

Item 1

**From:** Philip McKay s9(2)(a)  
**Sent:** Friday, 31 October 2025 10:35 am  
**To:** Amy Robinson  
**Subject:** Teams Meeting to Discuss Crown Marginal Strip Options for TWS Project

Hi Amy,  
Thanks for your correspondence yesterday. We would be available any time Tuesday or Thursday afternoon – if you can please find a time that works for your team in those windows?

Cheers  
Phil

 **Philip McKay**  
Partner

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Item 2

**From:** Philip McKay [s9(2)(a)]  
**Sent:** Friday, 7 November 2025 10:51 am  
**To:** Amy Robinson  
**Cc:** James Winchester; mike.scott; Dianne Smith; Jeremy Prebble  
**Subject:** RE: Tukituki Water Security Project - Preliminary Land Exchange Application (s33 of FTAA)

Thank you Amy, that is helpful having it all set out in the application form rather than having to follow all the cross references in the FTAA.

I will come back to you in due course about deciphering the 'non-conservation value' requirements on pages 4 – 10 of the application form many of which have little to do with the proposed land exchange but are to be applied as "relevant to the land exchange".

Ngā mihi  
Phil

 **Philip McKay**  
Partner

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**From:** Amy Robinson <amrobinson@doc.govt.nz>  
**Sent:** Friday, November 7, 2025 9:37 AM  
**To:** Philip McKay [s9(2)(a)]  
**Cc:** James Winchester [s9(2)(a)]; mike.scott [s9(2)(a)]; Dianne Smith [s9(2)(a)]; jeremy.prebble <jeremy.prebble@hawkestone.co.nz>  
**Subject:** RE: Tukituki Water Security Project - Preliminary Land Exchange Application (s33 of FTAA)

Mōrena Phil

DOC has prepared an application form which shows the information required for the land exchange application under FTAA. It can be found on the website here:  
<https://www.doc.govt.nz/get-involved/apply-for-permits/business-or-activity/fast-track/>  
Scroll down to the Land Exchange section and select one of the highlighted forms to see the requirements.  
If you need any help deciphering any of these requirements, please don't hesitate to reach out.

Kind regards  
Amy

## Forms

[Request for pre-lodgement Fast-track application consultation form \(PDF, 225K\)](#)

[Request for pre-lodgement Fast-track application consultation form \(DOCX, 125K\)](#)

[New customer form – Fast-track \(PDF, 232K\)](#)

[New customer form – Fast-track \(DOCX, 159K\)](#)

[Land exchange application form \(PDF, 310K\)](#)

[Land exchange application form \(DOCX, 130K\)](#)

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**From:** Philip McKay [s9(2)(a)]  
**Sent:** Thursday, 6 November 2025 5:11 pm  
**To:** Amy Robinson <[amrobinson@doc.govt.nz](mailto:amrobinson@doc.govt.nz)>  
**Cc:** James Winchester [s9(2)(a)]; mike.scott [s9(2)(a)]; Dianne Smith [s9(2)(a)]  
**Subject:** Tukituki Water Security Project - Preliminary Land Exchange Application (s33 of FTAA)

Kia ora Amy,

As discussed at our meeting today I am just following up on the issue I raised about application information expectations.

Section 33(1)(a) of the FTAA is clear and you have provided helpful guidelines of DOCs expectations around a conservation values assessment (as is required by clause 24 of Schedule 6).

It is section 33(1)(b) that I am a little bit less clear about but the following outlines my interpretation:

**33 Land exchange application lodged with Director-General of Conservation**

1. *Before lodging the substantive application, the authorised person for the project must lodge with the Director-General of Conservation a land exchange application that consists of—*

*a. the information set out in [clause 24](#) of Schedule 6; and*

*b. the information relevant to the land exchange that,—*

*(i) in the case of a listed project, is required under [section 43\(2\)](#);*

*(ii) in the case of an unlisted project, was contained in the referral application; and*

*c. any information specified by the Minister under [section 27\(3\)\(c\)\(ii\)](#).*

In turn section 43(2) state that the application must include the information stated in section 13(4) (excluding subsections (b), (f)(ii)&(iii), and (g), which relates to the information requirements for referral applications.

Section 13(4) includes a very long list of information (extending from (a) – (y)), which is disconcerting given that the details of the substantive application are still being worked through.

I therefore wanted to check that you agree that the reference in 33(1)(b) to “**information relevant to the land exchange**” restricts the scope of the information requirements section 13(4) to matters relating to the dam reservoir, which is the aspect of the proposal that creates the need for the land exchange. Subject to, a positive decision on the s125 application the dam and reservoir in themselves will not require consent under the substantive FTAA application.

I trust that provides enough background to have a teams meeting to talk through further.

Please let me know if you have any availability to meet Friday or early next week.

Cheers

Phil



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Item 3

**From:** Craig Jones  
**Sent:** Monday, 10 November 2025 2:10 pm  
**To:** Amy Robinson  
**Cc:** Shona Bradley  
**Subject:** FW: Tukituki Water Security Ltd - CMS Issues  
**Attachments:** Marginal Strips - SOP - DOCDM-404836 (7).pdf; SLM - Conservation - s16 - Exchange - SL1313 - flow-process .docx

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Kia ora Amy

I refer to Philip's email below.

Do we need to treat this as an OIA?

Our current marginal strip exchange SOP is attached (pdf document), with the relevant section on exchanges being section 4. The simplified process is briefly outlined in 4.1.

The 33 step flow-chart process I referred to relates to a more detailed Conservation Act exchange process outlined in an earlier SOP (word document). This example is not specifically for marginal strips as I do not have access to the marginal strip flow-chart process unfortunately.

Mauri ora

Craig

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**From:** Philip McKay [s9(2)(a)]  
**Sent:** Friday, 7 November 2025 7:39 am  
**To:** Craig Jones <chjones@doc.govt.nz>  
**Cc:** Amy Robinson <amrobinson@doc.govt.nz>; James Winchester [s9(2)(a)]  
mike.scott [s9(2)(a)]  
**Subject:** Tukituki Water Security Ltd - CMS Issues

Kia ora Craig,

Thank you to you and the DOC team for the discussion in yesterday's team meeting. You mentioned a flow chart and SOP setting out the steps for an application under the Conservation Act regarding Crown Marginal Strips.

If you are able to provide us with a copy of the flow chart and / or SOP that would be greatly appreciated in helping us to determine the best way forward.

Ngā mihi  
Phil

 **Philip McKay**  
Partner

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# MARGINAL STRIPS

## Standard Operating Procedure

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## CONTENTS

Purpose	iii
Process	iv
Requirements table	iv
About this document	v
<b>1. THE DISPOSAL OF CROWN PROPERTY AND DECIDING THE WIDTH OF MARGINAL STRIPS</b>	<b>1</b>
1.1 The Protection of Conservation Values	2
1.2 Process and Accountabilities for the Purposes of Section 24AA of the Conservation Act 1987	2
1.3 STANDARDS	4
1.4 LEGISLATION	4
1.5 Cost Recovery	5
1.6 Delegations	5
<b>2. APPLICATIONS TO REDUCE THE WIDTH OF MARGINAL STRIPS</b>	<b>5</b>
2.1 Process and Accountabilities	5
2.2 Standards	7
2.3 Cost Recovery	8
<b>3. APPLICATIONS TO DECLARE DISPOSITIONS TO BE EXEMPT FROM SECTION 24 OF THE CONSERVATION ACT 1987</b>	<b>8</b>
3.1 Process and Accountabilities	8
3.2 Standards	9
3.3 Cost Recovery	10
3.4 Delegations	10
<b>4. EXCHANGES OF MARGINAL STRIPS</b>	<b>10</b>
4.1 Processes and Accountabilities	12
4.2 Standards	13
4.3 Cost Recovery	14
4.4 Delegations	14
4.5 Cross Reference	14
<b>5. THE MANAGEMENT OF MARGINAL STRIPS</b>	<b>14</b>
5.1 Appointing a Manager of a Marginal Strip	14
5.2 Process and Accountabilities	15
5.3 Standards	16
5.4 Cost Recovery	17
5.5 Resumption of Management	17
5.6 Legislation	18
5.7 Delegations	18
<b>6. Appendices</b>	<b>19</b>

# Purpose

The purpose of this SOP is to outline and document the processes, standards and accountabilities that departmental staff will observe for the following:

- dealing with notifications under section 24(2A) of the Conservation Act on the proposed sale of land by the Crown;
- reducing the width of marginal strips;
- exempting certain dispositions from the requirement for a marginal strip;
- the exchange of marginal strips;
- appointing managers of marginal strips;

Further information on recording marginal strips, concessions, marginal strips in relation to electricity works, railway land, tenure review and health sector transfers and miscellaneous information, including some definitions, may be found in a supporting document, Marginal Strips [Docdm-369771](#)

The specific provisions are set out in Part IVA of the Conservation Act 1987.

## Delegations

The relevant delegations can be found in the consolidated departmental delegations on the Intranet.

## Previous SOPs

This SOP replaces all previous marginal strip SOPs and a circular dated 19 June 1996 regarding the requirements under section 24(2A) of the Act introduced by the Conservation Amendment Act 1996. It also includes reference to circulars dated 5 September 2003 on the Sale of Land of the Crown and Notification to the Department of Conservation.

## References

HO files LAN 0042 (closed volumes) and PAA-04-02.

Various LINZ standards and circulars, including the relevant parts of the Crown Property standards on disposals and the Surveyor General's Cadastral Survey rules and guidelines.

# Process

The SOP has been divided into separate parts for each process as follows:

1. Notification of the Disposal of Crown Property and deciding the width of marginal strips including :-
  - The Protection of Conservation Values
  - Accountabilities under sec 24AA of the Conservation Act
  - Standards
2. Dealing with Applications to Reduce the Width of Marginal Strips including :-
  - Process and Accountabilities
  - Cost Recovery
3. Dealing with Applications to Declare Certain Dispositions to be Exempt from Section 24 of the Conservation Act including:-
  - Process and Accountabilities
  - Standards
4. Exchanges of Marginal Strips including
  - Process and Accountabilities
  - Standards
5. The Management of Marginal Strips including :-
  - Resumption of Management
  - Process and Accountabilities
  - Standards

# Requirements table

Level II or higher managers are authorised to approve variation from SOP requirements and are accountable for those decisions. They are required to use their professional judgement and seek advice or escalate when in doubt. All decisions should be documented. It is expected that variations from requirements will be the exception rather than the norm, and that legal (i.e. legislation and judge made laws), and health and safety requirements are effectively compulsory. Common sense should prevail in the case of exceptional or emergency field situations.

Requirements	Who is accountable for carrying out the requirement	Why?/Consequence	Links	Completed / comments
1. Notifications under Sec 24(2A) of the Conservation Act 1987.  Process notifications in accordance with Part 1 of this SOP  Decide cases under Sec 24AA	Officer carrying out the transaction  Relevant Manager	Sec 24AA applies and imposes a process and timeframes that must be followed. A standard approach that is consistent with the legislation is therefore necessary.	Add hyperlinks here to the relevant section of the document.	Leave this blank.
2. Applications to reduce the width of marginal strips  Process applications in accordance with Part 2 of this SOP  Decide if it is reasonable to notify a proposal  Decide cases under Sec 24A	Officer carrying out the transaction  Officer/Relevant Manager  Relevant Manager	Secs 24A and 24BA impose particular requirements that must be met. A standard approach consistent with the legislation is therefore essential.		

3. Applications under Sec 24B of the Act				
Process applications in accordance with Part 3 of this SOP	Officer carrying out the transaction	Secs 24B and 24BA impose particular requirements that must be met. A standard approach consistent with the legislation is therefore essential.		
Decide cases for exemptions	Minister			
4. Applications for exchanges				
Process applications in accordance with Part 4 of this SOP	Officer carrying out the transaction	A standard approach is desirable. Sec 24E (2) imposes a test that must be met before an exchange can be authorised.		
Decide cases for exchanges	Relevant Manager			
5. Applications to manage marginal strips				
Process applications in accordance with Part 5 of this SOP.	Relevant Manager	A standard approach is desirable. Sec 24H sets out the requirements that apply.		
Decide applications to manage marginal strips	Relevant Manager			

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# About this document

**Coordinator:** Sheryll Johnson, SLM National advisor

**Owner:** Astrid Nunns, National Support and Advice Manager, Planning Permissions & Land

## Approved for use

GM Operations Northern

Signed: Barbara Browne

Date: 11.09.09

GM Operations Southern

Signed: John Cumberpatch

Date: 16.09.09

GM Corporate Services National Office

Signed: Grant Baker

Date: 09.09.09

## Amendments

Amendment date	Amendment details	DOCDM version	Amended by

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31 January 2011	<p>Minor changes to the exchange section to note that exchanges may take into account the preservation of natural and historic resources as “conservation purposes”.</p> <p>Minor changes to the discussion document regarding pastoral leases.</p>		Graeme Goodwin
13/11/17	Updated to reflect changes in organisational structure		Jenny Williams

### Terminology and definitions

CFR	means Computer freehold register [ie the title] and may include a computer interest register for a lease.
Landonline	means the electronic database of titles [computer registers] and plans maintained by LINZ for the recording of property interests and cadastral information.
LINZ	means Land Information New Zealand formerly the Department of Survey and Land Information [DOSLI].
Marginal strip	means an area retained from disposition by the Crown under section 24(1) of the Conservation Act 1987 and includes any area deemed to be a marginal strip under section 24(3) of the Act.
Minister	means the Minister of Conservation
RFR	means any right of first refusal in Treaty settlement legislation.

# 1. THE DISPOSAL OF CROWN PROPERTY AND DECIDING THE WIDTH OF MARGINAL STRIPS

Notifications will be received relating to the disposition of land by the Crown (including the issue of grazing licences by LINZ) under Section 24(2A) of the Conservation Act 1987 and in accordance with the instructions contained in departmental circulars dated 5 September 2003 dealing with the Sale of Land of the Crown and Notification to the Department. The latter process enables the Department to assess surplus properties to determine if there are any conservation values that should be protected.

The marginal strips part of the process should be dealt with in accordance with these procedures. The Department must also follow this process when it disposes of land (see the various land disposal SOPs).

Section 24(2A) provides that the disposing Department or agency must notify the Department prior to the disposal. The Department has provided a standard notice form (Appendix 1) and expects departments and agencies to use it although there is no regulatory requirement to do so.

A sale or other disposition by the Crown has no effect unless and until notice is given under sec 24(2A). Section 24AA sets out the process which applies when the Department is notified of the proposed disposition.

Note that the form is also designed to meet the requirements of the notification regime set out in the circulars of 5 September 2003. It was attached as an appendix to the circular that was sent to all departments and relevant agencies.

The LINZ standard for the disposal of land requires that the report provided to LINZ, as part of the disposal clearance process, must include a comment on compliance with both notification requirements.

Note that the costs of investigations under section 24AA must be borne by the department.

“Waterway” for the purposes of this part of the SOP means any foreshore, lake, river or stream bed to which sec 24(1) applies. The width of 3 metres mentioned in that section refers to the bed of the waterway and the “bed” of any river is defined in sec 2 of the Conservation Act as “the space of land which the waters of the river cover at its fullest flow without overtopping the banks”. This does not include the area that may be covered in a flood nor does “banks” refer to those eroded areas that may have been created by temporary floodwaters in the past. The Department has adopted a guideline for the Identification of Water Bodies That Will Qualify for Marginal Strips [DOCDM-1375316](#) .

Disposing departments and agencies are also required to provide a plan showing the qualifying waterways and that plan will form the basis for the recording of marginal strips in Landonline.

## 1.1 THE PROTECTION OF CONSERVATION VALUES

The notification process provides an opportunity for the Department to assess any conservation values on the area apart from those values that may be associated with a marginal strip of whatever width. Regions must have a parallel process in place to deal with the assessment of any conservation values on the area to meet the timeframes and requirements in the circular of 5 September 2003.

An area that will have no marginal strip as a result of the proposed sale may have conservation values which are sufficient to prompt the Department to suggest measures to protect them, including possible acquisition. It is important that the Department satisfies itself that there is no reason why the area in question should not be sold and whether there is any need to make a requirement under sec 40(1) (b) of the Public Works Act 1981.

If an area has conservation values that should be protected, and that cannot be done through the marginal strip requirement, discussions must be commenced immediately with the disposing agency in accordance with the circular of 5 September 2003. Time is of the essence and the time frames in the circular must be complied with. They parallel the marginal strip time frames in section 24AA of the Conservation Act 1987 and are intended to ensure that disposing departments and agencies will not face any additional delays in the disposal process and will be treated in a businesslike way.

## 1.2 PROCESS AND ACCOUNTABILITIES FOR THE PURPOSES OF SECTION 24AA OF THE CONSERVATION ACT 1987

Stage	Who Does It	What Happens
1	Officer carrying out the transaction	Receives notice from disposing Department and checks the plans and supporting material supplied
2	Officer carrying out the transaction	Investigates whether or not the area adjoins a waterway by checking relevant plans etc.
3.	Officer carrying out the transaction	Considers whether marginal strips will be created and the need to investigate whether wider strips will be required. <sup>1</sup>

<sup>1</sup> This should be done as quickly as possible within the 20 working days available. If the area adjoins a waterway it may be desirable to give notice that the matter is to be investigated to secure the additional 20 working days to complete the work

Stage	Who Does It	What Happens
If the area does not adjoin a waterway:		
4A	Officer carrying out the transaction	Advises the disposing Department that no marginal strip will be created <sup>2</sup> This is a matter of fact rather than a statutory decision. If the officer decides to rely on the information provided on the form that should be recorded and the form annotated with the comment that the response is made on the basis of the information provided.
If the area adjoins a waterway and a 20 metre wide marginal strip will be sufficient:		
4B	Officer carrying out the transaction	Advises the disposing Department that a 20 metre marginal strip will meet the requirement of the Conservation Act <sup>3</sup> .
If the Department wishes to investigate the need for a wider marginal strip:		
4C	Officer carrying out the transaction with the approval of their Manager	Advises the disposing Department that the Department will investigate the need for a wider strip <sup>4</sup> . The Department then has a further 20 working days to reply to the disposing department
Then ( in the case of 4C only) :		
5	Officer carrying out the transaction	Arranges a report on the additional width that will be necessary to provide effective access and maintain the value of the strip for the purposes of section 24C of that Act. The report must address whether the whole or part of the strip should be increased in width and by how much and whether there is any residual area of little or no potential use that should be added to the strip.
6	Officer carrying out the transaction	Prepares a case to the decision-maker following the receipt of the report
7	Decision maker (usually Director	Decides the width of the marginal strip and other issues noted in the case above. See <sup>5 and 6</sup>

<sup>2</sup> This creates a paper trail which could be used in evidence later. It is also important to DOC recording.

<sup>3</sup> This can be done by returning the application form signed with the appropriate response highlighted

<sup>4</sup> Before preparing the report the officer needs to consider whether an informed decision can be made for the purposes of section 4 of the Act. In doing so, it is important to consider whether the views of the local iwi are likely to influence a decision which must be made in accordance with section 24AA(5)(a) and (b) of the Act (i.e. the need for effective access and the maintenance of the purposes of marginal strips). Iwi may well have an interest in those specific issues so their views should be sought. Consultation must be undertaken within the 40 day statutory timetable for the whole process

<sup>5</sup> In the case of residual areas of little or no potential use section 24AA (6) of the Act provides that the residual area may be added to the marginal strip by agreement. The Act is silent on the question of compensation, presumably on the assumption that the area must have little or no value. Disposing departments may, however, raise the issue in which case any claim should be resisted on the basis that it is not provided for in the legislation

<sup>6</sup> In the case of the renewal of a lease or licence under the Land Act 1948 that has been transferred to Landcorp the lessee or licensee shall be entitled to a reduction in the rental or fees in recognition of the injurious affection caused by the increased width of the strip. The Minister responsible for the administration of the land shall determine any

Stage	Who Does It	What Happens
	or Operations Manager in accordance with delegations)	
8	Officer carrying out the transaction	Advises the disposing department. Separate advice shall be provided to LINZ for recording purposes. Notice should be provided to the Land Register Maintainer (LRM) so that the National Land Register may be updated.
9	Officer carrying out the transaction	Update NaPALIS

### 1.3 STANDARDS

The Department must meet the statutory deadlines. If no response is made in the initial 20 working day period section 24 will apply accordingly (see s.24AA(3)) and any marginal strip that is created will be the normal 20 metre width unless a subsequent exemption or reduction is granted before the disposition takes place. To avoid any uncertainty a response should be made in the initial 20 day period. The Department has a total of 40 working days to make a decision on width if it requests the additional time within the initial 20 working day period.

It must be clear that any increase in the width of the marginal strip over its full length (or part of it) is necessary to provide access along the strip and to maintain the value of the strip in terms of section 24C of the Conservation Act. This opportunity is not to be treated as a chance to protect non-conservation values.

The Department will apply any current standards for the identification of natural and historic resources that should be protected for conservation purposes on the marginal strip.

### 1.4 LEGISLATION

Section 24(2A) and 24AA of the Conservation Act 1987.

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reduction in the rent or fees. No reduction, however, shall be granted solely on the basis of the increased width of the strip. In practice it may be difficult to determine how this will be assessed. While that is a problem for the disposing Department DOC should at least be aware of the issue because claims may arise when the width of the strip is determined. It should be noted that in the case of Crown forestry licences under the Crown Forest Assets Act 1989 the licence holder may harvest or replant any exotic plantation trees growing on a marginal strip (see section 24H(6)). That provision should provide the answer to any suggestion of claims in the case of Crown forest land

## 1.5 COST RECOVERY

Section 24AA (10) requires the Department to bear the costs of the investigation and assessment for a wider strip. The disposing Department has to meet any other costs as a result of the decision to increase the width of a strip, e.g. lower sale price or rental value.

## 1.6 DELEGATIONS

See the delegations on the Intranet on the Legal page under Services and Groups.

# 2. APPLICATIONS TO REDUCE THE WIDTH OF MARGINAL STRIPS

Section 24A (1) of the Conservation Act provides that before the disposition by the Crown of land adjoining the sea or a lake the Minister of Conservation may reduce the width of the marginal strip that will be created to not less than 3 metres if the Minister is satisfied that the value of the reduced strip for the purposes of section 24C of the Conservation Act will not be diminished.

Section 24A(2) provides that a similar reduction may be granted in the case of rivers or streams over 3 metres in width provided the area being disposed of (including the marginal strip) is not more than 2 hectares in area.

In the case of areas (including the marginal strip) over 2 hectares adjoining rivers or streams a reduction cannot be granted although an exemption may be considered under section 24B of the Act (see Part 3).

