nothing in this Act otherwise requires such a payment.

148. In terms of the land valuation, there are no financial implications of the land exchange for DOC.

¹¹⁶ Landscape Assessment Proposed Exchange of Land, Dated 4 September 2026, Jeremy Head, pg. 30 to 31.

¹¹⁷ Landscape Assessment Proposed Exchange of Land, Dated 4 September 2026, Jeremy Head, pg. 31.

¹¹⁸ TWSL land exchange application form 16 March 2026-redacted-Version, pg. 15.

¹¹⁹ Redacted due to commercial sensitivity.

Operational costs

149. The Department's district operational staff have provided an estimate of the annual operational costs associated with maintaining the DOC-Get land, based on similar work undertaken in the district. This could equate to \$25,000 per annum and comprises the following:
- Weed management (\$5,000);
 - Ungulate management (\$10,000); and
 - Fence depreciation/maintenance (\$10,000).
150. The above costs are to maintain the land after the applicant has carried out proposed improvements.

5.3 Consequences of the land exchange (cl 26(1)(c))

151. When considering a land exchange, the Panel must take into account whether the consequences of the land exchange would be practical to manage on an ongoing basis, including consideration of whether the land exchange would result in an enclave of private land within a conservation area or a Crown-owned reserve.
152. The following section addresses the ongoing management of the DOC-Get land, the land indicated for exchange to KGFC, which is largely enveloped by the DOC-Get land, and the remaining land which is currently managed as part of Smedley Station located between the DOC-Get land and the Mākaroro River.

Ongoing management of the DOC-Get land

153. The DOC-Give land would present an ongoing management challenge for the Department beyond the implementation of improvements offered by the applicant. This matter has been raised in feedback provided on the application and through the technical advice provided to DOC.
154. Mr Head identifies it would take significant time before the success of the improvements proposed by the Applicant would be realised. This is particularly the case for the land which is currently in pasture and based on the applicant's improvement package could see minimal restoration. Mr Head notes:

*"However, under both scenarios as proposed the de-stocked and formerly grazed pasture and rank grass which covers approximately 45 ha of the block will be left largely unchanged. This area will quickly become an ongoing management liability for DOC as discussed below. Any proposed planting through direct improvements is limited to the Donovan Gully area. However, any ecological gains are likely to take many years, and potentially decades, to fully materialise and be demonstrated."*¹²⁰

155. Technical advice provided by Wildlands also raising the use of future management of the DOC-Get land. Wildlands note:

*"Without ongoing and adequately resourced management, large areas of retired pasture are likely to become increasingly dominated by pest plants and animals. Even if pest plant and pest animal control is carried out within these pasture areas, regeneration to indigenous cover is likely to be extremely slow. The ongoing management of these areas is therefore a significant liability for DOC, whose limited resources would be better spent on the management of existing high value areas."*¹²¹

¹²⁰ Landscape Assessment Proposed Exchange of Land, Dated 4 September 2026, Jeremy Head, pg. 29.

¹²¹ Appendix 4A, Ecology review, Wildlands Ltd, September 2026, pg. 22 para 50.

156. Wildlands further consider that if DOC takes ownership of the areas of pasture, the applicant should commit to managing these areas to ensure they return to an indigenous scrub/forest ecosystem.¹²²

157. In respect of managing future use of the site Mr Harbrow notes that:

*"It is unlikely that DOC would develop facilities or access on either the DOC-Give or DOC-Get land under current settings. The Department's current priority is to renew existing assets with a focus on the most popular places and showcase experiences within the conservation estate."*¹²³

158. Mr Harbrow identifies that the DOC-Get land would have limited access, initially over private land if this could be negotiated or via offtrack access via Gwavas Forestry land to the north. This presents an issue for the ongoing management of the DOC-Get land.

Land indicated for exchange to KGFC

159. The land exchange would result in a portion of land which is intended to be transferred to KGFC being largely enveloped by the DOC-Get land, with the exception of a pan handle connecting to the KGFC land to the north. This land is towards the northern boundary of the DOC-Get land (see Figure 6).

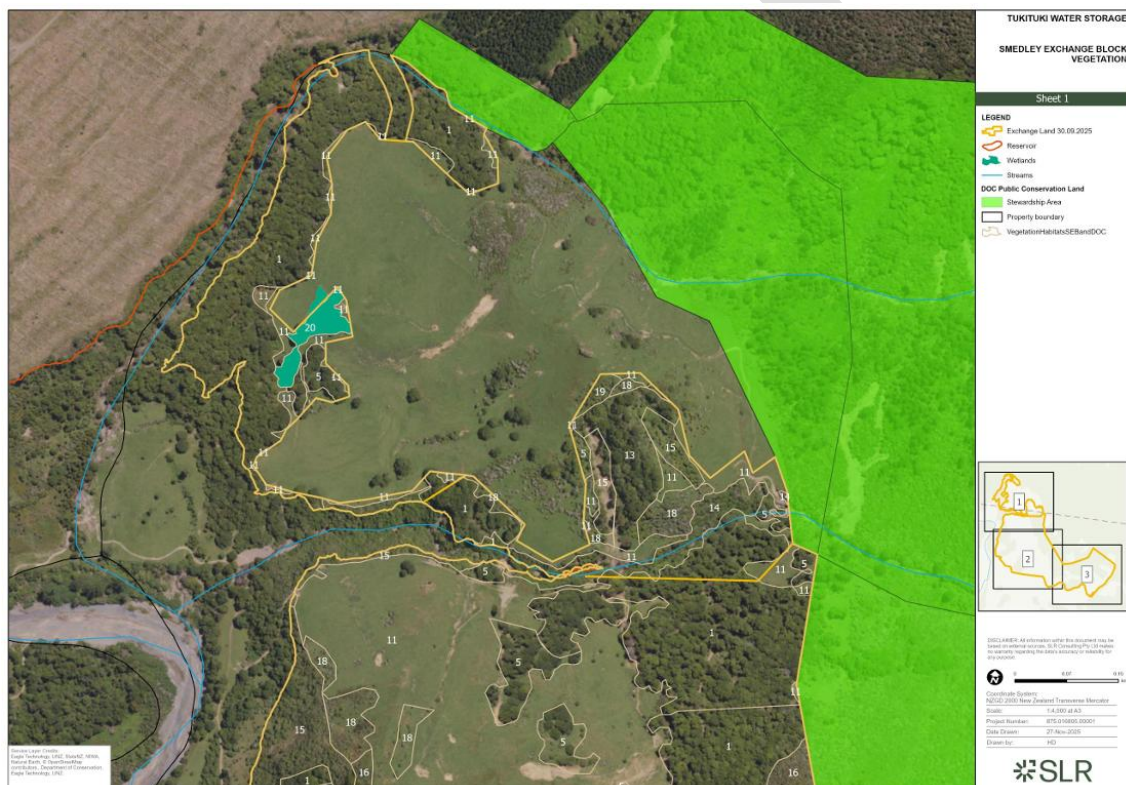


Figure 6: Location of Access from Smedley Station land to the south to a remaining portion of land located between the SEB and the reservoir¹²⁴

160. This land is currently grazed and managed as part of Smedley station. The future use of this land is not known, however the KGFC that it would gain access over is currently forestry. Forming practical access to this land, whilst outside of the scope of the land exchange application, would require clearance of indigenous vegetation.

¹²² Appendix 4A, Ecology review, Wildlands Ltd, September 2026, pg. 22 para 51.

¹²³ Appendix 4C – Recreation Values Technical Advice – Pg. 12, para 49.

¹²⁴ Source: SLR Report, Appendix E, Sheet 1.

Smedley land south of SEB

161. The land exchange, if approved, would ultimately result in a portion of the underlying Smedley property (private land) to the south of the DOC-Get land, being positioned between the reservoir land to the south and DOC-Get land to the north. This land is currently managed as part of the Smedley Station and gains access across a stream. This location is shown in Figure 7 below.

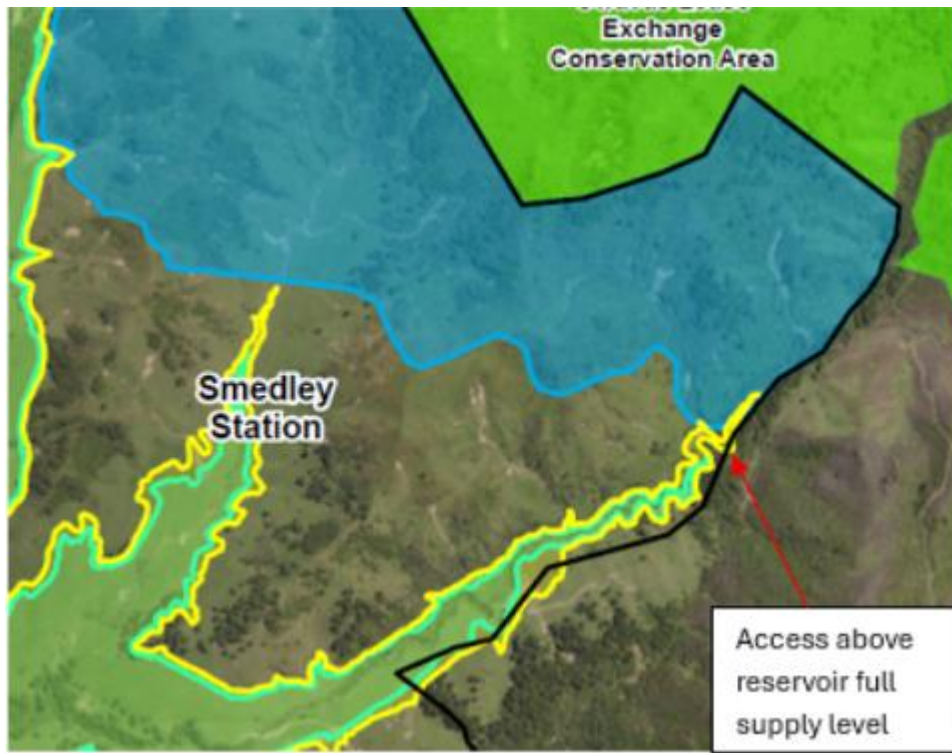


Figure 7: Location of Access from Smedley Station land to the south to a remaining portion of land located between the SEB and the reservoir

162. The Applicant has clarified that this land would remain physically accessible from the Smedley station land to the southeast including when the reservoir is at full supply levels and would remain practical to manage on an ongoing basis. The Applicant has indicated that this land could be transferred to TWSL.

5.4 Legal and financial liabilities and health and safety risks (cl 26(1)(d))

163. When considering a land exchange, the Panel must take into account the legal and financial liabilities and health and safety risks for the Crown associated with the land exchange. The Land Exchange Application states there are no financial nor legal liabilities and obligation associated with the DOC-Get land to be acquired by the Crown, that will apply at the time of the exchange.
164. It is noted there is no known land contamination associated with the DOC-Get Land.
165. The review of the land exchange proposal has identified two relevant matters under clause 26(1)(d) of Schedule 6 of the FTAA.

Visitor safety and associated financial liabilities

166. DOC's advisor on recreation matters, Mr Harbrow, has considered the visitor safety obligations and associated financial liabilities on DOC should the exchange proceed. He notes that the recreation value of the DOC-Get land could be reduced if DOC incurred significant costs or obligations to manage the safety of visitors, but notes that the applicant has not identified any particular potential hazards to visitors. Mr Harbrow notes the likely future use of the DOC-Get land makes it unlikely that significant resource would need to be spent on the health and safety of visitors.
167. Mr Harbrow highlights that under DOC's Visitor Safety Policy¹²⁵, the Department would only undertake management of visitor safety within managed visitor sites. Managed sites are defined as locations on public conservation lands and waters where:
- Non-commercial visitor infrastructure is provided by DOC or an authorised third party, or
 - Non-commercial visitor infrastructure is provided by DOC or an authorised third party to access it, and/or it is part of the visitor experience being offered. Even if the location that is accessed has no visitor infrastructure or is not on public conservation lands and waters.
168. Mr Harbrow considers that it is likely that much of the DOC-Get land would not be a managed visitor site and as a result visitors venturing off-track into the DOC-Get land would be expected to take full responsibility for their own safety.
169. Mr Harbrow identifies that DOC's Visitor Safety Policy would apply where formal access points are provided to the DOC land. Mr Harbrow notes that any formal access point would likely be:
- where the land borders the future location of any Crown marginal strip,
 - where future walking and cycling tracks either cross the land or facilitate access, and
 - where any access is agreed on the true left of the reservoir or from the KGFC land.
170. At a minimum, Mr Harbrow considers access points would require the installation of appropriate signage and an entrance stile, and it would be appropriate for the cost of this to be borne by the Applicant.
171. Mr Harbrow also notes that visitors to the DOC-Get land may have an expectation that the previous farm tracks are managed. He notes that maintaining tracks in this area is unlikely to be a priority for the Department under current settings. Communicating that the tracks on the land are no longer maintained would be a key aspect of any safety messaging for the DOC-Get land.

Fire risk

172. The DOC-Get land would present fire risk, particularly in dryer summer months. Current fire risk associated with this area is reduced by grazing. As stock are excluded, pasture areas which are not actively restored would establish into rank grass. It is likely that this risk would remain for several decades, or until more mature woody vegetation establishes. This risk could be reduced through successful implementation of the proposed conditions requiring restoration of the DOC-Get land.
173. Given the isolated location and likely limited recreational opportunities that the DOC-Get land presents, likely sources of fire establishing are limited.
174. It is noted that for Scenario 2, the dam would provide ample supply of water for an aerial firefighting response.

¹²⁵ Department of Conservation, Visitor Safety Management Policy. Approved 11 May 2025.

5.5 Statements of General Policy (cl 26(1)(e))

175. When considering a land exchange, the Panel must take into account statements of general policy under section 17B or 17C of the Conservation Act 1987. The following documents are relevant.

5.5.1 Conservation General Policy 2019

176. The Conservation General Policy (CGP) was prepared under section 17C of the Conservation Act 1987 to provide unified policy for the implementation of a number of Acts listed in the First Schedule of the Conservation Act. It provides guidance for the administration and management of all lands and waters and all natural and historic resources managed for the purposes of the specified Acts, excluding reserves administered by other agencies under the Reserves Act 1977.
177. The CGP also provides guidance for consistent management planning for the wide range of places and resources administered or managed by DOC, including the preparation of conservation management strategies, conservation management plans and sports fish management plans.
178. Policy 6(a) relates to land acquisitions and exchanges and states:

6(a) Land acquisition or exchange (including boundary changes) may be undertaken to manage, for conservation purposes, natural resources or historical and cultural heritage; or for the benefit and enjoyment of the public, including public access, where the land has international, national or regional significance; or where land acquisition or exchange will either:

- improve representativeness of public conservation land; or*
- improve the natural functioning or integrity of places; or*
- improve the amenity or utility of places; or*
- prevent significant loss of natural resources or historical and cultural heritage; or*
- improve the natural linkages between places; or*
- secure practical walking access to public conservation lands and waters, rivers, lakes or the coast; or*
- achieve any other purpose allowed for under the relevant Acts.*

179. The policy sets out the appropriate circumstances for land acquisition or exchange. CGP Policy 6(a) is a three-limb test insofar as either the proposed exchange may be:

- 'undertaken to manage, for conservation purposes, natural resources or historical and cultural heritage' or*
- for the benefit and enjoyment of the public, including public access, where the land has international, national or regional significance' or*
- where the land exchange will satisfy any one or more of the points listed in (i) – (vii).*

180. Starting with the first limb, the proposed land exchange arguably meets this as the DOC-Get sites are natural resources and could be used for conservation purposes. Whilst "Conservation purposes" is not a defined term in either the Conservation Act or the CGP, "conservation" is defined in the Conservation Act and the CGP as:

The preservation and protection of natural and historic resources for the purpose of maintaining their intrinsic values, providing for their appreciation and recreational enjoyment by the public, and safeguarding the options of future generations

181. This is a broad statement, but under Scenario Two if the DOC-Get site were to be transferred into DOC ownership, its intrinsic values would be improved overtime under Scenario Two through the direct improvements contained within the application (stock exclusion, restoration and pest control). The second limb is not relevant as the DOC-Get land does not have international, national or regional significance.
182. Turning to the third limb, based on the DOC technical assessments, the DOC-Get sites would struggle to achieve the relevant other requirements in the CGP policy under Scenario One but may offer some improvements under Scenario Two.
183. The land exchange will arguably not achieve Policy 6(a)(i) as the proposal will not significantly improve the representativeness of public conservation land, noting there are no particular features or aspects of the DOC-Get land that would provide such improvement. This is particularly the case in Scenario One. In Scenario Two, improvements are noted and in time may contribute a wider range of ecological areas and through extending/providing a buffer to the Gwavas Stewardship. In Scenario Two, when further viewed in regards to the adjoining Gwavas land, the exchange may contribute to enhancing the quality of natural linkages considering the proposed improvements of stock exclusion and the extent of indigenous vegetation received through the exchange.
184. The land exchange will arguably not provide for a significant improvement in the natural functioning of conservation land when considering all conservation values and hence will not achieve Policy 6(a)(ii) either under Scenario One or Two. This difficulty is evidenced by the loss of the considerably higher freshwater (including wetland) values and landscape values for the DOC-Give land and further loss indicated as regards terrestrial biodiversity. Having said that, while the values are not the same, under Scenario Two, the gap towards achieving this policy is narrowed.
185. Policy 6(a)(vi) requires secure practical walking access to public conservation lands and waters, rivers, lakes or the coast. It is noted however the DOC-Get land would be accessible off track from the Kaweka Gwavas Stewardship land (PCL) along its eastern boundary under both Scenario One and Two. Additionally, in Scenario Two, the DOC-Get land would also be theoretically (but not practically) accessible from the margins of the reservoir. The DOC-Get land would not achieve this policy as practical walking access is not proposed. This might be a matter that could be further addressed by conditions on the exchange for the future access once the land is inundated.
186. Arguably, in light of the above assessment, the proposed land exchange does not achieve the first, second and third limb of CGP Policy 6(a) in Scenario One. Under scenario Two, the proposal may go some way to achieving the third limb of Policy 6(a) and will at least in part depend on conditions for matters such as ongoing improvement to the land and access.

5.6 Strategies and plans (cl 26(1)(f))

187. When considering a land exchange, the Panel must take into account any conservation management strategy, conservation management plan or reserve management plan that has been co-authored, authored or approved by a Treaty settlement entity (cl 29(1)(a)(vii) of Schedule 6).
188. Where these documents exist but were not co-authored, authored or approved by a Treaty settlement entity, the Panel may consider them (but is not required to) (cl 29(1)(b) of Schedule 6). Clause 26(1)

requires this report to include information on these documents. The significance of this is that the Panel *may* consider the aforementioned Management Plan and Strategies.¹²⁶

189. The following documents are potentially relevant:

- Wellington Conservation Management Strategy 2019-2029, which relates to the DOC-Give land.
- Ruahine Forest Park Management Plan 1992, which relates to the DOC-Give land.
- Hawke's Bay Conservation Management Strategy 1994 – 2024, which relates to the DOC-Get land.¹²⁷

5.6.1 Wellington Conservation Management Strategy 2019

190. The Wellington Conservation Management Strategy (CMS) applies to the DOC-Give land. The purpose of the Wellington CMS is to describe the conservation values and issues for the Wellington region and how these will be managed by DOC. It recognises the partnerships, organisations and parties that collaborate to deliver the four values of historic, natural, recreation and engagement. Treaty partners were consulted when drafting specific parts of the Wellington CMS.
191. Sections 2 and 3 contain overarching objectives and policies. Relevant objectives and policies for the exchange of the Give land are considered in Table 5 below.

¹²⁶ It is noted the applicant has not made comment on these documents, beyond what is contained within their assessment of recreational values.

¹²⁷ As noted by Mr. Harbrow (Appendix 4C – Recreation Values Technical Advice – Pg. 12, para 48.) the Mākaroro River and Dutch Creek form the boundary between the two Conservation Management Strategy regions.

Provision	Comment
Objective 2.3.1 and Policies 2.3.2 Treaty relationships and tangata whenua involvement	Feedback from PSGs/tangata whenua on the application raises a number of concerns regarding the land exchange and impact of this in sites and areas of significance.
Objective 3.1.1 and Policies 3.1.2.1 Maintaining and restoring the diversity of natural values	This policy promotes, in particular, the conservation of landforms and landscapes and particular threatened and at risk flora and fauna present in the Wellington region (Listed in Appendix 5 of the CMS). The following species that are listed in the CMS have been recorded in the Mākaroro catchment/DOC-Get as illustrated through the applicants reporting¹²⁸: - Red mistletoe (<i>Peraxilla tetrapetala</i>) (Nationally Critical) - Longfin eel (<i>Anguilla dieffenbachia</i>) (Declining) - Torrentfish (<i>Cheimarrichthys fosteri</i>) (Declining) - Dwarf galaxias (<i>Galaxias divergens</i>) (Declining) - Bluegill bully (<i>Gobiomorphus hubbsi</i>) (Declining) - New Zealand bush falcon (<i>Falco novaeseelandiae</i> "bush") Nationally Vulnerable - Banded dotterel (<i>Charadrius bicinctus</i>) (Nationally vulnerable) - New Zealand pipit (<i>Anthus novaeseelandiae</i>) (Declining) - Black shag (<i>Phalacrocorax carbo</i>) (Naturally Uncommon) - North Island fernbird (<i>Bowdleria punctata vealeae</i>) (Declining) - Whio (<i>Hymenolaimus malacorhynchus</i>) (Nationally endangered) - <i>Hemideina trewicki</i> Hawke's Bay tree wētā - Relict Given the potential impacts on these listed species, loss of landscape values and freshwater values, it is considered that the proposal is inconsistent with Objective 3.1.1 Policy 3.1.2.1)
Objective 3.2.1 and Policies 3.2.2.1, 3.2.2.4 and 3.2.2.6 protecting and conserving historic values	Objective 3.2.1 promotes protecting and conserving historic values for future generations. Related policies address expectations of PSGEs and tangata whenua (Policy 3.2.2.4) regarding management of historic places on conservation lands and waters and working with them to, amongst other matters, conserve and protect historic places and wāhi tapū (Policies 3.2.2.1 and 3.2.2.6). Feedback on the application from tangata whenua indicates that there is potential that the land exchange would impact wāhi tapū and other sites of significance within the exchange area (further addressed in section 5.1.3, 6 and 8.1). It is further noted however that the broader significance of the DOC-Give land is formally recognised through the Heretaunga Tamatea Treaty Settlement, including through a deed of recognition pertaining to the management

¹²⁸ See SLR report Section 7 pg. 23, Section 8.0 pg.25 -25 and Pg 31 Table 8.

	of the Ruahine Forest Park and a statutory acknowledgement recognising their special cultural, historical, or traditional association with the Forest Park. For the reasons given above it is considered that the loss of the DOC-Get land and overall land exchange proposal is inconsistent with Objective 3.2.1 and related policies 3.2.2.1, 3.2.2.4 and 3.2.2.6.
Objective 3.3.1 and Policies 3.3.2.1 and 3.3.2.3 Identify, provide and maintain a range of outdoor recreation opportunities on public conservation lands	Objective 3.3.1 includes direction to encourage more people to enjoy backcountry destinations. Policy 3.3.2.1 and 3.3.2.3 relate to the provision and maintenance of a range of recreational opportunities on public conservation land and waters and backcountry locations respectively. The recreation values assessment is discussed in section 5.1.4. The proposed land exchange does not directly affect access to any of the recreation opportunities (tramping, mountain biking, fishing, hunting and access to huts) in the surrounding Ruahine Forest Park.¹²⁹

Table 5: Assessment of Relevant objectives and policies of the Wellington Conservation Management Strategy 2019.

¹²⁹ Appendix 4C – Recreation Values Technical Advice – Pg. 8, para 28.

192. The DOC-Give land is located within the Central Spine Place. Section 5 of the Wellington CMS sets out a desired outcome and policies for this area. Relevant to the exchange proposal, the outcomes statement sets an aspiration of:
- Avoiding extinctions of threatened species including whio/blue duck, North Island kākā and giant land snail (*Powelliphanta* Spp.);
 - Working alongside PSGEs, tangata whenua and other conservation partners on landscape scale predator control and restoration projects;
 - Protecting a network of historic sites, providing and managing a range of recreation networks and opportunities including;
 - Maintaining a network of backcountry destinations including formalising access points to the Ruahine Forest Parks;
 - Encouraging hunting and managing wild animal numbers so that habitats and ecosystems are recovering or in a healthy state;
 - Corporative relationships between DOC, PSGE's and enhancement of tangata whenua involvement in management of forest through input in decision-making and sharing of knowledge and skills; and
 - Early engagement with PSGEs and tangata whenua and ensuring meaningful involvement in decision making.
193. Section 5.3 sets out policies for:
- Natural values
 - Historic values
 - Recreation.
194. The relevant policies for Natural value within the Central Spine Place relating to management of the DOC-Give land address the following:
- Leading and working with PSGs, tangata whenua and others to, amongst other matters, control pests and wild animal populations and investigate opportunities for wide scale pest control programmes.¹³⁰
 - Partnering with recreational and commercial hunting groups and others to create a deer management plan for the Ruahine Forest Park and revoking the Ruahine Forest Park Conservation Management plan following the development and implementation of a deer management plan.¹³¹
195. The relevant policies for Historic values within the Central Spine Place relating to management of the DOC-Give land address the following:
- Improving peoples understanding of the historic importance of the Central Spine Place to backcountry and outdoor recreation by working with tramping and outdoor clubs.¹³²
 - Working with PSGs and tangata whenua to identify important natural and cultural sites within the forest park and develop a method of telling stories of their connection to areas in this place.¹³³
196. The relevant policies for recreation within the Central Spine Place relating to management of the DOC-Give address:

¹³⁰ Policy 5.3.2.1.

¹³¹ Policy 5.3.2.2 and 5.3.2.3.

¹³² Policy 5.3.3.1.

¹³³ Policy 5.3.3.2.

- Promoting recreational opportunities and their integrated management through joint projects with a range of parties.¹³⁴
- Working with landowners and other parties to improve public access to forest parks.¹³⁵
- Assing concession application for deer, pig and goat carcass recover and deer live capture against a range of criteria including consultation with affected parties and stakeholders and the effect on recreational hunters during the roar.

197. Given the limited extent of the DOC-Give land, lack of current recreational access over it and limited current recreational opportunities and current use as evidenced in the technical report of Mr Harbrow, it is considered the proposal would not detract from the matters addressed in the above recreation and natural value policies. The proposal may detract from working with PSGs and tangata whenua to identify important natural and cultural values which may be present on the DOC-Give land based on the feedback provided by PSGs and tangata whenua on the application.

5.6.2 Ruahine Forest Park Conservation Management Plan 1992

198. The Ruahine Forest Park Conservation Management Plan (CMP) 1992 would apply to the DOC-Give land¹³⁶. It was developed to:

- Set out long term objectives for management of the park,
- guide day to day management decisions; and,
- provide policy support for controls on use of the park.

199. It is noted that, as set out in the Wellington CMS, the Department intends to revoke the Ruahine Forest Park CMP following the development and implementation of a deer management plan for the Forest Park. To date a deer management plan for the Park has not been developed and the Ruahine Forest Park CMP 1992 remains in place.

200. The CMP identifies the Mākaroro River area an 'Amenity' zoning. These areas are described as 'small areas, mainly on the periphery of the Park and at road ends, where facilities for picnicking, camping etc may be provided'¹³⁷. The CMP also allows for the use of four-wheel drives and mountain bikes in the Mākaroro riverbed as long as conservation values are not compromised¹³⁸.

201. Mr Harbrow's assessment in Appendix 4C, highlights that current access and recreational opportunities in the Ruahine Forest Park will not be impacted by the land exchange. It is further expected that the land exchange would not impact day to day management decisions regarding the Ruahine Forest Park, noting in particular the DOC-Give land does not contain any DOC assets.

5.6.3 Hawke's Bay Conservation Management Strategy 1994 – 2004

202. If the land exchange were to proceed, the Hawke's Bay CMS would provide direction for management of the DOC-Get land. The Hawke's Bay CMS is a first-generation CMS.¹³⁹

203. The Hawke's Bay CMS provides a statement of intent for the long-term direction in which the Conservancy will proceed, both in management of lands managed by the Department, and on its advocacy functions for protection of natural and historic resources generally.

¹³⁴ Policy 5.3.4.1.

¹³⁵ Policy 5.3.4.2.

¹³⁶ The Ruahine Forest Park Conservation Management Plan 1992 could apply to the DOC-Give land in the instance that the land exchange proceeds and the DOC-Give Land was gazetted as part of the Ruahine Forest Park. However, the future status of the DOC-Get land will be determined through separate later statutory decision and cannot be determined as part of this exchange report.

¹³⁷ Ruahine Forest Park Conservation Management Plan 1992, pg 60.

¹³⁸ Ruahine Forest Park Conservation Management Plan 1992, Policy 5.2.10, pg 75.

¹³⁹ It is noted that since the Hawke's Bay Conservation Management Strategy was adopted DOC conservancy boundaries have changed.

204. The CMS identifies the following five-pronged vision for the Hawke's Bay Conservancy:

:A Conservancy whose people understand and care for their environment.

A Conservancy in which people's interaction with land, water and air reflects a spirit of restoration.

A Conservancy in which the bicultural nature of New Zealand is recognised by applying the conservation ethics of each culture to environmental management.

A Conservancy in which there is enthusiasm by local people to be actively involved in conserving their natural and historic heritage for future generations.

A Conservancy in which natural and historic places are enjoyed for recreation”

205. The DOC land would sit within the Mountainlands Place. The following vision is articulated for the Mountainlands Place:

The mountainlands, which provide an alluring backdrop to the developed lowlands and an area for remote recreation, are cherished, and their vulnerability to the threats posed by exotic pests fully recognised.

These threats are removed so that native plants and animals can prosper in the herbfields, grasslands and forests which make up the area.

206. The CMS identifies a range of natural values and issues and treats for the Ruahine Forest Park and surrounding areas. Key threats relevant to the future management of the DOC-Get land include:

- introduced animals including possum, deer, goats, rats, cats, dogs and mustelids, and
- wilding pines¹⁴⁰ and *Buddleja*.¹⁴¹

207. The CMS also notes key habitats which remain under-represented (or unrepresented) on protected lands in the ecological regions within the mountainlands include lower altitude forests and landscapes (below 300 - 500 m) surrounding Ruahine Forest Park (Ruahine Ecological District).

208. The CMS sets out management objectives for the Mountainlands area¹⁴². Those of particular relevance to the DOC-Get land include:

- *To seek an integrated approach to land management, irrespective of ownership, in co-operation with other landowners and local authorities.*
- *To protect the soil and water conservation and water quality/quantity values of areas managed by the Department, primarily by animal pest control and fire prevention.*
- *To maintain, and where appropriate enhance, public access to areas managed by the Department, particularly to the forest parks.*
- *In the provision of further recreational facilities, to give more emphasis to day use opportunities on the fringes of the mountainlands.*
- *To manage Kaweka and Ruahine Forest Parks in accordance with the Kaweka Forest Park Conservation Management Plan, 1991 and the Ruahine Forest Park Conservation Management Plan 1992, respectively. The overall objectives in those conservation management plans are as follows:*

"The management objectives for the Park(s) are derived from S19(l)(a) and (b) of the (Conservation) Act and reflect the requirement to firstly protect the natural values of the

¹⁴⁰ Noted for control in Applicant's proposed improvements addressed in TWSL – DOC Land Exchange Overview Report – March 2026 and response package.

¹⁴¹ Identified by SLR as present in the DOC Get – SLR Report, Appendix A pg A-4.

¹⁴² At section 2.1.10, Pg 18.

area, and secondly to facilitate appropriate recreational use and enjoyment") (Kaweka and Ruahine Forest Parks Conservation Management Plans).