The option to apply rests with the disposing Department or a prospective purchaser or tenant. Once the land has been transferred or otherwise disposed of by the Crown there is no opportunity to change the marginal strip that has been created, except by exchange. The title will be permanently notated as subject to Part IVA of the Conservation Act as provided for by section 24D(1) of the Act.

If an application is received together with the advice of disposal then the processes should be integrated. The end result may well be a compromise if the nature of the area provides scope for that.

The requirements to consult set out in section 24BA of the Act are particularly important. Section 4 of the Act also needs to be considered.

## 2.1 PROCESS AND ACCOUNTABILITIES

Stages 1-4 can be taken contemporaneously.

Stage	Who Does It	What Happens
1	Officer carrying out the transaction	Receives the application for reduction provides an estimate of the costs that can be recovered and seeks confirmation that the applicant will pay those costs.
2	Officer carrying out the transaction	Checks the adequacy of the reduced strip for the purposes of section 24C of the Act.
3	Officer carrying out the transaction	Advises the Fish and Game Council and the Conservation Board of the application as required by section 24BA of the Act and asks whether it is reasonable to publicly notify the application. This is required even if it is likely that the application may be declined as a result of the recommendations in the field report or as a result of Iwi consultation. [Consultation is therefore seen as running parallel to DOC's own reporting.]
4	Officer carrying out the transaction	Considers whether iwi needs to be consulted in the interests of making an informed decision in relation to Treaty principles. The Officer should seek the advice of the Pou Kura Taiao. If in doubt consultation should be undertaken on the issues the Department must take into account.
5	Officer carrying out the transaction	Receives the advice of Fish and Game and the Conservation Board. Seeks a decision from the Manager or Director in accordance with the delegations on public notice.
6	Delegated Manager	Decides whether or not it is reasonable to notify the proposal. Section 24BA (4) of the Act requires that the decision should be made having regard to the purposes of marginal strips, the interests of the public in marginal strips and the potential costs.
7	Officer carrying out the transaction	Advises Fish and Game and the Conservation Board of the decision and arranges public notice if that is in accordance with the decision. Section 49 of the Act will apply to the process.
8	Officer carrying out the transaction	Receives the summary of comments or objections and recommendations (if the proposal has been advertised), the results of any iwi consultation and the field report
9	Officer carrying out the transaction	Prepares a report and recommendation to the decision-maker – usually the Director or Ops Manager
10	Delegated decision-maker	Makes a decision on the application under delegated authority.
11	Officer carrying out the transaction	Advises the applicant accordingly. Arranges cost-recovery invoicing and any follow up as necessary including advice to LINZ and the Land Register maintainer.

## 2.2 STANDARDS

Applications must be dealt with as quickly as the process allows. There is no statutory deadline but applicants are entitled to have their applications dealt with in a reasonable time. The disposal of surplus Crown property may be driven by commercial considerations and a reduction in the marginal strip requirements may be a key factor in a successful sale for the best possible price.

The Department must fairly and consistently apply the requirements of the legislation and cases must be assessed on their merits in terms of those requirements.

Applicants should be kept informed and advised if notification and advertising or consultation will extend the time needed by the Department to deliver a decision.

In considering whether an application should be advertised as a result of a recommendation from either the Conservation Board or the Fish and Game Council the decision maker must have regard to section 24BA(4) of the Act and take into account:

- the purposes of marginal strips;
- the interest of the public in marginal strips; and
- the potential costs of notification (including the costs of public notification) that is likely to be incurred by the seller and purchaser of the land.

In the case of applications seeking a reduction in the width of a marginal strip it may be that a reduced strip will fulfil the purposes of a marginal strip or a marginal strip may serve little purpose and a reduced strip will not, therefore, diminish whatever values a marginal strip might fulfil. There was a court case involving the Bayswater Maina that addressed this question so it is desirable that legal advice should be sought before a recommendation is made to the decision maker.

The desirability of taking the opportunity to ensure that a marginal strip is provided for the benefit of future generations needs to be balanced against practical considerations that may justify a reduced strip.

That a full width strip may not currently serve the purposes of a marginal strip because it is not linked to other marginal strips or reserves may not be a sufficient justification for reducing the width of the strip. On the other hand, to create a management problem by failing to agree to a reduced strip when there is a legitimate option to do so is not good practice. The aim must be to act responsibly in all cases and make decisions accordingly on the merits of individual cases.

### 2.3 COST RECOVERY

Section 24BA (5) provides that the Department or agency disposing of the land shall meet the costs of public notification.

Unlike section 24AA here is no requirement for the Director-General to meet the costs of the investigation so the normal cost recovery requirements apply.

#### Delegations

Refer to the delegations under Legal Information on the Intranet.

## 3. APPLICATIONS TO DECLARE DISPOSITIONS TO BE EXEMPT FROM SECTION 24 OF THE CONSERVATION ACT 1987

Section 24B of the Act provides that the Minister may, before the disposition by the Crown of land extending along and abutting the bed of any river or stream over 3 metres wide, declare by a notice in the Gazette that section 24 will not apply to the proposed disposition. Exemptions adjoining a lake or the foreshore are not possible.

Section 24B(2) provides that exemption declarations can only be made if the land that would be marginal strip is of little or no value as a marginal strip or if any value it may have as a marginal strip can be protected effectively by another means.

Section 24B (3) deals with marginal strips and the renewal of leases or licences under the Land Act 1948. An exemption may be granted in the case of an area adjoining a river or stream despite the test in section 24B (2) if it is equitable and in the public interest.

Sections 24B (4)-(6) provide a separate code for dealing with marginal strips and land required for electricity works which is dealt with separately in a supporting document to this SOP.

### 3.1 PROCESS AND ACCOUNTABILITIES

Stage	Who Does It	What Happens
1	Officer carrying out the transaction	Receives an application for an exemption provides an estimate of the costs that can be recovered and seeks confirmation that the applicant will pay those costs.
2	Officer carrying out the	Checks the need for the strip for the purposes of section 24C of the Act.

Stage	Who Does It	What Happens
	transaction	
3	Officer carrying out the transaction	Advises the Fish and Game Council and the Conservation Board of the application as required by section 24BA of the Act and asks whether it is reasonable to publicly notify the application. <sup>7</sup>
4	Officer carrying out the transaction	Considers whether iwi needs to be consulted in the interests of making an informed decision in relation to Treaty principles. <sup>8</sup>
5	Officer carrying out the transaction	Receives the advice of Fish and Game and the Conservation Board. Seeks a decision from the Decision-maker in accordance with the delegations on public notice.
6	Decision-maker	Decides whether or not it is reasonable to notify the proposal in terms of section 24BA (4) of the Act.
7	Officer carrying out the transaction	Advises Fish and Game and Conservation Board of the decision and arranges public notice if necessary in accordance with the decision, Section 49 of the Act will apply any advertising.
8	Officer carrying out the transaction	Receives the summary of comments or objections and recommendations (if the proposal has been advertised), the results of any iwi consultation and the field report.
9	Officer carrying out the transaction	Prepares a report and recommendation to the decision-maker and forwards it up the line.
10	Minister	Decides the case and signs the Gazette notice.
11	Officer carrying out the transaction	Advises the parties, provides a copy of the signed Gazette notice and arranges publication of the notice. Separate advice should be provided to LINZ for recording purposes. See SOP Gazetting Land Transitions for Gazette notice formula and other details of the gazettal process.

### 3.2 STANDARDS

These are the same as for Part 2 with the necessary modifications. The decision is final, there will be no chance for the re-assessment of the need to protect areas along the river unless the land is subsequently subdivided and the rules in the district plan provide for esplanade reserves or strips.

<sup>7</sup> Consultation is required even if it is likely that the application may be declined as a result of the recommendations in the field report or as a result of iwi consultation. The Act requires all these applications to be notified to Fish and Game and the Conservation Board and consultation undertaken on public notice. Consultation is therefore seen as running parallel to DOC's own reporting

<sup>8</sup> The Officer carrying out the transaction should seek the advice of the Pou Kura Taiao. If in doubt consultation should be undertaken on the issues the Department must take into account.

In deciding whether or not the strip will have little or no value each of the purposes of marginal strips must be taken into account.

What alternative means of protecting any marginal strip values are available or acceptable will depend on the facts of the case. Some form of covenant or easement may be acceptable if it is not necessary to retain a marginal strip. If a covenant or easement is accepted it is essential that it should be permanently recorded against the title to the land.

### 3.3 COST RECOVERY

Section 24BA (5) provides that the Department or agency disposing of the land shall meet the costs of public notification.

Unlike section 24AA here is no requirement for the Director-General to meet the costs of the investigation so the normal cost recovery requirements apply.

### 3.4 DELEGATIONS

See the delegations under Legal Information on the Intranet, there are delegations for only certain stages in the process.

## 4. EXCHANGES OF MARGINAL STRIPS

Section 24E provides that marginal strips may be exchanged for another strip of land that will become a marginal strip.

The exchange must better achieve the purposes of marginal strips. The purposes are set out in section 24(C) of the Conservation Act 1987. While emphasis is given to particular purposes in sections 24(C)(i)-(iv) "conservation purposes is also included and that enables the preservation of natural and historic resources to be taken into account.

The strip of land received in exchange shall be deemed to be reserved as a marginal strip.

Equality of exchange may be paid or received. Section 24E (4) is worded in the same way as the equivalent section 16(4) in the exchange provisions for stewardship land and that has been interpreted as allowing the payment of equality of exchange to be treated as the purchase price for the area acquired and may be funded through the Land Acquisition Fund if the fund holds money from previous exchanges. Money received as equality of exchange should be paid into that fund.

The Minister or the Director-General may do all such things that may be necessary to affect the exchange and the District Land Registrar is authorised and directed to make such entries in the register and do all things necessary to give effect to the authorised exchange.

The exchange notice will have to refer to the areas being exchanged which will have to be defined by survey so the marginal strip acquired in exchange will be a fixed strip even if it has been exchanged for a movable strip. There has been one exception to this, a rather unique situation which involved an exchange of land within an existing title that was achieved by amendments to the title plan with the agreement of the (then) Chief Surveyor. Such a situation is unlikely to arise in the future.

The areas exchanged do not have to be in the same location or along the same waterway. Nor do they necessarily have to be owned by the same person who owns the land adjoining the strip although that is the most likely situation that may prompt an exchange.

The area received in exchange will be a marginal strip so it should generally be 20m wide.

There may be valuation issues that make the assessment of any equality of exchange problematic. The Department needs to be conscious of the costs that may be involved in any proposed exchange.

There are no public notice requirements for exchanges. The decision maker, however, must be satisfied that there is sufficient information to make reasonable and robust decision. If advertising is considered desirable look at SOP 1379 Public Notice of Land Transactions, in particular the general comments and paragraph 11.2 on pg 18 about Giving Public Notice Where Public Notice is not required. Local practice and the significance of the exchange proposal will determine whether or not the advice of the Conservation Board is sought.

Section 4 applies so it is necessary that an informed decision is made taking into account any Treaty issues.

Exchanges are not excluded from the RFR contained in the Waikato Raupatu Claims Settlement Act 1995. The Crown cannot sell the marginal strip area it has to offer under the RFR, however, so it should suggest that it is prepared to accept a comparable area in exchange with Tainui in return for the marginal strip it proposes to exchange.

Exchanges of marginal strips are specifically excluded from the RFR in the Ngai Tahu Claims Settlement Act 1998 but notice of the exception must be provided to Ngai Tahu under sec 51 of the Act.

Unlike the exchange of reserves or stewardship areas exchanges of marginal strips are not exempted from s.40 of the Public Works Act 1981. Section 24E seems to have been overlooked when the exemptions were added to the other exchange provisions in the legislation. It will therefore be necessary to seek an exemption from the offer back provisions from LINZ.

#### 4.1 PROCESSES AND ACCOUNTABILITIES

Stage	Who Does It	What Happens
1	Officer carrying out the transaction	Receives an offer to exchange a marginal strip at the initiative of an applicant or the department
2	Officer carrying out the transaction	Requests a report on the areas.
3	Officer carrying out the transaction	Considers any section 4 requirements and arranges any consultation that may be required to arrive at an informed decision. In the case of Waikato advises Tainui under the RFR and asks if they wish to exchange equivalent land for the strip.
4.	Officer carrying out the transaction	Considers the need to consult the Conservation Board in accordance with local practice.
5.	Officer carrying out the transaction	Receives the report and the results of consultation.
6.	Officer carrying out the transaction	If Stage 5 suggests that the exchange should be approved arranges an estimate of costs including a valuation of the area. The question of the effect of sec 40 of the Public Works Act should be considered here. Obtaining a formal decision may be hindered by the fact that the area is not actually surplus, something that should be discussed with LINZ.
7	Officer carrying out the transaction	Prepares a case to the decision-maker taking into account the cost involved.
8	Delegated decision-maker	Decides the case.
9	Officer carrying	Advises the applicant accordingly with the department's

Stage	Who Does It	What Happens
	out the transaction	views on costs and equality of exchange. The “disposal” of the marginal strip to be exchanged will be subject to clearance under s.40 of the Public Works Act 1981. Acceptance should be recorded in a formal agreement.
10	Officer carrying out the transaction	If the department’s conditional offer is accepted arranges s.40 clearance.
11	Officer carrying out the transaction	Arrange survey of the Crown area, this may be done in conjunction with the applicant’s area.
12	Officer carrying out the transaction and Legal Services	Prepares exchange agreement and caveat if necessary.
13	Officer carrying out the transaction and decision-maker	Gazette notice authorising the exchange prepared and signed following survey.
14	Officer carrying out the transaction and Legal Services	Undertakes conveyancing action.
15	Officer carrying out the transaction	Updates NaPALIS

#### 4.2 STANDARDS

The exchange must better achieve the purposes of marginal strips as specified in section 24C of the Act. That will usually mean that the area of marginal strip to be acquired is clearly superior to the marginal strip to be exchanged because of its location or the way in which it contributes to the purposes outlined in section 24C.

If the existing marginal strip is fulfilling the purposes of the Act an exchange may be difficult to justify, even if the area to be acquired is a “better” marginal strip, unless there are additional circumstances that justify the exchange.

Exchanges must not destroy the integrity of an existing network of marginal strips because that would be contrary to the purposes of such strips as set out in sections 24(a), (b) and (c).

If the exchange is for the mutual benefit of the Crown and the applicant each party may expect to bear their own costs. On the other hand if the exchange is for the benefit of the applicant they may be expected to meet the costs. The Department should take that into account when assessing an exchange proposal.

Any equality of exchange payable by the Crown must be taken into account and funded if the exchange is to go ahead. Equality of exchange payable to the Crown must be recovered unless there is an appropriation for the "loss" on the exchange.

#### 4.3 COST RECOVERY

As noted above each party should bear their own costs. The usual cost recovery expectations should apply.

#### 4.4 DELEGATIONS

See the latest delegations under Legal Information on the Intranet

#### 4.5 CROSS REFERENCE

Land Exchanges SOP.

## 5. THE MANAGEMENT OF MARGINAL STRIPS

### 5.1 APPOINTING A MANAGER OF A MARGINAL STRIP

Marginal strips are usually managed by the Department; however, section 24H of the Conservation Act 1987 provides that suitable persons may be appointed to manage strips. They will usually be the owners of the adjoining land unless some other person is considered more suitable.

A local authority may be appointed to manage a marginal strip if it is the adjoining owner or considered to be a more suitable appointee. If it is expected that the local authority as manager will deal with offences on the strip local authority members or staff will have to be appointed as honorary warranted officers under section 59(2) of the Conservation Act.

If the marginal strip to be managed adjoins numerous properties the likely interest of those owners will have to be considered. There is also the slight possibility that the bed of the adjoining water body may be in private ownership, perhaps as land acquired as the result of a Treaty settlement. Such a situation may place a particular requirement on the Department to consider its obligations under sec 4 of the Conservation Act.

The following points should be noted.

The Crown shall manage all marginal strips around controlled lakes and reservoirs (s.24H (3))

Managers must manage strips in a way that best serves the purposes of marginal strips and enables members of the public to have access along the strip (s.24H(4)). A manager cannot limit public access although they may request that a strip be closed temporarily under section 13 of the Act (s.24H (7)).

Managers may make improvements to strips, there are special provisions regarding Crown forestry licences (s.24H (5) and (6)). Those provisions enable the holder of a forestry licence to manage and harvest exotic trees existing on the strip at the time of its creation and to carry out one replanting on the strip. No concession is required to carry out those activities. Only the licence holder may be appointed to manage the strips affecting the licensed area.

Managers must comply with reasonable requirements regarding the management of the strip but cannot be required to fence the strip unless the Crown bears the costs (s.24H (8) and (9)). Managers must bear all other costs of management (s.24H (12)).

The manager of a marginal strip must be consulted when an application to mine the marginal strip is being considered or when any complaint or restriction regarding the strip is being investigated or proposed. (s.24H (10)).

Managers must obtain consent before making any significant changes or improvements in the strip and commit an offence if they knowingly damage the strip or use the strip for any purpose contrary to Part IVA of the Act. (s.24H (13)).

The appointment of managers of marginal strips in tenure reviews of pastoral land is dealt with in Section 3-B of SOP 1049.

## 5.2 PROCESS AND ACCOUNTABILITIES

Stage	Who Does It	What Happens
1	Officer carrying	Receives an application to manage a marginal strip. This

Stage	Who Does It	What Happens
	out the transaction	may be initiated by the Department.
2	Officer carrying out the transaction	Checks to ensure there is a marginal strip and arranges an inspection or requests a field report. <sup>9</sup>
3	Officer carrying out the transaction	Considers the results of the inspection or report and any special conditions that may be necessary in the management agreement.
4	Officer carrying out the transaction	Refers a case to the decision-maker.
5.	Delegated decision-maker	Decides the case.
6.	Officer carrying out the transaction	Advises the applicant. If a management appointment is approved the advice sets out the conditions that will be incorporated in the agreement.
7.	Officer carrying out the transaction	Following acceptance the applicant arranges for the management agreement to be drawn up by Legal Services.
9.	Officer carrying out the transaction	Sends the agreement for signature to the manager.
10.	Decision-maker	Signs under delegated authority.
11.	Officer carrying out the transaction	Sends copy of signed agreement to the manager. Updates NaPALIS accordingly.

### 5.3 STANDARDS

The provisions of sections 24H limit the purposes for which persons may be appointed to manage marginal strips and any appointment must be consistent with those purposes. An appointment to manage a strip can only be used to solve an operational problem if, for example, the wishes of the manager can be reconciled with the requirements of the legislation. An appointment to manage cannot have the effect of granting exclusive occupation of a strip but it may give some comfort to an adjoining owner who has an interest in improvements located on a marginal strip or wishes to manage the strip together with the adjoining property.

<sup>9</sup> See land status checking Guideline. There may be practical problems if the strip was created after 1990 and the strip or waterway is not shown on a plan

The following matters must be taken into account in assessing any application to manage a marginal strip:

- The suitability of the proposed manager, including the ability to meet any management costs
- The impact of the proposed management regime and the need to impose restrictions to maintain the purpose of the strip
- Any existing improvements
- The need to ensure members of the public have access to the strip
- The views of the adjoining owner or owners (including the owners of the bed of the water body) if another person or body is being considered as a possible manager
- Any obligations arising from Treaty settlements or section 4 of the Conservation Act

The management agreement must be drawn up as an enforceable contract by Legal Services and signed by the appropriate delegate on behalf of the Minister. Any particular conditions negotiated with the prospective manager must be consistent with the provisions of the Act.

Management should only be resumed by the Crown by agreement or if there is a clear breach of the conditions of management. The question of the Region having funds to pay compensation for improvements that have been made with the consent of the Crown must be considered.

#### 5.4 COST RECOVERY

The Department's costs may be recovered. Consideration, however, should be given to the circumstances of the case. It may be that an appointment to manage has benefits to the Department or is a means of solving a problem not of the applicant's making. If that is the case, it may be appropriate to exercise discretion to waive cost recovery in whole or in part.

#### 5.5 RESUMPTION OF MANAGEMENT

Section 24J deals with the resumption of the management of marginal strips by the Crown.

The Crown may resume the management of strips by giving 90 days notice to the manager or such longer period of notice, not exceeding six months, as may be provided in the management agreement.

The Crown must pay compensation to the manager for any improvements made on the strip by the manager with the consent of the Crown and the manager's reasonable administration costs associated with the resumption by the Crown.

The section provides for arbitration in the event of disputes arising about any amount payable by the Crown.

## 5.6 LEGISLATION

Sections 24H and J of the Conservation Act 1987.

## 5.7 DELEGATIONS

See the latest version of the delegations on the Intranet.

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## 6. Appendices

[DOCDM-405103](#)

### **Notification of the Intention to Dispose of Land**

In accordance with Section 24(2A) of the Conservation Act 1987 notification is hereby given that ..... intends to sell or otherwise dispose of the following land.

This notice is also to fulfil the Cabinet requirement to notify the Department of Conservation so that the conservation values of the area may be assessed.

**Area:**

**Legal Description:**

**CFR Ref:**

**Location: \***

**Local authority:**

**Application of District Plan: \*\***

**The Land does/does not adjoin a waterway \*\*\***

**Details of Adjoining or Internal Waterways: \*\*\*\***

**Marginal Strips or Esplanade Reserves on adjoining properties: \*\*\*\*\***

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**Brief details of any known conservation values, the landscape and vegetation cover of the land and whether or not it adjoins an existing protected area.**

**Plans \*\*\*\*\***

\_\_\_\_\_  
(Signed, for disposing department or agency)

\_\_\_\_\_  
(Designation)

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**Department of Conservation**

1. The area does not adjoin a waterway so no marginal strip will be created.
2. The area has no known conservation values that the Department of Conservation wishes to see protected.
3. The area adjoins a waterway and a 20m wide marginal strip will meet the requirements of the Conservation Act.
4. The area adjoins a waterway and an investigation is necessary to consider whether a strip wider than 20m is required to meet the requirements of section 24AA(5) of the Conservation Act; and /or
5. The area may have other conservation values that should be protected and an investigation is underway. You will be advised of the outcome and what action the department proposes before / / .

-----  
(Signed)

(Designation-for Department Conservation)

**Comments**

This advice is designed to provide a quick reply where no marginal strip is created or where a 20 metre strip will be sufficient. It will also be used to provide a quick response if there are no other known conservation values requiring protection.

It will also be used to advise that the need for protection either by wider marginal strips or other means is to be investigated during a further 20 working day period.

If an investigation is carried out to determine any conservation values separate advice will be provided of the outcome. That will include whether the Department plans to negotiate protection for all or part of the area and the process for doing so or require a marginal strip wider than 20m.

If the disposing department or agency wishes to apply for an exemption or reduction in the marginal strip requirement a separate application will be necessary with supporting information detailing why a reduction or exemption is required. Sections 24A and 24B of the Conservation Act apply.

### Notes

- \* Give street address or approximate location, sufficient to enable the area to be located on maps and plans.
- \*\* Include any known designations and briefly outline how the District Plan affects the area.
- \*\*\* Delete which does not apply, this information should be provided by a person who has at least carried out a basic check of the facts from available information such as a LINZ Accredited Supplier or a Property Officer from the disposing department.
- \*\*\*\* Provide as much detail as is known, especially the width of any adjoining or internal waterway, the size of any lakes and whether or not the area adjoins the sea.

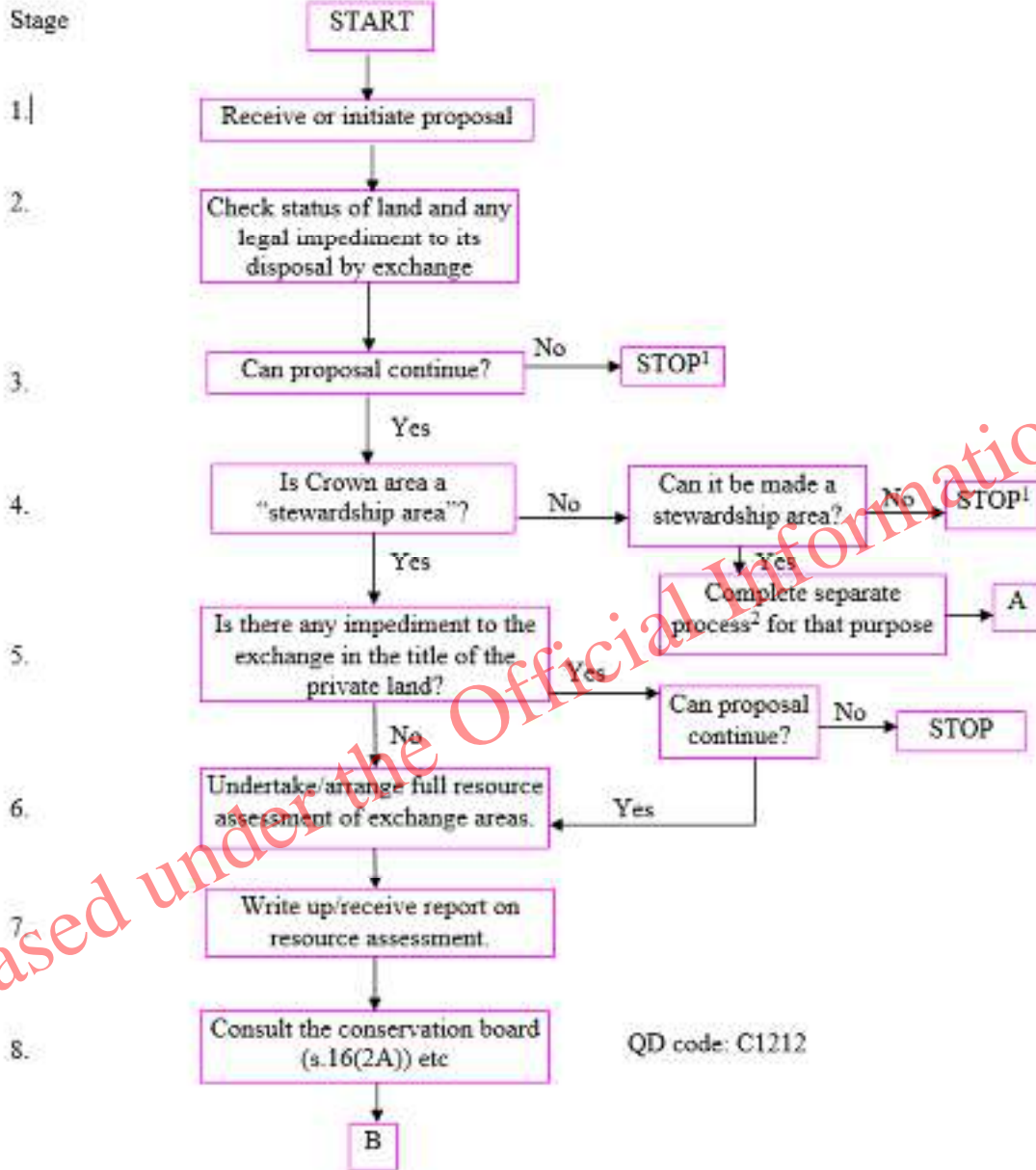
Comments on any conservation values including the values any marginal strip may protect would also be useful.

- \*\*\*\*\* Provide brief details if known, particularly about widths.

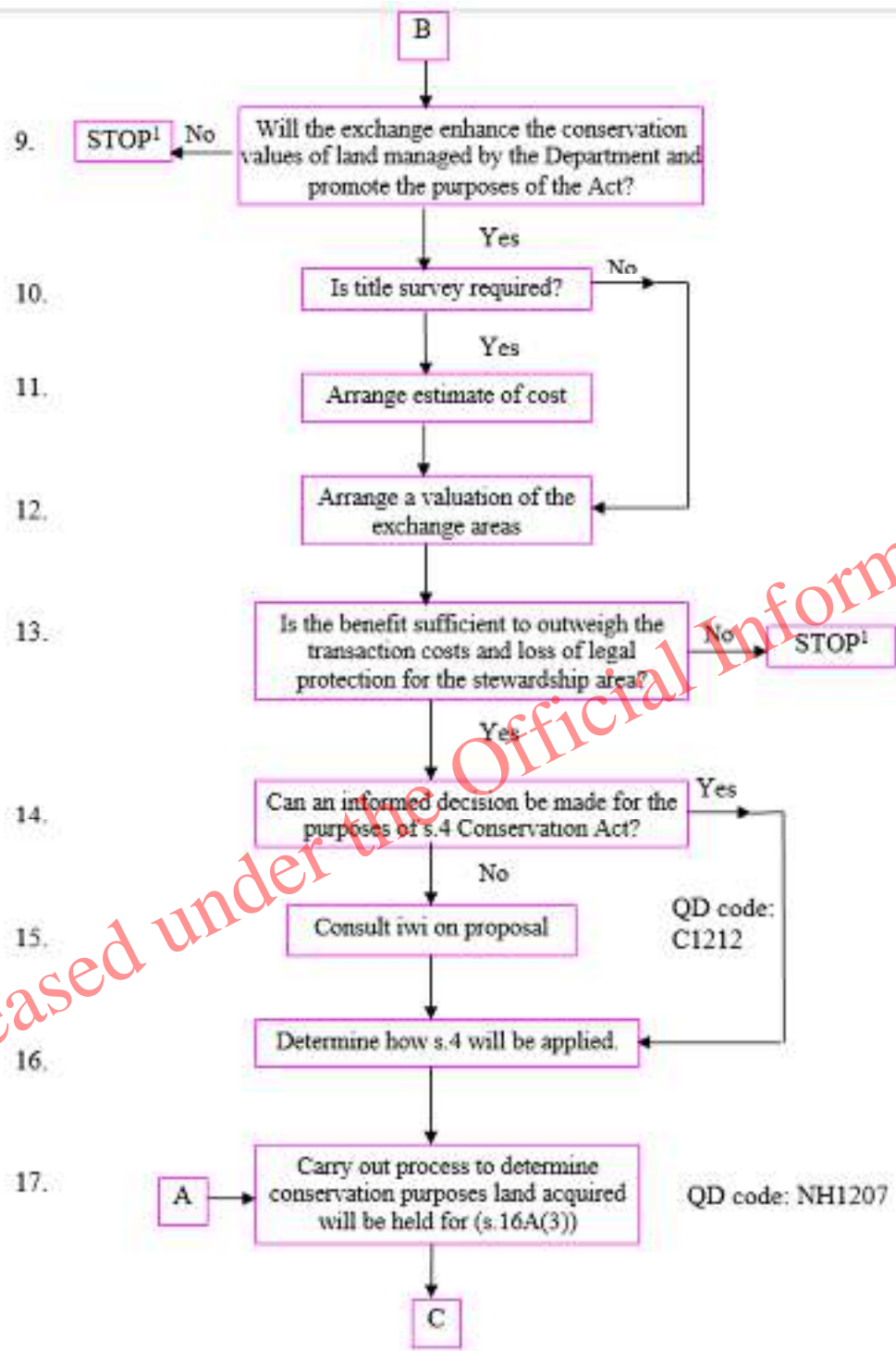
- \*\*\*\*\* Attach a suitable plan if one is available e.g. a copy of the SO plan or DP or a copy of a cadastral plan record.

If there are waterways adjoining or within the property that will result in the creation of marginal strips those waterways must be shown on a plan accompanying the application. If in doubt the department should be consulted. There are guidelines for the Identification of Water Bodies that will Qualify for Marginal Strips which may be obtained from the department.

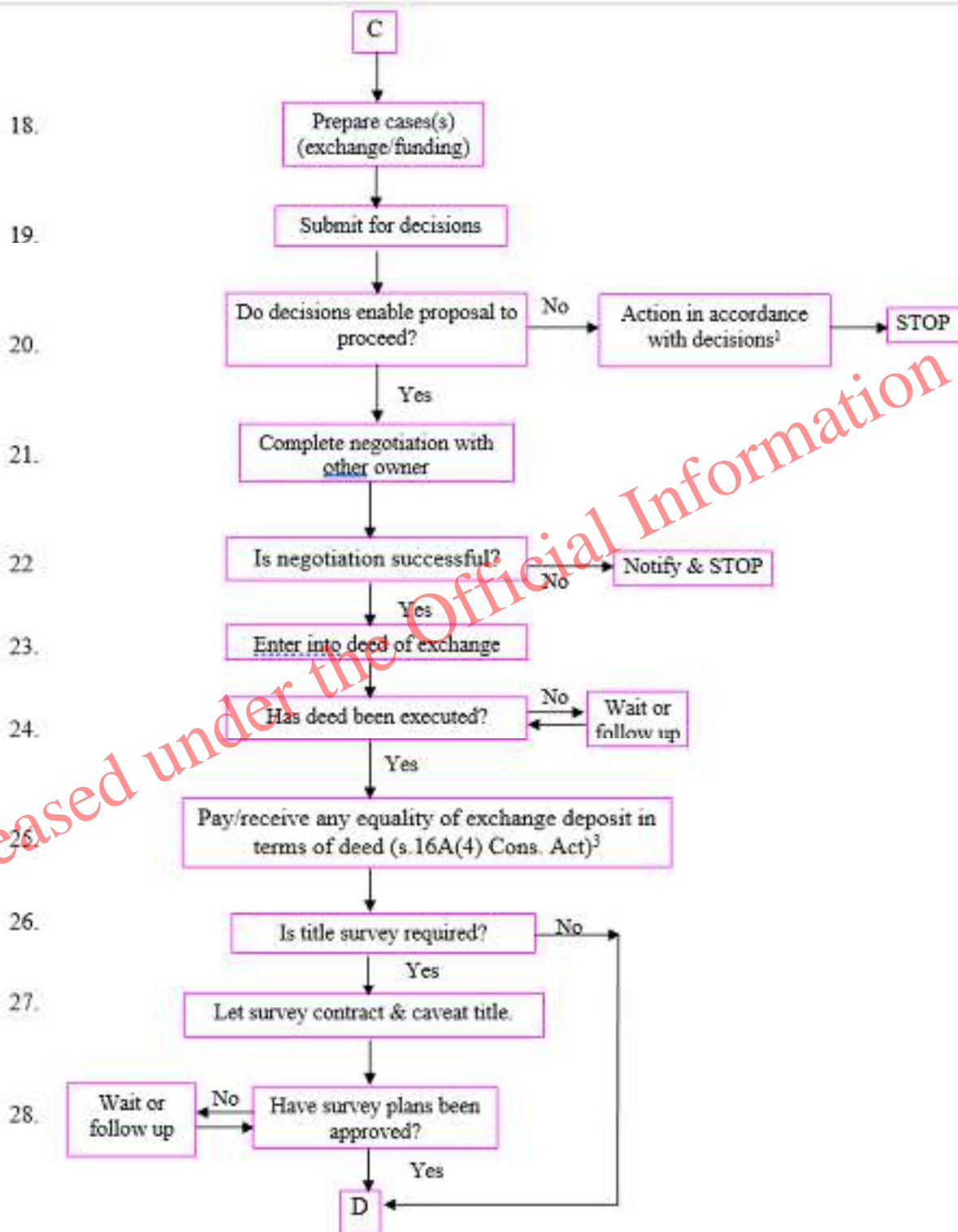
Process for exchange under s.16A Conservation Act



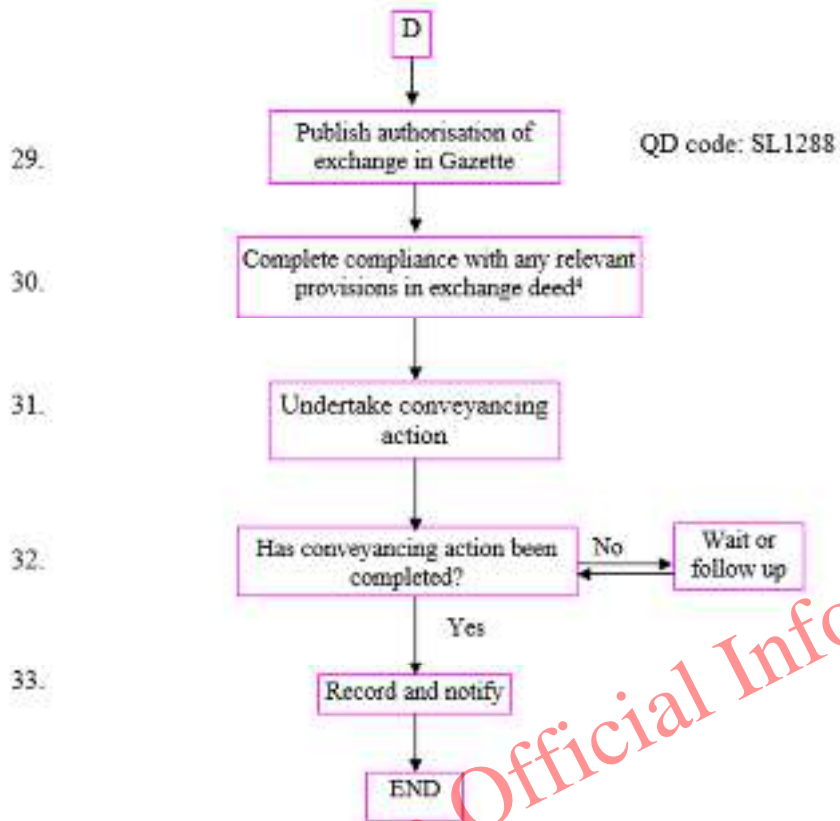
<sup>1</sup> Advise other affected persons of reasons.  
<sup>2</sup> It may be possible to complete Stages 5-17 in anticipation of the other process being successful to declare the area to be a stewardship area. However Stages 8, 9, & 14 to 16 depend on other parties being willing to consider the exchange proposal before the land becomes stewardship area. The process cannot go past Stage 17 before categorisation of the land as "stewardship area" is completed.



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<sup>4</sup> If payment/receipt of a deposit was not made at Stage 25 then also deal with equality of exchange at this Stage.

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**From:** Philip McKay [s9(2)(a)]  
**Sent:** Monday, 24 November 2025 9:14 am  
**To:** Amy Robinson  
**Subject:** RE: Tukituki Water Security Project - Preliminary Land Exchange Application (s33 of FTAA)

Thanks Amy, just checking availability with our team and hope to send out a meeting invite later on today.  
Kind regards,  
Phil

 **Philip McKay**  
Partner

[s9(2)(a)] | PO Box 149, Napier 4140  
[www.mitchelldaysh.co.nz](http://www.mitchelldaysh.co.nz)

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**From:** Amy Robinson <amrobinson@doc.govt.nz>  
**Sent:** Monday, November 24, 2025 9:01 AM  
**To:** Philip McKay [s9(2)(a)]  
**Cc:** James Winchester [s9(2)(a)]; mike.scott [s9(2)(a)]; Dianne Smith [s9(2)(a)]; jeremy.prebble <jeremy.prebble@hawkestone.co.nz>; Gerry Kessels [s9(2)(a)]; Hamish Dean [s9(2)(a)]; Sarah Budd [s9(2)(a)]; Nick.Goldwater [s9(2)(a)]  
**Subject:** RE: Tukituki Water Security Project - Preliminary Land Exchange Application (s33 of FTAA)

Mōrena Phil and team

The DOC team is available to catch up on Thursday morning.  
Phil, could you please send through an invite for a time that suits you?

Thanks and regards  
Amy

---

**From:** Philip McKay [s9(2)(a)]  
**Sent:** Wednesday, 19 November 2025 9:26 am  
**To:** Amy Robinson <amrobinson@doc.govt.nz>  
**Cc:** James Winchester [s9(2)(a)]; mike.scott [s9(2)(a)]; Dianne Smith [s9(2)(a)]; Jeremy Prebble <jeremy.prebble@hawkestone.co.nz>; Gerry Kessels [s9(2)(a)]; Hamish Dean [s9(2)(a)]; Sarah Budd [s9(2)(a)]; Nick.Goldwater [s9(2)(a)]  
**Subject:** RE: Tukituki Water Security Project - Preliminary Land Exchange Application (s33 of FTAA)

Thank you, Amy, Sarah and Nick, for getting those comments back to us, we will consider and come back to you on the offer of a meeting.  
Ngā mihi  
Phil

 **Philip McKay**  
Partner

s9(2)(a) | PO Box 149, Napier 4140  
[www.mitchelldaysh.co.nz](http://www.mitchelldaysh.co.nz)

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**From:** Amy Robinson <[amrobinson@doc.govt.nz](mailto:amrobinson@doc.govt.nz)>  
**Sent:** Wednesday, November 19, 2025 9:05 AM  
**To:** Philip McKay <s9(2)(a)>  
**Cc:** James Winchester <s9(2)(a)>; mike.scott <s9(2)(a)>; Dianne Smith <s9(2)(a)>; jeremy.prebble <[jeremy.prebble@hawkestone.co.nz](mailto:jeremy.prebble@hawkestone.co.nz)>; Gerry Kessels <s9(2)(a)>; Hamish Dean <s9(2)(a)>; Sarah Budd <s9(2)(a)>; Nick.Goldwater <s9(2)(a)>  
**Subject:** FW: Tukituki Water Security Project - Preliminary Land Exchange Application (s33 of FTAA)

Kia ora Phil and team

Thank you for sharing the draft ecological reports to DOC for comment. Our ecologists have provided comprehensive feedback in the email below, for your consideration. We are happy to meet if you think there would be value in that.

Kind regards  
Amy

---

**From:** Sarah Budd <s9(2)(a)>  
**Sent:** Friday, 14 November 2025 9:37 pm  
**To:** Amy Robinson <[amrobinson@doc.govt.nz](mailto:amrobinson@doc.govt.nz)>; Nick Goldwater <s9(2)(a)>  
**Subject:** RE: Tukituki Water Security Project - Preliminary Land Exchange Application (s33 of FTAA)

Kia ora Amy

The applicant has provided one overall land exchange assessment report that includes information relating to both the DOC land and the SEB, which is good. However, we expect that this report will be under extreme scrutiny once it is made public so it will need to be very robust. Nick and I have had a read over and have provided some comments below.

#### Mitigation vs Land Exchange Actions

The draft report does not distinguish between:

- Management actions proposed to mitigate dam-induced ecological effects, and
- Management actions required to achieve net conservation benefit for the land exchange.

This was a core concern in our earlier review due to the risk of double-counting. The draft now repeats the same stock exclusion, pest control, and wilding control actions as before, with no clarity on:

- Whether these actions belong to the dam offsetting package,
- Whether they are "improvement works" under FTAA s24/31, or
- Who is responsible for costs, duration, and delivery.

It is also noted that the Conservation Values Assessment Guidelines state that "*Where additional work/funding is proposed to enhance a site, DOC expects that an applicant demonstrates which ecological attributes and criteria are improved, by how much and over what time*".

This issue needs to be resolved before DOC can form a position.

#### Exchange Factor Changes

The exchange factor has been reduced from c.5.5 to 4.2 (noting that there is a typo in the conclusion section that still states this as 5.5). This is due to an increase in the extent of DOC land loss; however, this is not explicitly explained.

The report should clearly explain:

- That there is a reduced exchange ratio relative to the 2013 reports.
- The reason for the reduction in exchange area,

- Whether the “current value” assessment has materially changed as a result.

### FTAA Requirements Not Fully Addressed

The FTAA requires explicit detail on:

- Improvement works,
- How they deliver net conservation benefit,
- How funds would be applied,
- Whether conditions are feasible and enforceable, and
- Ongoing management practicality.

The report identifies the same three generic management actions but does not provide any detail on:

- Cost allocation,
- Timing
  - When does DOC assume responsibility?
  - For how long must mitigation/management continue before handover?
  - Are long-term pest and plant management actions conditions of exchange or conditions of dam mitigation?
- Durability/permanence,
- Transition of management responsibility to DOC.

In our earlier feedback we recommended that a draft management plan be provided with the application. We still consider that this is required to fulfil the FTAA requirements. This plan should provide the details above.

### Fauna Surveys

Our earlier review noted that fauna surveys in SEB were absent or superficial. This remains unresolved.