209. In regard to protecting values of areas managed by the Department through pest control and fire prevention the DOC-Get land (particularly under Scenario 1) presents a comparatively higher management burden than the DOC-Give land. Fire risk is addressed under Section 5.4. Appendix 4A. Biodiversity advice provided by Wildlands Ltd identifies deer browsing and ongoing pest management as ongoing issues, and DOC's landscape character assessment (Appendix 4D) highlights large areas of pasture present a land management issue for the Department.
210. Mr Harbrow, in considering recreational values, observes that the priorities for management at the time the plan was drafted included maintaining and enhancing public access to PCL, and, where further recreational facilities are provided, giving more emphasis to the provision of day use opportunities on the fringes of the mountainlands.¹⁴³
211. Mr Harbrow further notes that it is unlikely that DOC would develop facilities or access on either the DOC-Give or DOC-Get land parcels under current settings as the Department's current priority is to renew existing assets with a focus on the most popular places and showcase experiences within the conservation estate.¹⁴⁴ It is also noted that aside from farm tracks there would be no other facilities on the DOC-Get land that would support recreational use.¹⁴⁵
212. The recreational assessment carried out by Mr Harbrow (Appendix 4C) identifies that existing public access to areas managed by the Department, including tracks and facilities in the Ruahine Forest Park would not be affected by the exchange. Therefore, it could be surmised that the above stated objective pertaining to public access is satisfied by maintaining access to the Ruahine Forest Park. That is however in absence of considering access to the DOC-Get land which Mr Harbrow has assessed as being poor, particularly under Scenario One.¹⁴⁶ The DOC-Get land however does not present an enhancement of access to the Ruahine Forest Park.

5.7 Conditions (cl 26(1)(g))

213. This report must include information about any conditions that should be imposed in accordance with clause 31 or 32 of Schedule 6, or section 84, as well as being required to specify any conditions of those specified under section 78 that the Panel must impose in accordance with clause 33.
214. The Applicant has not proffered conditions but has set out a range of improvements. In responses to feedback on the application, the applicant notes that the proposed improvements can be secured by conditions. They also note the Director-General of Conservation can recommend conditions in relation to the proposed enhancement of the DOC-Get land and to resolve any uncertainty with regard to implementation of improvement works¹⁴⁷.
215. Preconditions that DOC recommend for purpose of the Panel's consideration of s31 of the FTAA are included in Appendix 8. In summary, these address survey of the land transfer and associated cost responsibility associated with transferring the land to the Crown.
216. Conditions DOC recommend in relation to clause 32(1)(b) of Schedule 6 are included in Appendix 8. These address fencing, the development, implementation and monitoring of an Ecological Restoration Plan and Pest Mammal Management plan along with access signage.

¹⁴³ Appendix 4C – Recreation Values Technical Advice – Pg. 12, para 48.

¹⁴⁴ Appendix 4C – Recreation Values Technical Advice – Pg. 12, para 49.

¹⁴⁵ Appendix 4C – Recreation Values Technical Advice – Pg. 10, para 39.

¹⁴⁶ Appendix 4C – Recreation Values Technical Advice – Pg. 10, para 38.

¹⁴⁷ TWSL Response to Comments on Land Exchange FTAA Application – Part 3 Response Tables - Pg. 60.

217. These conditions relating to the development and implementation of an ecological restoration plan are based on conditions provided by Wildlands in their technical review of the application contained in Appendix 4A.
218. Access signage conditions are to address the evidence of Mr Harbrow in Appendix 4C.
219. Implementing these conditions would go some way to addressing the consequences of the land exchange addressed in section 5.3
220. These conditions would go some way to address the concerns raised which Mr Head has raised regarding the 45ha of pasture on the DOC-Get land. These address, add certainty to, and build on the improvements proposed by the applicant.
221. It is noted that this report does not provide an overall recommendation to the Panel on the land exchange application and these conditions have been prepared to assist the Panel in their overall consideration.
222. DOC specified s78 conditions that must be imposed regarding the following matters:
- Rates
 - Continuance of rights
 - Existing structures
 - Biosecurity Act
 - First right of refusal
 - Costs

6. Section 34(4) matters

223. Section 35(4) sets out matters that this report may include advice on which are discussed further below.

6.1 Effects on Treaty Settlement and other obligations on decision making

224. Section 82 applies if a Treaty settlement, the Marine and Coastal Area (Takutai Moana) Act 2011 or Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 is relevant to an approval. It provides that if the settlement or Act provides for the consideration of any document, the Panel must give the document the same or equivalent effect through its decision making as it would have under any relevant specified Act (in this case the Reserves and/or Conservation Act). In this context, “document” means any document, arrangement or other matter, and includes any statutory planning document amended as a result of the settlement or Act.
225. In addition, s82 requires the Panel to consider whether granting the land exchange would comply with s7. This requires all persons performing and exercising functions, powers and duties under the FTAA to act in a manner that is consistent with obligations under existing Treaty settlements¹⁴⁸ and customary rights recognised under the Marine and Coastal Area (Takutai Moana) Act 2011 or Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.

¹⁴⁸ Means Treaty settlements that exist at the time the relevant function, power or duty is performed or exercised.

6.2 Obligations relating to Treaty settlements and recognised customary rights

226. There are Statutory Acknowledgements addressed in the Heretaunga Tamatea Claims Settlement Act 2018 and associated Heretaunga Tamatea Deed of Settlement 2015 which are relevant to the proposed land exchange. These Statutory Acknowledgements are acknowledgements by the Crown of statements by Heretaunga Tamatea of their special cultural, historical, or traditional association with, rivers and their tributaries and certain areas of Crown-owned land
227. It is noted that TPW is the Post Settlement Governance Entity ('PSGE') for the Heretaunga Tamatea Settlement and TPW have provided feedback on the application and that the applicant has noted ongoing engagement with TPW including through the recent development of CIA.
228. The applicant identifies that the land exchange is located with a Statutory Acknowledgement area for the Waipawa River and its tributaries as shown (OTS-110-31) (Figure 7). Downstream is a Statutory Acknowledgement for the Tukituki River and its tributaries (OTS-110-30) (Figure 8). The Statements of Association for these Statutory acknowledgement areas are included in Appendix 5 and Appendix 6 respectively.

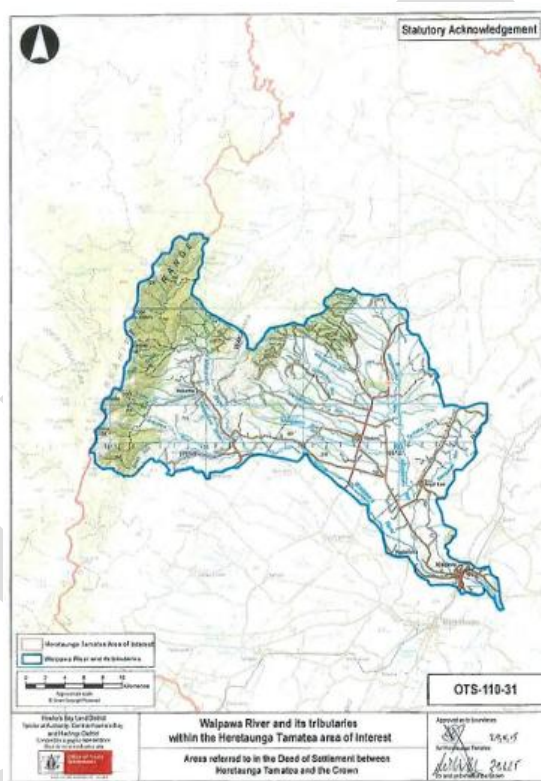


Figure 7: Statutory Acknowledgement Area for the Waipawa River and its tributaries (OTS-110-31)

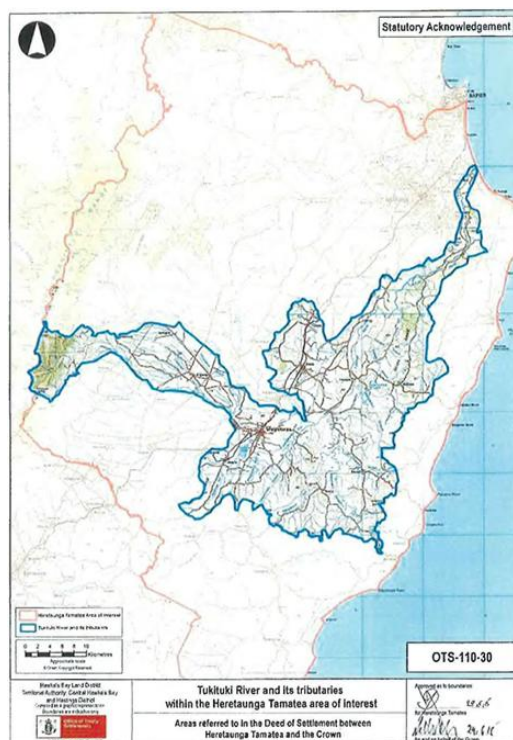


Figure 8: Statutory Acknowledgement Area for the Tukituki River and its tributaries (OTS-110-30)

229. Much of the DOC-Give land, excluding the River Island, and Area C and D of shown on Figure 2, is located within a statutory acknowledgment area and deed of recognition covering Part of the Ruahine Forest Park (see Figure 9 below). The DOC-Give land in Area C and D of shown on Figure 2 forms part of the land shown in the Statutory Acknowledgment and Deed of Recognition Area for Ruahine Forest (East) Conservation Area (Figure 10 Below). The Statutory Acknowledgement which applies to both areas is included in Appendix 7. These deeds of recognition require the Crown to consult with Heretaunga Tamatea and have regard for Heretaunga Tamatea's special association with and specify Heretaunga Tamatea input into the management of those areas administered by the Department of Conservation¹⁴⁹. While the statutory acknowledgement does not extend to the River Island, it would seem likely the relevant iwi have an interest in the area.

¹⁴⁹ For further detail see 3.1 Deed of Recognition issued by the Minister of Conservation and Director-General of Conservation contained in Heretaunga Tamatea Deed of Settlement Documents, Section 3.1 pgs. 32 to 36.

PART OF RUAHINE FOREST PARK(OTS-110-22)

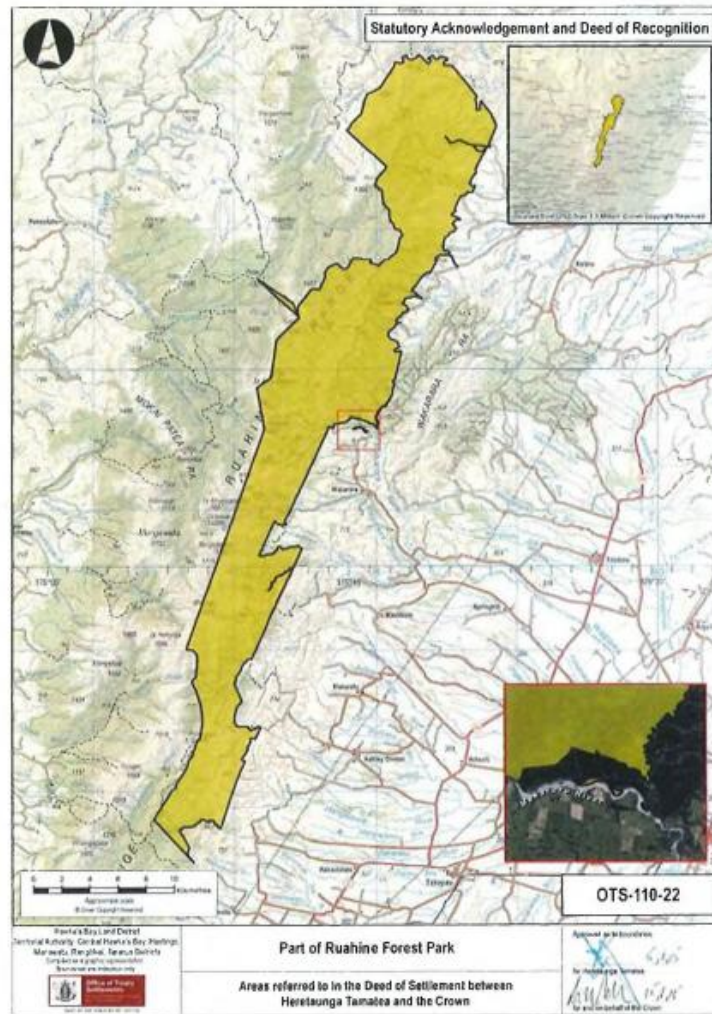


Figure 9: Area subject to deed of recognition and statutory acknowledgment for Part of Ruahine Forest Park

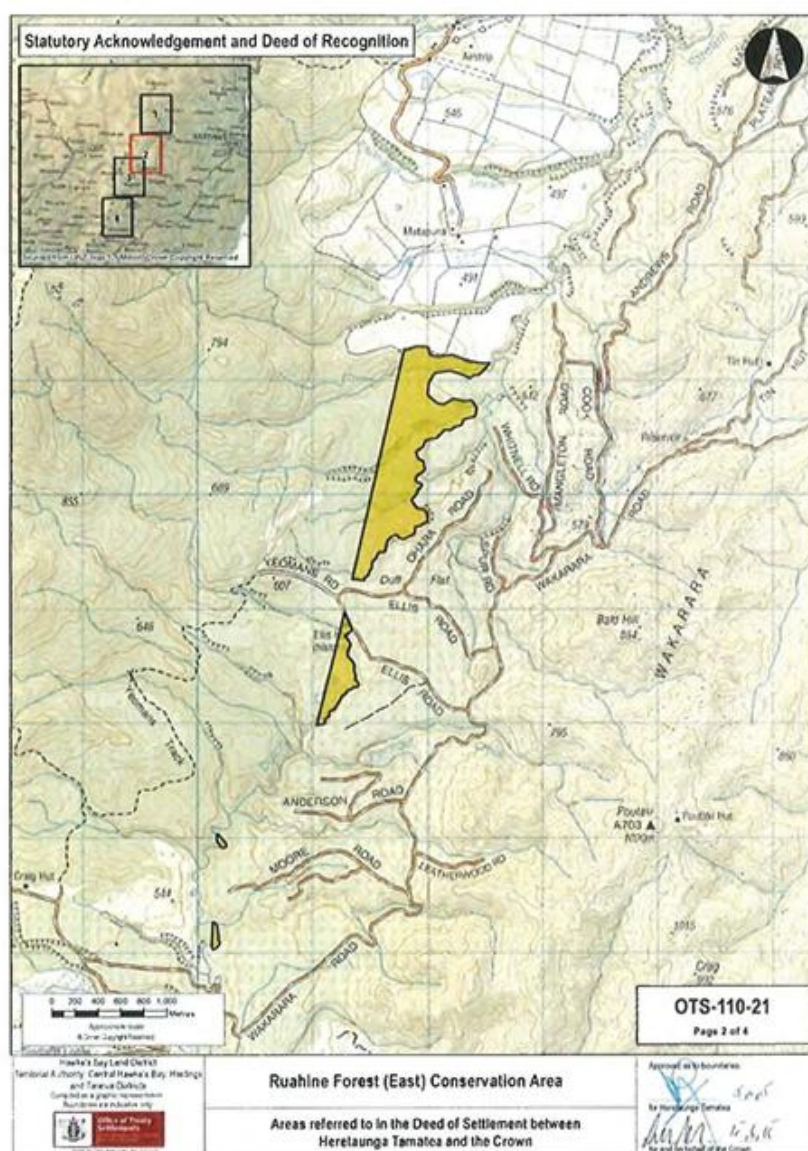


Figure 10: Area subject to deed of recognition and statutory acknowledgment for Ruahine Forest (East) Conservation Area

7. Treaty of Waitangi considerations

230. The Conservation Act 1987, among other things, establishes the Department of Conservation. Section 4 of the Conservation Act 1987 outlines that the “Act shall be ... administered as to give effect to the principles of the Treaty of Waitangi”.
231. The application is within the Heretaunga Tamatea Area of Interest set out in the Heretaunga Tamatea Deed of Settlement. The extent of the Area of interest is shown on OTS-110-01 (see Figure 12 below). Tamatea Pōkai Whenua, the PSGE for Heretaunga Tamatea, has provided feedback on the application. To the north of the area of the land exchange is the Ahuriri Hapū Area of Interest (see

Figure 13). The PSGE for Ahuriri Hapū, Mana Ahuriri Trust, has provided feedback on the application.¹⁵⁰

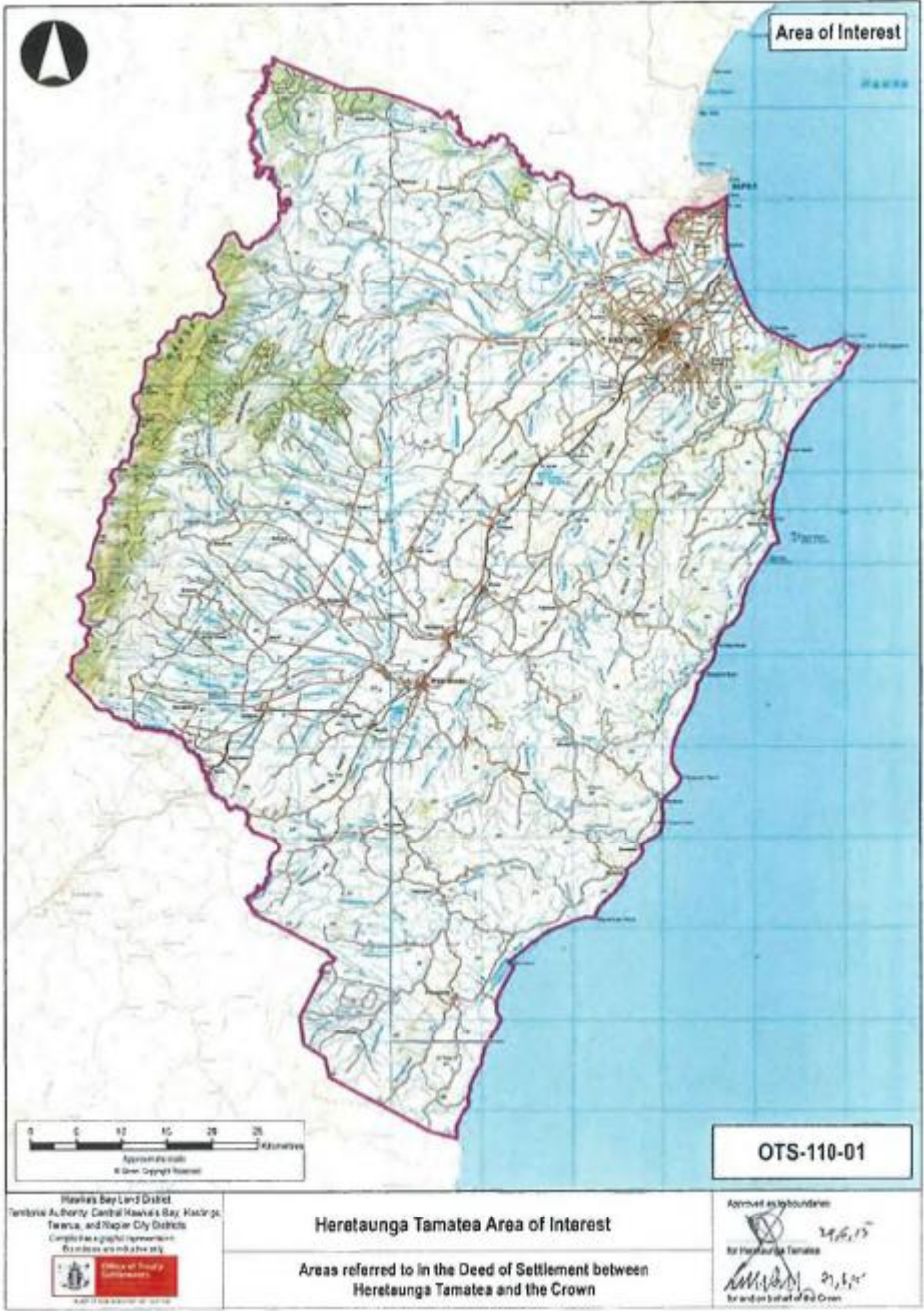


Figure 9: Heretaunga Tamatea Area of Interest

¹⁵⁰ It is noted that both Mana Ahuriri and Tamatea Pōkaiwhenua are beneficiaries and governance partners within KGFC.

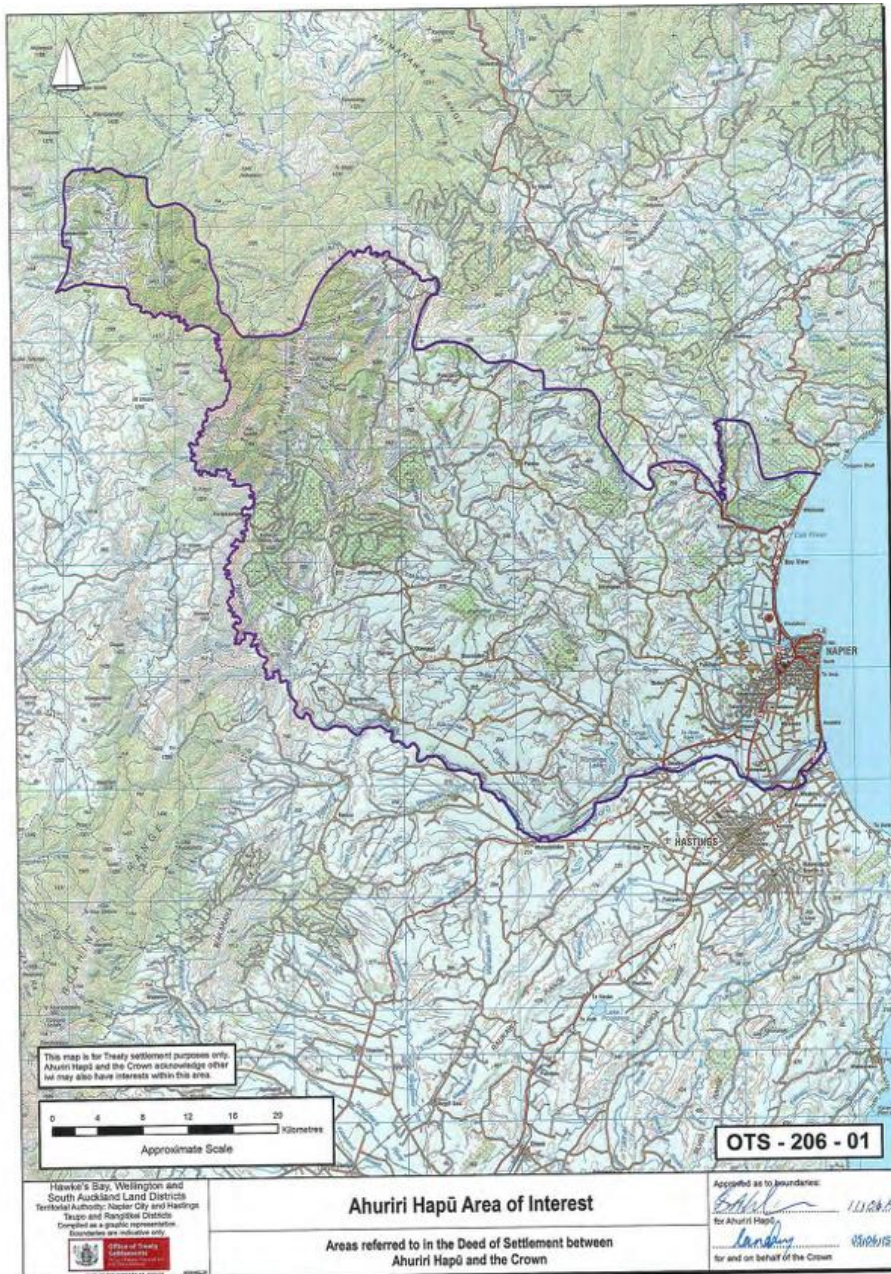


Figure 13: Ahuriri Hapū Area of Interest

232. The Applicant considers the TWSP is being progressed in partnership and consultation with Tamatea Pōkai Whenua and highlights a record of consultation included in Section 1 of their application report. The Applicant considers an important part of the partnership has been the formation of the Mana Whenua Working Party which includes representatives from four Tamatea marae. The application includes a letter of in principle support from Tamatea Pōkai Whenua on the wider TWSP project.
233. Feedback from Tamatea Pōkai Whenua (TPW) does not support inclusion of the letter of support and notes:

While TPW support economic growth in our takiwā, and so has expressed some in-principle support for aspects of the re-scoped Tukituki Water Security Project, this should not be interpreted as blanket endorsement of the proposed public conservation land swap or the substantive Project. TPW has not endorsed the proposed land swap, the Project itself, or agreed

*to the use of Treaty settlement redress lands within the Project. Any limited support has always been conditional on the potential impacts to TPW and mana whenua being adequately addressed, by way of an acceptable plan to avoid, mitigate or offset the identified risks, amongst other things.*¹⁵¹

234. Tamatea Pōkai Whenua further highlight that they remain open to working through issues of concern with the applicant and other parties to ensure their concerns are appropriately addressed.¹⁵²
235. Tamatea Pōkai Whenua consider the applicant has dismissed any cultural or heritage values and that the Connection of Heretaunga Tamatea with the areas remains set out in the Statutory Acknowledgements and Deeds of Recognition which apply to the areas as described in the Cultural Impact Assessments that are referred to in the application and additional CIAs that have been developed.
236. Ngāti Kahungunu Iwi Incorporated consider that the applicant has mischaracterised mana whenua support and has included letters of opposition to the land exchange from Rākauatahi Marae, Tapairu Marae, Te Rongo o Tahu Marea, Taiwhenua o Tamatea and Tai whenua o Heretaunga.
237. The letters provided by Rākauatahi Marae, Tapairu Marae note:
- We understand there are wāhi tapū, pā sites urupa and other taonga tuku iho located within or near the proposed flooded area. Flooding this whenua before these sites are fully identified, assessed, and protected risks irreversible cultural loss.*¹⁵³
238. Ngāti Kahungunu Iwi incorporated consider that procedural fairness, section 4 of the Conservation Act 1987, and Treaty obligations require direct and meaningful engagement with relevant iwi authorities, Taiwhenua, hapū and marae prior to any remediation being made on a proposal of this significance.¹⁵⁴
239. Mana Ahuriri and Tamatea Pōkai whenua considers that a number of matters remain unresolved including, amongst other matters;
- the implications for Treaty settlement redress;
 - the treatment of identified Māori land;
 - cultural and heritage matters; and,
 - impacts on KGFC landholdings;
240. KGFC question the completeness of the application and detail how they consider the land exchange application will impact their landholdings¹⁵⁵. It is noted however that those concerns relate to land not directly involved in the land exchange, and instead relate to broader impacts of the reservoir.
241. KGFC suggest that the Crown may not be the preferred owner of the DOC-Get land, highlighting that once the reservoir is full KGFC will be the only adjoining landowner with road infrastructure that could be extended to the DOC-Get and that environmental benefits proposed by the TWSP can be achieved irrespective of ownership.¹⁵⁶

¹⁵¹ Tamatea Pōkai Whenua response to the land exchange application, para 1.7, pg 2. - See appendix 1.

¹⁵² Tamatea Pōkai Whenua response to the land exchange application, para 1.9, pg 2. - See appendix 1.

¹⁵³ Ngāti Kahungunu Iwi Incorporated - response to the land exchange application – see Attached letters from Raukautātahi Marae and Tapairu Marae (pgs. 9 and 10)

¹⁵⁴ Ngāti Kahungunu Iwi Incorporated feedback on the application, pg 2-3. See Appendix 1.

¹⁵⁵ Kaweka Gwavas Forest Company Limited feedback on the application, section 3 to 4, pgs. 2—3.

¹⁵⁶ Kaweka Gwavas Forest Company Limited feedback on the application, section 5, pgs. 3—4.

242. KGFC consider further benefits would arise through KGFC ownership if the DOC-Get and consider the panel considers the preferred ownership of this land.¹⁵⁷

8. Comments received

8.1 Comments on the Application

243. Of those invited to comment on the land exchange application, 27 parties responded. Their responses are available through the link included in Appendix 1. In accordance with s35(2), the Applicant was required to provide any responses to the invited comments received by 3 June 2026, which it did. A detailed summary of the Applicant's responses is included in Appendix 2 along with Departmental comment.
244. It is also noted that the Department received letters from Rākauahi Marae, Tapairu Marae, Te Rongo o Tahu Marea, Taiwhenua o Tamatea and Tai whenua o Heretaunga noting objection to the Land exchange proposal. NKII have included these as part of their feedback.

Support for the land exchange and TWSP

245. Support from a number of respondents was received pertaining to the land exchange, but also the TWSP. Feedback in support is summarised below.
246. Central Hawke's Bay District Council supports water security initiatives, particularly the next stages of the Tukituki Water Security Project, including the land exchange application. The Council also supports a condition linking the exchange to fast-track consent variation or approval.
247. The Minister for the Environment notes broad support for projects which deliver positive outcomes for New Zealand, including improving water security, while protecting and preserving our natural environment.
248. Minister for Hunting and Fishing expressed support for the proposed recreation mitigation associated with the dam, including an access track around the upper reservoir, a fishing shelter and boat ramp, and considered a good balance had been reached for an important project.
249. Minister for Infrastructure did not comment directly on the land exchange application but noted support for the significant regional and national benefits of the Tukituki Water Security Project and encouraged continued engagement between DOC, Tukituki Water Security Limited and Water Holdings Hawke's Bay Limited.
250. Minister for Regional Development supported the land exchange as necessary to enable the Tukituki Water Security Project and noted the project's potential regional benefits, including addressing freshwater shortfall, supporting economic activity, jobs and GDP growth in Central Hawke's Bay.
251. Parliamentary Commissioner for the Environment considered, based on the applicant's information, that the proposed land exchange appeared reasonable and likely beneficial from a conservation perspective, noting that the applicant appeared to have followed DOC guidance for conservation values assessments.

¹⁵⁷ including better access for recreation and for the ecological enhancement proposed by TWSP, enhanced access to adjoining Conservation land, and the opportunity to receive indigenous carbon income channelled back into conservation projects. - see Kaweka Gwavas Forest Company Limited feedback on the application, section 5, pgs. 3—4.

Opposition to the land exchange

252. A number of respondents opposed the proposed land exchange, primarily giving reasons that it would not achieve an enhancement of conservation values and would facilitate the inundation of public conservation land with significant ecological, freshwater, landscape, cultural, and recreational values. This includes Hawkes Bay/East Coast Conservation Board, New Zealand Conservation Authority¹⁵⁸, and Royal Forest and Bird Protection Society.
253. Dr Amelia McQueen on behalf of Te Taiao Environmental Forum opposes the exchange on ecological grounds, submitting that the DOC land contains nationally rare and threatened ecosystems and species habitat that would be permanently lost and not adequately replaced by the Smedley Exchange Block.
254. G Pain opposes the land exchange and wider dam proposal, arguing it would enable destruction of the Mākaroro River, loss of nationally rare ecosystems, native bush, wildlife habitat and conservation land values, and questioned the legality and public benefit of the exchange.
255. Hawke's Bay/East Coast Conservation Board opposes the proposed land exchange because it considered the exchange would result in a net loss of distinct and non-equivalent conservation values, including riparian, alluvial, ecological, landscape, cultural and recreation values.
256. Ngāti Kahungunu Iwi Incorporated opposes the land exchange and considers it should be declined because it fails to meet the statutory threshold, mischaracterises mana whenua support, inadequately addresses cultural assessment and engagement, risks ecological and freshwater degradation, and raises Treaty, cultural landscape and taonga concerns. Included in the feedback from Ngāti Kahungunu Iwi Incorporated are letters in opposition from Rākauahi Marae, Tapairu Marae, Te Rongo o Tahu Marea, Taiwhenua o Tamatea and Tai whenua o Heretaunga noting objection to the Land exchange proposal.
257. Royal Forest and Bird Protection Society of New Zealand opposes the exchange and considers it does not satisfy the statutory requirement to enhance conservation values and raised concerns regarding biodiversity, freshwater values, landscape values and long-term management of the land involved in the proposed exchange.