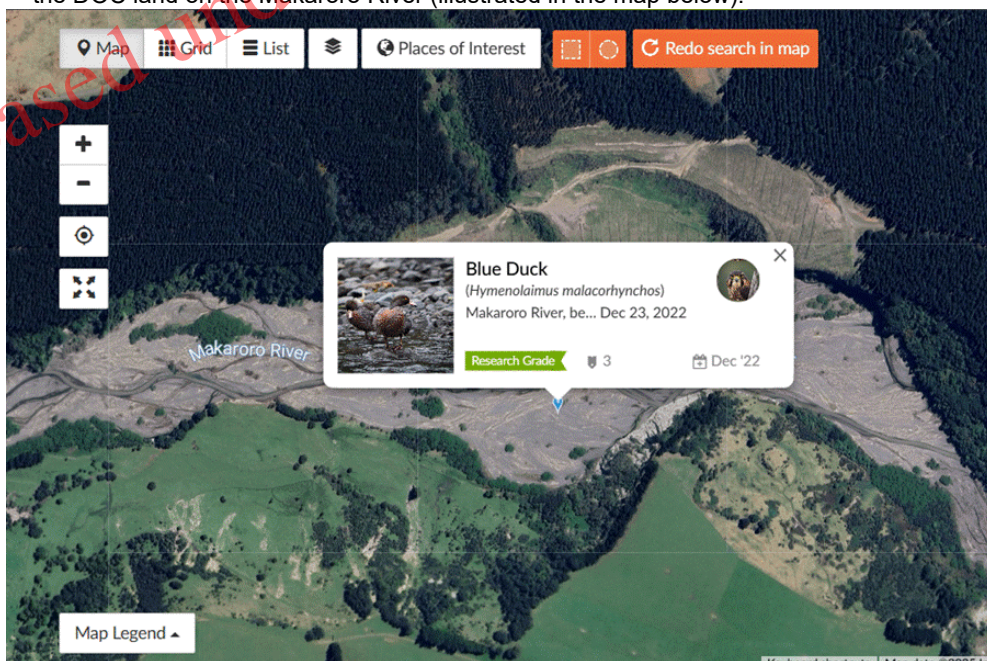
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This should include:

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Nga mihi,

## Sarah Budd

Principal Ecologist, Auckland Ecology Team Leader and Coordinator

P s9(2)(a) M s9(2)(a)

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12 Nixon Street, Grey Lynn, Auckland 1021

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[Redacted signature area]

[Redacted signature area]

[Redacted signature area]

[Redacted signature area]

---

**From:** Philip McKay [s9(2)(a)]  
**Sent:** Wednesday, 12 November 2025 9:01 am  
**To:** Amy Robinson <[amrobinson@doc.govt.nz](mailto:amrobinson@doc.govt.nz)>  
**Cc:** James Winchester [s9(2)(a)]; mike.scott [s9(2)(a)]; Dianne Smith [s9(2)(a)]; Jeremy Prebble <[jeremy.prebble@hawkestone.co.nz](mailto:jeremy.prebble@hawkestone.co.nz)>; Gerry Kessels [s9(2)(a)]; Hamish Dean [s9(2)(a)]  
**Subject:** RE: Tukituki Water Security Project - Preliminary Land Exchange Application (s33 of FTAA)

Kia ora Amy,

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Ngā mihi  
Phil

 **Philip McKay**  
Partner

[s9(2)(a)] PO Box 149, Napier 4140  
[www.mitchelldaysh.co.nz](http://www.mitchelldaysh.co.nz)

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---

**From:** Amy Robinson <[amrobinson@doc.govt.nz](mailto:amrobinson@doc.govt.nz)>  
**Sent:** Friday, November 7, 2025 9:37 AM  
**To:** Philip McKay [s9(2)(a)]  
**Cc:** James Winchester [s9(2)(a)]; mike.scott [s9(2)(a)]; Dianne Smith [s9(2)(a)]; jeremy.prebble <[jeremy.prebble@hawkestone.co.nz](mailto:jeremy.prebble@hawkestone.co.nz)>  
**Subject:** RE: Tukituki Water Security Project - Preliminary Land Exchange Application (s33 of FTAA)

Mōrena Phil

DOC has prepared an application form which shows the information required for the land exchange application under FTAA. It can be found on the website here: <https://www.doc.govt.nz/get-involved/apply-for-permits/business-or-activity/fast-track/>  
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Kind regards  
Amy

## Forms

[Request for pre-lodgement Fast-track application consultation form \(PDF, 225K\)](#)

[Request for pre-lodgement Fast-track application consultation form \(DOCX, 125K\)](#)

[New customer form – Fast-track \(PDF, 232K\)](#)

[New customer form – Fast-track \(DOCX, 159K\)](#)

[Land exchange application form \(PDF, 310K\)](#)

[Land exchange application form \(DOCX, 130K\)](#)

---

**From:** Philip McKay [s9\(2\)\(a\)](#)  
**Sent:** Thursday, 6 November 2025 5:11 pm  
**To:** Amy Robinson <[amrobinson@doc.govt.nz](mailto:amrobinson@doc.govt.nz)>  
**Cc:** James Winchester <[s9\(2\)\(a\)](#)>; mike.scott <[s9\(2\)\(a\)](#)> Dianne Smith  
[s9\(2\)\(a\)](#)  
**Subject:** Tukituki Water Security Project - Preliminary Land Exchange Application (s33 of FTAA)

Kia ora Amy,

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Section 33(1)(a) of the FTAA is clear and you have provided helpful guidelines of DOCs expectations around a conservation values assessment (as is required by clause 24 of Schedule 6).

It is section 33(1)(b) that I am a little bit less clear about but the following outlines my interpretation:

**33 Land exchange application lodged with Director-General of Conservation**

1. Before lodging the substantive application, the authorised person for the project must lodge with the Director-General of Conservation a land exchange application that consists of—

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(ii) in the case of an unlisted project, was contained in the referral application; and

c. any information specified by the Minister under [section 27\(3\)\(c\)\(ii\)](#).

In turn section 43(2) state that the application must include the information stated in section 13(4) (excluding subsections (b), (f)(ii)&(iii), and (g), which relates to the information requirements for referral applications. Section 13(4) includes a very long list of information (extending from (a) – (y)), which is disconcerting given that the details of the substantive application are still being worked through.

I therefore wanted to check that you agree that the reference in 33(1)(b) to “information relevant to the land exchange” restricts the scope of the information requirements section 13(4) to matters relating to the dam reservoir, which is the aspect of the proposal that creates the need for the land exchange. Subject to, a positive decision on the s125 application the dam and reservoir in themselves will not require consent under the substantive FTAA application.

I trust that provides enough background to have a teams meeting to talk through further.

Please let me know if you have any availability to meet Friday or early next week.

Cheers

Phil

 **Philip McKay**  
Partner

[s9\(2\)\(a\)](#) | PO Box 149, Napier 4140  
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Released under the Official Information Act

Item 7

**From:** Mike Scott [s9(2)(a)]  
**Sent:** Wednesday, 26 November 2025 12:46 pm  
**To:** Amy Robinson; Philip McKay  
**Cc:** James Winchester; Accounts Receivable; FastTrackApplicationEnquiries; Mike Knobloch  
**Subject:** Re: Tukituki Water Security Project - Preliminary Land Exchange Application (s33 of FTAA) FEE PAYMENT  
**Attachments:** DEPT [s9(2)(b)(ii)]\_2026.pdf  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Kia ora Amy,

We are preparing to lodge the Land Exchange application with DOC shortly, and we look forward to our meeting tomorrow in preparation for this application.

The Land Exchange Application form states on the first page "You must pay the land exchange application fee and levy (set out in the Fast-track Approvals (Cost Recovery) Regulations 2025) to the EPA before lodging your exchange application with DOC." Sch 1 shows the Land Exchange application fee as \$36,000 and a levy of \$13,400.

I wish to pay this \$49,400 tomorrow. Given we have no invoice to reference, can you please advise how I should pay this?, or are you happy we pay into the DOC account shown in the attached invoice and reference our Account Number: [s9(2)(b)(ii)], ie:

Include the following details to appear on our bank statement:

Particulars: **LAND EXCHANGE DEPOSIT**

Code: [s9(2)(b)(ii)]

Reference: TUKITUKI WATER SECURITY LIMITED

Bank Account: Crown and Department invoices have separate bank accounts and must be paid separately.

For paying this invoice, please make payment to the bank account [s9(2)(b)(ii)].

Thanks and regards,  
Mike

Mike Scott  
Tukituki Water Security Ltd  
[s9(2)(a)]

---

**From:** Amy Robinson <amrobinson@doc.govt.nz>  
**Date:** Wednesday, 19 November 2025 at 09:21  
**To:** Philip McKay [s9(2)(a)]  
**Cc:** James Winchester [s9(2)(a)]; Mike Scott [s9(2)(a)]; Dianne Smith [s9(2)(a)]; Jeremy Prebble <jeremy.prebble@hawkestone.co.nz>; Gerry Kessels [s9(2)(a)]; Hamish Dean [s9(2)(a)]; Sarah Budd [s9(2)(a)]; Nick Goldwater [s9(2)(a)]  
**Subject:** FW: Tukituki Water Security Project - Preliminary Land Exchange Application (s33 of FTAA)

You don't often get email from amrobinson@doc.govt.nz. [Learn why this is important](#)

Kia ora Phil and team

Thank you for sharing the draft ecological reports to DOC for comment. Our ecologists have provided comprehensive feedback in the email below, for your consideration. We are happy to meet if you think there would be value in that.

Kind regards  
Amy

---

**From:** Sarah Budd [s9(2)(a)]  
**Sent:** Friday, 14 November 2025 9:37 pm  
**To:** Amy Robinson <amrobinson@doc.govt.nz>; Nick Goldwater [s9(2)(a)]  
**Subject:** RE: Tukituki Water Security Project - Preliminary Land Exchange Application (s33 of FTAA)

Kia ora Amy

The applicant has provided one overall land exchange assessment report that includes information relating to both the DOC land and the SEB, which is good. However, we expect that this report will be under extreme scrutiny once it is made public so it will need to be very robust. Nick and I have had a read over and have provided some comments below.

#### **Mitigation vs Land Exchange Actions**

The draft report does not distinguish between:

- Management actions proposed to mitigate dam-induced ecological effects, and
- Management actions required to achieve net conservation benefit for the land exchange.

This was a core concern in our earlier review due to the risk of double-counting. The draft now repeats the same stock exclusion, pest control, and wilding control actions as before, with no clarity on:

- Whether these actions belong to the dam offsetting package,
- Whether they are “improvement works” under FTAA s24/31, or
- Who is responsible for costs, duration, and delivery.

It is also noted that the Conservation Values Assessment Guidelines state that “*Where additional work/funding is proposed to enhance a site, DOC expects that an applicant demonstrates which ecological attributes and criteria are improved, by how much and over what time*”.

This issue needs to be resolved before DOC can form a position.

#### **Exchange Factor Changes**

The exchange factor has been reduced from c.5.5 to 4.2 (noting that there is a typo in the conclusion section that still states this as 5.5). This is due to an increase in the extent of DOC land loss; however, this is not explicitly explained.

The report should clearly explain:

- That there is a reduced exchange ratio relative to the 2013 reports.
- The reason for the reduction in exchange area,
- Whether the “current value” assessment has materially changed as a result.

#### **FTAA Requirements Not Fully Addressed**

The FTAA requires explicit detail on:

- Improvement works,
- How they deliver net conservation benefit,
- How funds would be applied,
- Whether conditions are feasible and enforceable, and
- Ongoing management practicality.

The report identifies the same three generic management actions but does not provide any detail on:

- Cost allocation,
- Timing
  - When does DOC assume responsibility?
  - For how long must mitigation/management continue before handover?
  - Are long-term pest and plant management actions conditions of exchange or conditions of dam mitigation?
- Durability/permanence,
- Transition of management responsibility to DOC.

In our earlier feedback we recommended that a draft management plan be provided with the application. We still consider that this is required to fulfil the FTAA requirements. This plan should provide the details above.

#### **Fauna Surveys**

Our earlier review noted that fauna surveys in SEB were absent or superficial. This remains unresolved.

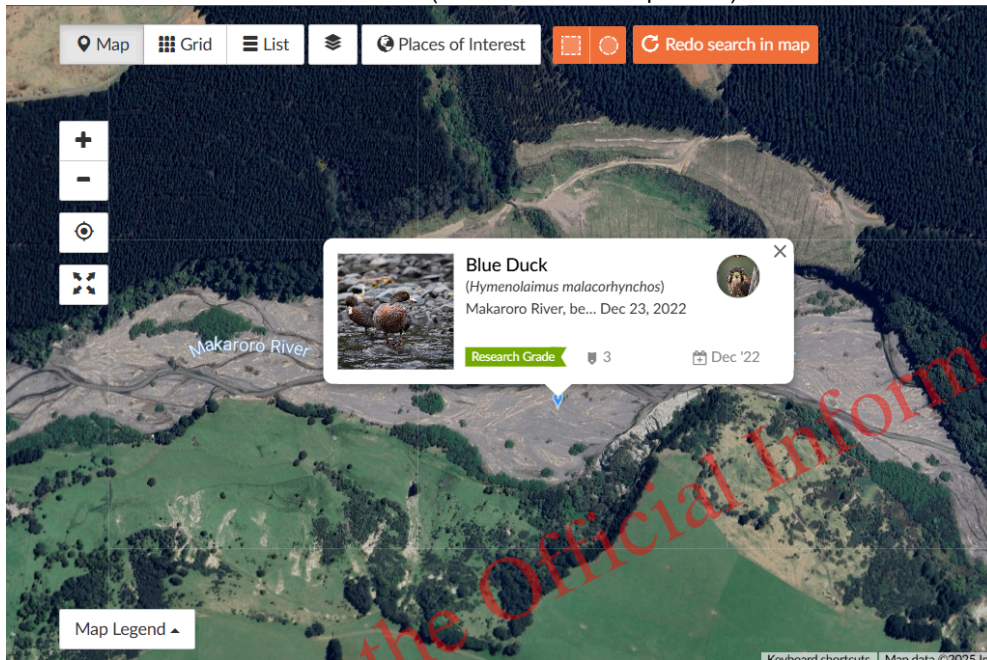
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Principal Ecologist, Auckland Ecology Team Leader and Coordinator

P s9(2)(a) M s9(2)(a)

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Partner

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Te Papa Atawhai

Department of Conservation  
PO Box 10420  
WELLINGTON 6140  
0800 677 800  
ar@doc.govt.nz

# Tax Invoice

GST Number: 067-809-823  
NZBN: 9429000028295

TUKITUKI WATER SECURITY LIMITED  
16 MILNE PLACE  
RICHMOND 7020

**Tax Invoice Number:** s9(2)(b)(ii)  
**Tax Invoice Date:** 22/08/2025  
**Account Number:** s9(2)(b)(ii)  
**Customer NZBN:** 9429048983426

Description / Comments	NZD Amount
*Estimate of costs for pre-lodgement consultation under the Fast-track Approvals Act 2024 with the Department of Conservation Tukituki Water Security Project	4,896.00
<b>Sub-Total</b>	4,896.00
<b>GST</b>	734.40
<b>Total NZD</b>	5,630.40

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For any queries please contact DOC Accounts Receivable on the above contact details

### Remittance Advice

**Tax Invoice Number:** s9(2)(b)(ii) **Total NZD:** 5,630.40  
**Account Number:** [Redacted]

Department of Conservation  
PO Box 10420  
WELLINGTON 6140  
ar@doc.govt.nz

**Due Date:** 22/08/2025  
**Payment Method:** Bank Transfer  
**Bank Name:** DEPT Main Bank Account (00)  
**Account Holder:** Department  
**Bank Account:** s9(2)(b)(ii)  
**Swift Code:** s9(2)(b)(ii)

For more details on how to pay please refer to the next page.

## How can I pay my invoice?

The easiest way to pay is via your bank's online banking system. All invoices are issued in New Zealand dollars.

Include the following details to appear on our bank statement:

**Particulars:** s9(2)(b)(ii)

**Code:** s9(2)(b)(ii)

**Reference:** TUKITUKI WATER SECURITY LIMITED

**Bank Account:** Crown and Department invoices have separate bank accounts and must be paid separately.

For paying this invoice, please make payment to the bank account s9(2)(b)(ii)

## If paying from overseas

**Swift code:** s9(2)(b)(ii)

Remittance advices can be emailed to [ar@doc.govt.nz](mailto:ar@doc.govt.nz)

## Pay by credit card option

If you do not have access to online banking another option is to pay over the phone using your credit/debit card. Call us on 0800 677 800

## Contact us

Please get in touch if you have any questions:

**Phone:** 0800 677 800

**Email:** [ar@doc.govt.nz](mailto:ar@doc.govt.nz)

Item 9

**From:** Mike Scott [s9(2)(a)]  
**Sent:** Thursday, 27 November 2025 4:46 pm  
**To:** Amy Robinson; Philip McKay  
**Subject:** Re: LEx process catch up

Thanks Amy,  
I have not heard back, but (noting this is regarding \$), I am happy to be both the contact and finance person.  
Mike

Mike Scott  
Tukituki Water Security Ltd  
[s9(2)(a)]

---

**From:** Amy Robinson <amrobinson@doc.govt.nz>  
**Date:** Thursday, 27 November 2025 at 15:47  
**To:** Mike Scott [s9(2)(a)], Philip McKay  
[s9(2)(a)]  
**Subject:** RE: LEx process catch up

Hi Mike

If you haven't heard back from the EPA, I have just been cc'ed into a message containing the list of information they require. I believe you supplied them with the majority of this, perhaps with the exception of the Finance contact details.

Information required:

- Applicant Organisation Name
- Applicant Organisation NZBN
- Applicant Contact First and Last Name
- Applicant Email Address
- Applicant Phone Number
- Applicant Postal Address for service (including post code)
- Finance Contact First and Last Name
- Finance Email Address
- Finance Phone Number

Hope this helps  
Amy

---

**From:** Mike Scott [s9(2)(a)]  
**Sent:** Thursday, 27 November 2025 10:23 am  
**To:** Amy Robinson <amrobinson@doc.govt.nz>; Philip McKay [s9(2)(a)]  
**Subject:** Re: LEx process catch up

Thanks Amy,  
You will have just seen my email to Ben at EPA with our company information (from the DOC process / form).

As discussed at our meeting this morning, we will submit our application to DOC tomorrow (Friday 28 Nov), and pay the EPA as soon as we have an invoice or account information.

Thanks and regards,  
Mike

Mike Scott  
Tukituki Water Security Ltd  
s9(2)(a)

---

**From:** Amy Robinson <[amrobinson@doc.govt.nz](mailto:amrobinson@doc.govt.nz)>  
**Date:** Thursday, 27 November 2025 at 08:36  
**To:** Mike Scott <[s9\(2\)\(a\)@doc.govt.nz](mailto:s9(2)(a)@doc.govt.nz)>, Philip McKay <[s9\(2\)\(a\)@doc.govt.nz](mailto:s9(2)(a)@doc.govt.nz)>  
**Subject:** FW: LEx process catch up  
As discussed

---

**From:** Jenni Fitzgerald <[jefitzgerald@doc.govt.nz](mailto:jefitzgerald@doc.govt.nz)>  
**Sent:** Wednesday, 26 November 2025 12:56 pm  
**To:** Amy Robinson <[amrobinson@doc.govt.nz](mailto:amrobinson@doc.govt.nz)>; FastTrackApplicationEnquiries <[FastTrackApplicationEnquiries@doc.govt.nz](mailto:FastTrackApplicationEnquiries@doc.govt.nz)>  
**Subject:** FW: LEx process catch up

FYI – this is what I know so far. I've asked what information they need from the applicant and where it should be sent 😊

---

**From:** Ben Moginie <[Ben.Moginie@epa.govt.nz](mailto:Ben.Moginie@epa.govt.nz)>  
**Sent:** Tuesday, 25 November 2025 9:32 am  
**To:** Jenni Fitzgerald <[jefitzgerald@doc.govt.nz](mailto:jefitzgerald@doc.govt.nz)>  
**Cc:** Jacqui Bridges <[Jacqui.Bridges@epa.govt.nz](mailto:Jacqui.Bridges@epa.govt.nz)>  
**Subject:** LEx process catch up

Kia ora Jenni,

Thanks for the chat yesterday. Suggesting we catch up on Thursday to discuss the process steps for LEx before anticipated lodgement on Friday.

Re payments for lodgement; we will be required to raise an invoice to the applicant for payment of fees but can only do so once we receive their financial information. This usually is given to us when they lodge via the online portal. In this case, we'll be relying on DoC to send us that information so we can raise the invoice for payment.

If the applicant is proactive they may send you this information in advance, in which case please send it to us and we can get them set up and invoice them in advance of them applying to you.

Otherwise, if we get the financial information on Friday, we will need to put it in our system, raise invoice, and receive payment before the application is considered lodged. In which case, its likely the lodgement date will fall in the following week.

Cheers,

Ben Moginie (he/him)

Principal Advisor, Land and Oceans Applications

s9(2)(a)

The EPA supports flexible working. You might receive an email from me outside your usual working hours. Please respond at a time that works for you.



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Item 10

**From:** Mike Scott [s9(2)(a)]  
**Sent:** Thursday, 27 November 2025 10:20 am  
**To:** Info@fasttrack.govt.nz  
**Cc:** Mike Knobloch; Philip McKay; Amy Robinson  
**Subject:** Re: Tukituki Water Security Project - Preliminary Land Exchange Application (s33 of FTAA) FEE PAYMENT  
**Attachments:** FT Applicants New Customer TWSL.pdf

Hi Ben,

Further to your recent conversation with Amy regarding my paying EPA a \$49,400 deposit for an application to DOC for a land exchange under the FTA, can you please advise how I pay this deposit to the EPA or please provide an invoice. I wish to make the payment today because we are submitting the application tomorrow.

I understand you require some financial information on the applicant, TWSL. We went through a similar process with DOC in August this year, so I attach the DOC customer form with company information. Please let know if there is more reasonable financial information that you require.

Thanks and regards,  
Mike

Mike Scott  
Tukituki Water Security Ltd  
[s9(2)(a)]

---

**From:** Amy Robinson <amrobinson@doc.govt.nz>

**Date:** Thursday, 27 November 2025 at 10:11

**To:** Mike Scott <[s9(2)(a)]>

**Cc:** James Winchester <[s9(2)(a)]>, Mike Knobloch

[s9(2)(a)], Philip McKay

[s9(2)(a)]

**Subject:** RE: Tukituki Water Security Project - Preliminary Land Exchange Application (s33 of FTAA) FEE PAYMENT

Hi Mike

Jenni has been talking to Ben Moginie at the EPA about your deposit. He has asked that you contact them directly on this matter at [Info@fasttrack.govt.nz](mailto:Info@fasttrack.govt.nz)

Kind regards  
Amy

---

**From:** Mike Scott [s9(2)(a)]

**Sent:** Wednesday, 26 November 2025 12:46 pm

**To:** Amy Robinson <amrobinson@doc.govt.nz>; Philip McKay [s9(2)(a)] >

Cc: James Winchester [redacted]; Accounts Receivable <ar@doc.govt.nz>;  
FastTrackApplicationEnquiries <FastTrackApplicationEnquiries@doc.govt.nz>; Mike Knobloch  
[redacted]

**Subject:** Re: Tukituki Water Security Project - Preliminary Land Exchange Application (s33 of FTAA) FEE  
PAYMENT

Kia ora Amy,

We are preparing to lodge the Land Exchange application with DOC shortly, and we look forward to our meeting tomorrow in preparation for this application.

The Land Exchange Application form states on the first page "*You must pay the land exchange application fee and levy (set out in the Fast-track Approvals (Cost Recovery) Regulations 2025) to the EPA before lodging your exchange application with DOC.*" Sch 1 shows the Land Exchange application fee as \$36,000 and a levy of \$13,400.