Summary of concerns regarding ecological matters

258. Numerous submitters raised concerns regarding the adequacy of the ecological assessment and whether the proposed exchange would achieve a genuine enhancement of conservation values. Common concerns included the permanent loss of nationally significant wetlands, freshwater ecosystems, indigenous habitats and threatened species, reliance on future restoration and management interventions, uncertainty regarding ecological gains, and the ability of the DOC-Get land to provide equivalent ecological functions and values to those present on the DOC-Give land.
259. Dr Amelia McQueen on behalf of Te Taiao Environmental Forum raised concerns about permanent loss of nationally rare and threatened ecosystems, including braided riverbanks, wetlands, mudstone seepages, escarpments and alluvial podocarp forest, as well as threatened plants, bats, falcon, fernbird, lizards, invertebrates, native fish, freshwater habitat, survey adequacy and whether the exchange would result in a net loss of ecological values.
260. Fish and Game New Zealand raised concerns about loss of natural river ecosystem and freshwater fisheries values, effects on trout and indigenous fish habitat, fish passage, trap-and-transfer

¹⁵⁸ notes they do not endorse the land exchange application.

arrangements, angling values, and whether replacement land provides equivalent freshwater or recreational fishery values.

261. G Pain raised concerns about destruction of the Mākaroro River, loss of nationally rare ecosystem types, native bush, wildlife habitat, braided riverbed and conservation land values, and questioned whether the exchange protects existing ecological values.
262. Hawke's Bay/East Coast Conservation Board considered the exchange would result in a net loss of distinct and non-equivalent conservation values, including riparian and alluvial environments, qualitative ecological values, mature or existing ecological function, and values unlikely to be replicated by future restoration.
263. Hawke's Bay Regional Council raised issues about lower aquatic values in the Smedley Exchange Block, differences in freshwater ecosystem function, riparian function, downstream water-quality contribution, ecological condition, reliance on future restoration, ecological connectivity and durability of biodiversity gains.
264. Kathryn Bayliss raised concerns about reliance on older ecological information, adequacy of current surveys, effects on whio and other native species, existing values of DOC land versus future values of the Smedley Exchange Block, and management risks associated with pasture or rank grass areas.
265. Minister for the Environment queried whether the Smedley Exchange Block offers clear ecological advantages over the DOC land and whether the application clearly demonstrates net ecological gain, particularly where enhancement relies on future restoration measures.
266. New Zealand Conservation Authority raised concerns about the adequacy of ecological assessment, cultural and environmental effects, the extent and value of proposed mitigation, uncertainty around ecological benefits, and gaps in survey coverage for braided river birds, bats, lizards and invertebrates.
267. Ngāti Kahungunu Iwi Incorporated opposed the exchange and raised concerns that ecological evidence understates the significance of affected ecosystems, risks degradation or modification of freshwater ecosystems, is inconsistent with Te Mana o te Wai, and does not adequately address cultural landscapes and ecological values.
268. Royal Forest and Bird Protection Society of New Zealand's response opposes the exchange and considers it does not satisfy the statutory requirement to enhance conservation values and raised concerns regarding biodiversity, freshwater values, landscape values and long-term management of the land involved in the proposed exchange.
269. Tamatea Pōkai Whenua raised concerns about ecological values in the context of cultural landscapes, freshwater systems, Treaty settlement interests and the wider environmental effects of the proposal

Recreation and access

270. A number of submitters raised concerns that the proposed exchange would result in the loss of existing recreation opportunities and that replacement opportunities associated with the reservoir would not adequately replicate the character, accessibility, remoteness and experience currently provided by the DOC-Give land. Key concerns included loss of access to the Mākaroro River and upper Tukituki catchment, impacts on hunting, fishing, tramping and four-wheel driving opportunities, uncertainty regarding future access arrangements, and reliance on mitigation measures that had not yet been secured.

271. Federated Mountain Clubs of New Zealand (FMC) raised concerns about adverse effects on public access to outdoor recreation, including access to DOC huts and routes, hunting, fishing and mountain biking. FMC sought greater certainty around mitigation, legal and practical access, easements, funding, and whether proposed replacement access and recreation opportunities would adequately address loss of existing back-country access values.
272. Fish and Game New Zealand raised recreation and fisheries concerns relating to angling access, the loss of remote back-country fishing values in the Mākaroro and upper Tukituki catchment, uncertainty over reservoir fishing quality, adequacy of replacement freshwater fishery values, boat ramp and fishing hut provision, trap-and-transfer arrangements, vehicular and walking access, and opportunities for game bird hunting.
273. Hastings District Council queried whether all areas of land would have access following the exchange.
274. Hawke's Bay/East Coast Conservation Board raised concerns that creation of the reservoir would alter natural character, result in loss of existing public access routes and recreational opportunities, and that proposed replacement opportunities would not replicate the location, character, experiential values, or river-based and back-country recreation experience.
275. Kathryn Bayliss raised concerns about reliance on an older recreation assessment, existing community use of the DOC land for picnicking, exploring, swimming, photography, camping, fishing and hunting, the uniqueness of drive-in access to the Mākaroro area, social licence for loss of the area, public attachment to the land, identification of recreational users, and limitations of boat-based access to the Smedley Exchange Block.
276. Kaweka Gwavas Forest Company Limited raised access-related issues, including loss or interruption of vehicle access to land, the need for easements across Crown and private land, and potential benefits from alternative ownership arrangements including better recreation access and enhanced access to adjoining conservation land.
277. Minister for the Environment queried whether claimed gains in recreational conservation values are clear, noting that the project may reduce existing access and back-country recreation while proposed benefits depend on mitigation measures with uncertain timing, staging and delivery.
278. Minister for Hunting and Fishing supported proposed mitigation measures associated with the RWSS for recreation, including a new access track around the upper reservoir, fishing shelter and boat ramp, and emphasised the need to minimise disruption to hunting and fishing access on public lands and waters.
279. New Zealand Four-Wheel Drive Association — did not object to the land exchange but requested recognition of the loss of riverbed four-wheel-driving recreation and identification of possible alternative opportunities in the region.

Cultural and heritage matters

280. Several respondents raised concerns regarding the cultural, heritage and Treaty-related implications of the proposed land exchange. These concerns generally centred on the significance of the affected landscape to mana whenua, the adequacy of cultural assessment undertaken to date, the treatment of Treaty settlement interests, and the potential loss of cultural heritage and wāhi tapū values associated with the area.
281. Ngāti Kahungunu Iwi Incorporated, noted opposition the exchange and raised concerns regarding cultural assessment, Treaty obligations, mana whenua engagement, cultural landscapes and the

protection of cultural values. Their responses include letters from Rākautātahi Marae, Tapairu Marae, Te Rongo o Tahu Marae, Te Taiwhenua o Tamatea and Te Taiwhenua o Heretaunga, which opposed the exchange and raised concerns regarding cultural impacts, wāhi tapū, inadequate consultation and the future management of culturally significant whenua.

- 282. Tamatea Pōkai Whenua raised concerns regarding impacts on Treaty settlement redress, cultural values, statutory acknowledgements, identified Māori land interests and the characterization of mana whenua support.
- 283. Mana Ahuriri Trust, supported concerns raised by Tamatea Pōkai Whenua and Kaweka Gwavas Forest Company Limited and identified unresolved issues relating to Treaty settlement redress, cultural and heritage matters and future governance arrangements.
- 284. The Minister for Māori Crown Relations highlighted the relevance of statutory acknowledgements held by Heretaunga Tamatea and encouraged ongoing engagement with tangata whenua.
- 285. The New Zealand Conservation Authority questioned the conclusion that there are no cultural or heritage reasons weighing against the exchange and highlighted the significance of cultural values, statutory acknowledgements and mana whenua associations with the area.
- 286. The Hawke's Bay/East Coast Conservation Board considered that place-based cultural values associated with the affected land are location-specific and cannot readily be replaced through a land exchange.
- 287. Kathryn Bayliss and Sharleen Baird raised concerns regarding community heritage associations with the Mākaroro area, cultural connections to the landscape, and the loss of place-based values that have developed over generations.

8.2 Draft report feedback [PLACEHOLDER]

- 288. On [x date] the Director-General of Conservation, in accordance with section 35(5) of the Act, invited comments on the draft report **Appendix X** sets out a list of parties who were invited to comment.
- 289. These comments are attached to this report as **Appendix 3**.

9. Summary of conclusions

- 290. This report has considered the proposed land exchange against the matters required under section 35(3) of the FTAA and clause 26 of Schedule 6, including the conservation values of the land, financial implications for the Crown, practical consequences of the exchange, legal and financial liabilities and health and safety risks, relevant statements of general policy, conservation management strategies and plans, Treaty settlement and other obligations, and comments received on the application.
- 291. The application seeks to exchange approximately 29.7 hectares of public conservation land within Ruahine Forest Park for approximately 170 hectares of land within the Smedley Station Exchange Block adjoining the Gwavas Conservation Area. The Department has considered the exchange through two scenarios: Scenario One, being the current state of the land; and Scenario Two, being the future state if the exchange proceeds alongside the proposed dam, reservoir and associated improvements relevant to the land exchange.
- 292. In relation to conservation values, the Department's technical assessments indicate that the exchange would not enhance conservation values under Scenario One. Cultural and heritage values are the only

subject area where an enhancement is identified. Under Scenario Two, the proposal would provide enhancement in terrestrial biodiversity, cultural and heritage, and recreation values, but would not provide a net enhancement for freshwater values or landscape character values.

293. The Department's assessment of terrestrial biodiversity indicates that the DOC-Get land contains a larger extent of indigenous vegetation and habitat, and that under Scenario Two values are likely to improve if stock and deer are appropriately excluded and pest control and restoration actions are successfully implemented. However, the evidence does not indicate an enhancement of terrestrial biodiversity values under Scenario One, and the DOC-Get land provides lower habitat values for which under both scenarios.
294. The Department's assessment of freshwater indicates that the aquatic and wetland habitats on the DOC-Get land are lower in quality and extent than those on the DOC-Give land. While proposed improvements would improve some freshwater values on the DOC-Get land under Scenario Two, the exchange is not expected to result in a net enhancement of aquatic or wetland conservation values on Crown-owned land under either scenario.
295. Regarding cultural heritage, the Department's review indicates a net gain in cultural heritage. However, comments from tangata whenua and post-settlement governance entities raise concerns about potential effects on wāhi tapū, pā sites, urupā and other taonga tuku iho located within or near the proposed inundation area. The D-G considers further information on these matters would assist the Panel in its consideration of the application.
296. The Department's recreation assessment indicates that the DOC-Give land has low recreation value and that the DOC-Get land would not provide an enhancement under Scenario One. Under Scenario Two, recreation values may increase to low/medium due to potential reservoir-related access and opportunities, although practical access remains limited.
297. The landscape assessment commissioned by the Department indicates a net loss in landscape character under both scenarios. Although proposed improvements narrow the gap between the DOC-Give and DOC-Get values under Scenario Two, the DOC-Get land includes a substantial area of retired pasture, lower-quality waterways and wetlands, and ongoing management issues that reduce its overall landscape value relative to the DOC-Give land, particularly Dutch Creek.
298. This report has also addressed legal and financial liabilities and health and safety risks in regard to clause 26(1)(d) of Schedule 6 of the FTAA. It is expected that the DOC-Get land would create ongoing operational and management costs, including weed management, ungulate management. These are estimated to be \$25,000 per year after any improvement works are completed and the land is transferred to DOC.
299. The practical consequences of the exchange include ongoing management responsibilities for the DOC-Get land, particularly the management of retired pasture, pest plants and pest animals, restoration planting, fire risk, and access. Technical advice identifies that without appropriately secured and resourced management actions, parts of the DOC-Get land could become an ongoing liability for the Department.
300. The assessment of DOCs Conservation General Policy, and relevant conservation management strategies and plans identifies matters that weigh against the exchange under Scenario One. Under Scenario Two, the proposed improvements may assist in addressing some relevant policy outcomes, but this would depend on the scope, certainty and duration of any conditions imposed.

301. The land exchange would not deliver an overall enhancement in all conservation values and presents mixed outcomes under other relevant aspects of the FTAA¹⁵⁹. The exchange does not clearly enhance all conservation values under Scenario One. Under Scenario Two, the exchange may provide enhancement in some values if the proposed improvements are implemented and maintained, but freshwater and landscape character values remain areas of net loss or no net enhancement.
302. Should the Panel recommend the exchange go ahead then the conditions included in Appendix 8 are those that the D-G considers sensible to ensure the purpose of the FTAA is met.

draft

¹⁵⁹ Schedule 6 cl 26(1)(c), cl 26(1)(e) and cl 26(1)(f).

Appendix 1 – Application for land exchange and comments received on the application

This information can be found on the EPA website:

<https://www.fasttrack.govt.nz/projects/tukituki-water-security/land-exchange-application>

draft

Appendix 2 –Summary of comments received on the application and responses

Appendix 2 provides a summary of comments received on the application and responses from the Applicant and DOC. This has been adapted from the response table provided by the Applicant and re-arranged alphabetically. For further reference to source material which has informed the Applicants response, see the Applicant's full response package available in Appendix 1 and at <https://www.fasttrack.govt.nz/projects/tukituki-water-security/land-exchange-application>

draft

Organisation or person	Response from Applicant	Response from DOC to comments received
Central Hawke's Bay District Council		
Pg 3, Para 4: Council supports water security initiatives, particularly the next stages of the Tukituki Water Security Project (formerly known as the Ruataniwha Water Storage Scheme) including the land exchange application.	The support of CHBDC for the land exchange application is acknowledged.	No response required. CHBDC support of land exchange is noted
Pg 3-5, Para 4-10: CHBDC comments outline the zoning and overlays that apply to the parcels of land involved in the land exchange and the sections of the District Plan. There are no interests or encumbrances on the title of SEB in favour of CHBDC and no paper roads on either exchange land.	TWSL notes and agrees with the overview of zoning, overlays and review of title instruments for interests in favour of CHBDC.	No response required. Relevant CHB District Plan overlays are addressed in Mr Head's Landscape assessment included as Appendix 4D of this report.
Pg 5, Para 11: CHBDC is unclear whether all areas of land will have access following the exchange.	The land exchange areas will have access as detailed and illustrated on page 5-9 of the Planning Memorandum.	Noted. The applicant's proposal for access to the doc land is set out in pages 5 to 9 of their Planning Memorandum available within their response package (ADD weblink to Fast track home page))
Pg 5, Para 12: As part of this application, Council supports a condition that makes the land exchange conditional on the consents being varied through the fast-track process.	This matter will be considered further through the substantive application under the FTAA. The existing package of resource consents approved under the RWSS have recently been granted s125 extensions to extend the lapse dates. At this stage, it is unclear what consents will be relied on unchanged and what consents will be sought under the FTAA process and this will be confirmed following further consultation with CHBDC.	No response required. The existing consents associated with the RWSS are not within the scope of this application. The applicant may wish to proffer conditions with any substantive FTAA Application.
Pg 5, Para 13: There may be a of loss of rates revenue to Council if the land exchange proceeds, which is expected to be no more than minor.	This comment is noted by the Applicant – a reduction in rates will be outweighed by the public benefits of the proposal including the protection of a larger area of conservation estate, biodiversity enhancement (from the land exchange), new recreational opportunities and the long-term improvement in freshwater quality and values (from the substantive application).	No response required for the purpose of the Act.
Dr. Amelia McQueen on behalf of Te Taiao Environmental Forum		
Pg. 2, Section 2: The true extent of land that will be inundated is understated by TWSL. The Ambulatory land status has been applied to a marginal strip along the Mākaroro River, the confluence of the Mākaroro and Dutch Creek and the lower reaches of Dutch Creek with ~4.2 hectares not included which TWSL is not obliged to compensate for. This ignores the significant ecological values of mudstone seepages, riparian stream (wetland) vegetation, braided river and gravel stream beds that would be flooded and not replaced by a new reservoir marginal strip owned by the Crown. A significant example of ecological values of the mudstone seepage is the recent findings of the Threatened (At-Risk – Naturally Uncommon) plants: <i>Anaphaliodes subrigida</i> and potentially <i>Corybas rivularis</i> species complex on mudstone seepages adjacent to Mākaroro river and within DOC land. These rare plants along with nationally rare ecosystems would not be replaced by a reservoir marginal strip and would represent permanent loss.	The adverse effects of the construction of the dam are not relevant to the land exchange application and are submitted to be out of scope. In terms of marginal strips, this matter is not relevant to the land exchange and is addressed in the TWSL legal submissions	The matter of marginal strips does not form part of the land exchange. Freshwater values have including habitats are addressed in Appendix 4A
Pg. 3, Section 2.1: The DOC land parcels represent several nationally rare and threatened ecosystems (braided riverbanks, wetland types, mudstone seepages and escarpment, alluvial podocarp forest) that are not represented in the Smedley Exchange Block. Consequently, the land exchange and potential dam approval would see the permanent loss of threatened ecosystems of national significance.	The TWSL ecological evidence is that there will be an overall enhancement of conservation values from the land exchange.	The ecological report included as Appendix 4A identifies a number of issues associated with the SLR reporting. DOCs assessment of conservation values from the land exchange has been addressed in regards to Scenario One and Two.
Pg.3, Section 2.1: There has been an oversight in surveying ecosystem types within the DOC land exchange area. The terms 'Heathland', Mākaroro heath' or 'Regenerating kanuka shrubland/forest' have been used to characterise DOC land bordering the Mākaroro River in the 2013 reports or 2026 TWSL reports. A brief walk through of the area in spring 2025, the presence of Kahikatea, Carex secta and patches of open water determining the area as swamp remnant holding national significance of "Chronically threatened" which will not be offset within the Smedley land parcel.	The Ecological Memorandum supports the adequacy of the ecological surveys undertaken to date, and further notes that an independent assessment of both the DOC land and the SEB land by DOC biodiversity specialists in 2015 did not dispute the findings of the Applicant from their 2013 surveys.	Ecologists engaged by DOC visited the DOC-Give site on 1 September 2026. Their visit of Dutch creek identified additional high-quality wetland. They also find the Oxbow wetland to be of higher quality than set out in the SLR report. Ecologists engaged by DOC found wetland and waterway values to be higher in the DOC-Give than the DOC-Get in both Scenario One and Two.
Section 2.2, pg. 6: Red mistletoe was the only recorded threatened plant in Dutch Creek but there is a high likelihood there are more threatened plants within the DOC land exchange parcels. For example, the presence of <i>Scandia rosifolia</i> (At Risk – declining)	The ecological evidence prepared by Dr Kelvin Lloyd is not specific to the PCL nor does it address the more recent SLR ecological assessment accompanying this land exchange application, which has been prepared following considerable time on site in October 2025 and their report reflects this. The Ecological Memorandum	Red mistletoe and the likelihood of other threatened flora is addressed in Appendix 4A and section 5.1.

Organisation or person	Response from Applicant	Response from DOC to comments received
on escarpments within the dam footprint and many data – deficient mosses, liverworts and seepage / rock face herbs are likely to have been missed. Large plants of <i>Anaphalioides subrigida</i> (At Risk – uncommon) and potentially <i>Corybas rivularis</i> have been noted on the mudstone seepage on DOC land. No further surveys on DOC land exchange parcels have been conducted since 2013 and the initial survey by Kessell et al. 2013 was argued to be inadequate by Dr Kevin Lloyd and Marie Brown.	supports the adequacy of the ecological surveys undertaken to date, and further notes that an independent assessment of both the DOC land and the SEB land by DOC biodiversity specialists in 2015 did not dispute the findings of the Applicant from their 2013 surveys.	
Section 2.3, pg. 6, para. 1: Long-tailed bats will be using all DOC land parcels that have a mixture of old forest growth and younger forest for roosting. Both young and old trees with holes are potential roost sites. The Mākaroro and Dutch creek represent high quality feeding habitat. If their present habitat is potentially flooded it will lead to a shift of the population to sub-optimum habitat and create potential competition. If the land exchange was approved and dam went ahead, there would be an overall reduction of feeding habitat and roosting habitat for all bats putting more pressure on a Nationally critical species.	The adverse effects of the construction of the dam are not relevant to the land exchange application and are submitted to be out of scope.	Adverse effects of the dam on the DOC-get are addressed under Scenario Two in section 5.1 and 4A including as regards to threatened fauna.
Section 2.3, pg. 6, para. 2: New Zealand falcon have been known to nest on the escarpment face above the confluence of the Mākaroro River and Dutch Creek and sighted by the author during a site visit in summer of 2026, indicating high quality habitat for these birds. This nesting habitat is now recognised as part of the DOC land parcel to be exchanged: loss of the escarpment nesting habitat and hunting grounds (river and associated shrubland) due to flooding would lead to permanent displacement of the falcon pair.	The adverse effects of the construction of the dam are not relevant to the land exchange application and are submitted to be out of scope.	Adverse effects of the dam on the DOC-get are addressed under Scenario Two in section 5.1 and 4A including as regards to threatened fauna
Section 2.3, pg. 6, para. 3: New Zealand Fern bird is found in the oxbow wetland, Dutch Creek and are likely to be found in the swamp land and marginal strips of the Mākaroro River. Flooding of this habitat would see the Fern bird population move into the shrubland representing a lower grade of food and nesting habitat and more susceptible to predators.	The adverse effects of the construction of the dam are not relevant to the land exchange application and are submitted to be out of scope.	Adverse effects of the dam on the DOC-get are addressed under Scenario Two in section 5.1 and 4A including as regards to threatened fauna
Section 2.3, pg.8, para 1: The original 2013 TER survey for lizards was minimal and the choice of invertebrates in field surveys means specific and detailed information is lacking for the DOC exchange land. In lieu of no new surveys being conducted on the DOC exchange land since 2013, it is impossible to determine the full biodiversity richness of the DOC land. Smedley farmland represents less diverse ecosystems and habitats compared to the DOC land parcels and if the transfer were to proceed, there would likely be a net loss in lizards and invertebrates.	The Ecological Memorandum supports the adequacy of the ecological surveys undertaken to date, and further notes that an independent assessment of both the DOC land and the SEB land by DOC biodiversity specialists in 2015 did not dispute the findings of the Applicant from their 2013 surveys	Lizards have been considered in the assessment of terrestrial values in Appendix 4A.
Section 2.3, pg.8, para 1: A number of threatened or regionally significant fishes (long-fin eel, Koaro, Dwarf Galaxias, Torrent Fish, Bluegill bully and Red Finned Bully) are known to reside in Dutch Creek and the Mākaroro River and therefore are an important part of DOC land exchange parcels. Many of these species require fish passage to sea to complete their lifecycle. If the land exchange and dam was to occur the high water quality habitat comprising of gravel stream beads with a diversity of pools and riffles and fast flowing rapid habitat would be destroyed and replaced with lake sediments. This loss of habitat would be irreversible and would see local extinction, particularly to small fishes that would not be able to be successfully transferred.	The adverse effects of the construction of the dam are not relevant to the land exchange application and are submitted to be out of scope	The SLR report identifies the freshwater species noted by the respondent (long-fin eel, Koaro, Dwarf Galaxias, Torrent Fish, Bluegill bully and Red Finned Bully) Appendix 4A and section 5.1 addresses the loss of freshwater habitat including inundation of Dutch Creek and the impacts on the future state of this area arising from a loss of fish passage (in regard to Scenario 2).
Section 3, pg. 8: Many of the issues of ecological significance and need for detailed field surveys and greater mitigation canvassed in the evidence from Dr Marie Brown and Dr Kevin Lloyd are still applicable. Insufficient ecological surveys means that there is an inherent risk in offsetting due to a poor knowledge of ecosystems as the full scale of significant ecosystems and species on the DOC land is not entirely understood. The SLR land exchange assessment report does not supply any new field surveys for native vegetation, birds, bats, lizards and invertebrates for the DOC land or dam footprint. Submission lodges Dr Marie Brown and Kelvin Lloyds concise summary of evidence and statement of evidence to detail inadequacies present with this TWSL application.	The Ecological Memorandum supports the adequacy of the ecological surveys undertaken to date, and further notes that an independent assessment of both the DOC land and the SEB land by DOC biodiversity specialists in 2015 did not dispute the findings of the Applicant from their 2013 surveys. Dr Lloyd’s evidence includes assessment of the dam site at the river gorge, the river confluence at the Waipawa river (downstream of the dam), the Tukituki River and more. This is all outside of the scope of the proposed land exchange, and was considered and is managed by the resource consents. Similarly, the statement from Dr Marie Brown pertains to the wider project and not the DOC land exchange.	Appendix 4A and Section 5.1 of this report addresses the sufficiency ecological information provided by the Applicant.

Organisation or person	Response from Applicant	Response from DOC to comments received
Section 4, pg, 8, para 2: Wetland 2 is inaccurately classified as a swamp. The image of Wetland 2 shows a hill slope with a few Carex secta, no multi-tiered vegetation or standing water. This wetland is better classified as a hill-slope seepage. In contrast, the swamp on DOC exchange land shows all the features mentioned by Johnson and Gerbeaux (2004) and represents a high-quality swamp.	The Ecological Memorandum supports the adequacy of the ecological surveys undertaken to date, and further notes that an independent assessment of both the DOC land and the SEB land by DOC biodiversity specialists in 2015 did not dispute the findings of the Applicant from their 2013 surveys.	The technical advice contained in Appendix 4A finds issues with SLR classification of wetlands on the DOC-Get. This mater is addressed in section 5.1 of this report and has been considered in DOCs assessment of conservation values. The oxbow wetland on the DOC-Give are also considered of higher value and a site visit identified an additional high-quality wetland on the DOC-Give.
Section 4, pg. 9, para 2: Smedley land exchange does not represent a net gain for the Department of Conservation irrespective of the larger size of Smedley Block. Instead, it reflects a net loss as most of it is highly degraded upland vegetation and is not a like for like match and Nationally significant ecosystems are not present. Another issue that points to a net loss is the technical issues with the Smedley land exchange streams. The Donovan Middle and North and South Streams confluence above the proposed dam wall and lower stretches of streams will be inundated if the dam proceeds and will lose ecological function for fish migration, becoming lake bottom sediments.	The Ecological Memorandum confirms the conclusions of the SLR Land Exchange Assessment that the SEB and proposed management actions (that can be secured by conditions) will provide for a more than equitable exchange and result in an overall greater biodiversity value than the PCL over time.	Technical evidence contained in Appendix 4A and addressed in Section 5.1 finds a net loss of wetland values and freshwater values when comparing the DOC Give and DOC Get, both in Scenario 1 and Scenario 2. Appendix 4A assesses the values of Donovan, Middle, North and South streams and finds these to be of lower value than Dutch Creek
Section 4, pg. 9, para 3: Any DOC land exchange would see the permanent loss and destruction of significant ecosystems. No mitigation or swap of land, regardless of the size will reduce the permanent loss of braided riverbanks, wetland types, mudstone seepages and escarpments and alluvial podocarp forest. DOC has a statutory obligation to halt the decline of indigenous biodiversity and maintain ecological integrity and the land exchange would represent a significant move away from the core statutory function.	The land exchange, in of itself, will not result in the loss or destruction of any ecosystems (and would see the enhancement of the ecological values of the SEB with the proposed enhancement measures), and the adverse effects of the construction of the dam are not relevant to the land exchange application and are submitted to be out of scope	The land exchange has been considered by DOCs technical advisors through two scenarios. Scenario 1 addresses the current conservation values of the DOC Get (i.e. excluding any impacts of the dam) and Scenario 2 considers the impacts of the damn both positive and negative on the DOC-Get. The ecological report in Appendix 4A finds the freshwater values of the DOC-Get to be lower than the values present in the DOC-Give
Federated Mountain Clubs of New Zealand		
Pg. 1, Para 6 and Pg. 2, Para 1-2: The land exchange will have adverse effects on public access to outdoor recreation in the wider area as it will enable the construction of the dam which will create said adverse effects. These effects being: - Impeded access to a number of DOC huts and routes - Adverse effects on hunting, fishing and mountain biking.	The adverse effects of the construction of the dam are not relevant to the land exchange application and are submitted to be out of scope. It is considered there will be a significant net positive benefit in the recreational values of the proposed SEB land (if it were to become part of the conservation estate) compared to the 29.7ha of PCL land. While not proposed as direct improvement measures as part of the land exchange, it is noted that the land exchange will enable the delivery of a suite of additional access and recreation infrastructure provided for in the existing RWSS consent conditions which provide for demonstrable recreation benefits.	Technical advice on recreation (Appendix 4C) considers that the land exchange does not impact existing access to DOC Huts, tracks or wider recreation opportunities in the surrounding area. Overall, the recreation review (Appendix 4C) finds that there is no enhancement of recreational values under Scenario 1 but when considered in regards to Scenario 2 there would be an overall enhancement of recreational values.
Pg. 2, Para 7: There is concern that effects on access to DOC huts and routes cannot be mitigated if: - landowners are not amenable to new walking/cycling tracks around the reservoir; and - consent conditions relating to funding and completion of mitigation requirements are not complied with, and FMC and other affected persons are not in a position to ensure they are enforced	The adverse effects of the construction of the dam are not relevant to the land exchange application and are submitted to be out of scope. It is noted there are no DOC access routes or huts within the 29.7ha of PCL does not currently provide access to any private land or significant sites. It is acknowledged that there is a public access easement through the Kaweka Gwavas Forestry Company land that sidles alongside a portion of the western most of the PCL parcels involved in the exchange to connect the Mākaroro River with Yeoman's Track however that access easement and associated track does not cross into the subject PCL land. Also see the Planning Memorandum for an explanation of the public access available from the north.	Technical advice on recreation (Appendix 4C) considers that the land exchange does not impact existing access to DOC Huts, tracks or wider recreation opportunities in the surrounding area. Overall, the recreation review (Appendix 4C) finds that there is no enhancement of recreational values under Scenario 1. In regards to Scenario 2 there would be an enhancement of recreation values.
Pg 2, Para 9: To support the application, FMC would require more certainty on mitigation being provided including easements for new practical access routes being conditionally agreed to by landowners (conditional on consent for the land swap being granted), and confirmed funding for construction of the re-routed access routes.	The adverse effects of the construction of the dam are not relevant to the land exchange application and are submitted to be out of scope. While not proposed as direct improvement measures as part of the land exchange, it is noted that the land exchange will enable the delivery of a suite of additional access and recreation infrastructure provided for in the existing RWSS consent conditions which provide for demonstrable recreation benefits.	While DOC has an interest in ensuring there is legal and practical access to recreation opportunities on public conservation land, the Applicant's compliance with resource consent conditions is a matter for the applicant and relevant consent authorities. Furthermore, conditions for the land exchange can only relate to the DOC-Give and DOC-Get land, so it would not be possible to impose conditions relating to access over other land through this process.