I wish to pay this \$49,400 tomorrow. Given we have no invoice to reference, can you please advise how I should pay this?, or are you happy we pay into the DOC account shown in the attached invoice and reference our Account Number: [redacted], ie:

Include the following details to appear on our bank statement:

Particulars: **LAND EXCHANGE DEPOSIT**

Code: [redacted]

Reference: TUKITUKI WATER SECURITY LIMITED

Bank Account: Crown and Department invoices have separate bank accounts and must be paid separately.

For paying this invoice, please make payment to the bank account [redacted]

[redacted]

Thanks and regards,

Mike

Mike Scott  
Tukituki Water Security Ltd

[redacted]

---

# New Customer Form – Fast-Track

\* Required – must be completed

\* **Name** (legal name to appear on invoices) Tukituki Water Security Limited

**Trading Name** (if different): \_\_\_\_\_

\* **Ownership Type** (e.g. Individual/Partnership/Company/Trust etc) – please specify : Company

**GST Number** (if applicable): s9(2)(b)(ii) **NZBN** (if applicable): 9429048983426

\* **Trading Address** (Physical address cannot be a PO Box): 127 Ruataniwha Street, Waipukurau, 4200, NZ

\* **Email Address for invoices:** \_\_\_\_\_ **Post Code** \_\_\_\_\_  
s9(2)(a)

\* **Address for Invoice/ Statement** (Postal Address – if different from above) \_\_\_\_\_  
s9(2)(a) \_\_\_\_\_ **Post Code** \_\_\_\_\_

**Purchase Order (PO) required for payment:** No – (if Yes, please provide a PO with your application documents)

\* **Phone:** \_\_\_\_\_  
s9(2)(a)

\* **Contact Person:** Mike Scott **Mobile Number:** \_\_\_\_\_  
s9(2)(a)

**Have you held an account with the Department before:** Yes  No

**Under what name:** \_\_\_\_\_

Please turn over to complete the Terms and Conditions

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## Terms and Conditions for a Credit Account with the Department of Conservation

I /We ("the Applicant") apply for an account on the following terms and conditions:

1. I/We agree that the Department of Conservation can provide my details to the Department's Credit Checking Agency to enable it to conduct a full credit check.
2. I/We warrant that the information in this application is true and correct.
3. I/We agree that any change which affects the trading address, legal entity, structure of management or control of the applicant's company (as detailed in this application) will be notified in writing to the Department of Conservation within 7 days of that change becoming effective. Please e-mail changes/updates to [ar@doc.govt.nz](mailto:ar@doc.govt.nz)
4. I/We agree to notify the Department of Conservation of any disputed charges within 14 days of the date of the invoice. Communication regarding disputes/invoice queries must be in writing and sent to [FastTrackApplicationEnquiries@doc.govt.nz](mailto:FastTrackApplicationEnquiries@doc.govt.nz)
5. I/We agree to fully pay the Department of Conservation for any invoice received on or before the due date.
6. I/We agree that the Department of Conservation can provide my details to the Department's Debt Collection Agency in the event of non-payment of invoices.
7. I/We agree to pay all costs incurred (including interest, legal costs and debt recovery fees) to recover any money owing on this account.
8. I/We agree that credit terms provided by the Department of Conservation may be withdrawn by the Department of Conservation, if any terms and conditions of the credit account are not met.

**Applicant**

**Signed:**

s9(2)(a)

**Name:**

**Designation:**

**Date:**



Department of  
Conservation  
*Te Papa Atawhai*

**Te Kāwanatanga  
o Aotearoa**  
New Zealand Government

Item 12

**From:** Philip McKay [s9(2)(a)]  
**Sent:** Thursday, 27 November 2025 9:32 am  
**To:** Amy Robinson  
**Subject:** RE: Tukituki Water Security Ltd - Preliminary Land Exchange Application - Meeting on Feedback

Thanks Amy, that is helpful.  
Cheers  
Phil

 **Philip McKay**  
Partner

[s9(2)(a)] | PO Box 149, Napier 4140  
[www.mitchelldaysh.co.nz](http://www.mitchelldaysh.co.nz)

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**From:** Amy Robinson <amrobinson@doc.govt.nz>  
**Sent:** Thursday, November 27, 2025 9:25 AM  
**To:** Philip McKay [s9(2)(a)]; Nick.Goldwater [s9(2)(a)]; Sarah Budd [s9(2)(a)]; jeremy.prebble <jeremy.prebble@hawkestone.co.nz>; Gerry Kessels [s9(2)(a)]; Hamish Dean [s9(2)(a)]; mike.scott [s9(2)(a)]; James Winchester [s9(2)(a)]; Dianne Smith [s9(2)(a)]  
**Subject:** RE: Tukituki Water Security Ltd - Preliminary Land Exchange Application - Meeting on Feedback

Hi everyone

Attached is the process flow chart that I mentioned.

Mike, I will come back to you with answers to your questions on deposit payment information and processing times once I have more information.

Kind regards  
Amy

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-----Original Appointment-----

**From:** Philip McKay [s9(2)(a)] >

**Sent:** Monday, 24 November 2025 11:20 am

**To:** Philip McKay; Amy Robinson; Nick.Goldwater; Sarah Budd; Jeremy Prebble; Gerry Kessels; Hamish Dean; mike.scott; James Winchester; Dianne Smith

**Subject:** Tukituki Water Security Ltd - Preliminary Land Exchange Application - Meeting on Feedback

**When:** Thursday, 27 November 2025 8:30 am-9:30 am (UTC+12:00) Auckland, Wellington.

**Where:** Microsoft Teams Meeting

Meeting as per e-mail correspondence.

---

## Microsoft Teams [Need help?](#)

s9(2)(k)



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For organizers: [Meeting options](#)

---

 **Philip McKay**  
Partner

[Redacted] | PO Box 149, Napier 4140

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**From:** Philip McKay s9(2)(a)  
**Sent:** Friday, 28 November 2025 4:58 pm  
**To:** FastTrackApplicationEnquiries  
**Cc:** Amy Robinson; mike.scott; James Winchester; tepuna  
**Subject:** Tukituki Water Security Ltd - Land Exchange Application FTAA  
**Attachments:** TWSL - FTAA land-exchange-application-form - lodged 28 November 2025.pdf; Attachment 1 - 2025-11-28 Tukituki Water Security Ltd - Overview Report- Includes CMA Assessment.pdf

Kia ora,  
On behalf of Tukituki Water Security Ltd, please find attached a completed FTAA DOC land exchange application form and associated Overview Report.  
I will follow with an email including a link to the 12 attachments referred to in the attached application form.  
Kind regards

 **Philip McKay**  
Partner

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[www.mitchelldaysh.co.nz](http://www.mitchelldaysh.co.nz)

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# Land Exchange application form

This form is to be used for a land exchange application under section 33 of the Fast-track Approvals Act 2024 prior to lodging a substantive application for a listed or referred project.

All legislative references are to the Fast-track Approvals Act 2024 unless otherwise stated.

If the information requirements of this form are not met, the Department of Conservation must return your application to you.

The information required for land exchange applications is as prescribed in section 33(1) of the Act. This includes both information specific to the exchange itself (as set out in clause 24 of Schedule 6) and information about the wider project that is relevant to the land exchange. For listed projects this wider information is as listed under section 43(2). For referred projects this is relevant information from the referral application as well as any information specified by the Minister for Infrastructure under section 27(3)(c)(ii) of the Act.

You must pay the land exchange application fee and levy (set out in the [Fast-track Approvals \(Cost Recovery\) Regulations 2025](#)) to the EPA before lodging your exchange application with DOC.

We recommend that you discuss your proposed land exchange with DOC before applying.

Applications must be submitted to DOC by email: [fasttrackapplicationenquiries@doc.govt.nz](mailto:fasttrackapplicationenquiries@doc.govt.nz).

Please also provide one copy of a redacted version of your application (clearly labelled) that does not disclose personal contact details for you (the applicant) and any other individual included in the application documents.

All documents lodged with your application must be indexed. Electronic documents must be separated into files less than 30MB.

## What happens next?

We will notify the Panel convener of your land exchange application.

If your application is accepted as complying with section 34 of the Act, DOC will provide the version you supplied with personal information redacted to specific parties invited to comment (as listed in section 35(1) of the Act).

DOC will hold all information related to your application subject to the Official Information Act 1982.

## Cost recovery

The EPA will recover from you the actual and reasonable costs incurred in respect of this land exchange application. A copy of DOC's Cost Recovery Policy is available on the DOC website: <https://www.doc.govt.nz/globalassets/documents/about-doc/concessions-and-permits/fast-track/fast-track-cost-recovery-policy.pdf>



### Applicant details

Project name and identifier (as named in Schedule 2 or referral decision):	Tukituki Water Security
Person or entity authorised to undertake project (as named in Schedule 2 or referral decision):	Tukituki Water Security Limited.
Full name and NZBN number of registered company or individual name:	Tukituki Water Security Limited NZBN: 9429048983426
Key contact name:	s9(2)(a)
Key contact phone number:	s9(2)(a)
Key contact email address:	s9(2)(a)
Email address for service:	s9(2)(a)
Postal address:	s9(2)(a)

### Consultant details

Company:	Mitchell Daysh Limited
Name of consultant:	s9(2)(a)
Phone number:	s9(2)(a)
Email address:	s9(2)(a)
Postal address:	s9(2)(a)

Please direct all correspondence from the Department of Conservation to:

- Applicant  
 Consultant

*If you are making this application on behalf of the applicant, please attach evidence that you are authorised to make this application.*

## Schedule of application documents

Please list all documents submitted with the application.

Attachment number:	Document name and date:	Author:	Document version:
1	<i>Tukituki Water Security Limited – Exchange of Land Overview Report – Fast Track Approvals Act 2024</i> , 28 November 2025 (“ <b>Overview Report</b> ”)	Mitchell Daysh Limited	05
2	Index Table of RWSS Resource Consents and Schedules (Appendix 1 to Overview Report)	Mitchell Daysh Limited	NA
3	Letter clarifying Tamatea Pōkai Whenua endorsement recommendations, 11 September 2025 (Appendix 2 to Overview Report)	Tamatea Pōkai Whenua	NA
4	<i>Land Exchange Assessment, Tukituki Water Security – Fast Track</i> , SLR Consulting New Zealand, 28 November 2025 (“ <b>SLR Report</b> ”) (Appendix 3 to Overview Report)	SLR Consulting New Zealand	Final
5	<i>Schedule 6a Integrated Mitigation and Offset Approach of Ruataniwha Water Storage Scheme (“RWSS”)</i> resource consent package, 8 February 2014 (Appendix 4 to Overview Report)	Hawke’s Bay Regional Investment Company Ltd, and adopted by Board of Inquiry Decision	Updated for Project F 8.2.14
6	<i>Schedule 9a Public Access &amp; Offset Mitigation Progress Plan</i> of RWSS resource consent package, 20 January 2014 (Appendix 5 to Overview Report)	Hawke’s Bay Regional Investment Company Ltd, and adopted by Board of Inquiry Decision	NA
7	<i>For land exchanges under the Fast-track Approvals Act 2024</i> , Current 18 August 2025 (Appendix 6 to Overview Report)	Department of Conservation	NA
8	<i>Ruataniwha Water Storage Scheme Recreation Assessment</i> , May 2013 (Appendix 7 to Overview Report)	Opus International Consultants Ltd	NA

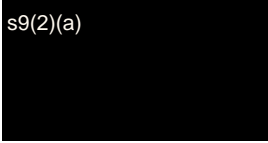
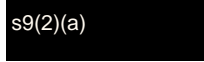

9	<i>Final Report and Decisions of the Board of Inquiry into the Tukituki Catchment Proposal, Volume 1 of 3: Report and Decisions, 18 June 2014</i> (Appendix 8 to Overview Report)	Board of Inquiry, Tukituki Catchment Proposal	NA
10	<i>Ruataniwha Water Storage Scheme: Archaeological Assessment, May 2013</i> (Appendix 9 to Overview Report)	Clough & Associates Ltd and P Parsons	NA
11	<i>Tukituki Water Security Project – Marginal Strip Exchange Assessment, 27 November 2025</i> (Appendix 10 to Overview Report)	SLR Consulting New Zealand	NA
12	<i>Land Exchange Application – Land Title Information, 28 November 2025</i>	The Property Group	NA
13	<i>Land Status Check Report, 13 October 2025</i>	The Property Group	NA
	Drone photography of PCL areas available on request.		

Note: The information schedule on the following pages must be completed prior to lodging this application. The schedule is designed to assist DOC to confirm that you have provided all relevant information and so can be considered complete and ready for processing. If an application does not comply the information requirements, DOC must return it.

### Signature

I certify that, to the best of my knowledge and belief, the information given in this application is true and correct, and that I am authorised to make this application.

I have paid the land exchange application fee and levy to the EPA before lodging this application.

Signature:		Date:	28 November 2025
Name:		Position:	

## Land Exchange Application Information Schedule

Information required:	Document name and page reference:
<b>All exchange applications</b>	
An assessment of the conservation values of both pieces of land, including an explanation of why the exchange would benefit the conservation estate.	Refer to: Overview Report ( <b>Attachment 1</b> ), section 5.2 (pages 12 – 32) and Table 3 (page 29). SLR Report ( <b>Attachment 3</b> ).
Details of any improvement work to be done to provide a net conservation benefit, including how any money to be provided for improvements to the land could be spent.	Refer to: Overview Report ( <b>Attachment 1</b> ), section 5.3 (pages 32 - 33). SLR Report ( <b>Attachment 3</b> ).
Any proposals to address impacts on existing users of the land to be disposed of by the Crown, such as proposed easements where access to private land or a culturally significant site is via the Crown land that will become private land.	Refer to: Overview Report ( <b>Attachment 1</b> ), section 5.4 (page 34).
Information about financial and legal liabilities and obligations associated with the land to be acquired by the Crown.	Refer to: Overview Report (Attachment 1), section 5.5 (pages 34 - 35).
If the land exchange would trigger a right of first refusal or a right of offer or return, a copy of the written agreement from the holder of the right of first refusal or right of offer or return to waive that right for the purpose of the land exchange.	N/A to the proposed exchange land.
Full details of any consultation undertaken by the applicant with relevant iwi, and any others with rights or interests in the land to be exchanged by the Crown.	Refer to: Overview Report (Attachment 1), section 5.7 (pages 36 - 37).
Any information specified by the Minister under section 27(3)(c)(ii) of the Act.	N/A to this application.

Information required:	Document name and page reference:
<b><i>For referred projects</i></b>	
Please include all information relevant to the land exchange application that was contained in the referral application.	N/A – the Tukituki Water Security Project is listed in Schedule 2 of the Fast-track Approvals Act 2024 (“FTAA”).
<b><i>For listed projects – information relevant to the land exchange from the following</i></b>	
A description of the project and the activities it involves.	<p>The Tukituki Water Security Project (“TWSP”) will provide water and greater resilience during dry year risk events to Tamatea - Central Hawke’s Bay to improve productivity and increase jobs, regional prosperity and exports. The project includes a water storage dam at the Makaroro River site with 104Mm<sup>3</sup> of water storage (or 93Mm<sup>3</sup> of available water) to enhance environmental river flows, provide community water and provide water for irrigation. The Project was formally the Ruataniwha Water Storage Scheme (“RWSS”) when it was originally consented. The Project is consented and involves the construction and operation of an 83m high dam on the Makaroro River that will contain a reservoir, in small part on the DOC land sought to be exchanged. Separate to the dam and this application to DOC, there is also a downstream distribution system to transport water.</p> <p>It is important to note that the dam and reservoir already have resource consents under the Resource Management Act 1991 (“RMA”) and this FTAA is being made on the basis of those 18 consents and the associated suite of conditions already being in place (a number of which relate to the proposed distribution network and use of water, rather than to the dam and reservoir). The substantive application will include the proposed exchange of Public Conservation Land and Crown Marginal Strip that will enable the establishment of the proposed dam and reservoir along with other required approvals under the Wildlife and Freshwater Fisheries Acts. The substantive FTAA application will also include application for additional resource consents and notices of requirement, and variations of the same, to enable the now proposed water use for irrigation and environmental flow under the TWSP, some of which differs to the consented RWSS.</p> <p>Refer also to: Overview Report (Attachment 1), sections 1 - 3 (pages 1 - 10).</p>

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Information required:	Document name and page reference:
<p>Information to demonstrate that the project does not involve any ineligible activities (other than activities that may be the subject of a determination under section 23 or 24).</p>	<p>S5 of the FTAA includes in the definition of ineligible activities: identified Māori land (s4 FTAA) – which in turn includes ... land owned by a Treaty settlement entity if the land was acquired as redress for the settlement, ...</p> <p>An adjoining property to the true left bank of the Mararoro River and which will be partly inundated was Gwavas Crown Forest Licence land. As part of the commercial and financial redress under the Ahuriri Hapū Claims Settlement Act 2021 and Heretaunga Tamatea Claims Settlement Act 2018, Gwavas Crown Forest land was purchased. This has subsequently transferred to Kaweka Gwavas Forestry Company Limited (“<b>KGFC</b>L”) and continues to be leased by Pan Pac Forest Products Limited. This land was not acquired for redress, but was offered as financial and commercial redress, and is not therefore ‘identified Māori land’ . See further explanation from The Property Group – Attachment 12.</p> <p>Further to this and as explained above, the project does not involve consents for the dam and reservoir and relies on the existing consents for those aspects. The exchange of public conservation land will form part of the TWSP substantive FTAA application. An exchange of land is also proposed to the KGFC L but this not an exchange of PCL land subject to this FTAA application.</p>
<p>A description or map of the whole project area that identifies its boundaries in sufficient detail to enable consideration of the application.</p>	<p>Refer to Figures 1 and 2 of The Property Group Land Title Information (Attachment 12).</p>
<p>The anticipated commencement and completion dates for construction activities (where relevant).</p>	<p>Pre-construction activities, reliant on securing the DOC land exchange, of feasibility / concept design, detailed design and procurement are planned to conclude in mid-2028 (3 years). Construction is forecast to be between January 2029 and January 2034 (5 years), see details below.</p>

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Information required:	Document name and page reference:
<p>A statement of whether the project is planned to proceed in stages and, if so, an outline of the nature and timing of the stages.</p>	<p>By nature the construction of a dam and reservoir will involve a single long design and construction process and so will not be staged in 'RMA terms'. A breakdown of this construction process is provided as follows:</p> <ul style="list-style-type: none"> <li>- Feasibility (DOC land, concept): 1 Aug 2025 to 1 Oct 2026</li> <li>- Detailed engineering design (FEED): to 1 Oct 2027</li> <li>- Procurement: to 1 July 2028</li> <li>- Final and Full Funding Decision (FID): 1 July 2028</li> <li>- Construction: to January 2033</li> <li>- Reservoir filling and commissioning: to January 2034.</li> </ul>
<p>A description of the anticipated and known adverse effects of the project on the environment.</p>	<p>An assessment of the potential adverse effects of the proposed PCL exchange and crown marginal strip replacement is provided in the Overview Report (Attachment 1), SLR Report (Attachment 4), and SLR Marginal Strip Assessment (Attachment 11). Specific assessments of the recreational and archaeological and heritage effects of the proposed dam and reservoir, and which are also relevant to the conservation values of the proposed land exchange are provided in Attachments 8 and 10 respectively. For an overview of the effects of the wider project on the environment the Board of Inquiry decision report on the original RWSS is referred to (Attachment 8). The AEE and any supporting technical reports associated with the original RWSS resource consents are available on request. In terms of dam and reservoir draw from the Ruataniwha Project AEE's can also add in additional work in responding to the s125 further info request.</p>
<p>A statement of any activities involved in the project that are prohibited activities under the Resource Management Act 1991.</p>	<p>There are no prohibited activities proposed as part of the TWSP.</p>

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Information required:	Document name and page reference:
<p>A list of the persons and groups the applicant considers are likely to be affected by the project, including—</p> <p>(i) relevant local authorities:</p> <p>(ii) iwi authorities and groups that represent hapū that are parties to relevant Mana Whakahono ā Rohe or joint management agreements:</p> <p>(iii) other relevant iwi authorities:</p> <p>(iv) relevant Treaty settlement entities:</p> <p>(v) relevant protected customary rights groups and customary marine title groups:</p> <p>(vi) ngā hapū o Ngāti Porou, if the project area is within or adjacent to, or the project would directly affect, ngā rohe moana o ngā hapū o Ngāti Porou:</p> <p>(vii) relevant applicant groups under the Marine and Coastal Area (Takutai Moana) Act 2011:</p> <p>(viii) persons with a registered interest in land that may need to be acquired under the Public Works Act 1981.</p>	<p>(i) Hawke’s Bay Regional Council (“HBRC”), Central Hawke’s Bay District Council (“CHBDC”), Hastings District Council (“HDC”).</p> <p>(ii) Tamatea Pōkai Whenua, is the relevant Post Settlement Governance Entity and is representative of hapū within the wider area of the proposed dam and reservoir site being within the Tamatea / Central Hawke’s Bay District and southern portion of the Hastings District.</p> <p>(iii) Ngāti Kahanganunu Iwi Incorporated is a mandated iwi organisation to represent the people of Ngāti Kahanganunu, which includes the Tamatea rohe.</p> <p>(iv) As above, Tamatea Pōkai Whenua.</p> <p>(v) N/A due to inland location as far as being relevant to the land exchange.</p> <p>(vi) N/A.</p> <p>(vii) N/A.</p> <p>(viii) TWSL intends to pursue an application to MFE for requiring authority status in due course. If successful, then this may apply to the following current incumbent persons with an interest:</p> <ul style="list-style-type: none"> <li>• Public Trust (two properties)</li> <li>• Kaweka Gwavas Forestry Company Limited (Licensor) and Pan Pac Forest Products Limited (Licensee)</li> <li>• Michael William Hall and Glennie Trustee Company Limited</li> <li>• Anthony Paul Beachen, Anne Dorothy Preston, Brian Craig Preston</li> <li>• Anne Dorothy Preston, Brian Craig Preston</li> <li>• LINZ hydro / river parcel</li> </ul>