Organisation or person	Response from Applicant	Response from DOC to comments received
		Federated Mountain Clubs of New Zealand may wish to take the opportunity comment on the proposed consent condition package include in Appendix 8
Pg 3, Bullet 1: The dam will damage the conservation values of the land and river	The adverse effects of the construction of the dam are not relevant to the land exchange application and are submitted to be out of scope.	The adverse effects of the dam have been considered in Scenario Two in so far as they relate specifically to the values of the land involved in the exchange. The assessment of Scenario One more excludes the effects of the dam on the land involved in the exchange and more closely reflects the applicant's viewpoint on scope.
Pg 3, Bullet 2: Lack of information on how the 17 0ha land will be used by DOC, especially whether it will be used for new recreation opportunities	The future management of the exchange land by DOC is not within the remit of the applicant or the land exchange application to dictate. While not proposed as direct improvement measures as part of the land exchange, it is noted that the land exchange will enable the delivery of a suite of additional access and recreation infrastructure provided for in the existing RWSS consent conditions which provide for demonstrable recreation benefits.	The future management of conservation land which would result from the exchange is a relevant consideration for the D-G to consider and matter addressed in section 5.2, 5.3 and 5.4 of this report. These sections, amongst other matters, identify that future management of the DOC-Get, particularly areas excluded from stock and not actively restored, would present both risk (fire) and burden for the Department in an operational sense. Section 5 addresses Mr Harbrow's assessment of recreation values (included as Appendix 4C). This assessment finds limited recreational opportunities associated with the DOC-Get and its limited access. His overall assessment identifies a net gain in recreational values in regards to Scenario Two, whereas Scenario One does not present a gain of recreation opportunities.
Pg 3, Bullet 3: Queries the economic feasibility of the proposal.	The economic feasibility of the broader proposal is not relevant to the consideration of a land exchange application under the FTAA.	No response required. This matter is not considered a relevant matter for the panel's consideration.
Pg 3, Bullet 3: Concern over the environmental effects of the gravel load washing down from the Mākaroro Valley	The adverse effects of the construction of the dam are not relevant to the land exchange application and are submitted to be out of scope.	No response required. This matter does not relate to the DOC-Get or DOC-Give land.
Fish and Game New Zealand		
Pg. 2, Section 1.3, para 1-3: Notes that the application will affect anglers and hunters through disturbances and discharges to habitat that supports fish and game populations. The Tukituki River as a trout angling river of regional significance, and in the lower reaches the river provides food gathering opportunities and a native fishery. The Mākaroro River provides remote, scenic fishing. Fishing up to Barlow's Hut provides an excellent back-country experience. Concerned that the proposed fluctuations in level and steep sides of the reservoir will not result in good habitat for trout and the fishery may be what it is presented in the application.	This comment appears to go beyond the scope of the land exchange to assess effects of the wider Project. The Tukituki River, Barlow Hut (upstream of the proposed reservoir) and steep sides of the reservoir are beyond the scope of this application. Fish transfer and land use are considered and managed by the existing resource consents.	This is relevant to the land exchange only in so far as it relates to fishing opportunities and values on the DOC-Give and DOC-Get land, rather than the wider area. Mr Harbrow notes that DOC note that future fishing available from the DOC-Get land may be inferior to the opportunity currently offered within Dutch Creek (give land). The freshwater assessment in Appendix 4A addresses fish habitat at the DOC Give and Get land.
Pg. 3, Section 1.4 para 1-2: A survey of license holders generally expressed a strong attachment to the Mākaroro/Tukituki upper catchment valuing it for its back-country character, fishing quality and sense of remoteness. Many respondents state they use the area occasionally and public access is critical to their enjoyment. Anglers value low fishing pressure, remote water access and quality of the trout fishery. While some benefits are noted, there is a strong preference for protecting existing recreational and angling values over introducing new, more developed opportunities.	This comment appears to go beyond the scope of the land exchange to assess effects of the wider Project (Mākaroro and Tukituki upper catchment are outside of the PCL and SEB).	This is relevant to the land exchange only in so far as it relates to fishing opportunities and values on the DOC-Give and DOC-Get land, rather than the wider area. Mr Harbrow notes that DOC note that future fishing available from the DOC-Get land may be inferior to the opportunity currently offered within Dutch Creek (give land). The freshwater assessment in Appendix 4A addresses fish habitat at the DOC Give and Get land.

Organisation or person	Response from Applicant	Response from DOC to comments received
Pg. 4, Section 1.7, Para 1: Acknowledges hydrological effects on the fishery below the dam have been set by RMA consents and conditions. Any variation of consent application should include trout monitoring of the river below the dam and compensation set out for the loss of habitat of trout fisheries.	Comment is acknowledged but goes beyond the scope of the land exchange to assess effects of the wider Project.	This matter does not relate to the exchange land. It is further noted that consent condition can only relate to the land involved in the exchange.
Pg. 4, Section 2.2, Para 1-2: Under the Conservation Act 1987, DOC must manage land for the preservation and protection of intrinsic natural and historic resources, and for public access and enjoyment. The exchange of conservation land will result in the permanent loss and restriction of access corridors and roads (as the DOC Conservation Land already provides public access to Mākaroro River and the upper Tukituki catchment – valued for angling)	The current PCL land is not shown by DOC as having any advertised tracks within their extent in their online maps. TWSL is providing improved access to public lands that is less weather dependent (on river flow conditions) through utilising existing access and easements through Gwavas Conservation Area. As stated in the Overview Report, there is no access tracks or recreation facilities within any of the PCL areas, albeit that Yeoman's track connects to the Mākaroro River adjacent to the western most area of PCL land.	These matters appear to relate to land not included in the exchange. The respondent may wish to clarify as to whether this comment relates to land involved in the exchange (e.g. Dutch Creek). It is noted that Mr Harbrow finds that the DOC-give (PCL) does not contain access tracks or recreation facilities. Mr Harbrow also notes that DOC note that future fishing available from the DOC-Get land may be inferior to the opportunity currently offered within Dutch Creek (give land). The freshwater assessment in Appendix 4A addresses fish habitat at the DOC Give and Get land.
Pg. 4-5, Section 2.3: The land for exchange does not provide equivalent or improved legal public access to replacement land and is therefore inconsistent with the Conservation Act.	The SEB is accessible from the directly adjoining Gwavas Conservation Area, which has access from Wakarara Road in Gwavas Forest to Poutaki Track/Hut. The SEB land will also be accessible from the margins of the true left bank of the reservoir which will have public access via Wakarara Road through Gwavas Forest. Portions of the PCL land are only accessible from either the Mākaroro River or Dutch Creek which are impassible at times during high river flows.	Mr Harbrow's assessment finds that access to the DOC-Get land would be limited, noting that the adjoining Gwavas Conservation Area would be off track. Mr Harbrow also considers accessibility of the DOC-Get to be theoretical rather than practical. These matters are addressed in further detail in Section 5 of this report and appendix 4D
Pg. 5, Section 2.4: Conservation land supports river systems that are important for sports fish. Damming of the river and modifying flow will fundamentally change habitat conditions. The Conservation Act requires protection of intrinsic values, yet the proposal prioritises infrastructure development over retention of natural river character. Big changes in levels both in the reservoir and in the river below will not provide good living conditions for trout or indigenous species. The land exchange is therefore inconsistent with the Conservation Act unless it clearly maintains or enhances both access and freshwater values.	Damming and modification of the river and modifying river flow is beyond the scope of this land exchange application.	Mr Harbrow's assessment finds that the exchange would not enhance recreation values overall and finds issues with accessibility of the DOC- Get land. As regards freshwater values, the Wildlands assessment finds the exchange will not enhance freshwater values. Under Scenario 2 fish passage and habitat would be impacted in the DOC-Get land. Access and freshwater values are addressed further in section 5 of this report and the technical reports attached in Appendix 4.
Pg. 5, Section 2.6: The relevant CMS provisions (Hawke's Bay / East Coast region) emphasize protection of freshwater fisheries, the maintenance of public access to rivers and lakes and the preservation of natural character and flow regimes. The Mākaroro River is a high-value backcountry fishery with strong recreational attributes, transformation into a reservoir environment will eliminate riverine angling replaced with lake-based angling of uncertain quality.	Issues regarding freshwater fisheries are for recreational angling are related to the wider project but are out of scope of this land exchange application.	This feedback is relevant in so far as it relates to the land involved in the exchange, in particular in regard to Scenario two. It is noted The Hawke's Bay Conservation Management Strategy is addressed in Section 5.6 of this report. Mr Harbrow's assessment finds that the exchange would not enhance recreation values overall and finds issues with accessibility of the DOC- Get land. Recreational use, access and freshwater values (including fish passage and habitat) are addressed further in section 5 of this report and the technical reports attached in Appendix 4. Landscape character values of the waterways in the DOC Get and DOC Give are addressed in the landscape report prepared by Mr Head (Appendix 4D)
Pg. 6, Section 2.8 (a): There is no clear demonstration of net gain for freshwater or angling values. The proposal involves a loss of a natural river ecosystem, and the replacement land values are not established as equivalent for fisheries. The mitigation package in the consents is underbudgeted. It will not be possible to build a boat ramp or fishing hut for the dollar values assigned in the mitigation. It is also unknown as to what is proposed for the trap and transfer.	It is acknowledged and accepted that the current freshwater values of the SEB score medium against ecological significance whereas DOC land comparatively scores high and medium high. These comments however appear more concerned with the values of the mainstream of the Mākaroro River, which is not subject to this land exchange application and therefore out of scope. The mitigation package in the IMOA is budgeted in \$NZ 2014 to be converted to current NZ\$ under the consumer price index. The fishing hut, trap and transfer, loss of natural river are all beyond the scope of this land exchange and considered and managed by the existing RWSS resource consents.	The reporting on freshwater ecology contained in Appendix 4A and section 5 of this report finds the freshwater values in Dutch Creek on the DOC-Give to be higher than set out by the applicant and the values on the DOC-Get streams to be lower. The freshwater assessment in Appendix 4A addresses fish habitat at the DOC Give and DOC-Get land.

Organisation or person	Response from Applicant	Response from DOC to comments received
		Mr Harbrow (see appendix 4C) also notes that DOC note that future fishing available from the DOC-Get land may be inferior to the opportunity currently offered within Dutch Creek (give land). It is not within the scope of the land exchange to influence the existing mitigation package contained within conditions of the RWSS resource consents. However, the mitigation package has been considered in-so-far as it relates to the exchange land in Scenario Two as addressed in section 5 of this report.
Pg. 6, Section 2.8 (b): To carry out trap and transfer for both trout and indigenous species, road access would be needed both below the dam and from those fish traps to the reservoir to release fish. Funding would need to be provided in perpetuity – the Consent only provides for 35 years of payments for trap and transfer work. As the land exchange is forever, the condition of the land exchange should also be that the trap and transfer scheme is paid for the duration of the scheme (beyond the 35-year consent period).	The trap and transfer around the dam is consented and budgeted, and beyond the scope of this proposed land exchange.	It is considered that such a condition suggested by F&G is not within the scope of the land exchange as it is understood to relate to the land involved in the exchange.
Pg. 7, Section 2.8 (c): While the exchange increases land area to DOC, the Conservation Act requires equivalence, not just area. No evidence has been provided to demonstrate the replacement land provides equivalent freshwater fisheries or supports comparable recreational use.	As noted in earlier responses, the land exchange does not have to deliver a like for-like replacement of conservation values just an enhancement of conservation values (overall). It is conceded that even with the specific management actions proposed by the applicant, the SEB land is likely to support less favourable habitat for the full range of freshwater fish. Despite this, the significant improvements in biodiversity value are afforded greater weight (as it forms a significantly greater area component than freshwater values. Further to this the recreational fishing values are on the rivers adjoining the DOC land to be exchanged and not within that land.	Mr Harbrow (appendix 4C) notes future fishing available from the DOC-Get land may be inferior to the opportunity currently offered within Dutch Creek (give land). The freshwater assessment in Appendix 4A addresses fish habitat at the DOC Give and DOC-Get land.
Pg. 7, Section 2.8 (c): The applicant has not presented ideas for new recreational tracks and access to the exchanged land. If DOC does not require funding from the applicant to develop the exchanged land, they will be left to develop a track and signage network. At a minimum adequate funding should be provided to DOC to develop the 170 hectares	Planning Memorandum – Phil McKay (Mitchell Daysh) Section 3.2, pg. 4 - 8. As explained in the Overview Report, access will be available to the SEB from the true right bank of the proposed water storage reservoir, by boat directly across the reservoir from the boat ramp (to be funded by TWSL). In terms of access to the SEB land from the north, and overland, the SEB immediately adjoins the existing DOC Gwavas Conservation Area (containing existing tracks sections into this area) which will not be affected by the SEB. Additionally, there is a public access easement on Wakarara Road through Gwavas Forest to the true left bank of the reservoir from which the SEB land will be able to be accessed (see Planning Memorandum).	Mr Harbrow's technical review notes it is unlikely DOC would develop facilities or access on either the DOC-Give or DOC-Get land under current settings. The Department's current priority is to renew existing assets with a focus on the most popular places and showcase experiences within the conservation estate. Mr Harbrow also notes that the DOC-Get would not have formed access and any visitors would need to venture off-track or access it by boat from the reservoir. Mr Harbrow also finds that access Between the DOC-Get land and Ruahine Forest park via Crown Marginal Strip on the true left of the reservoir to be theoretical only relevant under Scenario Two
Pg. 7, Section 2.8 (c): Fish and Game would like to see new angling opportunities secured at the reservoir as well as game bird hunting provided for.	The RWSS consent contemplates angling at the reservoir (boat ramp and fishing hut). This matter is outside of the scope of the land exchange application.	DOC considers these matters are not related to proposed land exchange and are out of scope.
Pg. 7, Section 2.8(d): New access will need to be created to the reservoir, boat ramp and access is needed to be created to the upstream fishery to continue access to Barlow Hut. New access will also need to be created to the downstream fishery to enable the trap and transfer programmed (this element is not detailed in the RMA consents). A access plan should have been provided with the land exchange application to make it clear what vehicular and walking access was proposed.	This comment is beyond the scope of land exchange. The RWSS consents provides for access from a public road and carpark along the true-right bank to the top of the reservoir to access the Ruahine Forest Park and track infrastructure.	DOC considers these matters are not related to proposed land exchange and are out of scope.
Pg. 7. Section 2.8(d): Conditions of any land exchange approval need functional, physical and legal vehicular access to be provided for. The applicant should be responsible for ongoing maintenance of the new vehicular access and walking tracks for the duration of consents (and renewals) so it does not fall to others to maintain roads to fishing spots. Northern access is critical to license holders (Gold Creek Track, Sparrowhawk track, Colenso Spur and Parks Peak). Access is proposed on the southern side of the reservoir via Wakarara Road – ideally this would be constructed as a public road and maintained as such.	These comments are correct regarding the access proposed on the southern side of the reservoir, while the Planning Memorandum explains the public access that will be available to the northern side of the reservoir. The access matters referred to are however related to the wider project and are generally covered by the RWSS consent package (through Schedules 6 & 9 and the IMOA package) but are beyond the scope of this land exchange application.	The locations noted in the feedback indicate that the conditions sought would not relate to the DOC Give or Get land. It is noted this report considers the filling of the reservoir and associated mitigations proposed through the RWSS consent package only as far as they relate to the DOC Give and Get Land (Scenario 2). Mr Harbrow also notes in his report, the issue that the DOC-Get would not have formed access and any visitors would need to

Organisation or person	Response from Applicant	Response from DOC to comments received
Boat Ramp access – a new access will be constructed to the boat ramp and fishing hut and this should be constructed and maintained as a public road and include public access easements.		venture off-track or access it by boat from the reservoir. Mr Harbrow also finds that access Between the DOC-Get land and Ruahine Forest park via Crown Marginal Strip on the true left of the reservoir to be theoretical and only relevant under Scenario Two.
Pg. 8-9 Section 3: Notes the narrow and specific scope for land-exchange conditions. If land exchange application is going to be approved, it must be subject to conditions and covenants that provide for the access and ecological enhancements. As the Board of Inquiry RMA conditions underfunds access and ecological enhancements, the land exchange conditions have scope to better address issues of access and conservation outcomes.	The ability of the D-G to recommend conditions on the land exchange is noted and expected in regard to the proposed enhancement of the SEB land. The RWSS consents and proposed access, ecological and recreation enhancements have been costed and funded appropriately and are subject to the consumer price index.	Conditions are addressed in section 5.7 of this report. It is noted that the efficacy of the RWSS consent conditions is not a matter for determining through this report or addressing through conditions on the land exchange.
Pg. 9 Section 3.1: Loss of a remote wild fishery cannot be minimised by conditions and by replacement of a different fishery, such as a reservoir fishery that may or may not be productive. Therefore, compensation must be included in the land exchange conditions to cover fish trap and transfer to include trout, along with indigenous species. The proposed \$20,000 per annum for 35 years is insufficient.	The trap and transfer around the dam is consented and budgeted, and beyond the scope of this proposed land exchange.	It is noted that the efficacy of the RWSS consent conditions is not a matter for determining through this report or addressing through conditions on the land exchange. Impacts on fish passage have been considered in so far as they relate to Scenario 2. This matter is addressed in more detail in Section 5.1 and the freshwater values reporting in Appendix 4A.
Pg. 10, Section 3.5: An assessment of potential game bird hunting (and other hunting) opportunities should be carried out to determine if the new DOC-exchanged land could provide opportunities. If there is, the land should be classified to allow for hunting and dog access.	TWSL is open to this recommendation if DOC wish to pursue this opportunity (as hunting is often a good form of pest control).	The DOC get has opportunities for hunting. Mr Harbrow notes it is likely that the DOC-Get land would be primarily used by hunters. Deer are currently present within the Smedley Exchange Block and hunting occurs on the adjacent Gwavas Conservation Area and privately owned Gwavas Forest. The future status of the land will be determined separately to the decision on the exchange.
G Pain		
Pg. 1, Para 1: Opposed to the original application by Hawkes Bay Regional Investment Company to destroy the Mākaroro River by building a massive industrial reservoir enabling more contaminants to enter the waterways. The industrial reservoir would not be needed if river and aquifer was not squandered on inefficient uses.	Mr Pain's opposition to the original RWSS Project is noted. To the extent his concerns relate to water allocation, this falls within the statutory responsibilities of HBRC and is not relevant to the land exchange application.	These matters do not relate to the land exchange application.
Pg. 1, Para 2: References his verbal submission on the original application to the Hearing Panel in opposition. Reference is specifically made to Kessel's original "Proposed Integrated Mitigation and Offset Approach Report" detailing devastation to "an area of significant conservation value [that is included in the reservoir footprint]" and "the portion of riverbed that will be lost is a nationally rare ecosystem type" and the original Kessel's Terrestrial Ecology Study detailing the significant negative effect on long-tailed bats. The comment is critical of DOC for being complicit in "vandalism" of 22 hectares of Conservation Land but also the other areas of native bush, wildlife habitat, braided riverbed within the reservoirs footprint and for not protecting them.	Large parts of Mr Pain's comments are out of scope dealing with issues to do with the wider RWSS Project and clearly has not reviewed the updated SLR Land Exchange Assessment.	The mitigation related to the RWSS project has been considered in this report in so far as it relates to the exchange (Scenario Two). Section 5 addresses the conservation values of the DOC-Give and Get-Land.
Notes nothing is different with what is being proposed and claims: • The land exchange would be illegal if not for the FTAA; • The industrial reservoir will still destroy the Mākaroro River and a nationally rare area of important and valuable flora and fauna; • It will enable degradation of the Tukituki Catchment; and • It would be unnecessary once wiser water use is practised in rivers and aquifers.	TWSL is using a land exchange process established for development and infrastructure projects with regional and nationally significant benefits. The previous Supreme Court ruling under the decision-making criteria of the Conservation Act 1987 is irrelevant as the present application is being considered under the provisions of Schedule 6, FTAA. While the history of the Project provides relevant context, the current application satisfies the requirements of the FTAA and provides for an enhancement or collective net gain in conservation values. Large parts of Mr Pain's comments are out of scope relating to the broader project (industrial reservoir) and the need for wiser water use throughout the catchment.	The impacts of a reservoir have been considered in this report in so far as they relate to the exchange (Scenario Two). Section 5 addresses the conservation values of the DOC-Give and Get-Land.

Organisation or person	Response from Applicant	Response from DOC to comments received
Pg. 1, Para 4: Cites Dr Amelia McQueen of Te Taiao statement in her submission that “the exchange is like swapping a diamond for a jar of glass beads”	The existing land values and proposed management actions (occurring prior to the exchange) are considered by a suitably qualified ecologist to provide for a more than equitable land exchange and result in an overall far greater biodiversity value of the SEB compared to the DOC land over time. On almost all accounts the SEB block provides a greater or equal area of native vegetation.	The conservation values associated with the DOC-Give and DOC-Get land are addressed in Section 5.1 of this report.
Pg. 1, Para 5: Reiterates Sharleen Baird’s submission that Smedley’s Block was already stewardship land and exchanging the two, the Conservation Estate gains nothing and only loses Conservation Land.	The submission mischaracterises the SEB as stewardship land, where in actuality it is private land held in a Public Trust. Refer to Figure 3 in Part 2-2 Planning Memorandum.	It is noted that the DOC-Give land is currently private land held in Public Trust. The conservation values associated with the DOC-Give and DOC-Get land are addressed in Section 5.1 of this report.
Pg. 1, Para 6: Claims the money thrown at the Project (\$18 million) means the total loss of public money is approaching \$50 million. Posits that instead the money should have been spent on buying Central Hawkes Bay Dairy Farms that inefficiently use the already available water then relinquishing all or part of its water consent for the betterment of the whole catchment and reallocating it to more profitable farming practices the Mākaroro would be better off.	The submission comments on public expenditure on the Project to date and contemplates alternative uses of those funds. These matters are outside of the scope of the land exchange application.	These matters are outside of the scope of the land exchange process.
Hastings District Council		
Pg. 1-2, Para 2-7: HDC comments outline the zoning and overlays that apply to the parcels of land involved in the land exchange and the applicable sections of the District Plan. There are no interests or encumbrances on the title of SEB in favour of HDC and no paper roads on either the PCL or exchange land.	TWSL notes and agrees with the overview of zoning, overlays and review of title instruments for interests in favour of HDC.	No response required. Comments are noted.
Pg. 2, Para 8: HDC is unclear whether all areas of land will have access following the exchange.	The land exchange areas will have access as detailed and illustrated on page 5-9 of the Planning Memorandum.	Access is addressed in Appendix 4D and Section 5.1. The DOC-Get would not have formed access and any visitors would need to venture off-track or access it by boat from the reservoir. Mr Harbrow also finds that access Between the DOC-Get land and Ruahine Forest park via Crown Marginal Strip on the true left of the reservoir to be theoretical only relevant under Scenario Two.
Hawke's Bay/East Coast Conservation Board		
Pg.1, Para 2: In accordance with its statutory role under the Conservation Act 1987, the Board has focused its assessment on the conservation values of the affected land and considers the proposal results in a net loss of distinct and non-equivalent conservation values. The Board opposes the proposed land exchange.	The HBCB comments suggest that the proposed land exchange must deliver a like-for-like replacement of conservation values which is a legally incorrect interpretation. The matters to be addressed under the D G’s report do not involve such test. For a subsequent substantive application, Schedule 6, Cl. 29 does not require a panel to be satisfied that the exchange will deliver a like for like replacement but rather must enhance conservation values of land managed by DOC.	DOC agrees that a like for like replacement of conservation values is not an express consideration under Schedule 6 Clause 29. An assessment of conservation values is addressed in Section 5.1.
Pg. 1, Para 3: The Board considers that the proposed exchange replaces river valley conservation land (including riparian and alluvial environments) with hill-country block of mixed pasture, regenerating vegetation and limited forest cover. This results in the permanent and enduring loss of distinct and non-equivalent ecological values that does not deliver a like for like replacement.	As above, the specific ecological and landscape characteristics of the affected site on the land to be exchanged is not the correct legal test.	An assessment of conservation values is addressed in Section 5.1.
Pg. 1, Para 4: Claimed benefits do not outweigh the scale and permanence of the adverse environmental effects and therefore do not support the proposed exchange.	TWSL disagree and submit that the comment addresses broader consequences and effects of concern to the Project. The assessment provided by the Land Exchange Application is thorough, robust and supports the case that the SEB block provides mostly the same or better areas of habitat and vegetation communities as the PCL. The land exchange will provide for an area of indigenous vegetation that is 4.2 greater than the PCL land and is beyond the DOC guidance of a 1:4:2 ratio.	An assessment of conservation values is addressed in Section 5.1.
Pg. 3, Para 3: 100 hectares of the proposed exchange land is identified as indigenous vegetation. Much of this vegetation is in early to mid successional condition, lacking the structural complexity and ecological function characteristic of mature native forest systems, with only limited areas of mature forest present.	While the SEB may not immediately replicate the complexity of mature forest lost from the DOC land, the scale of the area, diversity of habitats and management commitments will ensure that the exchange will deliver a significant net gain in indigenous habitat and ecological function achieving the enhancement test.	Section 5.1 and Appendix 4A addresses the biodiversity values associated with the land exchange, addressing both the extent of significant vegetation and habitat value.

Organisation or person	Response from Applicant	Response from DOC to comments received
Pg. 3, Para 5-7: The proposal relies on future ecological restoration, pest control and long-term management measures that are prospective and dependant on sustained resourcing and governance. Even if fully implemented, such measures would not replicate the specific ecological and landscape characteristics. Responsibility for ongoing management is likely to transfer in whole, or in part to the Department of Conservation and other public agencies and landowners in relation to catchment wide mitigation.	Replication of specific ecological and land characteristics are not the correct legal test. It is correctly cited that once the land improvements (stock fencing, plant and pest control (plant and animal - 5 years) and riparian planting have been undertaken, the responsibility for ongoing management is the Department of Conservations responsibility as the administering authority of the new conservation land.	An assessment of conservation values is addressed in Section 5.1. Implications for future management of the DOC-Get land are a relevant consideration and are addressed in section 5 of this report.
Pg. 3, Para 8-10: An increase in total land area within the conservation estate does not adequately compensate for the qualitative loss of conservation values (which is not determinate by area alone) associated with the inundated land.	The SEB scores greater or equal area for native vegetation, length of stream and known or expected fauna diversity compensating for the qualitative loss of PCL conservation values.	An assessment of conservation values is addressed in Section 5.1.
Pg 4. Para 1-3: The creation of the reservoir will fundamentally alter the natural character Mākaroro River valley and surrounding landscape resulting in the loss of existing public access routes and recreational opportunity. While new access arrangements are proposed, these are unlikely to replicate the location, character, experiential values and the new proposed recreational opportunities are different and do not replace the river based and back country recreational experience.	The environmental outcomes go beyond the scope of the land exchange to consider broader effects of concern. Access and recreational opportunities are enhanced by the project, including new access to public land that avoids the weather dependent river crossing.	Landscape values associated with the DOC-Give and Get are addressed in Mr Heads technical report (Appendix 4D) and Section 5.1 of this report. Mr Head finds the DOC-Give has lower landscape character and waterway character value than the DOC-Get under both Scenario One and Two. Access and recreation values have been addressed by Mr Harbrow. Overall his findings are that the recreational values of the DOC Give site is Low and the DOC get site is Low under Scenario One and improved to Low/Medium under Scenario Two.
Pg. 4, Para 4-5: The proposal raises concerns regarding the integrity of the conservation estate, as conservation land may be able to be exchanged to enable development outcomes with implications for public confidence in long-term protection.	The Board's concern around broader precedent effect of Conservation land exchange is not a matter expressly identified in Schedule 6 of the FTAA. The FTAA provides an avenue for exchanges involving conservation land in connection with eligible projects (such as for this Schedule 2 listed project).	Addressed to some extent by Mr Head, when considering the associated impacts to the Gwavas Conservation Area and Ruahine Forest Park.
Pg. 4, Para 6-7: The Board states that Conservation land contains cultural and place based specific values that are linked to location. Such values cannot be transferred or replaced through land exchange, and their loss remains a material and enduring consideration for local communities and mana whenua.	There has been no identification of cultural and place values relating specifically to the PCL land as opposed to the wider extent of the reservoir area.	Cultural and heritage matters are addressed in section 5.1 of this report and in Appendix 4B.
Pg. 5, Para 1-4: The Board notes the environmental effects of the proposal are significant. Comments on the creation of a large reservoir and the inundation of terrestrial and riverine environments including Conservation Land. The Board notes that changes in land-use enabled by irrigation may introduce additional uncertainty regarding long-term environmental outcomes.	The adverse environmental effects of the wider Project are beyond the scope of this land exchange application – and has been appropriately managed through the RWSS consents. To the extent the comment addresses the effects of the proposed reservoir and associated land-use changes enabled by irrigation are more appropriately considered through the substantive application process and is not directly relevant to the land-exchange.	The impacts of a potential future dam have been considered in this report (Scenario 2). The matter of any subsequent changes in land use that may be facilitated by the reservoir project are beyond the scope the land exchange application.
Pg. 6, para 3: The framework of mitigation measures intended to address the future effects of land use intensification including catchment-based management, riparian planting and restoration measures are programmatic and dependant on implementation, funding and compliance. The extent and nature of land use change enabled by irrigation remain uncertain and there is a risk that cumulative effects on water quality and ecosystem health will not be fully mitigated. Residual environmental risk is likely to remain, requiring intervention by public agencies.	Catchment-based management, IMOAs commitments and irrigation are not relevant to the land exchange application and are considered and managed in the resource consents. These matters are expressed at such a level of generality that no response is required.	The IMOAs requirements are only considered when considering if existing obligations impact on the values of the land involved in the exchanged (addressed through Scenario two).
Hawke's Bay Regional Council (HBRC)		
Pg. 1, Para 3: The proposal indicates that aquatic values within the Smedley Exchange Block (SEB) are generally lower than those when compared to the DOC land proposed to be inundated. Waterways within the SEB are generally smaller, more modified systems with moderate ecological values and reliance on future restoration to enhance condition. While the SEB contains freshwater habitats that are capable of supporting indigenous species (including At Risk fish), there are differences in scale, representativeness, and ecological function between the areas.	It is acknowledged and accepted that the freshwater values of the Smedley Exchange Block ("SEB") score medium against ecological significance criteria whereas the Public Conservation Land ("PCL") comparatively scores high and medium/high. Only small parts of Dutch Creek (1.2 ha) and Mākaroro Riverbed are within the PCL and therefore have been given appropriate weighting. The freshwater values of the PCL form a relatively minor contribution to overall conservation values, albeit a 0.236ha oxbow wetland on the PCL land adjacent Dutch Creek has high representativeness values based on the SLR assessment.	Wildlands consider there is risk in relying on future management interventions which may not achieve the expected ecological benefits. Wildlands consider the aquatic values of Dutch Creek and Mākaroro river systems are higher than set out by SLR.