Information required:	Document name and page reference:
<p>A summary of the consultation undertaken for the purposes of section 29 and any other consultation undertaken on the project with the persons and groups referred to in paragraph (j); and how the consultation has informed the project.</p>	<p>S29 cross refs to s11.</p> <p>(1)(a)S11 requires consultation with: Hawke’s Bay Regional Council (“<b>HBRC</b>”), Central Hawke’s Bay District Council (“<b>CHBDC</b>”) and Hastings District Council (“<b>HDC</b>”);</p> <ul style="list-style-type: none"> <li>- Consultation with HBRC: At executive level 31 October 2025; and with Consents Manager 20 November 2025.</li> <li>- Consultation with CHBDC: At executive and governance level 11 November 2025; and with Consents Manager 26 November 2025.</li> <li>- Consultation with HDC: With Consents and Policy Managers 26 November 2025; at a governance level planned for between 3-5 December 2025.</li> </ul> <p>(1)(b) relevant iwi authorities, hapū, and Treaty settlement entities;</p> <ul style="list-style-type: none"> <li>- Refer to Overview Report (Attachment 1), section 5.7, Table 4, pages 36 &amp; 37.</li> </ul> <p>1(e) relevant administering agencies, which in the case of a PCL exchange is the Department of Conservation (“DOC”). Ongoing engagement has been occurring between the TWSL project team and relevant DOC staff since August 2025 in the form of phone calls, e-mail correspondence and Teams Meetings. Online Teams Meetings have been held between TWSL representatives and DOC representatives on the following dates:</p> <ul style="list-style-type: none"> <li>- 25 August 2025</li> <li>- 3 September 2025</li> <li>- 29 September 2025</li> <li>- 13 October 2025</li> <li>- 6 November 2025</li> <li>- 27 November 2025</li> </ul> <p>TWSL thanks DOC staff and their experts for this engagement which has been helpful in navigating the information requirements and expectations of this application.</p>
<p>A list of any Treaty settlements that apply to the project area, and a summary of the relevant principles and provisions in those settlements.</p>	<p>Heretaunga Tamatea Claims Settlement Act 2018 – resulting in the Heretaunga Tamatea Deed of Settlement. This deed includes the following statutory acknowledgment areas of relevance to the TWSP:</p> <ul style="list-style-type: none"> <li>- The Waipawa River and its Tributaries (which include the Makaroro River) OTS-110-31; and</li> <li>- The Tukituki River and its Tributaries OTS-110-30.</li> </ul>
<p>A description of any processes already undertaken under the Public Works Act 1981 in relation to the project.</p>	<p>None to date.</p>

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Information required:	Document name and page reference:
A statement of any relevant principles or provisions in the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.	N/A
Information identifying the parcels of Māori land, marae, and identified wāhi tapu within the project area.	There are no such parcels but there is Forestry Company land affected with Māori ownership. Please see further explanation in The Property Group Land Title Information (Attachment 12) explanation (page 1).
A statement of whether the applicant is seeking a determination under section 23 and, if so, an assessment of the effects of the activity on the relevant land and on the rights and interests of Māori in that land.	N/A
<p>A statement of whether the applicant is seeking a determination under section 24(2) and, if so, a description of—</p> <ul style="list-style-type: none"> <li>(i) the scale and adverse effects of the existing electricity infrastructure, and</li> <li>(ii) how, if at all, that scale or those adverse effects are anticipated or known to change as a result of the maintenance, upgrading, or continued operation of the infrastructure.</li> </ul>	N/A

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Information required:	Document name and page reference:
<p>A statement of whether the applicant is seeking a determination under section 24(4) and, if so,—</p> <p>(i) a description of every alternative site considered by the applicant (or, if the application is lodged by more than 1 person, any of those persons) for the construction and operation of the new electricity lines (the activity); and</p> <p>(ii) for each alternative site considered,—</p> <p>(A) a statement of the anticipated and known financial cost of undertaking the activity; and</p> <p>(B) a description of the anticipated and known adverse effects of undertaking the activity; and</p> <p>(C) a description of the anticipated and known financial cost and practicality of available measures to avoid, remedy, mitigate, offset, or compensate for the anticipated and known adverse effects of the activity; and</p> <p>(D) a description of any issues (including financial cost) that would make it impractical to undertake the activity on the site; and</p> <p>(E) an assessment of whether it would be reasonable and practical to undertake the activity on the site, taking into account the matters referred to in subsubparagraphs (A) to (D) and any other relevant matters.</p>	<p>N/A</p>

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Information required:	Document name and page reference:
<p>A description of the applicant's legal interest (if any), or if the application is lodged by more than 1 person, the legal interest of any of those persons (if any), in the land on which the project will occur, including a statement of how that affects the applicant's ability to undertake the work.</p>	<p>The Applicant (TWSL) does not yet own the land but it does own the resource consents that enable the construction of the dam and reservoir. Negotiations for land purchase cannot logically be completed until there is certainty regarding the approval of the FTAA application.</p>
<p>An outline of the types of consents, certificates, designations, concessions, and other legal authorisations (other than contractual authorisations or the proposed approvals) that the applicant considers are needed to authorise the project, including any that the applicant considers may be needed by someone other than the applicant.</p>	<p>As relevant to the land exchange resource consents are in place for the dam and reservoir, Wildlife Act and Freshwater Fisheries approvals will be required under the substantive FTAA application along with the PCL exchange.</p>
<p>Whether any activities that are involved in the project, or are substantially the same as those involved in the project, have been the subject of an application or a decision under a specified Act and, —</p> <p>if an application has been made, details of the application:</p> <p>if a decision has been made, the outcome of the decision and the reasons for it.</p>	<p>Please refer to the table setting out the 18 resource consents and associated condition schedules that are currently in place for the former RWSS included as Attachment 2.</p> <p>In regard to the Board of Inquiry decision on those consents that is included as Attachment 9.</p>

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Information required:	Document name and page reference:
<p>A description of whether and how the project would be affected by climate change and natural hazards.</p>	<p>A report by NIWA (November 2020), titled “<i>Climate change projections and impacts for Tairāwhiti and Hawke’s Bay</i>” provides an up-to-date assessment of the projected changes to 2040 (i.e. midpoint 2031 – 2050) and 2090 (midpoint 2081 – 2100) for two scenarios RCP 4.5 and RCP 8.5. This includes projected differences in:</p> <ul style="list-style-type: none"> <li>• Rainfall</li> <li>• Potential Evapotranspiration Deficit (PED). While PED is used by NIWA to represent drought severity, it is also an effective indicator of irrigation requirement.</li> <li>• Soil moisture deficit (days per year), which is also another indicator of irrigation need.</li> <li>• Mean river flow (percent change).</li> <li>• Mean annual low flow in rivers (percent change).</li> <li>• The 5% exceedance high flow in rivers (percent change).</li> </ul> <p>The first four metrics above strongly indicate that, based on projected climate change trends, drought intensity and frequency will increase in the future, translating to increased water demand for water use, irrigation and instream needs which will be compounded by a decrease in river flows, with a particularly severe reduction in the low flow range.</p> <p>A specific report on climate change has been commissioned to include with the substantive FTAA application from James Renwick of Victoria University.</p>
<p>If the application is lodged by more than 1 person, a statement of each proposed approval to be held by each of those persons.</p>	<p>N/A</p>
<p>A summary of compliance or enforcement actions (if any), and the outcome of those actions, taken against the applicant (or if the application is lodged by more than 1 person, any of those persons) under a specified Act.</p>	<p>There are none.</p>
<p><b>For <u>listed projects</u> - The following information that would have accompanied a referral application for the project per section 33(1)(b)(i) &gt; section 43(2) &gt; section 13(4)(y)(v) &gt; clause 23 of Schedule 6</b></p>	

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Information required:	Document name and page reference:
A description of both land areas proposed for exchange (for example, maps showing areas and location, addresses, and legal descriptions where possible):	See The Property Group Land Title Information Document (Attachment 12), Tables 1 & 2 and Figures 1 & 2.
The financial value of the land proposed to be acquired by the Crown:	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.
A brief description of the conservation values of both pieces of land, including an explanation of why the exchange would benefit the conservation estate:	See the assessment provided in the Overview Report (Attachment 1) sections 5.2 (pages 14 – 35) and 6.5 (pages 50-51); and the SLR Reports (Attachments 4 and 11).
If the land exchange would trigger a right of first refusal or a right of offer or return, confirmation that the applicant has written agreement from the holder of the right of first refusal or right of offer or return to waive that right for the purpose of the land exchange:	No, see explanation of the status of the 170ha of exchange land in The Property Group Information (Attachment 12).
Confirmation by the applicant that no part of any land to be exchanged by the Crown is land listed in Schedule 4; or a reserve declared to be a national reserve under section 13 of the Reserves Act 1977.	The land to be exchanged which is within the Ruahine Forest Park does not come under Schedule 4 of the FTAA nor s13 of the Reserves Act.
Information related to specific proposed approvals specified in the Schedules associated with approvals other than the land exchange, where it is relevant to the land exchange – see section 13(4)(y).	<p>S13(4)(y) includes the following that are potentially relevant:</p> <ul style="list-style-type: none"> <li>• Resource consent or designation</li> <li>• Freshwater fisheries approvals</li> </ul> <p>As set out above and in Attachment 2 there are existing resource consents in place for the dam and reservoir. Additional approvals to the land exchange will include Freshwater Fisheries approvals.</p>



TUKITUKI WATER SECURITY LIMITED

**EXCHANGE OF LAND OVERVIEW REPORT**

Fast Track Approvals Act 2024

28 November 2025

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## TABLE OF CONTENTS

<b>1.</b>	<b>Introduction</b>	<b>1</b>
1.1	Purpose of this Application	1
1.2	Background to the Project	1
1.3	Project Scope	4
<b>2.</b>	<b>Subject Land</b>	<b>6</b>
<b>3.</b>	<b>Intergrated Mitigation and Offset Approach</b>	<b>10</b>
<b>4.</b>	<b>Land Exchange Approval Sought under the Fast-track Approvals Act 2024</b>	<b>13</b>
<b>5.</b>	<b>Land Exchange Assessment</b>	<b>14</b>
5.1	Introduction	14
5.2	Assessment of Conservation values	14
5.3	Details of Improvement Work	36
5.4	Addressing Impacts on Existing users	38
5.5	Financial and Legal Liabilities / Obligations	39
5.6	Redress land	41
5.7	Consultation	41
<b>6.</b>	<b>Crown Marginal Strips</b>	<b>43</b>
6.1	Introduction	43
6.2	Statutory Criteria	43
6.3	Locational Description of the Existing and Proposed CMS	44
6.4	Conservation Act Assessment of Proposed CMS Exchange	49
6.5	FTAA Conservation Values Assessment of Proposed CMS Exchange	50
6.6	Conclusion of CMS Assessment	52
<b>7.</b>	<b>Conclusion</b>	<b>53</b>

## LIST OF FIGURES

Figure 1:	Location of the Tukituki Water Security Project, DOC land to be inundated, and proposed land exchange (SLR, November 2025)	6
Figure 2:	Map Prepared by The Property Group Showing PCL to be Exchanged	8
Figure 3:	Schedule 9 Public Access & Offset Mitigation Project Plan	23
Figure 4:	SLR Vegetation Mapping of SEB Block with Gwavas Forestry Exchange Land Identified	40
Figure 5:	Extent of Existing CMS Proposed to be Inundated (pink lines)	46
Figure 6:	Extent of Proposed Replacement CMS Extents (yellow lines)	48



## LIST OF TABLES

Table 1:	Component Projects of RWSS Consents Schedule 6 IMOA Package	10
Table 2:	Assessment of Recreation Values - DOC Guidance Information	26
Table 3:	Summary Assessment of Conservation Values	34
Table 4:	Record of Mana Whenua and General Consultation on the TWSP	41
Table 5:	Comparison of Existing and Proposed CMS against Conservation Act Purpose	49
Table 6:	Summary Assessment of Conservation Values	51

## LIST OF APPENDICES

Appendix 1:	Index Table of Existing Resource Consents and Schedules
Appendix 2:	Letter from Tamatea Pōkai Whenua
Appendix 3:	Ecological Values Land Exchange Report, SLR Consultants Ltd
Appendix 4:	Schedule 6a Integrated Mitigation and Offset Approach of RWSS Resource Consents Package
Appendix 5:	Schedule 9a Public Access & Offset Mitigation Progress Plan of RWSS Resource Consents Package
Appendix 6:	External Guidance for conservation values assessments, DOC
Appendix 7:	Recreational Assessment of RWSS, Opus International Consultants Ltd
Appendix 8:	Board of Inquiry Decision Report, BOI to Tukituki Catchment Proposal
Appendix 9:	Archaeological Assessment, Clough & Associates Ltd and P Parsons
Appendix 10:	Marginal Strip Exchange Assessment, SLR Consultants Ltd
Appendix 11:	Land Parcel Report, The Property Group



## REPORT INFORMATION

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## **1. INTRODUCTION**

### **1.1 PURPOSE OF THIS APPLICATION**

The purpose of this application is to obtain the necessary report and recommendation 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 the dam and reservoir necessary to implement the Tukituki Water Security Project (“**TWSP**”). In addition, 12.37ha of Crown Marginal Strip (“**CMS**”) will be inundated by the proposed reservoir and this application also seeks approval for those CMS to be exchanged for 17.3ha of new CMS on the margins of the proposed reservoir.

The TWSP is a listed project in Schedule 2 of the FTAA. The proposed dam and reservoir, that necessitate the need for the DOC land exchange, has been previously consented following a Board of Inquiry decision in 2014, for the project known as the Ruataniwha Water Storage Scheme (“**RWSS**”).

The RWSS never proceeded, with the necessary DOC land exchange accepted by the Director-General of Conservation in 2015 but overturned by a Supreme Court decision in 2017.

Prior to lodging a substantive application under the FTAA for the proposed land exchange, the authorised person for the project must lodge a preliminary land exchange application to the Director-General of Conservation to assess the conservation values of the land concerned. This application is therefore made by Tukituki Water Security Limited (“**TWSL**”) to the Director-General of Conservation for a report and recommendation on the proposed exchange of land described above.

### **1.2 BACKGROUND TO THE PROJECT**

Water storage and security options in Central Hawke’s Bay have been considered since the early 2000’s due to dry summers and water pumping from the Ruataniwha aquifer affecting river flows in the Tukituki and Waipawa River catchments.

The RWSS application lodged for a Board of Inquiry hearing process in May 2013, comprised of 90 million m<sup>3</sup> reservoir<sup>1</sup> located in the upper Makaroro River that was promoted as a long-term water supply solution for Central Hawke’s Bay to store water during the winter months for release during the summer when the need for river environmental flows, community and irrigation water is at its highest and when people most want to swim, fish and collect kai. These low summer flows increase the concentration of nutrients in the river and, combined with higher temperatures, grow periphyton and weeds that are detrimental to the environmental, recreational and cultural values of rivers and streams.

Eighteen resource consents were issued to the Hawke’s Bay Regional Investment Co. Ltd (“**HBRIC**”) for the proposed RWSS in June of 2014 by a Board of Inquiry (“**BOI**”) and were finally confirmed following a High Court appeal in June 2015 (an index table of those 18 consents and associated schedules is attached as Appendix 1). The decision included a 10-year lapse period within which the consents can be exercised. This lapse period expired on 19 June 2025. An application has been lodged for the lapse period to be extended.<sup>2</sup>

In 2018 HBRIC and its parent Hawke’s Bay Regional Council (“**HBRC**”) decided not to proceed with the proposed scheme due to the Supreme Court decision that the previous land exchange arrangement granted by the Director General of Conservation at the time was unlawful. The RWSS resource consents package was sold to a company called Water Holdings Hawke’s Bay Limited (“**WHHB**”). WHHB purchased the consents and all other RWSS intellectual property.

During the two years between 2019 and 2021 Hawke’s Bay suffered from two summer droughts. Tukituki river flows ran at historically low levels for extended periods which in turn had significant detrimental effects on the environment. These trends are indicative of climate change, with forecasts predicting longer, drier and hotter periods and with rainfall coming in the form of more extreme events.

Since 2021, a group of Hawke’s Bay residents formed a steering group to oversee what has now become the TWSP. Work undertaken through this rescoping process strongly reaffirmed that in combination with a range of other measures, a water storage scheme that utilised the proposed Makaroro reservoir as developed through the RWSS was the only truly viable catchment scale option which enables a durable response to climate change and Te Mana o te Wai.

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<sup>1</sup> With ‘live storage’ of 104Mm<sup>3</sup> of water.

<sup>2</sup> An application has been lodged pursuant to s125 of the RMA to extend the lapse date of these consents and a decision is currently pending. That application was lodged prior to 19 June 2025.

The consents and intellectual property are now in the process of being transferred to a recently established Trust, the Hawkes Bay Community Water Trust (“**HBCWT**”), which is represented by two members of Tamatea Pōkai Whenua, one member of the Central Hawke’s Bay District Council and one water user representing the agricultural and horticultural sectors.

The purpose of the HBCWT is to retain a strategic water storage opportunity in the Tukituki Catchment to provide water security for environmental, community, social and economic activity, in the face of climate change and population growth which is increasing pressure on the water resource.

Significant engagement with mana whenua has occurred through the Post-Settlement Governance Entity, Tamatea Pōkai Whenua Trust (“**TPW**”) regarding the TWSP and water security issues more generally. This has involved numerous hui<sup>3</sup> and the establishment of a Mana Whenua Working Party (“**MWWP**”) as a vehicle for ensuring that relevant information relating to the project and the consents could be disseminated and discussed, so that an informed view could be reached. This has resulted in TPW giving its support to the extension of the lapse date for the RWSS consents (see letter attached as Appendix 2) and agreeing to be involved in a community-led trust entity with water security as a key goal. In addition, TPW has resolved to support the project in principle through the FTAA process.

With the new process under the FTAA in place the legal impediment identified by the Supreme Court under the Conservation Act 1987 has been identified and addressed by the government through an available pathway for approval through the development and passage into legislation of the FTAA.

The TWSP has been expressly scheduled as a listed project under Schedule 2 of the FTAA, and TWSL now seeks to progress the necessary land exchange under Section 42(4)(f) of the FTAA.

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<sup>3</sup> See Table 4 below for hui dates.

### 1.3 PROJECT SCOPE

Schedule 2 of the FTAA includes the following summary of the TWSP:

#### ***Project Description***

*Dam the Makaroro River and create a water storage reservoir to enable regional water security and sustainability, including—*

- > *constructing an approximately 83-metre-high dam in the Makaroro River*
- > *creating a reservoir (of approximately 93 million cubic metres, approximately 7 kilometres long, and with a surface area of approximately 372 hectares)*
- > *releasing up to approximately 20 million cubic metres to ensure the provision of minimum flows in the Tukituki River*
- > *an irrigation footprint of approximately 20,000 to 30,000 hectares*
- > *a land exchange with the Department of Conservation*

#### ***Approximate geographical location***

*Makaroro River and Waipawa, Tukituki, and Papanui Stream catchments, and 22 hectares at Ruahine Forest Park, Hawke's Bay*

While the Schedule 2 description was accurate based on the known circumstances at the time of listing, with the work undertaken in preparing this DOC land exchange application it now appears that the description of the geographical location in the above FTAA schedule 2 summary may no longer be accurate in terms of the area of Ruahine Forest Park land subject to the proposed land exchange. At the time of the RWSS the DOC land exchange applied for involved 22ha of land. The additional research undertaken in preparing the current TWSL application has revealed that there is an additional 'island area' of approximately 7.3 ha in extent adjacent to the bed of the Makaroro River, that was always proposed to be inundated by the proposed reservoir but has now been identified as having Ruahine Forest Park status. That is the southernmost area of land identified for exchange in Figure 1 below, located adjacent to the confluence of the Makaroro River and Dutch Creek.

This land appears as part of the hydro land parcel on the respective cadastral map layers available in the online maps of the Hawke's Bay Regional Council, Central Hawke's Bay District Council and Hastings District Council. This is further complicated by the jurisdictional boundaries between the Hastings District Council and Central Hawke's Bay District Council bisecting this land area. Regardless of this, recent expert land reporting by The Property Group has confirmed that the land is on a separate title and part of the Ruahine Forest Park. This position has also been agreed in discussion with DOC staff.

TWSL is aware of issues of scope that have been created for other FTAA applications where the project has not been accurately listed in Schedule 2 of the FTAA. This DOC land

exchange application has been prepared on the basis of there now being 29.7ha of Ruahine Forest Park requiring a land exchange due to inundation by the proposed reservoir, as well as 12.37ha of Crown Marginal Strip land<sup>4</sup>, which can also be the subject of a FTAA land exchange application.

The issue of the scope of FTAA Schedule 2 will be addressed in the TWSL substantive application and it is the TWSL's position that any scope issue is not a legal barrier to the completion of a report and recommendation by the Director-General of Conservation as part of this preliminary FTAA process. We are aware that the FTAA Amendment Bill, on which TWSL has made a submission, is proposing an Order in Council mechanism to enable issues of scope to be rectified prior to the lodgement of substantive FTAA applications. Subject to this component of the Amendment Bill being enacted, the issue of scope will be able to be resolved prior to the substantive FTAA application being lodged.

Finally, on the issue of scope, we make the point that the dam and reservoir have been assessed and consented under the RMA (under the former RWSS proposal) on the basis that the adverse effects of the reservoir can be appropriately mitigated and off-set. The assessment of that proposal by the project ecologists and ultimately the BOI had regard to the ecological and biodiversity effects of the same area of land being inundated, which included vegetation assessments of the additional 7.5ha of Ruahine Forest Park land, albeit on the assumption that it was Crown Property as hydro parcel administered by LINZ, rather than public conservation land.

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<sup>4</sup> Separate assessment of a proposed Crown Marginal Strip exchange is set out in Section 6 of this report below.

## 2. SUBJECT LAND

The proposed dam site is located on the upper Makaroro River approximately 1 km east of Wakarara Road and 6.4 km northwest (upstream) of the confluence of the Makaroro and Waipawa Rivers. The dam is located approximately 1 km from the Mohaka fault which also crosses the proposed dam reservoir.

The proposed reservoir will inundate approximately 29.7 hectares of land within the Ruahine Forest Park bordering the Makaroro River and a tributary known as Dutch Creek, managed by the Department of Conservation. The public conservation land (“PLC”) affected is shown in red shading on Figure 1 below.