Organisation or person	Response from Applicant	Response from DOC to comments received
	Care needs to be taken when considering the contribution of the Dutch Creek and Mākaroro river systems in terms of aquatic values as these are in separate hydro land parcels (aside from the cadastral boundaries including a margin of the Dutch Creek riverbed) and not part of the PCL to be exchanged. For completeness it is noted that the consent conditions of the Ruataniwha Water Storage Scheme (in which these consents have not lapsed) require an Integrated Mitigation and Offsetting Approach (“IMO” – refer to Schedule 6 and Project A-C) ensuring that, prior to the land exchange, the Smedley Block’s freshwater values are actively enhanced via targeted mitigation and offsetting actions. In addition, further restoration planting of 97,000 plants across approximately 3.5 hectares over 10 years in Donovan’s Gully (including within Donovan Stream and adjacent wetlands) within the SEB area in conjunction with pest control and stock proof fencing (within all SEB waterways) will significantly enhance aquatic values. These measures are guaranteed to be delivered as they are proposed improvement conditions as part of the land exchange and will be embedded into the Smedley Exchange Block Management Plan (required by the RWSS conditions).	Wildlands further highlight that under Scenario Two, the aquatic values of Dutch Creek and the Mākaroro river would be reduced, including through loss of fish passage. (see appendix 4A)
Pg 1, Para 4: DOC land in the upper catchments and riparian environments contribute to sediment retention, shading, erosion control, and play an important role in maintaining downstream water quality and ecological health. These functions are important considerations when assessing land exchange outcomes (and may not be directly transferable, depending on location within the catchment).	Firstly, the land exchange will only occur if the substantive project gains FTAA approval and proceeds. In that event, the DOC land in question will be inundated to form the reservoir and will no longer be riparian land. Importantly however, the loss of riparian environments of the PCL land will be mitigated and offset through the Integrated Mitigation and Offset Approach (Schedule 6). The IMO specifically includes within Project A planted reservoir restoration buffer, and within Project B, protection and enhancement of riparian habitats alongside the Mākaroro and Waipawa Rivers. In addition, a Smedley Block Management Plan will be prepared within 1 year of construction commencement guiding key actions such as pest animal and plant control and providing for additional planting in Donovan’s Gully, Donovan’s Stream and adjacent wetlands. These actions will increase riparian vegetation cover, provide shading, reduce erosion processes and link areas of existing vegetation. These management actions will commence within one year of dam construction and continue for at least two years after which transition of management responsibility to DOC will occur. This staged approach ensures ecological functions that are lost from inundation are replaced and enhanced prior to the land exchange.	Wildlands consider the aquatic values of Dutch Creek and Mākaroro river systems are higher than set out by SLR. Wildlands further highlight that when considered in regards to future state, the aquatic values of Dutch Creek and the Mākaroro river would be reduced, including through loss of fish passage. (see appendix 4)
Pg 1, Para 4: The SEB is described as including areas of grazed and modified indigenous vegetation, with ecological condition likely to rely on future management interventions such as stock exclusion, pest control, and restoration.	It is agreed that the SEB currently includes area of grazed and modified indigenous vegetation and ecological condition is indeed reliant on future management interventions. A comprehensive suite of improvement measures including stock proof fencing, pest animal and plant control and indigenous restoration planting will be implemented prior to the land exchange occurring in conjunction with the SEB Management Plan. By the time of the land exchange, the SEB will be at least as ecologically diverse and functionally intact as the PCL ensuring a robust and enduring conservation outcome. Importantly, the SEB contains 4.2 times greater indigenous vegetation cover than the PCL to be lost, with the quality of biodiversity anticipated to improve as soon as the above improvement measures are commenced. Clause 32 of Schedule 6 FTAA recognises that conservation outcomes arising from land exchange may depend on future land improvements (or management actions), and this clause would be largely redundant if future conservation measures could not be taken into account.	The Applicant’s proposed improvements have been addressed in this report. As addressed in section 5.7, conditions have been recommended to address the applicants’ proposed improvements. Further conditions are also recommended. An assessment of conservation values is addressed in Section 5.1.
Pg. 1, Para 5: HBRC notes that consideration should be given to: • The ability of the exchange land to support functioning freshwater ecosystems. • The contribution of those systems to downstream catchment processes. • The degree to which ecological condition is currently realised versus reliant on future restoration. • How freshwater values associated with the land exchange will be maintained or enhanced over time and the long-term effectiveness of these actions.	It is acknowledged and accepted that the freshwater values of the Smedley Exchange Block (“SEB”) score medium against ecological significance criteria whereas the Public Conservation Land (“PCL”) comparatively scores high and medium/high. Only small parts of Dutch Creek (1.2 ha) and Makaroro Riverbed are within the PCL and therefore have been given appropriate weighting. The freshwater values of the PCL form a relatively minor contribution to overall conservation values, albeit a 0.236ha oxbow wetland on the PCL land adjacent Dutch Creek has high representativeness values based on the SLR assessment. Care needs to be taken when considering the contribution of the Dutch Creek and Makaroro river systems in terms of aquatic values as these are in separate hydro land parcels (aside from the cadastral boundaries including a margin of the Dutch Creek riverbed) and not part of the PCL to be exchanged.	Section 5.1 addresses freshwater values as they relate to the exchange land addressing Scenario One and Two. An assessment of conservation values is addressed in Section 5.1. It is further noted that improvements to the DOC get are offered by the applicant including restoration planting along the margins of the DOC Get streams and wetlands. These matters have been further addressed through recommended conditions of consent in Section 5.7.

Organisation or person	Response from Applicant	Response from DOC to comments received
	For completeness it is noted that the consent conditions of the Ruataniwha Water Storage Scheme (in which these consents have not lapsed) require an Integrated Mitigation and Offsetting Approach (“IMOA” – refer to Schedule 6 and Project A-C) ensuring that, prior to the land exchange, the Smedley Block’s freshwater values are actively enhanced via targeted mitigation and offsetting actions. In addition, further restoration planting of 97,000 plants across approximately 3.5 hectares over 10 years in Donovan’s Gully (including within Donovan Stream and adjacent wetlands) within the SEB area in conjunction with pest control and stock proof fencing (within all SEB waterways) will significantly enhance aquatic values. These measures are guaranteed to be delivered as they are proposed improvement conditions as part of the land exchange and will be embedded into the Smedley Exchange Block Management Plan (required by the RWSS conditions).	
Pg 2, Para 6: HBRC acknowledges that the SEB has a greater total area of ecologically significant vegetation and wider range of habitats compared with the DOC land proposed to be inundated. The SEB is also noted as providing potential habitat for a range of At Risk and Threatened species. However, the potentially affected DOC land also includes habitats within threatened environments and existing upper catchment systems, and the SEB includes areas that are modified or dependent on restoration to achieve their ecological potential.	It is recognised that some vegetation and habitat types within the SEB cannot replicate what is currently found within the PCL land, but similar vegetation types do exist that could provide equivalent habitat type or structure. For example, the SEB will support a wide range of habitats including mature and regenerating beech and podocarp forests, extensive scrub, shrublands, wetlands and riparian corridors providing high quality, connected environments for virtually all at risk and threatened species. Restoration actions enhancing riparian and wetland habitats, improving water quality and increase ecological connectivity with the Gwavas Conservation Area will result in an outcome where the SEB is at least ecologically diverse and functionally intact as the DOC land to be lost, and will deliver a net gain in conservation value, particularly for threatened environments and species dependant on ongoing management and restoration.	Section 5.1 and Appendix 4A addresses the biodiversity values associated with the land exchange, addressing both the extent of significant vegetation and habitat value.
Pg 2, Para 7: The proposal indicates that the SEB has potential to provide improved landscape connectivity, including linkages between indigenous vegetation types and adjacent conservation areas. HBRC considers that connectivity outcomes should be evaluated in terms of catchment position and ecological function and the extent to which the proposal enhances continuous ecological corridors and buffering of waterways.	Addressed above (response to Pg1. Para 5 of HBRC feedback). In terms of catchment position and ecological function, the SEB is positioned to enhance continuous ecological corridors (including direct connection to the Gwavas Conservation Area to the north) and provide substantial buffering of waterways (with connection to the proposed indigenously planted Reservoir Restoration Buffer (IMOA Project A) connecting in the west to the Ruahine Forest Park boundary. The formation of a wide buffer (minimum 20 m – providing 46 hectares of ecological corridor will link representative vegetation types creating linkages across altitudinal and habitat gradients for a range of representative vegetation types extending into the Gwavas Conservation Area to the east. These movements will facilitate movement and genetic exchange for At-Risk and Threatened species, supporting ecological processes and deliver a net gain in landscape connectivity and functional resilience at a catchment level.	The IMOA improvements are addressed in this report as far as they are relevant to the exchange land (Scenario Two). Section 5.1 of this report addressed the freshwater values associated with the exchange.
Pg. 2, Para 8: HBRC note that consideration should be given to: • Conservation value equivalence with regard to ecological function, not solely area or vegetation extent. • The extent to which biodiversity gains are likely to be robust and durable over time and • Ecological functions are adequately maintained or enhanced. • The role of the exchange land in supporting catchment-scale ecological processes and that connectivity benefits are influenced by how well the exchange land integrates with existing environments	Application of the ‘current value’ approach undertaken by SLR compares the ecological integrity, diversity, rarity and ecological context of both PCL and SEB land. The SEB will result in an indigenous area 4.2 times larger with greater diversity and pattern containing potential indigenous lizard habitat and a different underlying geology and greater altitudinal range than the conservation estate. The actions (stock exclusion, pest animal and plant control, indigenous restoration planting) to be implemented prior to the exchange and guided by a Management Plan will result in active management for a minimum of 2 years prior to transfer to DOC ensuring enhancement and realisation of ecological functions before the land is transferred into the Conservation Estate. The improvements are designed to be enduring and robust with several mechanisms to ensure long-term gains. For example, restoration planting will be monitored for successful establishment, stock proof fencing will be permanent and a commitment to long-term pest control (in order to achieve successful establishment and intended outcomes) (focussing on possums, but also including other species such as ungulates (particularly deer), mustelids, rats and feral cats) and plant pest control (wilding pines). It is noted that the independent peer review by Graham Ussher includes a recommendation to increase the term of pest control from 2 to 5 years to ensure ecological enhancements are achieved. The applicant adopts this recommendation, and the pest control is now proposed to be carried out over a term of 5 years (to ensure greater certainty around achieving its intended outcome).	The terrestrial biodiversity and freshwater technical report (Appendix 4A) and Section 5.1. addresses both current values (Scenario One) and potential future values (Scenario Two) of the land involved in the exchange.

Organisation or person	Response from Applicant	Response from DOC to comments received
	The proposed management actions that will be secured by conditions of consent and the SEB Management Plan will provide a greater biodiversity value compared to the DOC land over time. As above, the formation of a wide buffer (minimum 20 m – providing 46 hectares of ecological corridor) will link representative vegetation types creating linkages across altitudinal and habitat gradients.	
Pg 2, Para 9: HBRC recognises that the proposal has potential to enhance indigenous vegetation extent, habitat diversity, and ecological connectivity, but notes differences in freshwater values, ecological function, and current condition between the sites, and therefore considers that careful evaluation is appropriate to confirm that the exchange achieves enduring outcomes aligned with regional priorities for water security, land and water health, and resilient ecosystems and communities.	TWSL acknowledges and agrees that the land exchange proposal will enhance indigenous vegetation extent, habitat diversity and ecological connectivity and also accepts the differences in actual freshwater values, ecological functioning and current condition prior to the proposed enhancement works. Clause 29(2) of Schedule 6 of the FTAA however enables conditions imposed to be taken into account.	These matters are addressed in Section 5.1 and in the terrestrial biodiversity and freshwater technical report (Appendix 4A) which addresses both current values (Scenario One) and potential future values (Scenario Two) of the land involved in the exchange.
Heritage New Zealand Pouhere Taonga		
Pg. 1, Para 2: As there are no earthworks proposed as part of the land exchange application, there are no known archaeology impacts to consider	TWSL acknowledges the comment and looks forward to engagement with HNZPT throughout in preparation of the Substantive Application.	This is noted. Heritage is further addressed in Appendix 4B and in section 5.1.
Kathryn Bayliss		
Pg.3, Para 1: Some of the Schedule of documents submitted with the application are over 10 years old. Some people and viewpoints have changed. Some of the documents are to do with the Ruataniwha Water Storage Scheme and not the DOC land exchange. Some are not taking a 'current value' approach to conservation values. Some of the document page references are wrong.	The assertion that the material relies solely on the 2013 RWSS material is not supported by the evidence. Where updates have been required these have been accommodated in application material. A substantial amount of additional ecological surveying of the SEB has been undertaken for the current land exchange application, building on the baseline information provided in the 2013 work. The Smedley Block Ecological Survey report and Terrestrial Ecology Report prepared in 2013 was reviewed and updated with information from the 2025 site visits to provide a comprehensive assessment of existing ecological values. Particular attention was given to the effects of Cyclone Gabrielle, eDNA sampling, natural inland wetland delineation was carried out in accordance with MFE (2022) protocols and updated habitat assessments. Aerial imagery was assessed and where appropriate vegetation and habitat were remapped. The Ecological Memorandum supports the adequacy of the ecological surveys undertaken to date, and further notes that an independent assessment of both the DOC land and the SEB land by DOC biodiversity specialists in 2015 did not dispute the findings of the Applicant from their 2013 surveys.	This report, including the technical advice provided by experts (Appendix 4). has considered both current conservation values and future conservation values through Scenario One and Two respectively. It is noted that recent site visits have informed the review of the information provided by the applicant and the assessment of conservation values is addressed in Section 5.1 of this report.
Pg 3, Para 2: On page 6 the additional 'island area' of approximately 7.3 ha in extent adjacent to the bed of the Mākaroro River. On other pages the island area is stated as 7.5 ha.	The additional 7.5 hectares island of land labelled 'F' was only recently identified as having Ruahine Forest Park status and is now included in the total area of conservation land required to be exchanged.	Comments are noted, including that the applicant has clarified that the River island is 7.5ha.
Pg 3, Para 3- 4: Much of SLR Report is based on Kessels 2013. Since then there have been floods, Cyclones including Cyclone Gabrielle, high winds and droughts. The cyclone transformed the river and whio moved up towards the Barlow's hut area. The whio are making a slow recovery so there is a likelihood they will move back down the Mākaroro River.	Refers to above response to Kathryn Baylis (PG.3, Para1). Special consideration has been given to the effects of Cyclone Gabrielle (and other natural hazard phenomenon such as effects of floods, high winds and drought) through revision and update to ecological information and mapping following site visits during October 2025.	The impacts of the proposal on whio habitat are addressed in Appendix 4A and in section 5.1 of this report.
Pg 3-4, Para 5-6: Executive summary outlines section 16A of the Conservation Act to be applied. Much of the SLR Report is based on "potentially" suitable habitats or "likely" occurring existence of fauna or future possibilities. The existence of some flora and fauna has not been proven. Much of what might occur in future is conjecture and might not eventuate.	Section 16A of the Conservation Act 1987 is related to the Schedule 6 FTAA requirement that the Expert Panel must be satisfied the exchange will enhance conservation values of the conservation areas and reserves considered holistically. The timing that the values of land should be assessed is not prescribed by the FTAA and enables the exercise of an informed judgement and discretion by the Director General. If values were required to be assessed at present day, where there is an absence of certainty as to whether the wider Project will be approved or implemented would require significant upfront investment that could ultimately be wasted if the exchange was declined.	The technical report included as Appendix 4A and section 5.1 of this report address a number of issues relating to the assessment contained within the SLR report as raised in this comment. This report, including the technical advice provided by experts (Appendix 4) has considered both current conservation values and future conservation values through Scenario One and Two respectively.
Pg 4-6, Para 7: If the over ten years old evidence and future possibilities and benefits of the Smedley exchange land with the Mākaroro Reservoir and dam is taken consideration, then the overall environmental damage caused by the Mākaroro	Effects of the dam and reservoir are considered beyond the scope of the land exchange decision making criteria (Schedule 6, Cl29 of the FTAA).	The effects of the dam and reservoir are considered in this report in relation to Scenario Two.

Organisation or person	Response from Applicant	Response from DOC to comments received
Reservoir and dam should be taken into consideration: A list of excerpts are provided from the Tukituki Catchment Proposal Board of Inquiry Volume-1-of-3 Report.		
Pg 6, Para 8: In the Conservation General Policy it states: Conservation Beyond Public Conservation Lands and Waters. Not all conservation goals are achievable on public conservation lands or waters. DOC needs to work cooperatively with other landowners and occupiers and the wider community including local government to protect and advocate for natural resources, historical and cultural heritage and public access.	Section 35(3) of the Act does however identify that the Director General's (D-G's) report must include the matters specific in clause 26 of Schedule 6, which includes information to address the mandatory considerations for the panel for a land exchange decision under clause 29. This includes information on statements of general policy approved under section 17B or 17C of the Conservation Act 1987, so is appropriately a matter for the D-G to address in this instance given that DOC administers these policy statements.	The Conservation General Policy, as it specifically relates to land exchanges is addressed in section 5.5 of this report.
Pg 7, Para 11-12: Ruataniwha Water Storage Scheme Recreation Assessment, May 2013 is ten years old and not current. People use this DOC land wanted for the exchange, and undertake recreational activities such as picnicking, exploring, and swimming in the river, photographing and videoing. The Wise Water Use Group have had four organised hikoi (visits) where they invited members of the public and community. People of many ages still make many private trips to it. There is no comparable access to a river system nestled right in the Ruahine Forest Park bush-line of the Ruahine Range that you can drive to in CHB. This Mākaroro area is unique. In addition, there is a camp spot on this DOC land wanted for the exchange beside the Mākaroro River which is used by fishermen, hunters and campers. A local artist collects rocks and flora from Mākaroro River and area, often by the old Yeoman mill site, to make pigments etc.	The Recreation Assessment concludes that, while the wider project will have adverse effects on some recreational values, there is considered to be a significant net positive benefit in the recreational values of the proposed SEB land (if it were to become part of the conservation estate) compared to the 29.7 hectares of PCL land. TWSL is committed to implementing the Integrated Mitigation and Offset Approach (IMOA) in accordance with the existing resource consents as part of its FTAA application. The camping area and Mākaroro River are not within the PCL land areas subject to this application.	The recreational values of the land involved in the exchange have been addressed in Section 5 of this report and are further addressed in appendix 4C.
Pg 7-8, Para 13-15: The consents are owned by the Hawke's Bay Community Water Trust. Ownership of the pre-existing intellectual property remains with the Trust. Examples are provided in regard to how earthquakes can be caused or affected by dams and water reservoirs. The Ruahine Ranges are known for high erosion, many landslides and high sediment loads in rivers. The Mākaroro Dam and reservoir would increase the risks of flooding. It is in an area vulnerable to extreme winds and rainfall, landslides and earthquakes.	The consideration of natural hazard risk and climate change for the TWSP will be included as part of the Substantive Application under the FTAA.	No response required. These comments relate to the dam and would be a matter for a substantive application under the FTAA.
Pg 10, Para 22-26: This comment relates to the summary of compliance or enforcement actions which has not covered a complaint made to the Broadcasting Standards Authority: BAYLISS AND CENTRAL FM LTD - 2024-092 (9 JUNE 2025)	The Broadcasting Standards Authority Act 1989 governs complaints about radio and television broadcasting. It is not legislation that governs land exchanges and is not the same as enforcement action such as how a council or environmental regulator might. As stated in the Legal Submission, pg. 14, para 70, the outcome of a complaint to the Broadcasting Standards Authority referred to at page 10 of the comments is irrelevant to this process.	No response required. This matter is considered beyond scope of this report.
Pg 11, Para 27-28: The Crown already owns Smedley Station. It also owns the DOC land. Questions why the Crown would sell Smedley only to acquire it back.	The registered proprietor on the Record of Title for Smedley Station is Public Trust. If the land was Crown owned, the registered proprietor would be shown as His Majesty the King. As stated in the Legal Submission pg. 14, para 70, the ownership of Smedley Station is irrelevant to this process.	The status of the Smedley Station land as described by TWSL is noted and is addressed in Section 2 of this report.
Pg 12, Para 29-30: Even though the amount of DOC land wanted for the TWSP has increased by 7.5 hectares the land exchanged has not increased from the 170ha. If the land exchange proceeds the DOC (heart) land of 7.5 hectares will need to be accounted for and paid. It has a high intrinsic and environmental value.	The increase in DOC land to be exchanged (due to the newly identified 7.5 hectares) results in a slightly reduced exchange ratio. The 170 hectare SEB was sized to provide a significant net conservation gain, therefore the exchange area was not further increased with the conservation enhancement test still clearly met. The area recommended for a DOC land exchange is 125 hectares, which equates to a land exchange ratio of 1:4.2 – the SEB clearly exceeds this ratio and provides for 4.2 times more indigenous vegetation than the PCL.	The conservation values of the DOC Give land including the 7.5ha river island are addressed in section 5.1 and the technical reports in Appendix 4.
Pg 12, Para 31-33: Comments raise concerns about the Hawke's Bay Community Water Trust, the lack of public involvement and legalities around the Local Government Act 2002.	Concerns about the composition of Hawke's Bay Community Water Trust are irrelevant to the land exchange and should be disregarded.	No response required. This matter is considered beyond scope of this report.

Organisation or person	Response from Applicant	Response from DOC to comments received
Pg 13, Para 34-35: Mākaroro River already forms a buffer and corridor to the Ruahine Forest Park. The Smedley Exchange Land has 45 hectares of pasture or rank grass so will take a lot of resources and time to manage and care for. Much of the SLR Assessment is done on the assumption that DOC will place some form of permanent legal protection over the Smedley land. This has not been confirmed.	The ecological memorandum confirms that the proposed SEB exchange area comprises of over 100ha of significant indigenous vegetation and will result in an overall enhancement of biodiversity values. To ensure enhanced conservation values are achieved, TWSL is proposing direct improvement measures to the SEB. The Ecological Memorandum confirms the proposed enhancement measures are standard, undertaken across New Zealand and widely accepted as being beneficial for wildlife and ecosystems, and will produce benefits that will 'lift' the conservation values of the SEB site. Should the Director General consider it necessary and appropriate, they can specify conditions to resolve any uncertainty with regards to implementation of the direct improvement works.	Section 5 of this report confirms the 45ha of pasture land within the DOC-Get would present an issue for future management. This matter is addressed in ecological reporting and landscape reporting in Appendix 4. Note proposed conditions have been prepared addressing ecological enhancement of the DOC Get.
Pg 14, Para 36-40: Many people have heritage and cultural values associated with the Public Conservation Land. There may be not always be physical evidence on the Conservation land but it is in memories, stories handed down over generations, and present day visits. One significant feature of the Mākaroro often overlooked is its associations with William Colenso.	The Archaeology Assessment (which reviewed literature and archaeological reports relevant to the area) does not identify any heritage or cultural values of significance on either the PCL or SEB land. The comment refers to intangible associations with place but does not provide evidence demonstrating these views are widely held. The Land Exchange with respect to cultural and heritage values assessment is in accordance with Attachment 4: Criteria for cultural and heritage values assessment as it related to understanding and appreciation of cultural and historic heritage.	It is unclear whether the associations with William Colenso as noted by the respondent relate to the DOC Give or Get Land. The respondent may wish to consider addressing this should they choose to provide a response to this report. Heritage and cultural values are addressed in section 5 and are further covered by Mr Nester (in Appendix 4B). Mr Nester notes the absence of recorded items on the DOC-Give and DOC-Get land.
Pg 15, Para 41-42: Many people have become attached to the public conservation land that would be lost if the Mākaroro Dam and reservoir destroys it. There is no social licence for loss of this existing public conservation area. There will be no social licence for the acquisition of the SEB land which would always be a reminder of the time and effort put in trying to prevent the destruction of this Mākaroro area.	Comment is acknowledged as the commentator's opinion.	The matter of social license has been addressed in regards to the recreation assessment (Appendix 4C).
Pg 15-16, Para 43-44: It would be easy to identify users of the 29.7ha of the PCL land to be exchanged. Tramping clubs, Federated Mountain Clubs, Forest and Bird, Hawke's Bay Marae's, and the Wise Water Use Group. Wise Water Use Group have on their Facebook page and website photos and notices of trips to the Mākaroro area.	The recreation values of both the Public Conservation Land to be exchanged (the PCL) and the proposed Smedley Exchange Block (SEB) are assessed in section 5.2.3 of the Overview Report (pages 19 – 31).	Recreation values of the DOC-Give and DOC-Get land are addressed in Appendix 4C and Section 5 of this report. Wider recreational opportunities of the surrounding area are also addressed, some of the uses noted include, hunting, tramping, birdwatching and fishing.
Pg 16-17, Para 45-46: If the land exchange proceeds, then TWSL should have to pay for and continue until the fencing is finished and the areas are planted indigenous plants. Pest plant and animal pest control should be done by TWSL for 30 years (the same as the Offsetting and mitigation package for the Ruataniwha Water Storage Scheme).	The suggestion at page 16-17 of the Bayliss comments that the applicant should be required to carry out planting and pest control for 30 years on the exchange land is unreasonable and well beyond what has been proposed in the application. It is however noted that TWSL adopts the recommendation of the Ecology Memorandum to increase the duration of pest control to 5 years.	The duration of management is addressed in section 5 and Appendix 8.
Pg 17, Para 47: In the Property Group Land Status Report – Mākaroro Riverbed the acquisition history only goes back to May 1881. It does not state how or when the Land was acquired from the Māori.	The Property Group Land Status Report includes all information available on record. The acquisition history of the Mākaroro River bed is not considered relevant to the land exchange proposal. If the inference is that the inclusion of such land involves an ineligible activity for the purposes of the Act, this is legally incorrect.	This matter is not a considered relevant for consideration of the land exchange, beyond the extent to which this may relate to cultural values and associations. Those matters are addressed in section 5. Relevant Treaty matters are addressed in section 6 and 7.
Pg 17, Para 48-50: We need to look after what native species and habitats and environments that exist now in the Department of Conservation's (public) land wanted for the exchange. Not on what might occur in future or is based on conjecture as in the Smedley Exchange Block.	The original RWSS proposal involved an exchange of approximately 140ha of Smedley Station land, which was increased to 170ha following advice from DOC to ensure that a better conservation outcome was achieved.	Future management of the DOC-Get is addressed in Section 5. Terrestrial and freshwater values are addressed in section 5.1.

Organisation or person	Response from Applicant	Response from DOC to comments received
Pg 18, Para 51: Many people treasure the Department of Conservation exchange land wanted by TWSL more than they do the Smedley Exchange Block. If the land exchange proceeds it would negate the many years of unpaid time, effort, and donations by many people to try to save and protect DOCs Mākaroro Conservation land, waterbodies and environment wanted for TWSL.	Comment is acknowledged but is anecdotal. The commentor is directed to the Schedule 6 Cl. 29 FTAA decision-making criteria which states that the Expert Panel must not grant the approval unless it is satisfied that the land exchange will enhance conservation values.	Commend it noted. This report addresses the conservation values associated with the land exchange.
Pg 1 of additional comments, Para 1-5: The reference to the community-led trust entity (Hawke's Bay Community Water Trust.) is misleading. It is not Hawke's Bay "community-led". The Hawke's Bay Community Water Trust have not communicated or consulted with the wider Hawke's Bay Community. Very few people in the wider Hawke's Bay Community will know that the Trust has entered into a licence agreement with Tukituki Water Limited Partnership.	Concerns about the establishment, composition and purpose of the Hawke's Bay Community Water Trust are also irrelevant to the land exchange proposal and should be disregarded.	No response required. This matter is beyond the scope of the land exchange.
Pg 1-2 of additional comments, Para 6-9 The references to boat access to the Smedley Station Exchange Block, "SEB", assumes most people who want to use the "SEB", will have a boat. The majority of people do not own boats or watercraft. It is proposed that an aeration bubbler (aerator) be placed at the outlet end of the dam. This could make it dangerous to use boats or watercraft to access to the Smedley Station Exchange Block, or deter people doing so.	Page 29 of Attachment 01 – Overview Report states that the SEB will also have a theoretical overland access connection to the Ruahine Forest Park boundary via crown marginal strips. Overland access to the SEB land from the north is addressed in the Planning Memorandum. It is noted that Dam operators can manage risks to boaters in number of ways including establishing controlled exclusion zones using physical barriers (booms, buoys, and fences), high visibility hazard signage or localized water restrictions. The boat ramp is proposed well away from the outlet end and aerator.	Issues associated with access to the SEB are noted and are addressed in Section 5 of this report and are further detailed in the Departments recreational assessment in Appendix 4C. This has considered both Scenario One and Two.
Kaweka Gwavas Forest Company Limited		
Pg. 2, Para 4: Existing users of land to be disposed of by the Crown include Kaweka Gwavas Forestry Company (KGFC) and our tenant Pan Pac Forest Products Limited (Pan Pac). Both KGFC and Pan Pac have commercial interests in access rights, roads, and bridges across marginal strips and riverbed acquired by Pan Pac from the Crown through acquisition of the Gwavas Crown Forestry Licence.	TWSL acknowledge this comment. The land exchange application covers all land which is subject to that proposal and does not need to cover all land that will be inundated. Marginal strips and Crown riverbed land are not within the scope of this application. Commercial and logistical considerations will be resolved with KGFC and Pan Pac once the land exchange has been approved as disclosed in previous meeting with KGFC.	No response required. This comment relates to areas of land not included in the land exchange.
Pg. 3, Para 4.1: The Tukituki reservoir will cut off all vehicle access to the 160.5 hectares of land. Any option to reinstate access to this land, if practicable and feasible, will require an easement across Crown land administered by the Department of Conservation. A solution providing legal access to a river crossing at the western end of the reservoir will, in addition, require an easement across private land. The Tukituki Water Security Project has not yet addressed how access will be provided.	The Legal Submission states that it is not clear whether the concerns of the KGFC comments will result from the land exchange or the broader project, but it appears to be the latter. In any event, it is not clear that the concerns relate to conservation values. It is acknowledged that engagement is required with KGFC to facilitate access solutions to the western portion of their property relating to the wider project.	No response required. The comment does not appear to relate to the land included in the land exchange.
Pg. 3, Para 4.2: KGFC requests the Crown apply section 24A of the Conservation Act and reduce the marginal strip around the reservoir on KGFC land to 3 meters.	Marginal strips and Crown riverbed land are not within the scope of this application.	This matter is considered beyond the scope of the land exchange.
Pg 3-4, Para 5: It is submitted the Crown may not be the preferred owner for the 170 hectares of land intended for public ownership. Ownership by KGFC (representing the joint interests of the Trustees of Tamatea Pōkai Whenua and Trustees of Mana Ahuriri Trust) will however yield additional benefits, better access for recreation and for the ecological enhancement proposed by TWSP, enhanced access to adjoining Conservation land, and the opportunity to receive indigenous carbon income channelled back into conservation projects.	It is understood that the exchange land (SEB) must be held for conservation purposes once notified in the Gazette notice of the exchange. It is understood that this land will adjoin and form part of existing conservation land over which there is existing public and practical legal access. The ownership ambitions of KGFC are noted but the applicant doubts that they are achievable under this application or the Act more generally.	The future status of the land will be determined separately to the decision on the exchange.
Mana Ahuriri Trust		
Pg. 2, Para 1: Supports the matters raised by the Kaweka Gwavas Forestry Company Limited and the Tamatea Pōkai Whenua submissions.	The applicant has responded to the matters raised by the submissions from Kaweka Gwavas Forestry Company Limited and Tamatea Pōkai Whenua.	Mana Ahuriri Trust support of matters raised by Kaweka Gwavas Forestry Company Limited and the Tamatea Pōkai Whenua. The matters raised by those parties are addressed elsewhere within this table.
Pg. 2, Para 6: Considers the following matters remain unresolved (without providing specifics): - The treatment of identified Māori land; - The implications for Treaty settlement redress; - Impacts on KGFC landholdings and access arrangements;	The submission from Mana Ahuriri Trust has not identified specific concerns in relation to the matters they consider unresolved, and a number of these are largely deal with matters outside the scope of the land exchange proposal.	Treaty of Waitangi considerations are addressed in section 7 and obligations relating to Treaty Settlement relating to the land involved in the exchange is addressed in section 6.

Organisation or person	Response from Applicant	Response from DOC to comments received
- Cultural and heritage matters; and - Future governance and ownership implications associated with the proposed exchange.	In perpetuity protection of the SEB block will be conferred by association with its change to public conservation land to be owned and administered by DOC. Schedule 6, Cl 34(2) specifies that land acquired by the Crown under this clause must be held for any conservation purposes that the Minister of Conservation may specify.	Cultural and heritage matters are addressed in section 5 of this report and appendix 4B. The matter of future governance or status of the DOC-Get land is not a matter to be determined though the land exchange process.
Associate Minister of Agriculture		
Pg. 1, Para 2: The Associate Minister is interested as to whether the consequences of the land exchange would be practical to manage on an ongoing basis, including consideration of whether the exchange would result in an enclave of private land within a conservation area.	The exchange will not result in an enclave of private land within a conservation area. The proposal is not expected to generate additional operational complexity for DOC, with the exchange land adjoining the Gwavas Conservation Area.	The matter of ongoing management of the land exchange is addressed in section 5 of this report. Conditions are proposed addressing the restoration of grassed areas of land within the DOC Get.
Pg. 1, Para 2: The Associate Minister queries the legal and financial liabilities, health and safety risks for the Crown, associated with the land exchange.	TWSL directs the Associate Minister to the existing application material which covers the statutory criteria contained within Schedule 6, Clause 29(1)(v).	This matter is addressed in section 5.4 of this report.
Minister for the Environment		
Pg 1, Para 2 Broad support for projects which deliver positive outcomes for New Zealand, including improving water security, while protecting and preserving our natural environment.	Comments are acknowledged but the wider project is beyond the scope of the land exchange application.	Comments noted. Section 5.1 of this report address conservation values including matters relating to the natural environment.
Pg. 1, Bullet i : The SEB land does not appear to offer clear ecological advantages over the DOC land. The assessment does not yet clearly demonstrate net ecological gain.	SLR have assessed that the land exchange will result in an exchange ratio of 1:4.2 for indigenous vegetation between the SEB and the PCL and includes additional direct improvement measures to ensure the SEB is at least as ecologically diverse and functionally intact as the PCL. The SLR provides a comparative assessment of the DOC and SEB land using the metrics of: - Absolute area of separably classified vegetation communities - Presence or presence reasonably expected for fauna - Native freshwater fish diversity - Overall ecological significance - Stream length and quality On almost all accounts the SEB block provides greater or equal area of native vegetation, length of stream and known or expected fauna diversity, than the DOC block (the only exception being the less diverse native fish community). The range of management actions proposed (to be delivered by conditions and management plan) will provide for a more than equitable exchange and result in a far greater biodiversity value over time. The Ecological Memorandum confirms the conclusions of the SLR Land Exchange Assessment that the SEB and proposed management actions (that can be secured by conditions) will provide for a more than equitable exchange and result in an overall greater biodiversity value than the PCL over time.	Section 5.1 of this report addresses conservation values.
Pg. 1, Bullet ii: Enhancement measures appear to rely on future measures that may result in a gap between immediate project effects and later restoration gains	The direct improvement measures to the SEB proposed as part of the land exchange (stock proof fencing, pest control works and restoration planting) are proposed to occur <u>prior</u> to the land exchange occurring. This will ensure there is no gap between the land exchange and implementation of the enhancement measures. Schedule 6, Cl. 32 provides for granting of a land exchange and imposition of conditions where the applicant is required to undertake any improvements to ensuring the land exchange will enhance conservation values of conservation areas as a whole. TWSL anticipates improvements to be covered by conditions of the land exchange.	The application has been considered by the department in regards to current conservation values as well as a consideration of the future state including direct improvements offered by the Applicant (Scenario 2). Conditions are addressed in section 5.7.
Pg. 2, Bullet iv: The claimed gain in recreational conservation values is not clear. The project will reduce existing access and backcountry recreation while recreation benefits depend on mitigation measures with unclear timing, staging and certainty of delivery.	There are no DOC access routes or huts within the 29.7ha of PCL nor does the PCL currently provide access to any private land or significant sites. Existing recreational access to the PCL is informal, by activities such as hunting or birdwatching, and the larger SEB will provide similar opportunity for informal access (accessible via the existing DOC track and easement (EI 623332.2) through Gwavas Conservation Area. In this regard avoiding the current river crossing which is only navigable during lower flow conditions. While not proposed as direct improvement measures as part of the land exchange, it is noted that the land exchange will enable the delivery of a suite of additional access and recreation infrastructure provided for in the existing RWSS consent conditions which provide for demonstrable recreation benefits:	Recreational values are addressed in section 5.1 and Appendix 4C.

Organisation or person	Response from Applicant	Response from DOC to comments received
	• Construction of a new historic interpretation/picnic/camp site ensuring Wakarara Road continues to be a visitor destination; • Access track around top end of reservoir; • Development of walking/cycling tracks around reservoir; • Construction of boat ramp; and • Construction of fisherman's hut shelter.	
Minister for Hunting and Fishing		
Pg. 1, Para 3: The Minister is pleased to see the proposed mitigation measures to address effects on recreational values through construction of a new access track around the upper end of the reservoir linking to existing tracks within the Ruahine Forest Park. The importance of this new track is emphasized as any loss of access for hunters would have result in negative conservation and recreational outcomes.	The Ministers support for the proposed mitigation measures as provided by the RWSS consents in providing a link along the margins to the boundary of the Ruahine Forest Park is acknowledged.	The mitigation contained in the RWSS consents has been considered in Scenario 2. Access and recreational values related to the land exchange are addressed in Section 5.1 and Appendix 4C.
Pg. 1, Para 4: The Minister notes that the mitigation measures relating to fishing include construction of a new fish shelter in consultation with Hawkes Bay Fish and Game, as well as a boat ramp within the reservoir to support an alternative fishing experience.	While not proposed as direct improvement measures as part of the land exchange, it is noted that the land exchange will enable the delivery of a suite of additional access and recreation infrastructure provided for in the existing RWSS consent conditions which provide for demonstrable recreation benefits: • Construction of a new historic interpretation/picnic/camp site ensuring Wakarara Road continues to be a visitor destination; • Access track around top end of reservoir; • Development of walking/cycling tracks around reservoir; • Construction of boat ramp; and • Construction of fisherman's hut shelter.	The mitigation contained in the RWSS consents has been considered in Scenario 2. Access and recreational values (including fishing) related to the land exchange are addressed in Section 5.1 and Appendix 4C.
Pg. 1, Para 6: The Minister notes the importance of ongoing engagement with recreational and fishing groups to minimise disruption to hunting and fishing on public lands and waters.	TWSL acknowledges the Ministers comments. Any ongoing conservation with recreational and fishing groups regarding the use and management of Conservation Land is a matter for DOC	This matter could be considered outside of the land exchange process should the exchange proceed.
Pg. 1, Para.: 7 A good balance has been reached here on a very important project.	TWSL thanks the Minister for his comments and agrees that the exchange provides a significant increase in future Conservation Estate in excess of the 125-hectare DOC guidance and will achieve a strong net conservation benefit for the PCL exchange.	No response required.
Minister for Infrastructure		
Pg. 1, Para 3: No comment on the land exchange application but encourages the engagement between the Department of Conservation, Tukituki Water Security Limited and Water Holdings Hawkes Bay Limited to continue.	The Minister's support for the significant regional and national benefits for the Tukituki Water Security Project is noted (although beyond the scope of this land exchange application)	This matter is considered beyond the scope of the land exchange.
Minister for Māori Crown Relations		
Pg. 1, Para 3-4: The Minister notes that the land proposed for exchange is associated with the Mākaroro River, a tributary of the Waipawa River, over which Heretaunga Tamatea has a statutory acknowledgement under the Heretaunga Tamatea Claims Settlement Act 2018. He encourages the applicant and the panel to have due regard to that statutory acknowledgement and to continue engaging with relevant Māori groups.	The Land Exchange Overview Report sets out a record of Mana Whenua and General Consultation. As stated in the Legal Submission pg. 4, para 16, TWSL accepts that the potential for identification and management of broader cultural and heritage impacts beyond the land exchange application will require further engagement with entities such as TPW and remains committed to that.	Statutory Acknowledgments are addressed in Section 6 of this report. It is noted that TPW have provided feedback on the application (see Appendix 1) and their feedback is addressed in this table.
Minister for Regional Development		
Pg 2 (Annex One), Para 1: The Minister notes the exchange of 170 hectares of private land with approximately 29.7 hectares of land held by the Department of Conservation is necessary to enable the overall Tukituki Water Security Project.	The support of the Minister for Regional Development for the land exchange is noted.	Support of the land exchange is noted.
Pg.2 (Annex One), para. 6: The Minister notes the current freshwater shortfall in Hawkes Bay region from the existing land-use practises and potential economic	TWSL acknowledges the support for the wider Project but notes this is beyond the scope of this land exchange.	These matters are considered beyond the scope of the land exchange.

Organisation or person	Response from Applicant	Response from DOC to comments received
activity and additional jobs and additional annual GDP [in the Central Hawkes Bay area] from the wider scheme should construction commence and the project become operational. As such, the proposed land exchange will provide significant regional benefits to the Hawkes Bay, as reflected by the decision to approve funding for the Project via the Regional Infrastructure Fund.		
New Zealand Conservation Authority		
Pg. 3, Para 2: NZCA are concerned that Tamatea Pōkai Whenua endorsement letter does not specifically refer to the DOC land exchange, and have been informed as of 27 April 26 to 25 May 2026, endorsement and support for the DOC land exchange were unanimously withdrawn by: • Tamatea Pōkai Whenua; • Te Taiwhenua o Heretaunga; • Te Taiwhenua o Tamatea; • Two Tamatea marae: Rākoutātahi and Tapairu; • Ngāti Kahungunu Iwi Incorporated	The comments from the NZCA rely upon and support positioned (<i>sic</i>) advanced by other entities and do not require any response. Refer to responses addressing TPW concerns.	This matter is addressed in the responses to feedback from Tamatea Pōkai Whenua and Ngāti Kahungunu Iwi Incorporated.
Pg. 4, Para 1: It is misleading to imply that Tamatea Pōkai Whenua endorsed the DOC land exchange. A letter has been sent to the Tukituki Water Security Project FT Application Expert Consenting Panel dated 25 May 2026 to this effect.	The comments from the NZCA rely upon and support positioned (<i>sic</i>) advanced by other entities and do not require any response. Refer to responses addressing TPW concerns.	This matter is addressed in the responses to feedback from Tamatea Pōkai Whenua
Pg. 4, Para 2: NZCA disagree with the conclusion that no heritage or cultural reasons have been identified that would weigh against the land exchange given the evidence of cultural values, customary history and whakapapa documented in legislation and Environment Court proceedings since 2013.	TWSL Acknowledge the heritage and cultural significance of areas affecting the entire Project identified within various archaeological assessments and CIAs prepared. No specific archaeological, heritage or Māori cultural values have been recorded or identified within the PLC and SEB land through review of databases or through either the CIAs, engagement with the authorised iwi or HNZPT.	Cultural and heritage matters are addressed in Section 5 of this report and in Appendix 4B.
Pg. 5, Para 1: On May 5 2026, Te Taiwhenua o Heretaunga Te Taiao (representing 9 marae in the Tamatea district) CEO Mr Marei Apatu confirmed that this representative body does not support the TTWS Project and supports the opposition expressed by Ngāti Kahungunu Iwi Incorporated. This is reflected in Mr Apatu's statement of evidence on behalf of the group in relation to proposed Plan Change 5 to the Hawkes Bay Regional Resource Management Plan, and the Environment Court appeal under clause 14 of the RMA (EN-2013-WLG-000050). The submission notes Tukituki River as an awa tupuna with the whakapapa of the river and its tributaries, springs and aquifers reflected in the whakapapa and whanaungatanga of the people it provides for. Tukituki River awa was once a 'river of villages and 'highway' connecting to whanau, trade and prosperity. The river is sourced from the Ruahine Ranges, Te Atua Mahara, the sacred spring Te Wai o Konganga and the Makaretu, Mākaroro River and Waipawa awa flowing over and into interacting with the Ruataniwha Aquifer. Ngāti Te Upokoiri has many historical sites, ancient pā sites, waahi tapū and waahi tipuna throughout the headwaters of the Tukituki and Waipawa Rivers that recharge the Ruataniwha Aquifer.	The comments from the NZCA rely upon and support positioned (<i>sic</i>) advanced by other entities and do not require any response (and are beyond the scope of this land exchange). Tukituki River is not within the PCL or SEB.	Cultural and heritage matters are addressed in Section 5 of this report and in Appendix 4B.
Pg. 6, Para 1: Statutory authorities have a responsibility to take into account the principles of the Treaty of Waitangi, and recognise and protect the kaitiakitanga over the Ruataniwha Aquifer as part of the active protection principle.	It is agreed that statutory authorities have a responsibility to take into account the Treaty of Waitangi Principles. However, the Ruataniwha Aquifer (and its implied use and allocation) is beyond the scope of the land exchange.	Treaty of Waitangi considerations are addressed in Section 7 of this report. Matters relating to Treaty Settlements are addressed in section 6.
Pg. 6, Para 3: Te Taiwhenua o Tamatea state that wai is a living taonga and their kaitiaki responsibilities are to ensure that any activity in the Tukituki Catchment protects and strengthens the mauri of wai, awa, ecosystem and communities. They cannot support any proposal that risks degrading the water quality of the wai, the weakening of ecosystems or placing long term burdens on future generations. Any project must demonstrate lasting benefits for the Hauora of Awa, Wai and communities and acknowledge the authority of Mana Whenua.	The activities proposed through the wider Project and their relationship to water quality, ecosystems and inter generational concerns are beyond the scope of this land exchange. The proffered requirement for TWSL to plant up streams in the SEB block will improve the high quality of the wai supporting a wider range of freshwater fauna than currently present, delivering lasting benefits through its change to conservation land (and legal protection this provides).	Cultural and heritage matters are addressed in Section 5 of this report and in Appendix 4B. Freshwater values are addressed in Section 5 and Appendix 4A.

Organisation or person	Response from Applicant	Response from DOC to comments received
Pg. 7, Para 2: Two letters on May 21 2026 objecting the proposed land exchange were sent to Ngāti Kahungunu Incorporated from chair of the Rākauātāhi Marae Reservation Trustees and chair of the Tapairu Marae formally objecting to the land swap. It is understood that wāhi tapū, pā sites, urupā and other Taonga Tuku Iho located in or near the proposed flooding area. Flooding the whenua without full identification, assessment and protection risks irreversible cultural loss.	The comments from the NZCA rely upon and support positioned (<i>sic</i>) advanced by other entities and do not require any response. Reference to the “proposed flooding area” (reservoir) appears to reference the much wider land use in the project than the DOC exchange land and SEB that is the scope of the application. Cultural values have and continue to be assessed through the various CIAs, engagement and resource consent conditions (with a Board of Inquiry). The consents (Schedule-8) contemplate managing cultural and archaeological sites with a protocol prepared by eminent iwi leaders Professor Roger Maaka and Martell Letica.	The matter of wāhi tapū, pā, urupā and other taonga located in or near the area of the reservoir is addressed in Section 5 and Appendix 4B and in response to feedback from Ngāti Kahungunu Incorporated addressed elsewhere in this table.
Pg. 7, Para 6: The letter from Rākauātāhi Marae and Tapairu Marae asserts that serious consideration should be given to the history of the whenua as former Māori Customary Land and whether it should firstly be returned to mana whenua if deemed surplus.	The comments from the NZCA rely upon and support positioned (<i>sic</i>) advanced by other entities and do not require any response.	This matter is addressed in responses to feedback from Ngāti Kahungunu Incorporated addressed elsewhere in this table
Pg. 8, Para 1: Rākauātāhi Marae and Tapairu Marae objection is grounded in the absence of a cultural assessment, legal clarity and meaningful engagement with affected whānau, hapū and marae.	The comments from the NZCA rely upon and support positioned (<i>sic</i>) advanced by other entities and do not require any response.	Rākauātāhi Marae and Tapairu Marae objection is noted in feedback from Ngāti Kahungunu Incorporated and is addressed elsewhere in this table.
Pg. 8, Para 2: Ngāti Kahungunu’s submission for the Tukituki Catchment Proposal incorporating Plan Change 6 into the Hawkes Bay Regional Resource Management Plan and the Ruataniwha Water Storage Scheme in 2013, opposed the proposal for the following reasons: - Concerns regarding recognition of rights and interests in water, governance and Tiriti o Waitangi principles; - Concerns on cultural values, mauri, health of the Tukituki Awa; - Concerns around adequacy of consultation with tangata whenua, hapū and whanau; - Concerns around treaty claim interests and customary rights affecting land within the proposed dam; - Concerns regarding environmental effects relating to water quality, land use, seismic risk and deterrence of sustainable land practices.	The comments from the NZCA rely upon and support positioned (<i>sic</i>) advanced by other entities and do not require any response. The comments also relate to the merits of the wider consented RWSS and Plan Change 6, rather than the DOC PCL and SEB exchange land.	Feedback from Ngāti Kahungunu Incorporated is addressed elsewhere in this table. Section 5 further addresses cultural and heritage values, as does Appendix 4B.
Pg.10, Para 2: It is questioned why the section of land parcel between Smedley Exchange Block and the Ruahine Forest Park connecting them is not included as part of the land exchange as it would provide better connection.	The land in question is private land and not part of the land exchange under consideration. Accordingly, the merits of including other landholdings (which is currently commercial forestry operations to the west of both the PCL and SEB) fall outside of the scope of this proposal.	The land noted does not form part of the land exchange application.
Pg. 11, para 3: The proposal includes a number of mitigation measures including replanting, natural regeneration management, provision of targeted enhancement, restoration, improvement of water quality, control of willows and lupins and predator management. The proposed planting areas to offset mitigation is only in areas equivalent to the area of public conservation land to be exchanged.	The proposed management actions (occurring prior to the exchange) are considered by a suitably qualified ecologist to provide for a more than equitable land exchange and result in an overall far greater biodiversity value of the SEB compared to the DOC land over time. On almost all accounts the SEB block provides a greater or equal area of native vegetation.	Terrestrial, wetland and freshwater values are addressed in Section 5 of this report. Conditions of consent are further proposed to address the proposed improvements (see section 5.7 and Appendix 8)
Pg. 11, para 4: The Department of Conservation consider that the native forest would regenerate in the Smedley Exchange block once grazing was removed and could be a promising site for geckos and skinks. It is also noted that the diversity of ecosystems within this exchange land are less rich than the conservation land which also contains wetlands of greater value than Smedley Block.	In almost all accounts, the SEB provides a greater or equal fauna diversity (with the exception of native fish communities). The land exchange assessment prepared by DOC in 2015 appeared satisfied that there was a comparable exchange in relation to wetlands.	This comment appears to relate to reporting associate with the RWSS project. The departments technical reporting on the land exchange application is attached in Appendix 4. Section 5.1 addresses the conservation values of the land based on the findings of the reports in Appendix 4.
New Zealand Four-Wheel Drive Association		
Pg. 1, Para 1: No objection to land exchange.	It is noted that the submission does not object to the land exchange application.	It is noted that the feedback does not object to the land exchange.
Pg 1, Para 2: Requests DOC recognises the loss of riverbed recreational four wheeling in the area and identifies possible alternatives in the region.	The direct loss of riverbed from the construction of the dam is not relevant to the land exchange application and is submitted to be out of scope. Future management of the exchange land by DOC is not within the remit of the applicant or the land exchange application to dictate.	Appendix 4C highlights broader recreation uses, however this comment appears to relate to land outside of the exchange.
Ngāti Kahungunu Iwi Incorporated		

Organisation or person	Response from Applicant	Response from DOC to comments received
Pg. 1, Para 4 & Pg 5, Para 9-10: NKII opposes the land exchange application and submits that it should be declined as it fails to meet the statutory threshold to justify the exchange of public conservation land.	TWSL disagrees that the application fails to meet the statutory threshold to justify the exchange of public conservation land under the FTAA. The application has been prepared in accordance with the guidelines for assessment prepared by DOC including assessment against the FTAA purpose and Schedule 6 decision-making criteria. The Ecological Memorandum confirms the conclusions of the SLR Land Exchange Assessment that the SEB and proposed management actions (that can be secured by conditions) will provide for a more than equitable exchange and result in an overall greater biodiversity value than the PCL over time.	Opposition to the land exchange is noted. The assessment of conservation values is set out in section 5 of this Report.
Pg. 2, Heading “Mischaracterisation of Mana Whenua Support”: The application has suggested broader mana whenua support for the land exchange than actually exists. Queries the accuracy and reliability of statements within the application relating to the level of mana whenua support for the Project, including with regard to specific iwi.	The applicant has engaged with NKII extensively for the purposes of the broader TWSP, as well as other iwi authorities. It is accepted that the entities referred to by NKII have not formally endorsed the land exchange proposal. In principle support for the broader project by other tangata whenua entities such as Tamatea Pōkai Whenua, and the qualifications on that position, have been understood by TWSL and it does not accept that it has sought to misrepresent the position. TWSL is currently, and will continue to, seeking engagement with relevant Māori groups to address the wider effects of the wider project. To this end, TWSL is in the process of engaging with Tamatea Pōkai Whenua in relation to the commissioned CIA for the wider project that was received in April 2026 (post lodgement of this application).	This matter is noted in section 5.1.3 of this report
Pg 3, Heading “Position of Affected Marae and Taiwhenua”: Raises concerns regarding procedural integrity, representativeness and adequacy of cultural assessment undertaken.	The applicant has engaged with NKII extensively for the purposes of the broader TWSP, as well as other iwi authorities. It is accepted that the entities referred to by NKII have not formally endorsed the land exchange proposal. In principle support for the broader project by other tangata whenua entities such as Tamatea Pōkai Whenua, and the qualifications on that position, have been understood by TWSL and it does not accept that it has sought to misrepresent the position. TWSL is currently, and will continue to, seeking engagement with relevant Māori groups to address the wider effects of the wider project. To this end, TWSL is in the process of engaging with Tamatea Pōkai Whenua in relation to the commissioned CIA for the wider project that was received in April 2026 (post lodgement of this application). TWSL accepts the position of affected marae and taiwhenua (Tapairu Marae, Te Rongo o Tahu, Rākoutātahi Marae, Te Taiwhenua o Tamatea and Te Taiwhenua o Heretaunga as clarified through the respective formal letters and the Applicant has not sought to misrepresent their position.	The matters raised in the letters from Tapairu Marae, Te Rongo o Tahu, Rākoutātahi Marae, Te Taiwhenua o Tamatea and Te Taiwhenua o Heretaunga included in the respondents' feedback have been noted in section 5 of this report.
Pg 4, Para 2: Ecological evidence prepared by Dr Kelvin Lloyd concludes the application terrestrial ecological assessment is deficient and understates the significance of the affected ecosystems and likely adverse effects of the proposal.	The ecological evidence prepared by Dr Kelvin Lloyd is not specific to the PCL nor does it address the more recent SLR ecological assessment accompanying this land exchange application, which has been prepared following considerable time on site in October 2025 and their report reflects this. The Ecological Memorandum submits that level of ecology information for the DOC land and the SEB site provides a comparable base foundation from which to compare biodiversity values. The additional information collected on the DOC land lends itself to a more in-depth explanation of values and in most cases transferrable to the SEB block as well.	The SLR reported has been reviewed by Wildlands in preparing their report. A range of issues with the SLR report are addressed by Wildlands. The Wildlands report is attached as Appendix 4A and its findings are included in the conservation values assessment in section 5.
Pg 5, Para 2: The application is inconsistent with Te Mana o te Wai principles to the extent it risks further degradation, fragmentation or modification of the freshwater ecosystems and associated cultural landscapes.	The adverse effects of the construction of the dam are not relevant to the land exchange application and are submitted to be out of scope. TWSL disagrees that the wider application is inconsistent with Te Mana o te Wai recognising through the rescoping process that utilisation of the Mākaroro reservoir as developed through the RWSS is the only truly viable catchment scale options enabling a durable response to climate change and Te Mana o te Wai.	Cultural values are addressed in section 5 and Appendix 4B. It is noted that there are no recorded sites or areas. Ngāti Kahungunu Iwi Incorporated may wish to present to the panel through a response to this report more information on cultural landscapes and values as they relate to the land involved in the exchange to assist the panel in their consideration of the land exchange.
Pg 5, 7-8: DOC must apply particular scrutiny to this application due to the previous Supreme Court findings.	The Supreme Court decision (judicial review) involved the application of different statutory provisions and is primarily relevant as factual context to the present proposal. In this instance, the applicant considers that the D-G must apply particular scrutiny to the relevant provisions of the Act rather than the history relating to this matter.	No response required. The department notes this application is considered under the provisions of the FTAA.
App. 1 (Rākoutātahi Comments), Pg 8, Para 2 & App. 2, Pg 9 (Tapairu Marae Comments), Para 2: Mana whenua perspectives have been misrepresented and insufficient meaningful consultation has occurred.	The applicant has engaged with NKII extensively for the purposes of the broader TWSP, as well as other iwi authorities. It is accepted that the entities referred to by NKII have not formally endorsed the land exchange proposal. In principle support for the broader project by other tangata whenua entities such as Tamatea Pōkai Whenua, and the qualifications on that position, have been understood by TWSL and it does not accept that it has sought to misrepresent the position. TWSL is currently, and will continue to, seeking engagement with relevant Māori groups to address the wider effects of the wider project. To this end, TWSL is in the process of	This matter is addressed in section 5.1.6 and section 7 of this report.

Organisation or person	Response from Applicant	Response from DOC to comments received
	engaging with Tamatea Pōkai Whenua in relation to the commissioned CIA for the wider project that was received in April 2026 (post lodgement of this application). TWSL accepts the position of affected marae and taiwhenua (Tapairu Marae, Te Rongo o Tahu, Rākoutātahi Marae, Te Taiwhenua o Tamatea and Te Taiwhenua o Heretaunga as clarified through the respective formal letters and the Applicant has not sought to misrepresent their position.	
App. 1 (Rākoutātahi Comments), Pg. 8, Para 3 & App. 2 (Tapairu Marae Comments), Pg. 9, Para 3: Irreversible cultural impacts may occur if flooding of the reservoir is undertaken before all wāhi tapū, pā sites, urupā and other taonga will be lost.	The adverse effects of the construction of the dam are not relevant to the land exchange application and are submitted to be out of scope of the application.	Cultural values are addressed in section 5 and Appendix 4B. It is noted that there are no recorded sites or areas. Ngāti Kahungunu Incorporated may wish to present to the panel, through a response to this report, more information relating to cultural impacts regarding wāhi tapū, pā sites, urupā and other taonga, related to the land involved in the exchange to assist the panel in their consideration of the land exchange.
App. 1 (Rākoutātahi Comments), Pg 8, Para 4 & App. 2 (Tapairu Marae Comments), Pg 9, Para 4: The land should be considered to be returned to mana whenua if considered surplus by the Crown.	The PCL to be exchanged does not involve any land that would trigger a right of first refusal, or a right of offer or return. The proposed transaction is a land exchange and is not a disposal of Crown Conservation Land. The exchange involves exchange of PCL for private land that must enhance conservation values of conservation areas (as a whole).	The exchange is provided for under the Act and as noted in the report it is understood the RFR mechanism(s) is not engaged by this proposal.
App.3 (Te Rongo o Tahu Marae Comments), Pg 10: The application has suggested broader mana whenua support for the land exchange than actually exists and is misleading as to the actual extent of mana whenua support.	The applicant has engaged with NKII extensively for the purposes of the broader TWSP, as well as other iwi authorities. It is accepted that the entities referred to by NKII have not formally endorsed the land exchange proposal. In principle support for the broader project by other tangata whenua entities such as Tamatea Pōkai Whenua, and the qualifications on that position, have been understood by TWSL and it does not accept that it has sought to misrepresent the position. TWSL is currently, and will continue to, seeking engagement with relevant Māori groups to address the wider effects of the wider project. To this end, TWSL is in the process of engaging with Tamatea Pōkai Whenua in relation to the commissioned CIA for the wider project that was received in April 2026 (post lodgement of this application). TWSL accepts the position of affected marae and taiwhenua (Tapairu Marae, Te Rongo o Tahu, Rākoutātahi Marae, Te Taiwhenua o Tamatea and Te Taiwhenua o Heretaunga as clarified through the respective formal letters and the Applicant has not sought to misrepresent their position.	The matters raised by NKII regarding mana whenua support, and the appended letters from Tapairu Marae, Te Rongo o Tahu, Rākoutātahi Marae, Te Taiwhenua o Tamatea and Te Taiwhenua o Heretaunga and the matters addressed therein are noted and addressed in section 5.1 of this report and elsewhere in this table.
App 6 (Concise terrestrial ecological evidence of Kelvin Lloyd), Pg 15, Para 7-9: Significant gaps in survey coverage of braided river birds means effects assessment understates the effects on populations of river birds.	The ecological evidence prepared by Dr Kelvin Lloyd is not specific to the PCL nor does it address the more recent SLR ecological assessment accompanying this land exchange application, which has been prepared following considerable time on site in October 2025 and their report reflects this. The Ecological Memorandum submits that level of ecology information for the DOC land and the SEB site provides a comparable base foundation from which to compare biodiversity values. The additional information collected on the DOC land lends itself to a more in-depth explanation of values and in most cases transferrable to the SEB block as well. An assessment of recorded bird species near the reservoir area and SEB is provided for in the SLR Assessment (only a small part of the braided Mākaroro River is within the PCL). The adverse effects of the construction of the dam are not relevant to the land exchange application and are submitted to be out of scope of the land exchange application.	The SLR reported has been reviewed by Wildlands in preparing their report. The Wildlands report is attached as Appendix 4A and its findings are included in the conservation values assessment in section 5.
App 6 (Concise terrestrial ecological evidence of Kelvin Lloyd), Pg 16, Para 12: Gaps in survey coverage of bats lizards and invertebrates means effects assessment understates effects on bats, lizards and invertebrates	The ecological evidence prepared by Dr Kelvin Lloyd is not specific to the PCL nor does it address the more recent SLR ecological assessment accompanying this land exchange application, which has been prepared following considerable time on site in October 2025 and their report reflects this. The Ecological Memorandum submits that level of ecology information for the DOC land and the SEB site provides a comparable base foundation from which to compare biodiversity values. The additional information collected on the DOC land lends itself to a more in-depth explanation of values and in most cases transferrable to the SEB block as well. The adverse effects of the construction of the dam are not relevant to the land exchange application and are submitted to be out of scope of the land exchange application. With respect to the contention that bats, lizards and invertebrates survey coverage, the SLR assessment specifically notes the following methodologies undertaken:	The SLR reported has been reviewed by Wildlands in preparing their report. The Wildlands report is attached as Appendix 4A and its findings are included in the conservation values assessment in section 5.

Organisation or person	Response from Applicant	Response from DOC to comments received
	• Bat surveys using ABM's were placed at multiple sites and adjacent to the SEB; Lizard surveys included the use of Artificial Cover Objects, hand searches and canopy searches within the reservoir footprint and adjacent to the SEB (during day and night) and additional field searches within kānuka scrub and native broadleaved species forest bordering pasture on the SEB; and • Terrestrial Invertebrate surveys involved hand searches in potential habitat wētā boxes, tracking tunnels, and malaise traps identifying a rich diversity of insects and land snails.	
App 6 (Concise terrestrial ecological evidence of Kelvin Lloyd), Pg 17, Para 13-14: Uncertainty over the value of the proposed mitigation and there is a heavy reliance on landholder consent.	The ecological evidence prepared by Dr Kelvin Lloyd is not specific to the PCL nor does it address the more recent SLR ecological assessment accompanying this land exchange application, which has been prepared following considerable time on site in October 2025 and their report reflects this. The Ecological Memorandum identifies that the range of offered management actions for the SEB block will result in improvements to the health of individual vegetation communities, species populations, and the SEB block as a whole. The adverse effects of the construction of the dam are not relevant to the land exchange application and are submitted to be out of scope of the land exchange application.	The SLR reported has been reviewed by Wildlands in preparing their report this addresses the proposed improvement measures. A range of issues with the SLR report are addressed by Wildlands. The Wildlands report is attached as Appendix 4A and its findings are included in the conservation values assessment in Section 5.
Parliamentary Commissioner for the Environment		
Pg 1, Para 2: The Department of Conservation has published guidance on how to assess if conservation values are being enhanced in practice. 2 The applicant appears to have followed that guidance. Based on the information provided by the applicant, it would appear the proposed land exchange is reasonable and likely beneficial from a conservation perspective.	Comments are noted. The proposed land exchange was assessed following the 'External Guidance for conservation values assessments for land exchanges under the Fast-track Approvals Act 2024 – Current 18 August 2025'.	Comment noted. The Departments assessment conservation values is addressed section 5. The DOC reports included in Appendix 4 were prepared following the 'External Guidance for conservation values assessments for land exchanges under the Fast-track Approvals Act 2024 – Current 18 August 2025
Pg. 1, Para 6: The conservation values described in the overview report do not always align with those in other reports provided by the applicant. For example: • The overview report scores the PCL biodiversity as medium and the SEB land as high/medium, while the underlying ecological assessment report seems to score the two areas more similarly. • With respect to biodiversity values the ecological assessment report states that, “Overall the Smedley Exchange Block is of comparable value to the DOC land being lost.” • The ecological assessment report also scores freshwater values higher for the PCL than the SEB land whereas, as noted above, the overview report scores them the same. It is unclear to me how the biodiversity and freshwater values described in the ecological assessment report have been converted into those cited in the overview report. It is therefore difficult to compare the qualities of the parcels of land being proposed for exchange. I also question how this test might be applied if the four different conservation values of the two parcels of land being evaluated for exchange were more different. More generally, is it the intention that the four conservation values should carry equal weight?	Refer to the Ecological Memorandum which clarifies the overall conservation values assessment in regard to Biodiversity and Freshwater Values, and the TWSL Legal Submissions which provide further clarification of the correct legal test.	The approach to assessing conservation values is set out in section 5 of this report.
Pg 2, Para 9: What exchange ratio would be deemed necessary as a minimum and for what type of land or ecosystem? Knowing the quality of each area seems critical for this - but so too does having some guidance on what an appropriate ratio might be for each exchange.	The Ecological Memorandum (pg 4, section 4) addresses what an appropriate exchange ratio is between DOC land and the SEB block. The DOC Guidance has no requirements for greater than a 1:1 exchange ratio, and instead requires 'enhancement of conservation values' as a whole. That suggests that an equivalent exchange (as a whole) is not supported, but a more than an equivalent exchange is.	The approach to assessing conservation values is set out in Section 5 of this report.
Pg 3, Para 10-11: The guidance published by DOC is unclear about exactly when conservation values must be enhanced by a land swap: now or at some point in the future? This matters because it will affect the sorts of swaps that are likely to meet the statutory test in the FTAA. There is lack of alignment on this point within this application.	The approach to current versus future values is clarified in the Legal Submission and provides for the exercise of an informed judgement and discretion by the D-G.	This report assesses conservation values under Two scenarios. Scenario One addresses current values and Scenario Two considers the future values of the land.
Pg 3, Para 11: The ecological assessment report states that “a current value approach” must be used. However, the report also mentions the need for ongoing management to maintain ecological diversity and functionality. An important question is whether the	The approach to current versus future values is clarified in the Legal Submission and provides for the exercise of an informed judgement and discretion by the D-G.	This report assesses conservation values under Two scenarios. Scenario One addresses current values and Scenario Two considers the future values of the land.