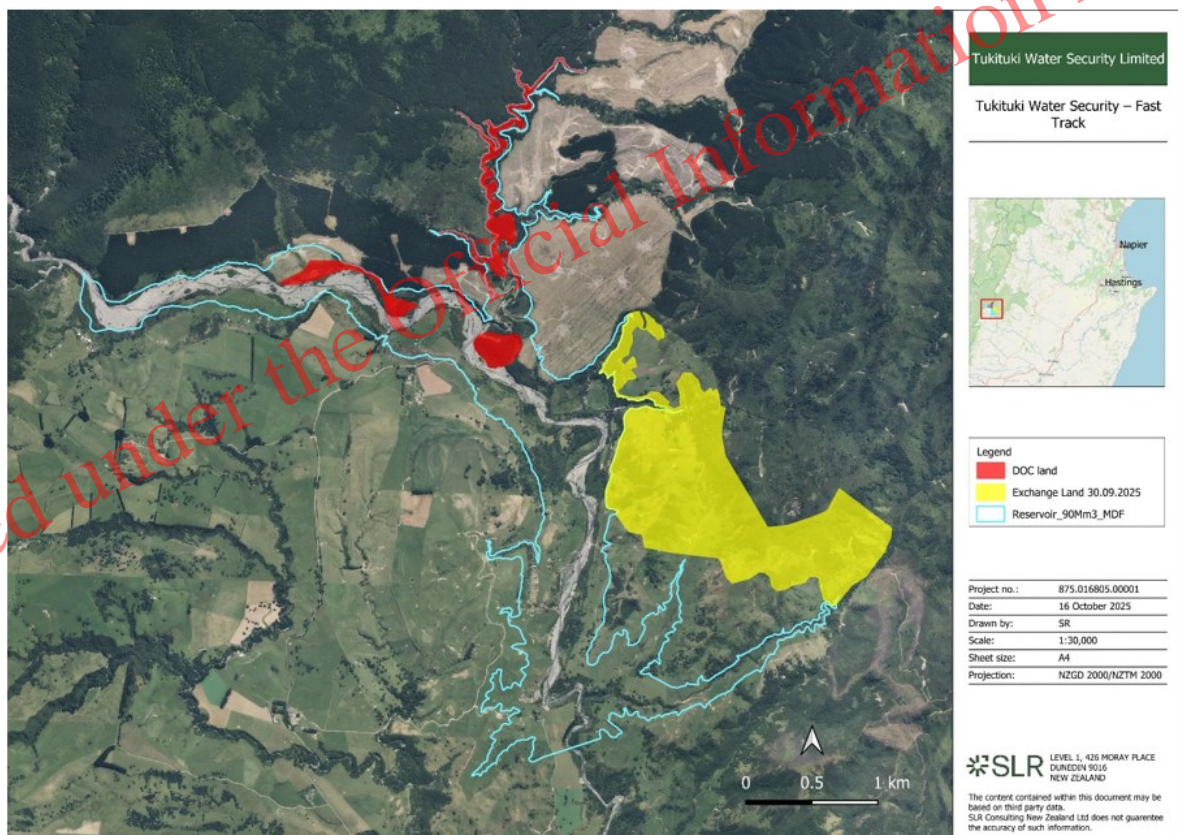


Figure 1: Location of the Tukituki Water Security Project, DOC land to be inundated, and proposed land exchange (SLR, November 2025)

To compensate for the inundation of the 29.7 hectares of public conservation land, TWSL proposes to exchange 170 hectares of land owned by Smedley Station that directly adjoins the Gwavas Conservation Area. The Smedley Station land that is proposed to be exchanged is shown in yellow on Figure 1 above.

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, which was agreed to by HBRIC as the Applicant.

To provide additional context to the land exchange, Figure 2 below is the map prepared by The Property Group showing the proposed PCL proposed to be exchanged over a topographical map. The RWSS application sought the exchange of 22ha as the additional 7.5ha island of land included in the current TWSL application was not identified at the time as being part of the conservation estate and was assumed to be part of the hydro land parcel. The approximate location of the additional 7.5ha is labelled 'F' on the map below.

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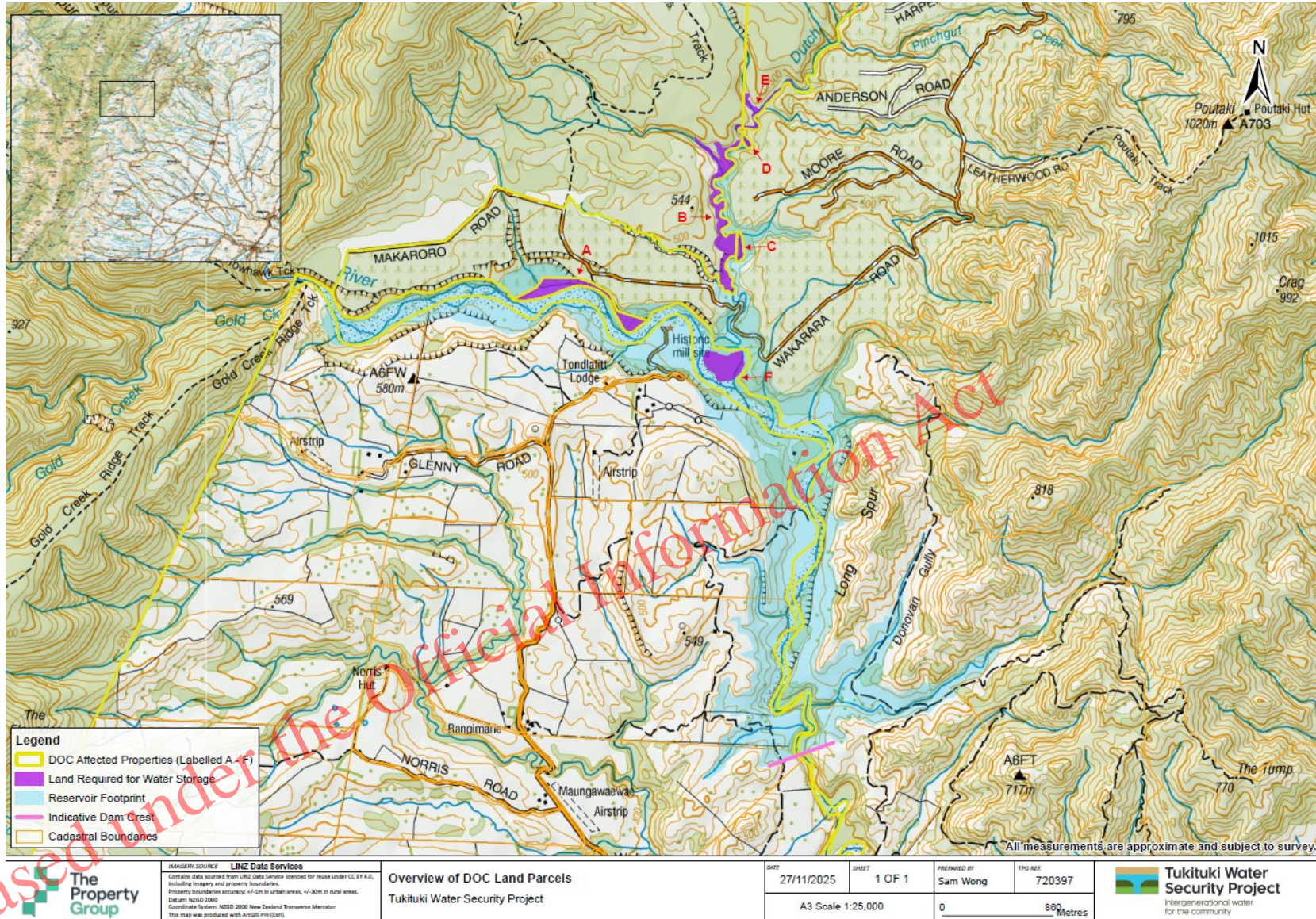


Figure 2: Map Prepared by The Property Group Showing PCL to be Exchanged

A detailed description of the vegetation types and habitat values of both the 29.7ha of Public Conservation Land (“**PCL**”) to be exchanged, and the 170ha of the proposed Smedley Station Exchange Block (“**SEB**”) is provided in the report titled ‘*Land Exchange Assessment, Tukituki Water Security – Fast Track*’, SLR Consulting New Zealand, 28 November 2025 (“**SLR Report**”), attached as Appendix 3.

Additional, descriptions of the vegetation types of the existing 12.37ha of CMS that will be inundated<sup>5</sup>, and of the proposed new 17.3ha of CMS on the margins of the proposed reservoir<sup>6</sup> are provided in a separate technical memorandum from SLR Consulting titled ‘*Tukituki Water Security Project – Marginal Strip Exchange Assessment*’, dated 28 November 2025 (Attached as Appendix 10).

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<sup>5</sup> See plan in Figure 5 below.

<sup>6</sup> See plan in Figure 6 below.

### 3. INTERGRATED MITIGATION AND OFFSET APPROACH

The existing resource consents require a range of ‘projects’ as part of an Integrated Mitigation and Offset Approach (“**IMOA**”) to mitigate or offset adverse environmental effects of the broader project. During the development of the IMOA in 2012 and 2013, the Hawke’s Bay office of DOC was involved in discussions around the design, focus and extent of the programme and its integration with the current biodiversity and conservation management of the wider Ruahine Forest Park area. TWSL is committed to implementing the IMOA in accordance with the existing resource consents as part of its FTAA application.

This approach has been designed to address the residual biophysical effects (e.g. effects on terrestrial and aquatic ecology) around the dam/reservoir area and downstream to the intake site, that are not practicably able to otherwise be avoided, remedied, or mitigated directly or entirely. Flooding of the Makaroro Riverbed upstream of the dam will also have a permanent effect on recreation facilities and the historic Yeoman Mill site at the end of Wakarara Road. As such, the effects on recreation, landscape, heritage and cultural values have been considered also.

The IMOA is set out in Schedule 6 of the consents package for the RWSS (see Appendix 4), with Schedule 9 (see Appendix 5) including a plan identifying the public access and other aspects of the IMOA relating to the area surrounding the proposed water reservoir.

The key offset and mitigation projects from Schedule 6 are set out in Table 1 below, including a comment as to relevance with this land exchange application, are set as below:

**Table 1: Component Projects of RWSS Consents Schedule 6 IMOA Package**

Project	Project Summary	Relevance to DOC Land Exchange
<b>A: Ruataniwha Reservoir Restoration Buffer and Catchment Enhancement Zone Project</b>	This project includes five objectives: <ul style="list-style-type: none"> <li>&gt; Replanting and natural regeneration management of a buffer around a large portion of the new reservoir with indigenous vegetation – ‘Reservoir Restoration Buffer’;</li> <li>&gt; Providing for targeted enhancement and restoration of remaining habitats on private land within the catchment upstream of the dam structure – ‘Catchment Enhancement Zone’;</li> </ul>	Complementary to the Land Exchange by enhancing the biodiversity values of the wider reservoir environs, including land adjacent to the proposed exchange block.  As is discussed further below, the conservation land to

Project	Project Summary	Relevance to DOC Land Exchange
	<ul style="list-style-type: none"> <li>&gt; Protecting water quality in the reservoir through effective riparian management and sediment control;</li> <li>&gt; Providing facilities for a variety of recreation types on and around the reservoir; and,</li> <li>&gt; Acknowledging the mana whenua of the Makaroro catchment and the history of the Yeoman Mill site by providing public recreation space and visual displays commemorating the history of the area.</li> </ul>	<p>be exchanged, has limited specific recreational and historic values, but the reservoir has effects on such values in the wider area and this project is an important mitigation of those effects.</p>
<p><b>B:</b> Ruataniwha Riparian Enhancement Zone (River Halo Project)</p>	<p>This project includes four biodiversity enhancement objectives, to be funded and managed as part of the water storage project, working with willing landowners for a sustained period of time. Objectives include:</p> <ul style="list-style-type: none"> <li>&gt; Control of willows/lupins and other braided river weeds to maintain and enhance habitat for wading birds (particularly banded dotterel) within the active channel of the Waipawa and Makaroro Rivers, to maintain indigenous vegetation, and to prevent the spread of weeds further downstream.</li> <li>&gt; Assisting landowners to enhance and protect existing areas of wetland, bush and scrub within or contiguous with the 1km enhancement zone.</li> <li>&gt; Protection and enhancement of riparian habitats alongside the Makaroro and Waipawa Rivers that are affected by flow fluctuations resulting from the project.</li> <li>&gt; Enhancing the water quality of the Makaroro and Waipawa Rivers through the establishment of healthy riparian habitats within the Project area.</li> </ul>	<p>Not specifically relevant to the land exchange, but relevant to the mitigation and offsetting of freshwater ecology values generally as affected by the reservoir.</p>

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Project	Project Summary	Relevance to DOC Land Exchange
<b>C: Ruataniwha Threatened Species Habitat Enhancement Project</b>	<p>This project has three components:</p> <ul style="list-style-type: none"> <li>&gt; Targeted assistance programme to foster research, advocacy and habitat protection/enhancement for bats and their habitats throughout Hawke’s Bay.</li> <li>&gt; Predator management programme to enhance the biodiversity values of indigenous forest and riverine areas within Project A and B (around the reservoir and downstream of the dam structure, inclusive of targeting wader bird habitats down to State Highway 50).</li> <li>&gt; Trap and transfer programme focusing on native fish.</li> </ul>	<p>Relevant to the land exchange insofar as any bat habitat that may be impacted within the 29.7ha of land to be exchanged. Also complementary to with pest control of the wider reservoir environs, including land adjacent to the proposed exchange block, and within the exchange block prior to the transfer to DOC.</p>
<b>D: Ruataniwha Plains Spring-fed Stream Enhancement and Priority Sub-Catchment Phosphorus Mitigation Project</b>	<p>The objective of this project is to protect and enhance water quality and stream habitat in priority sub-catchments and spring-fed streams that drain the lower Ruataniwha Plains (e.g. tributaries of the lower Manganuku, Kahahakuri Stream, Waipawamate Stream, Black Stream, Maharakeke Stream, Tukipo River, and Porangahau Stream etc.). These streams provide good habitat for eels and other native fish species, and some are important locations for spawning and juvenile trout rearing.</p>	<p>Not specifically relevant to this Land Exchange Application, aside from freshwater ecology values in providing offsetting for the effects of the reservoir on the Makaroro River and tributaries.</p>
<b>E: Old Waipawa River Bed and Papanui Stream Restoration Project</b>	<p>The objective of this project is to rehabilitate and enhance water quality and stream habitat in the Old Waipawa River Bed and the Papanui Stream.</p>	<p>Not specifically relevant.</p>
<b>F: Lower Tukituki Cultural Values Impact and Mitigation and Native Fish Enhancement Project</b>	<p>To contribute to baseline and effects Lower Tukituki cultural values research, monitoring, reporting and (if required additional remediation, mitigation and/or offsetting) during the life of the resource consents.</p>	<p>Not specifically relevant.</p>

Released under the Official Information Act

#### **4. LAND EXCHANGE APPROVAL SOUGHT UNDER THE FAST-TRACK APPROVALS ACT 2024**

TWSL requires (and is seeking) a land exchange pursuant to Section 42(4)(f) of the FTAA.

Prior to making a substantive application under the Act, the authorised person for the project must first lodge a land exchange application to the Director-General of Conservation under section 33(1) of the Act that includes:

- (a) the information set out in clause 24 of Schedule 6; and*
- (b) the information relevant to the land exchange that,—*
  - (i) in the case of a listed project, is required under section 43(2);*
  - (ii) in the case of an unlisted project, was contained in the referral application; and*
- (c) any information specified by the Minister under section 27(3)(c)(ii).*

Section 5 of this application contains the information set out in clause 24 of Schedule 6 FTAA, as required by section 33(1)(a).

In the case of the information requirements set out under section 33(1)(b)(i) for a listed project as required by section 43(2), these details are set out in the accompanying DOC application form.

In terms of section 33(1)(c), the Minister of Infrastructure has not specified under section 27(3)(c)(ii) whether any information must be provided with the land exchange application.

## 5. LAND EXCHANGE ASSESSMENT

### 5.1 INTRODUCTION

Clause 34 of Schedule 6 of the Act states that the information provided for the purposes of section 33 must include:

- (a) *an assessment of the conservation values of both pieces of land, including an explanation of why the exchange would benefit the conservation estate*
- (b) *details of any improvement work to be done to provide a net conservation benefit, including how any money to be provided for improvements to the land could be spent:*
- (c) *any proposals to address impacts on existing users of the land to be disposed of by the Crown, such as proposed easements where access to private land or a culturally significant site is via the Crown land that will become private land.*
- (d) *information about financial and legal liabilities and obligations associated with the land to be acquired by the Crown:*
- (e) *if the land exchange would trigger a right of first refusal or a right of offer or return, a copy of the written agreement from the holder of the right of first refusal or right of offer or return to waive that right for the purpose of the land exchange:*
- (f) *full details of any consultation undertaken by the applicant with relevant iwi, and any others with rights or interests in the land to be exchanged by the Crown.*

The following subheadings will assess these information requirements in the same order above.

### 5.2 ASSESSMENT OF CONSERVATION VALUES

The Department of Conservation issued guidance for conservation values assessments for land exchanges under the FTAA in a document titled: 'For land exchanges under the Fast-track Approvals Act 2024 – Current 18 August 2025' ('DOC Guidance Information') (see Appendix 6). The specific values which are to be assessed include the following:

- > Biodiversity values
- > Freshwater values
- > Recreational values
- > Cultural and heritage values

These values are summarised in the conservation values summary comparison matrix (refer Table 3 below).

### 5.2.1 Biodiversity Values

An assessment of biodiversity values of both the 29.7ha of PCL subject to the application and the proposed 170ha SEB have been assessed by SLR ecologists Gerry Kessels, Hamish Dean and Steve Rate. The findings of this assessment are included in the SLR Report, attached as Appendix 3. Separate assessment of the biodiversity values of the CMS land is provided in section 6 of this report below.

The SLR Report should be referred to directly on the matter of biodiversity values.

The concluding portion of the Executive Summary of the SLR Report is extracted as follows:<sup>7</sup>

*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'.*

*The ecological survey of the SEB found that there is a greater extent of indigenous vegetation cover within the block than within the affected DOC land. Of the indigenous vegetation mapped, 101.62 ha was deemed to be ecologically significant under the Central Hawke's Bay District Plan and Hawke's Bay Regional Council Regional Policy Statement criteria. The area of indigenous vegetation recommended for a land exchange with DOC is 125 ha, which equates to an exchange ratio of 1:4.2 for DOC land lost due to the Project to indigenous vegetation on the SEB, in order to meet the 'current value' requirement.*

*In addition, the proposed exchange land has a number of features not readily apparent. For example, it would form a buffer and corridor along the newly formed lake and create linkages of a range of representative vegetation types with the Gwavas Conservation Area to the east of the exchange land. If stock are excluded and pests controlled within the SEB, it would provide higher quality habitat than currently exists for virtually all of the At Risk and Threatened indigenous fauna species within this locality, as well as for a range of more widespread species, such as bellbird, tui and whitehead.*

*In addition, to ensure that the area of exchange land remains at least as ecologically diverse and functionally intact as that which is to be lost, a number of key management actions over the SEB are required (assuming that the Department will place some form of permanent legal protection over the land) including:*

- > Fencing to exclude all stock;*
- > Long term animal pest control (focussing on possums and deer, but also including other species such as ungulates, mustelids, rats and cats); and*
- > Riparian planting of the Donovan Stream and adjacent wetlands, and*

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<sup>7</sup> SLR Report (page ii)

- > *Long term plant pest control, notably on-going monitoring and control of wildling pines.*

*How this land is fenced and surveyed from the existing farm operations will require further negotiations with the landowner, the Gwavas Crown Forest Licensor and Licensee and DOC.*

For additional context, the total exchange area, including areas currently in pasture cover, is 170ha which is 5.8 times larger than the area which would be flooded (subject to survey and fencing arrangements). This will provide additional long term biodiversity benefits for the SEB land as the pasture cover is eventually replaced by regrowth indigenous vegetation.

## 5.2.2 Freshwater Values

The SLR Report also includes assessment of freshwater values. The DOC Guidance Information suggests assessment of wetland, lake, river, or estuary presence and significance. Of relevance to this application for land exchange are wetlands and rivers. There are no lakes present to assess as part of this application however if the TWSL project is successful the reservoir would become a lake.

The SLR Report does not assess the potential freshwater values of the proposed lake but does make the following comment regarding the value of the SEB and its freshwater values potential.

*Aquatic values in the SEB are lower than those that will be lost in the DOC land, however they are still considered to be of moderate to high ecological value because of the presence of three At Risk fish species. In addition, with restoration work in Donovan Gully the Donovan Stream and the wetlands there will improve. Exclusion of livestock from all waterways on the SEB will also significantly improve aquatic values.<sup>8</sup>*

### 5.2.2.1 Freshwater Values of DOC Exchange Land

The SLR Report identifies the following freshwater habitats within the DOC exchange land:

- > An oxbow wetland of 0.29ha in the lower reach of Dutch Creek.
- > Gravel river (Makaroro – 0.36ha) and stream (Dutch Creek – 1.17ha) bed.

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<sup>8</sup> SLR Report (page 45).

### 5.2.2.2 Freshwater Values of the Smedley Exchange Block

The SLR Report identifies the following freshwater habitats within the SEB area:

- > Podocarp-broadleaf-small-leaved shrubland / seep zone (0.45ha).
- > Five separate wetland areas, comprising four seepage areas and one swamp area totalling 0.13ha.
- > Four streams running through the SEB referred to in the SLR Report as Donovan Stream, Middle Stream, North Stream, and South Stream.

### 5.2.2.3 Overall Findings on Freshwater Ecology

The SLR Report provides a comparative assessment of the freshwater values of the DOC land that will be inundated with such values in the SEB in Table 12<sup>9</sup> with the DOC land scoring high and medium / high against the ecological significance criteria and the SEB area scoring medium for all criteria.

Despite the greater freshwater values associated with the Makaroro River and Dutch Creek adjacent to, and partially within, the 29.7ha of DOC land, the SLR Report provides the following overall assessment:<sup>10</sup>

*Only parts of Dutch Creek (around 1.2 km) are within DOC land according the aerial photos. These areas have been given appropriate weight in the following assessment. A very small part of the Makororo River bed is within DOC land and accordingly the value of the river has been given a low weight in the assessment below. The adverse effects on the Makaroro and Dutch Creek (along with other freshwater values) has been considered and addressed through the consenting process and is not part of this land exchange.*

To that effect, the conditions of the RWSS consents enabling the proposed dam and reservoir<sup>11</sup> include compliance with Schedule 6 IMO A (attached as Appendix 4). Three of the offset projects most related to the Land Exchange proposal requires the implementation of:

- > **‘Project A: Ruataniwha Reservoir Restoration Buffer and Catchment Enhancement Zone’**, which includes measures to protect and enhance the aquatic habitat within the upper Makaroro River above the dam and other reservoir tributaries such as Dutch Creek.

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<sup>9</sup> SLR Report (pages 44 & 45).

<sup>10</sup> SLR Report (page 44).

<sup>11</sup> To which a decision on the section 125 lapse date extension is pending at the time of writing. In the event that the lapse date extension was declined then the lapsed RWSS consents and associated conditions for the reservoir and dam, would form the basis of the TWSL proposal under the FTAA.

- > **‘Project B: Ruataniwha Riparian Enhancement Zone (River Halo Project)’**, which includes the restoration of the main stems of the Makaroro and Waipawa Rivers downstream of the dam. The restoration initiatives include protection of riparian habitats alongside these water bodies.
- > **‘Project C: Ruataniwha Threatened Species Habitat Enhancement’**, including a native fish trap and transfer programme.