Organisation or person	Response from Applicant	Response from DOC to comments received
management actions being suggested in the proposal are enough to ensure that the value is retained - or in fact enhanced?		An assessment of overall conservation values is addressed in section 5 of this report. The proposed improvements are addressed through proposed conditions which are discussed in Section 5.
Pg 3, Para 12: The current recreational value provided by the actual parcel of PCL land is scored as 'low' and it is pointed out that the land does not include any tracks or infrastructure to allow any recreational use. Applying the same logic, there would also appear to be very little current recreational value on the SEB land as well, as it also currently has no tracks or infrastructure.	The Land Exchange Application Overview sets out the Assessment of Recreational Values of DOC and SEB land. As the SEB land is in private ownership, an assessment of recreation values can only be based on its proposed future enhancement and transfer to public ownership. The Legal Submission states that if recreational values were required to be assessed at the present day when there is an absence of certainty as to whether the broader project will be approved or implemented, then it would potentially be difficult for areas of private land proposed to be exchanged to demonstrate those values, in the absence of significant "upfront investment" that could ultimately be wasted. Given however that the PCL land in this instance has low recreational values, the question is perhaps moot in this instance.	An assessment of recreational value is included in Appendix 4C and addressed in section 5 of this report
Pg 3, Para 13: The recreational assessment focuses on potential future benefits that would be provided by the creation of the dam and its ancillary infrastructure such as roads, boat ramps and tracks (presumably being provided for under consent conditions for the dam itself). These may well be considerable, but it is unclear whether this is the correct comparison to make for the proposed land exchange if it is intended to be based on the current recreational value of the land in question. Furthermore, how do we know that people are going to use the dam and its surrounds for recreational purposes?	The Land Exchange Application Overview sets out the Assessment of Recreational Values of DOC and SEB land. As the SEB land is in private ownership, an assessment of recreation values can only be based on its proposed future enhancement and transfer to public ownership. The Legal Submission states that if recreational values were required to be assessed at the present day when there is an absence of certainty as to whether the broader project will be approved or implemented, then it would potentially be difficult for areas of private land proposed to be exchanged to demonstrate those values, in the absence of significant "upfront investment" that could ultimately be wasted. Given however that the PCL land in this instance has low recreational values, the question is perhaps moot in this instance. The relevance of setting out the proposed ancillary recreation infrastructure for the wider dam and water storage reservoir project in the Overview Report is to establish how public access will be available to the SEB land from the true right bank of the reservoir and the public road end.	An assessment of recreational value is included in Appendix 4C and addressed in section 5 of this report.
Pg 3, Para 14: While it is not mentioned in the application, the Gwavas Conservation Area (existing PCL) which is adjacent to the SEB land is classified as stewardship land. What would happen to the assumed benefits from the SEB land being adjacent to this PCL if this stewardship land were to be removed from the conservation estate in the future	While this is interesting from a theoretical perspective, it is beyond the scope of this application and is hypothetical. This comment should be disregarded.	This matter is not considered within the scope of the land exchange application.
Pg 3, Para15: Some clarity on these points in DOC's guidance would be helpful: 1. How should uncertain future benefits - or costs - be treated as part of land exchange proposals? 2. Should some sort of discount be applied where there is uncertainty about the realisation of those benefits or costs? 3. In addition, what is DOC's long-term plan for the Gwavas Conservation Area?	With respect to comments about the timing values should be assessed, this is not prescribed by the Act and enables the exercising of an informed judgement and discretion by the D-G. Once land improvement measures have been undertaken by the applicant, future management issues will be a matter for DOC, pertaining to long-term planning for Gwavas Conservation Area.	This report assesses conservation values under Two scenarios. Scenario One addresses current values and Scenario Two considers the future values of the land.
Pg 4, Para 18: The ecological assessment report also suggests that the applicant will assume responsibility for this work in the short term, with pest plant and animal pest control to be "undertaken for a minimum of 2 years or until land transfer to DOC (whichever is longer)." In my view that is not long enough. Eradicating weeds on the SEB land will very likely take decades rather than years, and it should be the applicant – not DOC – that covers the cost of it. I would note here that the ability to include money in land exchanges under the FTAA provides a mechanism for achieving exactly that.	The question around the duration of time that enhancement and pest control work will need to be undertaken on the exchange land before it is transferred to DOC is a merits issue, but the ability of the Director General to recommend conditions is noted. It is also important to note that the TWSL proposed pest control on the SEB land is now increased from 2 years to 5 years in accordance with the recommendations of the Ecological Memorandum.	The ecological advice received in Appendix 4A has provided guidance on conditions. Conditions are addressed in section 5.7 and are included in Appendix 8.
Pg 4, Para 19: I question how much surveying of the SEB land has taken place to support the application. The bulk of the information provided in the ecological assessment report appears to be based on a previous assessment of area for the Ruataniwha Water Storage Scheme proposal over a decade ago.	The assertion that the material relies solely on the 2013 RWSS material is not supported by the evidence. A substantial amount of additional ecological surveying of the SEB has been undertaken for the current land exchange application, building on the baseline information provided in the 2013 work. The Smedley Block Ecological Survey report and Terrestrial Ecology Report prepared in 2013 was reviewed and updated with information from the 2025 site visits to provide a comprehensive assessment of existing ecological values. Particular attention was given to the effects of Cyclone Gabrielle, eDNA sampling, natural inland wetland delineation was carried out in accordance with MFE (2022) protocols and updated habitat assessments. Aerial imagery was assessed and where appropriate vegetation and habitat were remapped.	This matter is addressed in Appendix 4A.

Organisation or person	Response from Applicant	Response from DOC to comments received
Pg 4, Para 20: I am interested to know if any suitably qualified DOC staff have recently visited both parcels of land to assess their current value as well as what might be needed to improve and maintain them. It is important to know whether DOC are making their assessment based on their own information or are relying on the information provided.	The question whether DOC has undertaken a site visit is a matter for them to address. However, the application material records that DOC undertook a survey and assessment of the SEB in 2015 and we understand that they are planning a site visit in the near future.	The assessments contained in Appendix 4 have been informed by site visits along with the information provided by the applicant. This is further described in Section 5.
Public Trust (as a trustee of Howard Estate) operating as Smedley Station		
Pg. 3 Para 1: The land swap is between Tukituki Water Security Limited and the Department of Conservation with Howard Estate not party to that. The swap is however dependant on agreement being reached with Smedley to acquire the land which is being negotiated in good faith. Smedley does not comment on the veracity or completeness of the information within the land exchange application.	The Comment from the Public Trust is acknowledged and it is recognised that the land swap is dependent on agreement to purchase the SEB land which will continue to be negotiated in good faith and finalised should the land exchange application be approved.	Comment noted. Conditions proposed (see Appendix 8) would require the approval holder (i.e. TWSL) to transfer the DOC Get land to the Department in fee simple.
Royal Forest and Bird Protection Society of New Zealand		
Pg. 2, Para 5: Application fails to pass the statutory criteria for land exchange under the FTAA, failing to demonstrate the exchange would enhance the conservation values of areas and Crown-owned reserves considered as a whole	TWSL disagrees that the application fails to meet the statutory threshold to justify the exchange of public conservation land under the FTAA. The legal test asserted by RFBPS is submitted to be legally unsound. The application has been prepared in accordance with the guidelines for assessment prepared by DOC including assessment against the FTAA purpose and Schedule 6 decision-making criteria. The Ecological Memorandum confirms the conclusions of the SLR Land Exchange Assessment that the SEB and proposed management actions (that can be secured by conditions) will provide for a more than equitable exchange and result in an overall greater biodiversity value than the PCL over time.	The assessment of conservation values and Crown-owned reserves considered as a whole is addressed in Section 5. The Department does not find the proposal would enhance the conservation values of areas and Crown-owned reserves considered as a whole.
Pg. 3, Para 8-9: DOC's previously provided guidelines on the assessment of conservation values for land exchanges under the FTAA is incorrect. In particular: - The FTAA does not authorise 'exchange' of conservation values where some are enhanced and some are diminished i.e. the loss of biodiversity values for the gain of recreational values cannot be undertaken - Consideration of the land exchange must be made in the context of the wider conservation estate, and not just the two land parcels to be exchanged - The panel must be satisfied the exchange will enhance all of the conservation values of conservation values and Crown-owned reserves to be approved	TWSL disagrees that the application fails to meet the statutory threshold to justify the exchange of public conservation land under the FTAA. The legal test asserted by RFBPS is submitted to be legally unsound. The application has been prepared in accordance with the guidelines for assessment prepared by DOC including assessment against the FTAA purpose and Schedule 6 decision-making criteria. The Ecological Memorandum confirms the conclusions of the SLR Land Exchange Assessment that the SEB and proposed management actions (that can be secured by conditions) will provide for a more than equitable exchange and result in an overall greater biodiversity value than the PCL over time.	This report does not provide a recommendation. The end decision based on the contents of this report, is for the Panel under the Act.
Pg. 4, Bullet a.: Terrestrial ecology survey effort is not sufficient and some of the relied upon data is over 10 years old preventing a full understanding of values present in the PCL and exchange land.	The age of data does not, in of itself, invalidate the validity or relevance of the data, and in any case the 2013 data has been supplemented by field work undertaken in September & October 2025. The Ecological Memorandum states that level of ecology information for the DOC land and the SEB site provides a comparable base foundation from which to compare biodiversity values. The additional information collected on the DOC land lends itself to a more in-depth explanation of values and in most cases transferrable to the SEB block as well.	This matter is addressed in Appendix 4A and section 5 of this report.
Pg. 4, Bullet b-c: There is a lack of detail on rational underpinning assumptions made in the TE report and its is unclear how scoring/value criteria have been calculated	The Ecological Memorandum has reviewed the comparative assessment undertaken by the SLR Land Exchange Report and confirms the reporting is thorough and robust and supports the case that the SEB block provides mostly the same or better areas of habitat and vegetation communities as are proposed to be exchanged on the DOC land.	This matter is addressed in Appendix 4A
Pg. 5: Bullet e Assessment has focussed on an assessment of, and direct comparison between, the two land blocks and does not undertake a more fulsome analysis of the exchange within the context of the wider public conservation land network.	Applicant refers to the Legal Submission prepared by James Winchester. The legal test asserted by RFBPS is submitted to be legally unsound. As per the Land Exchange Overview Report, the application is considered to pass the correctly interpreted statutory criteria of the Act.	Technical reports in appendix 4 have considered the context of the wider public conservation network. Overall conclusions on conservation value are noted in section 9.
Pg. 5, Bullet f: The conclusion of comparability and enhanced conservation value appears to rely heavily on an assumption of ongoing management and removal of direct threats – however there is significant uncertainty in securing those outcomes	To ensure enhanced conservation values are achieved, TWSL is proposing direct improvement measures to the SEB. The Ecological Memorandum confirms the proposed enhancement measures are standard, undertaken across New Zealand and widely accepted as being beneficial for wildlife and ecosystems, and will produce benefits that will 'lift' the conservation values of the SEB site. Should the D-G consider it necessary and appropriate, they can specify conditions to resolve any uncertainty with regards to implementation of the direct improvement works. Imposing consent conditions is a primary and universally accepted method of effects management to avoid 'significant uncertainty in securing outcomes'. TWSL is willing to assist the D-G	This matter is addressed in Appendix 4A and section 5.1.

Organisation or person	Response from Applicant	Response from DOC to comments received
	with the drafting of potential conditions relating to the proposed direct improvement measures if it would assist the D-G. It is also noted that TWSL adopts the recommended 5 year pest control programme set out in the Ecological Memorandum (page 6).	
Pg. 5, Bullet g: Significant uncertainty on whether the exchange block will be enhanced to a comparable conservation values as the PCL	The Ecological Memorandum confirms the conclusions of the SLR Land Exchange Assessment that the SEB and proposed management actions (that can be secured by conditions) will provide for a more than equitable exchange and result in an overall greater biodiversity value than the PCL over time. Should the D-G consider it necessary and appropriate, they can specify conditions to resolve any uncertainty with regards to implementation of the proposed direct improvement works. Imposing consent conditions is a primary and universally accepted method of effects management to avoid 'significant uncertainty in securing outcomes'. TWSL is willing to assist the D-G with the drafting of potential conditions relating to the proposed direct improvement measures if it would assist the D-G.	This matter is addressed in Appendix 4A and section 5.1
Pg. 5, Bullet h: Lack of clarity of future land use within the SEB.	The future management of the exchange land by DOC is not within the remit of TWSL or the land exchange application to dictate.	The conditions suggested as part of this report in section 5.7 provide some degree of certainty as to future management activities by the applicant (if imposed by the Panel).
Pg 6, Bullet k: The Integrated Mitigation and Offset Approach of the broader project has no bearing on the land exchange. Any mitigation and management measures proposed to uplift conservation values of the exchange land cannot be used/considered to address adverse effects of the Project itself.	To the extent that the RFBPS comments suggest that TWSL is proposing a double counting approach by referring to the Integrated Mitigation and Offsetting Approach, it is submitted that this is misleading in that a package of measures are proposed for the purposes of the land exchange proposal and are specifically relevant to the land concerned. Further to this the IMOA does enable access from the public road end and boat ramp across the reservoir to the SEB land and the planting of the reservoir margin provides ecological corridor linkages to the SEB land that is additional to the adjoining Gwavas Conservation Area.	This matter is addressed in section 5 of this report.
Pg 6, Bullet a: The freshwater assessment does not adequately reflect the significance of the freshwater values of the DOC land, and does not demonstrate that the exchange land has significant freshwater values	The Ecological Memorandum submits that level of ecology information for the DOC land and the SEB site provides a comparable base foundation from which to compare biodiversity values. The additional information collected on the DOC land lends itself to a more in-depth explanation of values and in most cases transferrable to the SEB block as well. The memorandum notes that, while the PCL comparatively scores high / medium high for freshwater values, the small size of the freshwater habitat within the PCL to be exchanged means that the associated freshwater values form a relatively minor contribution to the overall conservation values and therefore the SLR Land Exchange Assessment has given appropriate weighting to the freshwater values of the PCL in its comparative assessment. The memorandum also notes that care needs to be taken however when considering the contribution of the Dutch Creek and Mākaroro river systems in terms of aquatic values as these are generally in separate hydro land parcels (aside from the cadastral boundaries including a margin of the Dutch Creek river bed) and not part of the DOC land to be exchanged.	Freshwater values of stream are addressed in Appendix 4A and Section 5.1 of this report. Freshwater values are found to be higher on the DOC Give land than the DOC Get land under both scenario 1 and 2. Wetland values are also found to be higher on the DOC Give than the DOC Get.
Pg 7, Bullet b: Trap and transfer programmes past dams are not viable for mitigating effects on fish or eels	The adverse effects of the construction of the dam are not relevant to the land exchange application and are submitted to be out of scope.	This matter is addressed in Section 5.1 and Appendix 4A in regards to Scenario 2.
Pg 7, Bullet d: As exchange land streams are not connected to the wider river network (they flow into the proposed reservoir) there will be no enhancement of migratory fish species by riparian planting.	The adverse effects of the construction of the dam are not relevant to the land exchange application and are submitted to be out of scope.	This matter is addressed in Section 5.1 and Appendix 4A in regards to Scenario 2.
Pg 7, Bullet e: It is unclear whether the Applicant's assessment of the conservation values applies the current values or proposed future values; statements and comparisons are often contradictory throughout the SLR report.	With respect to whether current or future values should be assessed, this is not prescribed, and the improvement measures and mitigation to be undertaken prior to the exchange to result in realisation of enhancement in conservation values should appropriately be considered. The scoring provided in the SLR report applies the current values of the site with regard to the state and extent of vegetation communities, streams and wildlife, and this is communicated through the Sections 4-10 of the SLR report. The predicted future state of ecology is only discussed in relation to the additional benefits that will arise from stock fencing, pest control, planting and weed control. While these are communicated as additional benefits for terrestrial ecology on the SEB site, they are communicated as important outcomes for aquatic resources (habitat, fish) to help balance the generally lower scoring aquatic features on the SEB land in its current state.	The assessment of conservation values provided by DOC addresses both current values of the DOC-Give and DOC-Get land. The future values of the DOC-Get are considered separately to avoid confusion.
Pg 7, Bullet e: Freshwater assessment is unclear which mitigation actions are to mitigate effects of the dam proposal vs enhancement of conservation values for the purposes of the land exchange	The SLR Land Exchange Report states the proposed management actions (stock proof fencing, long term pest animal and plant control, and indigenous planting which are proposed as direct improvement measures by the land exchange application) are part of the land exchange and additional to any works undertaken to mitigate the adverse effects of the proposed dam and reservoir."	Scenario 1 addressed current values of the DOC-Give and DOC-Get land. The dam and proposed improvement of the land exchange have been considered in regards to the values of the DOC-Get in Scenario 2.

Organisation or person	Response from Applicant	Response from DOC to comments received
		It is noted that the dam, should it be established, would have effects on the future state of freshwater values, in particular for fish and eel migration (see Appendix 4A).
Pg 7, Bullet f: The extent of freshwater and riparian habitat that will be lost in the exchange has not been quantified	A quantification of the vegetation / habitat types involved in the land exchange is provided in Table 3 of the SLR Land Exchange Assessment Report. The scoring of freshwater values is also commented on in the Ecological Memorandum.	Wildlands have raised a number of relevant considerations regarding the extent of freshwater habitat on the DOC-Give, including in regards to SLRs measurement of stream length.
Pg 8, Bullet g: The streams within the exchange land has limited habitat conditions in comparison to the DOC land, and the loss of extent and diversity of river habitat has not been accounted for in the freshwater assessment	The comparative assessment of the freshwater habitats of the PCL and SEB in Table 12 of the SLR Land Exchange Assessment Report addresses the 'diversity and pattern' and 'ecological context' of the freshwater habitats for each piece of land.	This matter is addressed by Wildlands who find SEB streams do not contain the same diversity of flow types as found in the Mākaroro River and Dutch Creek. Some combinations of depth and water velocity present in Dutch Creek are not available in the SEB streams, which may prevent some fish species from inhabiting the SEB streams.
Pg 8, Bullet h: The loss of endangered braided river habitat has not been accounted for in the freshwater comparative assessment	The comparative assessment of the freshwater habitats of the PCL and SEB in Table 12 of the SLR Land Exchange Assessment Report accounts for the loss of braided riverbeds under 'Rarity and distinctiveness'. Also noting that the braided riverbed of the Mākaroro River falls outside the boundaries of the PCL land to be exchanged.	River habitat has been considered in the assessment of freshwater values in Appendix 4A and Section 5.
Pg 8, Bullet i: No aquatic macroinvertebrate samples have been collected in the exchange land meaning a robust comparison has not been undertaken	For the SEB land, eDNA testing has been undertaken in two of the four rivers to assess the riverine community health via the Taxon-Independent Community Index (TICI). The TICI is a similar assessment methodology to the Macroinvertebrate Community Index. While limited samples have been undertaken due to survey constraints, the samples taken indicate good-excellent ecological health within the Donovan and Middle Streams. It is noted freshwater values will improve further with the proposed restoration, pest control and stock exclusion.	Wildlands have reviewed the SLR report and their assessment of Freshwater values is contained in Appendix 4A.
Pg 8, Para 14: The application fails to address landscape and natural character values.	Section 34 of the Act does not prescribe the need for specific assessments of information in terms of completeness, and a DOC-commissioned landscape assessment will ensure there is sufficient information on these matters available for the purposes of the D-G report and a panel decision in due course. The Planning Memorandum confirms only the SEB land is mapped as having outstanding landscape features (as an Outstanding Natural Feature under the Central Hawkes Bay District Plan) with both the SEB and PCL land having mapped Significant Natural Area overlays over portions of the land. The proposed land exchange would therefore result in the SEB becoming part of the conservation estate which can only be positive for retaining and enhancing its recognised scenic qualities that contribute to its conservation values	A landscape assessment prepared by Landscape Architect Jeremy Head (Appendix 4D) is addressed in the assessment of conservation values in section 5.
Pg 8, Para 15: The recreation assessment is from 2013 and does not reflect current recreational values.	While the Opus Recreation Assessment dates from 2013, as in 2013, there remains no formalised public access, tracks or other specific recreational facilities within the PCL. Therefore, any change in recreational values from 2013 would be minimal and limited to increased use by informal access recreational users (such as hunters or bird watchers). The recreation assessment is therefore considered still sufficiently relevant to inform the recreational values of the PCL in addition to the assessment of recreation values specific to the land exchange in the TWSL Overview Report.	An recreation value assessment is included in Appendix 4C which addresses current recreation values. Assessments are carried out through two Scenarios.
Pg 9, Para 16: The archaeological assessment is an assessment of the water storage scheme, and not the land exchange, therefore it is not evidenced historical conservation values are enhanced.	There are no relevant archaeological features identified on the land subject to the exchange and it is not a requirement that historical conservation matters are enhanced in any event.	it is noted that cultural heritage values including archaeology are addressed in section 5.1 and Appendix 4B of this report.
Pg 9, Para 18-20: Offers to prepare management plans are not a relevant consideration for the land exchange assessment. Further, matters being proposed to be managed by the management plans need to be assessed upfront rather than in management plans.	Offers to prepare management plans are submitted to be relevant given that they can be the subject of conditions should the D-G consider them to be necessary and appropriate. Management plans are a well-established mechanism and include sufficient detail as to both the purpose of and matters to be addressed by possible management plans to enable consideration of their relevance and merits in addressing any identified issues or concerns. TWSL has committed to pay for the fencing, riparian planting and initial pest control, now extended to 5 years as per the recommendations in the Ecology Memorandum.	Conditions are addressed in section 5.7 of this report.
Pg 10, Para 21 – 22: The application has not addressed the Conservation General Policy, and the proposed application is contrary to the CGP.	Section 33 of the Act does not prescribe the specific need for assessment against statements of general policy, such as the Conservation General Policy and therefore this is not a completeness or threshold issue. It	The Departments assessment of Conservation General Policy is addressed in Section 5.5 of this report.

Organisation or person	Response from Applicant	Response from DOC to comments received
	is noted that TWSL's Overview Report addresses the provisions of the relevant Conservation Management Plan in its assessment of recreation values, which is assumed to give effect to higher order statements of conservation policy.	
Pg 11, Para 23: Application has not addressed other criteria relating to conservation management strategies and plans co authored, authored or approved by a Treaty settlement entity	Refer to the Legal Submission prepared by James Winchester. Based on the applicant's understanding of the definition of Treaty settlement entity, it is not aware that any relevant strategy or plan exists in relation to this land exchange.	Conservation Management Strategies and Plans are addressed in section 5.6 of this report.
Pg 12, Para 28: No marginal strip will be reserved from the disposition and therefore any public access options that rely on ambulatory marginal strips created by the disposition of the forest park land must be discounted	Refer to the Legal Submission prepared by James Winchester. Marginal strip requirements are disapplied in respect of the land exchange provisions, but this does not mean that existing marginal strips will cease to exist (they are likely to move with the creation of a reservoir in future) and the applicant will address further marginal strip requirements under the Conservation Act outside the fast-track process under the Act.	Marginal strips are not part of this application on the basis they will move when the lake is created.
Pg 13, Para 29-37: The application involves an ineligible activity as it involves land identified as Māori land and no agreement has been acquired from the owners of this land.	To the extent that written comments relate to areas outside of the relevant land included within the application, including the Māori land referred to – they are submitted to be out of scope.	The land referred to does not form part of the land which makes up the land exchange application. This matter is considered to be out of scope.
Appendix 1 Maseyk F 2026. Tukituki Water Security Project – Terrestrial Ecology Review of the Land Exchange Assessment Report (Terrestrial Ecology)	The substantial comments raised by the Terrestrial Ecology Review have been summarised in the main submission of the Royal Forest and Bird Protection Society (primarily in para. 12). The comments raised in the Terrestrial Ecology Review have therefore been addressed via comment responses above and at a high level in the Ecological Memorandum prepared by Graham Ussher. As such, no further specific responses to the comments raised by the Terrestrial Ecology Review are considered necessary to provide.	Responses to matters raised in Appendix B of the respondent's feedback can be found in Appendix A (pgs. 37 to 38)
Appendix 2 McArthur K 2026. Review of application for land exchange report: Tukituki Water Security Project FTAA (Freshwater conservation values)	The substantial comments raised by the Terrestrial Ecology Review have been summarised in the main submission of the Royal Forest and Bird Protection Society (primarily in para. 12). The comments raised in the Terrestrial Ecology Review have therefore been addressed via comment responses above and at a high level in the Ecological Memorandum prepared by Graham Ussher. As such, no further specific responses to the comments raised by the Terrestrial Ecology Review are considered necessary to provide.	Responses to matters raised in Appendix B of the respondent's feedback can be found in Appendix A (pgs. 40 to 41)
Sharleen Baird		
Pg. 1, Para 1: States that the issues in original submission are still valid. Notes that the application applies for more DOC Conservation Park and challenges previous DOC stance that the land swap will enhance conservation values making a mockery of research completed to date and the legal processes already decided on.	The existing land values and proposed management actions (occurring prior to the exchange) are considered by a suitably qualified ecologist to provide for a more than equitable land exchange and result in an overall far greater biodiversity value of the SEB compared to the DOC land over time. On almost all accounts the SEB block provides a greater or equal area of native vegetation.	The assessment of conservation values has can be found in section 5 of this report.
Pg. 1, Para 1: Conservation Park status is already deemed necessary for preservation due to the presence of flora (400 year old trees, fungi) and fauna that is not so easily relocated (long-tailed bats, native birdlife, weta and interconnected biodiversity). This area encompasses cultural sites that must be taken into account and valued accordingly.	A thorough robust comparative assessment of the conservation values of the PCL and SEB has been undertaken by the application that has taken into account the ecological and cultural conservation values of the pieces of land. On the basis of this assessment, the land exchange application has strong net benefits for the proposed exchange of the PCL with the SEB.	The assessment of conservation values has can be found in section 5 of this report. Cultural values are considered in section 5.
Pg. 1, Para 1: The stewardship land has no such designation and Smedley Station has an extremely limited amount of actual forested land with less biodiversity within its boundaries.	<i>The existing land values and proposed management actions (occurring prior to the exchange) are considered by a suitably qualified ecologist to provide for a more than equitable land exchange and result in an overall far greater biodiversity value of the SEB compared to the DOC land over time. On almost all accounts the SEB block provides a greater or equal area of native vegetation.</i>	Appendix 4A and Section 5 address terrestrial biodiversity. Findings can be viewed in Section 5.
Pg. 1, Para. 2: Claims that [the land exchange] is not a swap and is a land grab taking away 29 hectares for land which we already have stewardship of.	The submitters characterisation of the land exchange as a "land grab" is unhelpful and not supported by the statutory framework governing the application. Clause 30(2) of the FTAA requires the Panel to be satisfied that the proposed exchange will enhance the conservation values of the land (to be held for conservation purposes). The submission mischaracterises the SEB as stewardship land, where in actuality it is private land held in a Public Trust.	The status of DOC Get is addressed in section 2.2, note it is not Crown or public land.
Pg. 1, Para 3: Supreme Court decision should be taken into account and adhered to. Positions that this application is motivated by private commercial interests and will exploit conservation areas for private profit (noting a number of companies supporting have overseas investors).	The Supreme Court decision on land exchange issues is only relevant in factual context, given this land exchange is subject to the provisions of the FTAA Act rather than the provisions of the Conservation Act 1987 considered by the Supreme Court.	These matters are beyond the scope of the land exchange application.

Organisation or person	Response from Applicant	Response from DOC to comments received
Pg. 1, Para 4.: Current water allocation consents should be truncated, declined or time limited to wisely relocate water for less water intensive agribusiness rather than squandering on dairy irrigation draining the ancient riverbed resulting in pollution of land and water.	This comment is not relevant to the matters under consideration in this land exchange application. The allocation and management of water resources within the catchment, including decisions relating to existing consents, allocation limits, duration and review of consents and reallocation are matters that fall within the jurisdiction of Hawkes Bay Regional Council through statutory planning and consenting processes.	These matters are beyond the scope of the land exchange application.
Pg. 1, Para. 5: Notes as someone with whakapapa, the land swap would lessen the ability of Māori to exercise their role and rights under Te Tiriti as kaitiaki to protect the whenua for future generations.	In dealing with cultural effects with respect to the proposed land exchange, there are no such impacts have been identified in the engagement to date, publicly available mapping and through the CIA prepared by TPW. The land exchange will result in a net conservation benefit providing a much larger area with greater biodiversity and 4.2 times more indigenous vegetation than the PCL. Importantly, the project will continue to be developed in partnership with Tamatea Pōkai Whenua through the Mana Whenua Working Party Group which will continue to address and manage cultural effects through exercising kaitiaki roles through preparation of the Substantive Application.	Matters relating to the Treaty are addressed in Sections 6 and 7 of this report. Cultural and heritage matters are addressed in Section 5 of this report.
Pg. 1, Para. 6: If a decision is made under the Fast-Track against the Supreme Court judgement, the precedent would make all DOC land vulnerable to commercial profits prioritised over the valuable conservation environment.	The assertion that the approval of the proposed land exchange would be precedent setting against the Supreme Court judgement is rejected. The present land exchange is being sought through the FTAA framework as a listed project. Accordingly, each land exchange is to be assessed on its own particular facts, statutory framework and merits. Any decision under the FTAA requires a detailed and balanced consideration against Schedule 6 Cl. 29. The concern that approval of this land exchange would expose all Department of Conservation land to commercial exploitation overlooks the statutory threshold that must be satisfied before any exchange can be approved requiring the land exchange, money received and conditions must enhance conservation values across the wider conservation estate.	This matter is not considered relevant to the proposed land exchange application at hand.
Tamatea Pōkai Whenua		
Pg 1, Para 2: We are concerned that the land exchange application, the supporting information provided as part of this, and the substantive Project itself, include a number of significant errors in how TPW's interests are impacted.	Dealing with the substance of the issue regarding land status, the information submitted with the application identified that the KGFC land was still classified as Crown Forest land, and was not therefore understood to be Māori land, by reference to Te Ture Whenua Māori Act 1993 (TTWMA). It is accepted that this position was incorrect insofar as the Crown Forest land status is concerned and that the application did not identify this land as "identified Māori land" for the purposes of the Act and should have.	Section 5, 6 and 7 of this report address matters raised in this feedback. It is noted that the KGFC land does not form part of the land exchange application.
Pg. 1, Para 1.3: Both the application, and supporting information, note that the Project will impact on former Crown Forest Licensed land [the licensed land] held by the Kaweka Gwavas Forestry Company Limited [KGFC] in which TPW has an interest. The Property Group wrongly sees this land as not being 'identified Māori land' for the purposes of the FTAA Act. Assessment appears to wrongly view this land as continuing to have the status of Crown Forest Licensed Land and therefore able to be subject of a statutory land exchange.	Dealing with the substance of the issue regarding land status, the information submitted with the application identified that the KGFC land was still classified as Crown Forest land, and was not therefore understood to be Māori land, by reference to Te Ture Whenua Māori Act 1993 (TTWMA). It is accepted that this position was incorrect insofar as the Crown Forest land status is concerned and that the application did not identify this land as "identified Māori land" for the purposes of the Act and should have. The status of the KGFC land is out of scope and not relevant to the land exchange application.	It is noted that the KGFC land does not form part of the land exchange application.
Pg. 2, Para 1.6: The assessment of the land exchange, and potentially the substantive proposal itself, is also framed on the basis that there are no heritage or cultural values that are impacted. This is also not correct.	With respect to heritage and cultural impacts, it is not accepted that the application has dismissed such impacts. Rather, no such impacts as they relate to the specific land that is subject to the land exchange application (within the PCL) have been identified nor have any specific impacts been identified in the comments from Tamatea Pōkai Whenua ("TPW"), Heritage New Zealand Pouhere Taonga or any other entity that has made comments on the land exchange. It is accepted that broader cultural and heritage impacts relevant to the substantive project require further engagement with TPW. TWSL remains committed to this and do not assume that engagement with the Mana Whenua Working Party in 2025 mean that such issues have been addressed and removed for the wider Project. The additional assessment undertaken in the Part 2-2 – Appendix B Planning Memorandum maintains the position in the land exchange overview that there are not considered to be any cultural or heritage reasons against the proposed land exchange, while acknowledging that further engagement is required with TPW to address the cultural effects associated with the wider project as identified in the April 2016 CIA.	Cultural heritage values are addressed in Appendix 4B and Section 5 of this report.
Pg 2, Para 1.7: While TPW support economic growth in our takiwā and so has expressed some in principle support for aspects of the re scoped Tukituki Water Security Project, this should not be interpreted as blanket endorsement of the proposed public conservation land swap or the Project. TPW has not endorsed the proposed land swap, the Project itself, or agreed to the use of Treaty settlement redress lands within the Project. Any limited support has always been conditional on the potential impacts to TPW and mana whenua being adequately addressed, by way of an acceptable plan to	It is accepted that TPW has not formally endorsed the land exchange proposal nor for the use of KGFC land for the water storage reservoir. In principle support for the broader project and the qualifications on that position have been understood by TWSL and it is not accepted that this has been misrepresented in the land exchange application (see Overview Report, page 35 documents 'in principle conditional support' for the wider project). TWSL acknowledge and appreciates that TPW remain open to work through issues of concern, which is very much intended and TWSL is currently seeking to reengage with TPW. It is also seeking to work through the issues identified in a recent Cultural Impact Assessment ("CIA") for the wider project	It is noted that Tamatea Pōkai Whenua have not provided formal support for land exchange application.

Organisation or person	Response from Applicant	Response from DOC to comments received
avoid, mitigate or offset the identified risks, amongst other things. We note our understanding that Ngāti Kahungunu Iwi Incorporated, Heretaunga Taiwhenua and Tamatea Taiwhenua have not been formally engaged, nor have they explicitly expressed support for the land swap.	commissioned by TWSL, prepared by Brian Morris and reviewed by TPW (dated April 2026). Accordingly, concerns around cultural values with respect to the wider Project are intended to be appropriately addressed through on-going engagement with TPW in preparation of the substantive application.	
Pg 2, Para 1.9: We remain open to working through issues of concern with the applicants and other interested parties to ensure that TPW's concerns are appropriately addressed.	TPW indicate that it remains open to working through issues of concern, and this willingness to engage is reciprocated by TWSL. As mentioned above, the recent CIA documents cultural effects relating to the wider project and TWSL is seeking to engage with TPW to establish appropriate means to avoid and mitigate such effects.	This comment is noted.
Pg 2-3, Para 2.1-2.6: The assertion that this land was not Treaty settlement redress, or had been 'purchased', is simply wrong.	Dealing with the substance of the issue regarding land status, the information submitted with the application identified that the KGFC land was still classified as Crown Forest land, and was not therefore understood to be Māori land, by reference to Te Ture Whenua Māori Act 1993 (TTWMA). It is accepted that this position was incorrect insofar as the Crown Forest land status is concerned and that the application did not identify this land as "identified Māori land" for the purposes of the Act and should have. The status of the KGFC land is out of scope and not relevant to the land exchange application.	It is noted that the KGFC land does not form part of the land exchange application.
Pg 3, Para 3.5-3.7: It is clear that the Deed of Settlement and Settlement Act that the licensed land has been transferred 'as part of the redress' in our Treaty settlement. That transfer of redress was to KGFC, who continue to own the land. KGFC clearly falls within the definition of a 'Treaty settlement entity'. The licensed land meets the definition of 'identified Māori land' under s4 of the FTA Act. It is redress that was transferred to, and is held by, an entity recognised for this purpose in our Treaty settlement. Unfortunately, neither the application, nor its review, have correctly identified this. As the Project includes activities which would occur on this identified Māori land, the Project would appear to include 'ineligible activities' as defined by s5 of the FTA Act.	Dealing with the substance of the issue regarding land status, the information submitted with the application identified that the KGFC land was still classified as Crown Forest land, and was not therefore understood to be Māori land, by reference to Te Ture Whenua Māori Act 1993 (TTWMA). It is accepted that this position was incorrect insofar as the Crown Forest land status is concerned and that the application did not identify this land as "identified Māori land" for the purposes of the Act and should have. The issue of land status and 'ineligible activities' is beyond the scope of this land exchange application (as the land exchange is not occurring on identified Māori land), although it is accepted that this mischaracterization is regrettable and will be dealt with appropriately before lodgement of any future Substantive Application.	It is noted that the KGFC land does not form part of the land exchange application.
Pg 4, Para 3.8: We remain open to discussing these errors, and the impact that this may have on the Project, with the applicant to ensure that any impacts on our interests, and our Treaty settlement redress, is appropriately addressed.	It is accepted that TPW has not formally endorsed the land exchange proposal nor for the use of KGFC land for the water storage reservoir. In principle support for the broader project and the qualifications on that position have been understood by TWSL and it is not accepted that this has been misrepresented in the land exchange application (see Overview Report, page 35 documents 'in principle conditional support' for the wider project). TWSL acknowledge and appreciates that TPW remain open to work through issues of concern, which is very much intended and TWSL is currently seeking to reengage with TPW. It is also seeking to work through the issues identified in a recent Cultural Impact Assessment ("CIA") for the wider project commissioned by TWSL, prepared by Brian Morris and reviewed by TPW (dated April 2026). Accordingly, concerns around cultural values with respect to the wider Project are intended to be appropriately addressed through on-going engagement with TPW in preparation of the substantive application.	Comment is noted.
Pg 4, Para 4.1-4.4: It is assumed that the licensed land impacted by this Project continues to have the status of 'Crown Forest Land' and is subject to the Crown Forests Assets Act 1989. This is not the case. Section 87 of the Settlement Act provides that this land has ceased to be Crown forest land, and the Crown Forest Assets Act 1989 no longer applies. Instead, this land is simply commercial forest land held in fee simple by KGFC, and subject to a Shareholders Agreement and Trust Deed. It is not clear to us how a statutory land exchange under the Crown Forest Assets Act 1989, or in fact any exchange, can occur without the consent of the landowner or its ultimate shareholder and beneficiary of the trust arrangement under which KGFC holds this land.	Dealing with the substance of the issue regarding land status, the information submitted with the application identified that the KGFC land was still classified as Crown Forest land, and was not therefore understood to be Māori land, by reference to Te Ture Whenua Māori Act 1993 (TTWMA). It is accepted that this position was incorrect insofar as the Crown Forest land status is concerned and that the application did not identify this land as "identified Māori land" for the purposes of the Act and should have.	It is noted that the KGFC land does not form part of the land exchange application.
Pg 4, Para 5.2-5.3: Cultural values continue to exist and are not removed simply because there may have been past consultation with the MWWP that has identified these issues. The practical steps to protect them have yet to be agreed. We are disturbed with the approach that any engagement with a group such as the MWWP will be taken as cultural issues having been fully addressed and removed. We note that the connection of Heretaunga Tamatea with these areas remains as set out in the Statutory Acknowledgements and Deeds of Recognition which apply to these areas and as described in the various Cultural Impact Assessments [CIAs] that are referred to in the application and additional CIAs that have also been developed.	It is accepted that TPW has not formally endorsed the land exchange proposal nor for the use of KGFC land for the water storage reservoir. In principle support for the broader project and the qualifications on that position have been understood by TWSL and it is not accepted that this has been misrepresented in the land exchange application (see Overview Report, page 35 documents 'in principle conditional support' for the wider project). TWSL acknowledge and appreciates that TPW remain open to work through issues of concern, which is very much intended and TWSL is currently seeking to reengage with TPW. It is also seeking to work through the issues identified in a recent Cultural Impact Assessment ("CIA") for the wider project commissioned by TWSL, prepared by Brian Morris and reviewed by TPW (dated April 2026). Accordingly,	Matters relating to Heretaunga Tamatea Deed of Settlement are addressed in Section 6 and 7 of this report. Matters relating to the Cultural Impact Assessment is also addressed in section 5.1.6 of this report. See also Section 9 of this report.

Organisation or person	Response from Applicant	Response from DOC to comments received
	concerns around cultural values with respect to the wider Project are intended to be appropriately addressed through on-going engagement with TPW in preparation of the substantive application. TPW indicate that it remains open to working through issues of concern, and this willingness to engage is reciprocated by TWSL. As mentioned above, the recent CIA documents cultural effects relating to the wider project and TWSL is seeking to engage with TPW to establish appropriate means to avoid and mitigate such effects. TWSL agrees that cultural values continue to exist irrespective of any past consultation or engagement. The relevant statutory acknowledgement area and associated deeds of recognition reflecting the mana whenua relationship with the area and natural resources is respected. However, the practical measures that may be required to recognise cultural values and to avoid, remedy, or mitigate cultural effects are more appropriately considered through the substantive application process rather than through the land exchange application.	

Appendix 3 – Comments received on the draft report [PLACEHOLDER]

draft

Appendix 4 – Technical advice to DOC

- Appendix 4A – Biodiversity and Freshwater, Wildlands (S Budd, N Goldwater & Dr. R Storey)
- Appendix 4B – Cultural heritage, R Nester
- Appendix 4C – Recreation, M Harbrow
- Appendix 4D – Landscape character, J Head

draft

Appendix 4A – Biodiversity and Freshwater

[Separate document]

draft

Appendix 4B – Cultural Heritage

[Separate document]

draft

Appendix 4C – Recreation

[Separate document]

draft

Appendix 4D – Landscape Assessment

[Separate document]

draft

Appendix 5 – Statement of Association for the Waipawa River and its tributaries

The following can be found at page 22 of the Heretaunga Tamatea Deed of Settlement Documents Schedule (see <https://whakatau.govt.nz/te-tira-kurapounamu-treaty-settlements/find-a-treaty-settlement/heretaunga-tamatea>)

The headwaters of the Waipawa River rise in the Ruahine Range from where the waterway runs in a south-easterly direction over the Ruataniwha Plains and through to the river mouth where it empties into the Tukituki River just southeast of the town of Waipawa.

A narrative exists on the way in which the Waipawa River came into existence. A large lake was located in what is now the Ruataniwha Plains. Two taniwha lived in this lake. On one occasion a boy fell into the lake and the two taniwha fought over their prey. The resulting destruction on the landscape created breaks in the hills through which the lake drained away. One of the channels through which the lake drained was the Waipawa River.

The Waipawa River and adjacent lands were associated with the tipuna Te Whatuiapiti. The river was also a significant boundary.

The Waipawa River was significant for its resources and the inland access it provided. Close to its mouth, and just to the southeast of the town of Waipawa, a number of archaeological sites have been recorded along Pourērere Road. These indicate the presence of pā and kāinga. Upriver, in the vicinity of the current town of Waipawa, the river flowed through the Tārewa Forest.

Other riverside pā are located upriver towards the mountains. This shows the strategic significance of the Waipawa River. The pā include Te Pari-o-Koro pā and Tukipoho pā, which belonged to Te Rangitetaiho and his son-law Te Rangitotohu. Near the headwaters of the Waipawa River was Motu-o-Puku pā which belonged to the descendants of Te Rangitekahutia and the descendants of Te Upokoiri who married into the hapū of Te Rangitekahutia. The main rangatira associated with the pā were Te Kiipatu and his son Tuawahia from the Ngāti Mārau hapū.

The Waipawa River provides an access way into the Ruahine Range through which the hapū of Heretaunga Tamatea would cross into Mōkai Pātea. The River also provided access to resources in the Ruahine Range. Te Waineo was a camping place near Taumata-a-Meikura where hunters of Ngāti Hinemanu would stay. In the near vicinity of this camp there were several mahinga kai sites along the river. Tahunaatara was a hill where tītī were caught. Omaru and Te Iringa-te-rakau-otane-koeka were places renowned for catching kiwi and huia.

Appendix 6 – Statement of Association for the Tukituki River and its tributaries

The following can be found at page 20 of the Heretaunga Tamatea Deed of Settlement Documents Schedule (see <https://whakatau.govt.nz/te-tira-kurapounamu-treaty-settlements/find-a-treaty-settlement/heretaunga-tamatea>)

A narrative exists on the way in which the Tukituki River came into existence. A large lake was located in what is now the Ruataniwha Plains. Two taniwha lived in this lake. On one occasion a boy fell into the lake and the two taniwha fought over their prey. The resulting destruction on the landscape created breaks in the hills through which the lake drained away. One of the channels was the Tukituki River.

After the arrival of the Ngāti Kahungunu tipuna to Heretaunga, the Tukituki River was established as the first boundary between Taraia, who took the land to the west of this river, and Te Aomatarahi who took the land to east and south of the river. The Tukituki is a significant waterway for the hapu of Heretaunga Tamatea. It was used extensively for mahinga kai, and for transporting people and goods.

All along the Tukituki River are signs of occupation and sites that record key events in tribal history. On the lower section of river, there are a number of sites that relate to the actions of the ancient tipuna, Māhu. On the north bank is a white rock, Papaotihi. It is said the rock was once a man who was fishing in the river, but he was turned to stone by Māhu. A little further on is another rock, Tauhou, where Māhu turned another man to stone. Down river near Te Kauhanga pa is another spot touched by Māhu. Here he put a curse on the paepae and people died.

The river mouth was renowned for the abundance of fish species that were taken there. These included; kahawai, pātiki, kanae, kātaha, kōkopu, inanga and tuna. Near the river mouth is Whakamarino where a battle took place at which another iwi was defeated by Tamaiawhitia. The kāinga of Haumoana is also located here. Another pā is Te Kauhanga which was occupied first by Taraia I and then Te Whatuiapiti. Further up the river there is a large cliff, Pariwaiehu. Here Te Waka's pā was located, later taken by Hawea.

In the lower reaches of the Tukituki, to the east of Havelock North, the pā Te Korokoro sits on a western bank. From here the river runs below Parikārangaranga, Te Mata-o-Rongokako, and the smaller peak of Te Hau. Below both these peaks there are pits, terraces and other indications that people once lived here. From the river a track led to the summit of the range.

Further upstream above Kaiwaka on the river's eastern bank looms Kahurānaki maunga, a site of special significance to all hapū of Heretaunga Tamatea. It is said that as he lay dying Te Hāpuku asked to be placed at Kaiwaka so that Kahurānaki would be the last thing he saw. This is also the place at which Rongokako, the father of Tamatea-pokai-whenua, is said to have lived.

Some distance upstream an old pā called Ngawhakatātara was located on an island while opposite was a kāinga and pā named Kuriwaharoa. Other more recently built pā on the Tukituki include Pātangata and Tāmumu.

Appendix 7 – Statement of Association for the Ruahine Forest Park

The following can be found at page 28 of the Heretaunga Tamatea Deed of Settlement Documents Schedule (see <https://whakataui.govt.nz/te-tira-kurapounamu-treaty-settlements/find-a-treaty-settlement/heretaunga-tamatea>)

The Ruahine Forest Park, which includes the Ruahine Range, is significant to many hapū of Heretaunga Tamatea.

The connection of Heretaunga Tamatea hapu to the Ruahine Range dates back to a journey made by Tamatea-pōkai-whenua, the father of Kahungunu, from Tūranga into Mōkai Patea. Several accounts record that Kahungunu accompanied his father for part of the journey. Tamatea-pōkai-whenua travelled down the east coast to Ahuriri before striking inland and travelling up the Ngaruroro River before entering the Ruahine Range. Tamatea named several places along the route of his journey. At one point he saw a tawai tree on the summit of a peak which was thereafter named Rākautāonga. Continuing on, the party travelled up the Tāruarau River. The Ikawetea River was also named by Tamatea. This was the place where seagulls appeared after Tamatea and Kahungunu undid the string which tied the basket of fish they were eating. At the place where the Ikawetea River flows into the Tāruarau River there is a large rock where it is said that Kahungunu sat and watched for upokororo. This place thereafter was named Te Upokororo-o-Kahungunu. Some accounts record that it was at Te Upokororo o Kahungunu that Tamatea's mōkai named Pohokura escaped. Other accounts suggest Tamatea released Pohokura at this place. Pohokura has continued to inhabit the range and is a kaitiaki for Tamatea's descendants - particularly for those hapu that inhabited the lower forest and foothills.

A number of tracks were utilised by the people of Heretaunga Tamatea in times of peace and war to cross from one side of the Ruahine Range to the other. One was known as Te Atua-o-Mahuru. From the western side it ran from Te Awarua and came out on the eastern side at the headwaters of the Mākaroro Stream and followed the stream down to the Ruataniwha Plains.

On the eastern side of the range significant sites include Pōhatuhāhā, a tūāhu (altar) located inland from Kererū. When Pōhatuhāhā is struck by lightning it indicates that someone of importance had died. On the western side of the range kainga such as Te Kōau were occupied by ancestral peoples who collected such food as tītī, weka, rats, pigeons and dug fern root.

Just beyond Te Kōau, a number of sites were associated with Ngāti Te Upokoiri. Pohokura was a permanent settlement situated to provide access to fern root and to food resources in nearby forests. A kāinga known as Te Hapuni was located in close proximity to the Ikawetea Stream and was associated with Te Wanikau. Between these two kāinga was a bird catching area called Okuraharakeke. Another area associated with hunting birds was known as Te Umukarore. Nearby was a plantation called Otuwahakahaumu which was established next to the Ikawetea Stream. Slightly to the north of these areas a stone known as Te Tokatamahoutu marked the junction of the Tāruarau and Ikawetea Streams.

On the boundaries of the Te Kōau block Ngāti Hinemanu had a kāinga called Tapaewae. They would travel to the Ruahine Forest Park on a seasonal basis when the maire and miro were in fruit to hunt pigeons. Slightly south of here was a cave called Te Anaroa which was used as a settlement when they were hunting rats. Within the forest park Ngāti Hinemanu collected fern root and caught tītī in the hills called Tauwharepukoru. While on these expeditions they stayed in a kainga known as Orurea located at the source of the Koau Stream.

There were several mahinga kai important to Ngāti Hinemanu in the Ruahine Forest Park. Te Umutaoroa was a kainga used when Ngāti Hinemanu were birding. Kokopunui was a kāinga used by Ngāti Hinemanu when they went to fish in the nearby lagoon. To the south-east of Kokopunui there was another kainga called Otukota used by Ngāti Hinemanu. Fern root was dug at this kainga, which was situated on a track that led through the range. It was also known for rat-catching. Tītī, weka and rats were caught at another kainga east of the Mōkai Pātea Range named Puketamea. Further south a forest known as Tahaarongotea was used by Ngāti Hinemanu.

Several sites in the Ruahine Forest Park were located among the headwaters of the Rangitikei River and used by Ngāti Hinemanu. Omaru and Te Iringa-te-rakau-o-tane-koeka, located near the source of the Kawhatau River, were places renowned for catching kiwi and huia. Tītī were caught at a hill called Tahunaatara. While hunting deep in the Ruahine Range for tītī and rats Ngāti Hinemanu would camp at Te Waineo. Taumata-a-Meikura was situated on the summit of a hill and served as a resting place for travellers crossing the Ruahine Range.

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Appendix 8 – Proposed Conditions

Definitions

Approval Holder: means the authorised person for the purposes of the Schedule 2 listing, being Tukituki Water Security Limited, or any successor approved in writing by the Minister, being the entity to whom approval is granted under these conditions.

Approval holder's land: means the land in the ownership or control of the Approval Holder that is subject to the Land exchange and identified as the parcel known as Smedley Station (fee simple land held by the Public Trust under the Howard Estate Act 1978), Part Section 3 Block X Wakarara Survey District comprised in Record of Title 164412, and as identified in approved plan [X].

DOC–Get: means the land to be transferred from the Approval Holder to the Crown and administered by the Department of Conservation, comprising the Approval Holder's land and shown on approved plans [X].

DOC–Give: means the land currently owned by the Crown and administered as part of the Ruahine Forest Park that is to be transferred to the Approval Holder, comprising approximately 29.7 hectares (more or less), as shown on the approved plans [X].

Crown Land: means land owned by the Crown and held for conservation or reserve purposes, including land administered by or on behalf of the Department of Conservation under the Conservation Act 1987 and/or the Reserves Act 1977.

The Minister: means Minister for Conservation, or any person acting under delegated authority on behalf of the Minister, in accordance with the Conservation Act 1987 or the Reserves Act 1977.

Conservation Improvement Works: means the works required to be undertaken in accordance with the minimum targets and timeframes established in the Ecological Restoration Plan conditions and Pest Mammal Management Plan conditions, fencing removal of rubbish and any other works required under these conditions the Approval holder is required to undertake at its cost.

Pre conditions

To prepare the land for exchange, the following pre-conditions are imposed under schedule 6, clause 31 and must be completed within 2 years of the date of approval:

1. The Approval holder must provide a draft survey plan to the Minister no less than 20 working days before submitting the final survey plan under condition 2.
2. The Approval holder must provide to the Minister a final survey plan. The Minister or the Minister's delegate will make best endeavours, to approve or reject the final survey plan within 20 working days of receipt. Any rejection must be accompanied by written reasons.
3. The Approval holder shall obtain all consents and approvals required to separately define the DOC-Get land and to enable ownership of that land to be transferred to the Crown.

4. The Approval holder shall obtain all consents and approvals required to separately define the DOC-Give land and to enable ownership of the DOC-Give land to be transferred to the Crown as fee simple land.
5. For avoidance of doubt all costs associated with complying with Conditions 1 to 4 shall be met by the Approval holder.

Proposed draft conditions (Cl.32 Sch.6)

6. The land being given by the Crown by way of exchange must be transferred to the Approval holder, without reservation, classification, interest or encumbrance to allow for transfer from the Crown to the Approval Holder after Gazettal.

Costs

7. The Approval holder must pay the Minister's costs and expenses of, and incidental to, preparing and signing the Exchange Agreement or any extension or variation of it, including surveying, conveyancing and legal costs. [Imposed under s78]
8. The Approval holder must pay to the Minister all costs associated with the Minister's work to give effect to the Exchange Agreement, determined at the standard rates then applying in the Department of Conservation for cost recovery. [Imposed under s78]
9. The Approval holder must pay in full immediately on demand all costs and fees (including solicitors' costs and fees of debt collecting agencies engaged by the Minister) arising out of and associated with steps taken by the Minister to enforce or attempt to enforce the Minister's rights and powers under the Exchange Agreement including the right to recover outstanding money owed to the Minister. [Imposed under s78]

Bonds for Conservation Works

10. The approval holder shall provide to the Minister, before giving effect to the exchange, a performance security either in cash or as a surety bond from a trading bank, insurance company or bond guarantor, a bond set in accordance with Condition 10(b)
 - a) **Scope:** Secure the Approval holders timely performance of all identified Conservation Improvement Works on the land to be given.
 - b) **Amount:** Be in an amount equal to the reasonably estimated cost (as certified by an independent Quantity Surveyor or registered valuer or contractor) of completing the Works. The Bond amount shall be subject to audit and revaluation by mutual agreement (or by binding expert determination if disputed).
 - c) **Form:** Be provided by way of a performance guarantee by a group company of the Approval holder which provides performance security, or (if preferred by the Approval holder) an unconditional bank guarantee or irrevocable performance bond from a NZ-registered bank or insurer reasonably acceptable to the Minister (alternatively, a cash deposit may be lodged).
 - d) **Release Schedule:** The Bond shall be released in two stages:
 - i) fifty percent (50%) upon Condition and acceptance by the Minister or the Minister's agent after seven years, and the Minister (or his agent) being satisfied that all other components of the Conservation Improvement Works have been completed in accordance with the conditions; and

- ii) the remaining fifty percent (50%) at the close of the ten year maintenance period following such completion, provided the land remains free of noxious weeds and meets the minimum standards set out in Table 1.

- 11. If the Approval holder breaches or fails to carry out the Conservation Improvement Works, or in carrying out the Activities there arise adverse effects not authorised or reasonably foreseen, the Minister may call on the bond or any portion of it to ensure the Conservation Improvement Works are completed in accordance with the conditions and/or to remedy or mitigate those adverse effects
- 12. The Bond shall only be drawn upon if the Approval holder fails to complete the Conservation Improvement Works including by the deadlines set out in Table 1 (or maintain them during the maintenance period) after receiving written notice and a 30 working day cure period. Any call on the Bond shall be limited to the cost of completing or remedying the Works, and the Applicant may dispute any call by written notice; unresolved disputes will be referred to arbitration in New Zealand under the Arbitration Act 1996 before funds are released.

Fencing

- 13. The Approval holder must, at its cost, construct all boundary fencing to exclude stock and deer on the external boundary of the land being transferred to the Crown. The required locations and fence specifications must be identified in a pre-settlement fencing plan agreed by the parties.
- 14. Maintenance and repair of the fence will be the responsibility of the approval holder for a minimum of 10 years.

Biosecurity Act

- 15. The Approval holder will at its cost ensure that the land to be transferred to the Minister is compliant with any applicable "good neighbour" rules under the Biosecurity Act to the Minister's satisfaction prior to the Settlement Date. [Imposed under s78]

Rates

- 16. There shall be no apportionment of rates or other outgoings paid by the Parties. [Imposed under s78]

Signage

- 17. The Approval holder must construct and install signage in accordance with DOC's sign standards indicating the reserve name at the Approval holder's cost. These shall be situated in locations agreed to in consultation with DOC to make the public aware of ownership and right of access.

Structure and improvements, condition of land

- 18. The land being acquired by the Approval holder, including any structures or improvements thereon, is transferred and accepted by the Approval holder on an "as is, where is" basis. [imposed under s78]
- 19. The Minister accepts no liability (financial or otherwise) in relation to any structure or other improvement on the land being acquired by the Approval holder, including for any remedial, removal, or maintenance costs associated with any structure or improvement. [Imposed under s78]
- 20. Unless otherwise instructed by the Minister, the Applicant will at its cost remove any structures and improvements from the land to be transferred to the Minister and will reinstate any land impacted by removal works. [Imposed under s78]

21. The Applicant will, at its cost, ensure that any structures and improvements remaining on the land to be transferred to the Minister are safe and lawful. [Imposed under s78]
22. The Approval holder must at its own cost remove all rubbish from the land to be transferred and will reinstate any land impacted by removal works.

Rights of first refusal

23. The Approval holder confirms that any rights of first refusal or similar obligations that may otherwise be triggered by this land exchange have been waived. [Imposed under s78]

Ecological Restoration Plan

24. No later than 30 working days before settlement, the Approval holder must provide to DOC for its approval an Ecological Restoration Plan [ERP]. The approval is to confirm that the Ecological Restoration Plan provides the means to achieve the purpose and addresses the matters set out in Condition 25.
25. The purpose of the ERP is to set out the methods the Approval Holder will implement to:
 - (a) Control all weed species at the site so that no flowering or fruiting individuals remain, and carry out ongoing weed control to ensure the weeds remain suppressed for a minimum of 10 years.
 - (b) Protect and improve the condition of existing indigenous vegetation on the site.
 - (c) Manage areas of exotic vegetation (including pasture and rank grass) to establish self-sustaining indigenous habitats with a minimum 80% canopy cover of woody indigenous species.
 - (d) Revegetate the 10-metre-wide riparian yard of all streams in Donovan Gully to achieve a minimum 1,200 metres stream length on both sides of the stream.
 - (e) Achieve a minimum 90% success rate and 80% canopy cover for newly planted indigenous vegetation after a minimum maintenance period of five years. If a 90% success rate and 80% canopy cover is not achieved within five years, ongoing maintenance and management will be required until this minimum requirement has been achieved.
 - (f) Ensure that the timeframes for management activities remain consistent with the consent conditions associated with the construction of the dam, and do not result in DOC being required to undertake management work that is otherwise required to be carried out by the Approval Holder.
26. The ERP must include timeframes for matters set out in Condition 25(c). Timeframes may vary depending on the approach proposed (i.e. revegetation planting vs. managed regeneration).
27. The ERP must be prepared by a suitably qualified and experienced ecologist.
28. The Approval Holder must undertake the anticipated activities in accordance with the approved ERP prepared in accordance with Conditions 24, 25 and 26 above at all times.
29. The ERP may be amended by the Approval holder at any time, provided the amendments are:
 - (a) for the purpose of improving the efficacy of the management of weeds;
 - (b) for the purpose of providing for better planting and maintenance methodology(s). This may include substituting plant species if it is found that a more appropriate plant species is better suited to this environment, while achieving biodiversity enhancements;
 - (c) for the purpose of applying best practicable measures;
 - (d) consistent with the conditions of this approval; and
 - (e) submitted in writing to DOC for its approval prior to any amendment being implemented.

30. The approval holder must provide DOC with an annual report within 30 working days after each year of implementation of the ERP. The first annual report will be due 12 months after approval of the ERP. The report must summarise planting undertaken, weed management, monitoring results for weeds and restoration planting, any target exceedances for weeds and/or any ecological restoration minimum success rates that have not been achieved, and any response actions implemented.
31. Plants must be eco-sourced within the Ruahine Ecological District and sourced from a reputable nursery able to provide provenance information on request. All plants must be healthy, not root-bound, and weed free at the time of planting.

Pest Mammal Management Plan (PMMP)

32. No later than 30 working days before settlement, the Approval holder must provide to DOC for its approval a Pest Mammal Management Plan (PMMP). The approval is to confirm that the PMMP provides the means to achieve the purpose and addresses the matters set out in Condition 33 below.
33. The purpose of the PMMP is to set out how mammalian pest control will be undertaken on the SEB to achieve the management targets in Table 1 below.

Pest Species	Timeframe	Management Target
Possums	10 Years, or until target is achieved (whichever is longer)	< 5% Residual Trap Catch (forest and scrub areas)
Deer	10 Years, or until target is achieved (whichever is longer)	Fecal pellet count = 0 (site wide)
Rats	10 Years, or until target is achieved (whichever is longer)	< 5% Tracking Tunnel Index (forest and scrub areas)
Mustelids	10 Years, or until target is achieved (whichever is longer)	< 5% Residual Trap Catch (site-wide)
Cats	10 Years, or until target is achieved (whichever is longer)	No target set due to highly transitory nature of feral cats, although all kills should be documented (site wide).

Table 1: Pest mammal management timeframes and targets

34. The PMMP must be prepared by a suitably qualified and experienced ecologist
35. The Approval holder must undertake all activities in accordance with the approved PMMP.
36. The PMMP may, at any time, be amended where the amendment is improving practicality or effectiveness. The Approval holder must submit the amended PMMP in writing to DOC for approval, prior to any amendment being implemented.
37. The Approval holder must provide DOC with an annual report within 30 working days after each year of implementation of the PMMP. The first annual report will be due 12 months after approval of the

PMMP. The report must summarise pest control undertaken, monitoring results, any target exceedances, and any response actions implemented.

Continuance of rights

38. The rights and obligations of the parties under this agreement continue beyond settlement of this agreement accordingly those rights and obligations will not merge in the settlement but will continue thereafter with full force and effect. [Imposed under s78]

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