Therefore, despite the SLR Report findings that there are greater freshwater values within (or immediately adjacent to) the DOC land to be exchanged compared to the SEB land, the Schedule 6 Project A-C packages will ensure that the freshwater ecology, both upstream and downstream of the dam and reservoir will be enhanced, to mitigate the effects of the reservoir.

As a general finding on freshwater values, it is observed that the freshwater component of the PCL forms a relatively minor contribution to the overall conservation values, particularly in comparison to the biodiversity values. The effects of the proposed reservoir and water storage project on freshwater values generally are however a critical consideration of the wider project, and the schedule 6 IMO provides important mitigation and offsetting in this regard.

Separate assessment of the CMS land is provided in section 6 of this report below.

### 5.2.3 Recreational Values

#### 5.2.3.1 Introduction

A comprehensive assessment of recreational values for the original RWSS was provided in a report titled *‘Ruataniwha Water Storage Scheme Recreation Assessment’*, Opus International Consultants Ltd, May 2013 (‘Opus Recreation Assessment’). This report is attached as Appendix 7.

It is noted that the Opus Recreation Assessment assesses the recreational effects of the original RWSS project including downstream of the dam and over the wider distribution network.

The scope of the report is stated as follows:<sup>12</sup>

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<sup>1212</sup> Opus Recreation Assessment (page 2).

- > *Identify and characterise the range of recreational activities undertaken in the Scheme area. Determine the context of these opportunities on the basis of the range and availability of existing outdoor recreational opportunities within Hawke's Bay and surrounding regions as well as their proximity to people living in Hawke's Bay.*
- > *Assess the effects of the Scheme on the identified recreational activities being undertaken in the Scheme area.*
- > *Identify and characterise any new recreational opportunities that may be created by the Scheme, and their potential benefits (in the context of the availability of existing outdoor recreational opportunities available to Hawke's Bay residents).*
- > *Identify and report on any available and appropriate means to avoid, remedy or mitigate adverse effects on current recreational use of the Scheme area.*

For the purposes of this Land Exchange Assessment of the TWSL project, it is the recreational values and effects on those values relevant to the area of the proposed dam and reservoir that are relevant given that the 29.7ha of PCL and 12.3ha of CMS subject to the exchange would be inundated by the reservoir.

The Opus Recreation Assessment does not specifically consider the recreational values of the 29.7ha of PCL nor 12.3ha of CMS that are subject to this application, as that report was prepared for the BOI applications lodged under the RMA in 2013, prior to the previous land exchange process being agreed with DOC. The following assessment is therefore structured by firstly considering the recreation values and effects on the wider area proposed to be inundated by the water storage reservoir and then considering the specific recreation values and effects of the 29.7ha area and the recreational potential of the SEB land. Separate assessment of the CMS land is provided in section 6 of this report below.

### **5.2.3.2 Recreational Values and Effects of the Proposed Dam and Reservoir Area**

#### Values and Effects Identified in the Opus Recreation Assessment

A detailed assessment of the effects of the RWSS proposal on different recreational activities is provided in the Opus Recreation Assessment including a ranking of the significance of the effects on each recreation activity type at a local and regional significance level. Drawing from the executive summary, the Opus Recreation Assessment findings on the 'Upper Scheme Area – Zone 1 (being the area affected by the proposed dam and reservoir as is also relevant to the PCL exchange) in terms of potential adverse recreation effects are:

- > *Effects on access to the Ruahine Forest Park for a range of recreation activities including tramping/ hiking, hunting, mountain biking, kayaking and fishing.*

- > *Effects on the activity of fishing, four wheel driving and kayaking in the dam footprint. The opportunity to undertake these activities in 'recreation zone' 1 will be affected.*
- > *Effects on day visits and the activities associated with scouts/Wakarara Camp at the Wakarara Road End and associated heritage and natural amenity areas. The Wakarara Road End will be affected.*
- > *The activity of camping will be affected. The private camping ground at Wakarara Road End is located within the dam footprint.<sup>13</sup>*

Positive effects regarding some recreation activity types were also identified by the Opus Recreation Assessment, these being:

- > *The other key conclusion of this report is in relation to the opportunity the completed dam and reservoir will have for recreation activities. Flat water is sought after in Hawke's Bay for rowing and motor boat activities, and it is acknowledged that there is potential for these and a range of other recreational activities such as fishing, swimming and lakeside activities to be provided for at the reservoir. Proposed mitigation acknowledges the provision of these activities is a desired outcome and we recommend that work be undertaken with user groups to better understand their needs and the ability of the dam to accommodate these.<sup>14</sup>*

Overall, the Opus Recreation Assessment concluded that the main effect on recreation will be loss of access to recreation activities in the wider area. It recommended that alternative access to these activities be provided for in the long term.<sup>15</sup> This was adopted in the Project Description of the RWSS resource consent applications and ultimately is a requirement of the conditions of the resource consents that enable the dam and reservoir as is discussed below.

The Board of Inquiry in its final decision report on the RWSS (see Appendix 8) made the following findings in regard to recreational effects, in ultimately concluding that such effects will be satisfactorily mitigated:<sup>16</sup>

*By its very nature the presence of the proposed dam and reservoir will disrupt some recreational activities that were previously enjoyed. It is therefore an essential component of any mitigation package that alternative options for access are identified*

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<sup>13</sup> Opus Recreation Assessment (page 1).

<sup>14</sup> Opus Recreation Assessment (page 3).

<sup>15</sup> Opus Recreation Assessment (pages 2 & 3).

<sup>16</sup> 'Final Report and Decision of the Board of Inquiry into the Tukituki Catchment Proposal Volume 1 of 3: Report and Decisions', June 2014 (paragraphs 1111 – 1114).

so that existing tracks can be enjoyed both during the course of construction and in the long term.

Some submitters asked the Board to keep in mind the additional distance to existing recreational sites, when considering whether alternative arrangements are appropriate. As a number of submitters said, this might restrict day visit access for families and groups, thereby compromising the opportunities that should be available. The potential for recreation to occur on the reservoir (as happens in other parts of the country) was also mentioned. These include swimming, fishing, rowing and waka ama. To the extent that such opportunities are not currently available, the RWSS would deliver a positive benefit.

HBRIC has incorporated a process for identifying and mitigating the effect of the RWSS on recreation and public access. This process forms part of the conditions of consent, and experts will be utilised to progressively implement the arrangements.

The Board is satisfied that the adverse effects on recreation values and amenities will be satisfactorily mitigated and that this requirement is enshrined in conditions of consent.

#### Mitigation and Offset Package Initiatives Relevant to Recreation

The conditions of the various RWSS resource consents that enable the dam and water storage reservoir require compliance with Schedule 6 as has been discussed above. Project A of Schedule 6 is titled 'Ruataniwha Restoration Buffer and Catchment Enhancement Zone Project' and relates to the area surrounding the margins of the proposed water storage reservoir.

The Project A objectives specifically relevant to recreational values are:

- > 4. Providing facilities for a variety of recreation types on and around the reservoir; and,
- > 5. Acknowledging the mana whenua of the Makaroro catchment and the history of the Yeoman Mill site by providing public recreation space and visual displays commemorating the history of the area.

The Project A delivery mechanisms relevant to recreational values are:

- > Funding for the creation of walking/cycling tracks around the reservoir, where landowners are amenable.
- > Construction of an access track around the top-end of the reservoir, linking to existing DoC tracks in the Ruahine Forest Park via Makaroro Road (sic).
- > In consultation with affected landowners and Iwi, construction of a new picnic/camping area featuring historical/cultural information about the Yeoman Mill site and surrounding landscape.
- > Construction of a boat ramp for public recreation access to the reservoir.

- > *In consultation with affected landowners and Hawke’s Bay Fish and Game, construction of a fisherman’s shelter for use by trout anglers.*

Project A performance targets include completion of the access track around the top-end of the proposed reservoir by the end of the reservoir construction period.

Schedule 9 of the RWSS Consents Package is the ‘Public Access & Offset Mitigation Progress Plan’, which spatially defines the location of the above mitigation mechanisms, is extracted as Figure 3 below (a full-size version is attached as Appendix 5).

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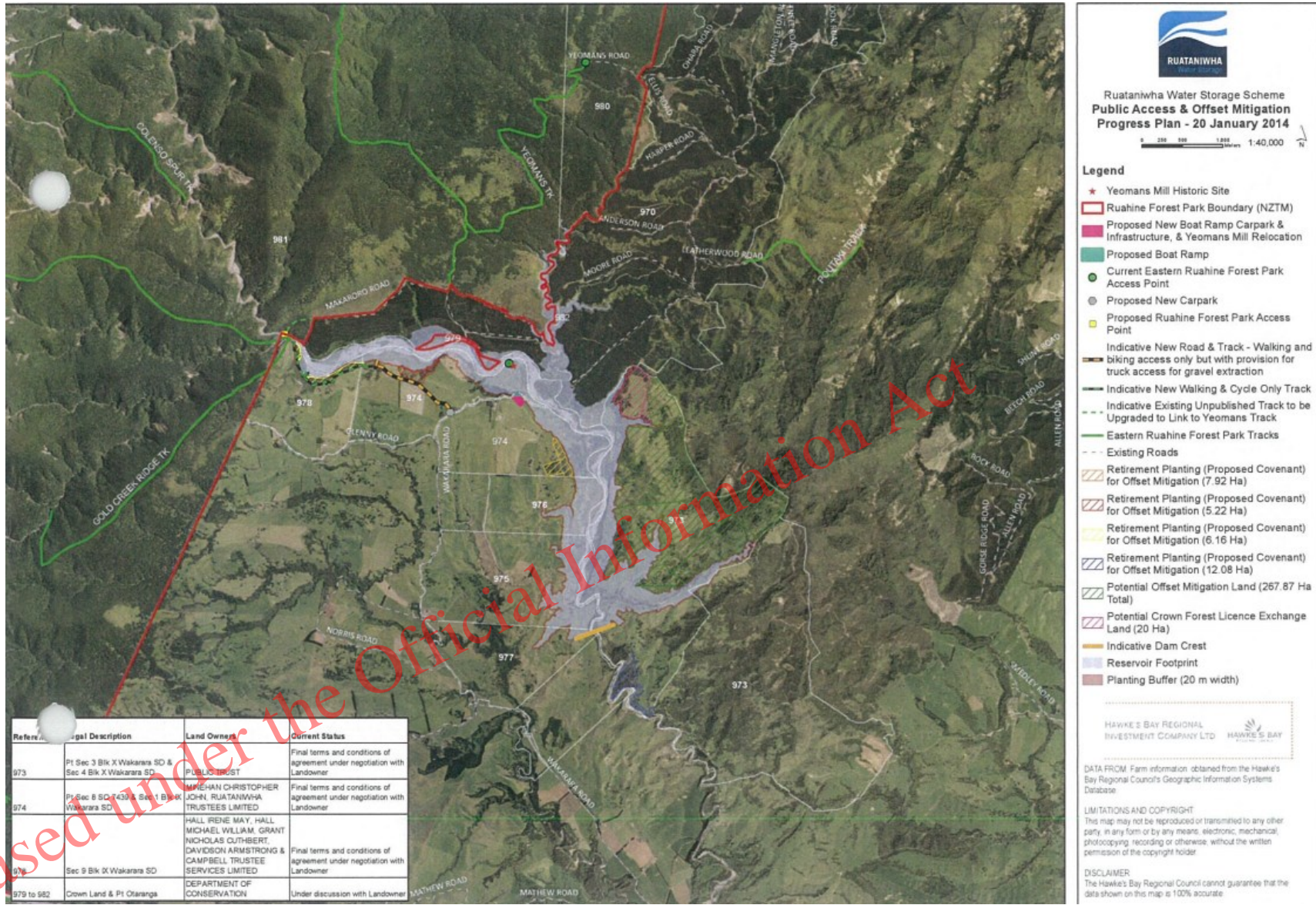


Figure 3: Schedule 9 Public Access & Offset Mitigation Project Plan

### 5.2.3.3 Recreational Values Assessment of the Specific Land Areas in the Exchange

#### Recreational Values of the DOC Land Subject to the Exchange

The three areas of Ruahine Forest Park land subject to the land exchange application are described in regard to their vegetation type in the SLR Report. Regarding recreation values, none of the three areas contain walking or other tracks nor any specific recreational facilities. That said, all three areas 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.

#### Potential Recreational Values of the SEB Land

Potential recreational values within the SEB are set out in the SLR Report as follows:<sup>17</sup>

*Thought should also be given to creating public access to the block, particularly from the newly formed lake, as there are a number of opportunities for public access, with many flat areas and glades found in the beech treeland habitats adjacent to streams in the northern portion, as well as viewpoints along the western ridge.*

*The Management Plan for the SEB will include, but not be limited to, details on the species to be planted, planting zones, eco-sourcing of plant stock, planting guidelines such as plant sizes, plant spacings, and timing of planting, site preparation, maintenance guidelines, and monitoring to ensure planting success. Planting of indigenous species in Donovans Gully will comprise riparian species already present in the SEB that are fast-growing such as mānuka, as well as climax species such as black beech, podocarps (matai, remi and miro), and broadleaved tree species. Kōwhai is a feature of the scrub and treeland vegetation found on the banks of the Makaroro River and Dutch Creek. Kōwhai, podocarps and Coprosma species provide important seasonal food supplies for lizards and many indigenous bird species in this locality. Plantings shall also include of high densities of Kōwhai, fruiting Coprosma species and podocarps.*

*A map of indicative riparian planting areas is provided in Figure 9 based on a 10 m-wide strip on each side of the stream/flow path centreline and around the adjacent wetlands. The area shown on the map covers approximately 3.5 ha, with the available planting area slightly less than this due to existing indigenous trees and shrubs and the width of the stream channel. The planting sites link several areas of existing indigenous vegetation. Planted areas will act as a source for further natural spread of indigenous vegetation in the SEB over time. Planting areas will be refined when the Management Plan is prepared.*

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<sup>17</sup> SLR Report (page 49).

*Weed control in the SEB will focus on wilding conifers but will include any exotic tree species that could threaten ecological values, including buddleia, Scotch broom, and grey willow which have been recorded in the Smedley Block. Weed monitoring and control will be undertaken annually.*

As can be seen in Figure 1 above, the SEB land will have direct frontage to the reservoir and will therefore be accessible by boat from the proposed boat ramp (required as part of Package A of Schedule 6 – see proposed location on the Schedule 9 Plan) on the other side to the reservoir.

#### Relevant Strategic Objectives to Recreation Values

The 'Ruahine Forest Park Conservation Management Plan', DOC, February 1992, includes the following 'management objectives' relevant to recreation:

- > *To provide for a range of recreational opportunities that are compatible with the primary objective, ie protection of natural and historic features.*
- > *To provide recreational opportunities which complement or enhance the opportunities available elsewhere in the Hawke's Bay and Manawatu-Wanganui Regions, and in adjoining natural areas, as far as they are consistent with the objectives for Ruahine Forest Park.*

Relevant direction from Part 2 of the RMA to recreational values includes:

- > *S6(d) – the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*

The Hawke's Bay Regional Resource Management Plan (Operative 2006)

- > *Regional Policy Statement OBJ LW 1 Integrated management of fresh water and land use and development - Fresh water and the effects of land use and development are managed in an integrated and sustainable manner which includes: ...*  
  
*13. recognising and providing for the recreational and conservation values of fresh water bodies; and ...*

The Central Hawke's Bay District Plan (Operative in Part 2024) includes the following objectives relevant to Open Space and Recreation, and Public Access respectively:

- > *OSR-O1 Open space and recreational opportunities that are accessible and appropriately located to meet the needs of residents and visitors, while avoiding, remedying or mitigating any adverse effects.*
- > *PA-O1 Practical and safe public access to and along the margins of lakes and rivers and the coast is maintained and enhanced in a way that respects private property and does not result in adverse effects on natural character, landscape, indigenous biodiversity, historical heritage or cultural values.*

The Hastings District Plan (Operative 2024) includes

- > *Objective RMO3: To create, link, maintain and enhance public access to and along the margins of the District's identified significant waterbodies in a manner that is compatible with the preservation of conservation and recreation values, management of natural hazards and adjoining land uses.*

The consistent theme of the above strategic direction relates to providing and maintaining recreational opportunities, including public access to the margins of lakes and rivers. Although the TWSP will change the nature of the recreational opportunities available in the area of the proposed dam and reservoir, the existing resource consents and conditions that form part of the TWSL FTAA proposal require public access provision to the new lake and around its margins to link up with the existing DOC track network.

Table 2: Assessment of Recreation Values - DOC Guidance Information

	PCL	Land offered
<b>Alignment with strategic objectives/visitor network strategy</b>	The PCL subject to the exchange does not have specific recreation access or infrastructure, albeit that it can be accessed from adjacent river and stream beds, just as all the stream edge land within the Ruahine Forest Park can be. The wider area which does have public access to a range of recreational activities from the Wakarara Road end does have strong alignment with the above strategic objectives.	The conditions of the existing consents for the project, and Schedules 6 and 9 in particular require recreational access to the edge of the proposed lake, including provision of a boat ramp carpark and recreation infrastructure that will enable recreational use of the lake. As well as another carpark from which new walking and cycle track access is available linking around the western end of the reservoir to the existing DOC access tracks. Conditions are therefore in place as part of the TWSP to ensure strong alignment with recreation strategic objectives, which in turn will ensure that public access is available to the SEB land.
<b>Social license – for PCL, social license for exchanging away the land, and for the land offered, social license for acquiring the land</b>	Specific to recreational values there would be lesser social licence for loss of the wider area to be inundated by the reservoir than for the specific exchange areas, as is evidenced by the Opus Recreation Assessment and the various recreational	There will be social licence for the acquisition of the SEB land on acceptance of the net benefits that it would offer to the conservation estate, including new recreational opportunities.

	PCL	Land offered
	<p>effects relevant to the wider area. In terms of the PCL land subject to the exchange, social licence would be based on the degree of acceptance to there being a net benefit of the SEB land becoming part of the conservation estate.</p>	<p>These net benefits are set out in the SLR Report as including, the SEB forming a buffer and corridor along the newly formed lake and creating linkages of a range of representative vegetation types with the Gwavas Conservation Area to the east. With stock excluded and pests controlled, the SEB land would provide higher quality habitat than currently exists for virtually all of the At Risk and Threatened indigenous fauna species within this locality, as well as for a range of more widespread species, such as bellbird, tui and whitehead.</p> <p>Also, public access to the block, can be provided from the newly formed lake, as there are a number of opportunities for public access, with many flat 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.</p>
<b>Rarity of experience within the region</b>	<p>As documented in the Opus Recreation Assessment, the greatest rarity of recreation experience for the wider area affected (and not specifically the PCL subject to exchange) are: day visits and associated activities such as bird watching and picnicking (particularly at the Historic Yoeman’s Mill site); camping (private camp ground on Parks Peak Station); mountain biking on Yoeman’s Track; four wheel driving on river bed and adjoining private properties in area of reservoir footprint. Of these it is only bird watching that could be undertaken on the</p>	<p>Provision is made within Project A: Ruataniwha Reservoir Restoration Buffer and Catchment Enhancement Zone for construction of a new picnic area featuring historical/cultural information about the Yeoman Mill site and surrounding landscape, which is where the boat ramps is proposed and the SEB land would be accessible from via boat. In regard to mountain biking, a new public access is required to link to Yeoman’s Track by RWSS Consents Schedules 6 and 9.</p>

Released under the Official Information Act

	PCL	Land offered
	subject PCL land, with such activities also able to be undertaken on similar land within the Ruahine Forest Park.	
<b>Use level (for PCL)/anticipated use level (for land offered)</b>	Although the Opus Recreation Assessment documents use of the PCL accessed from the Wakarara Road end for a range of recreational activities, there is no assessment of the specific PCL exchange land. As mentioned above this land does not contain any formal tracks but would be accessible from the river and stream beds.	As set out in the SLR Report the SEB land offers potential for visitors via boat access. The SEB land will be due east of the boat ramp location and so will be publicly accessible by boat.
<b>Level of access (eg tracks)</b>	None of the subject PCL contains existing tracks, but is able to be accessed from the adjacent river and stream beds.	The SEB is located on the north eastern side of the proposed reservoir, to which there is no public road access.  The SEB land will be accessible by boat being located directly across the reservoir from the proposed new boat ramp required by the RWSS consent conditions (and specifically Schedules 6 & 9).
<b>Natural hazard/climate risk</b> How do any heritage or biodiversity values affect the visitor experience (for land offered, how might heritage or biodiversity values affect the visitor experience?)	Access to the subject PCL land is dependent on river and stream level and therefore inaccessible in times of moderate to high river levels and flood.	The SEB will potentially be able to be accessed from the proposed reservoir margins with such access being less dependent on fluctuating river levels.

Released under the Official Information Act

Given the above assessment, notwithstanding that the wider project has adverse effects on 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 29.7ha of PCL land.

## 5.2.4 Cultural and Heritage Values

### 5.2.4.1 Introduction

An archaeological assessment was completed for the original RWSS in a report titled '*Ruataniwha Water Storage Scheme: Archaeological Assessment*', Clough & Associates Ltd and P Parsons, May 2013 ('RWSS Archaeological Assessment'). This report is attached as Appendix 9. As well as providing an archaeological assessment the report provides historical background information from Pat Parsons, covering Māori occupation of the wider area from the 1500's through to the time of land battles in the 1800's and subsequent land sales to the Crown.

The RWSS Archaeological Assessment considers the effects of the wider RWSS project including downstream of the dam and over the wider distribution network, however its consideration and reference in this report is focused on the area of the proposed dam and reservoir, being the location of the land exchange proposal.

In addition to the RWSS Archaeological Assessment, a report titled '*Tukituki River Catchment Cultural Values and Uses*', Te Taiwhenua o Tamatea in Partnership with Te Taiwhenua o Heretaunga, June 2012 ('Cultural Values Assessment'), was prepared for Hawke's Bay Regional Council with the stated aim "*to clarify and define key Māori environmental cultural values and their application within the Tukituki River catchment.*"<sup>18</sup>

### 5.2.4.2 Cultural and Heritage Values and Effects of the Proposed Dam and Reservoir Area

Findings of the RWSS Archaeological Assessment relevant to potential effects in the area of the dam and reservoir are extracted from the executive summary as follows:<sup>19</sup>

- > *No archaeological sites had been recorded in the immediate vicinity of the proposed dam and reservoir prior to the assessment, although sites including two Māori pa are recorded approximately 7-10km away. The density of archaeological sites previously recorded in the wider area around the proposed dam site is low.*

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<sup>18</sup> Cultural Values Assessment (page 4).

<sup>19</sup> RWSS Archaeological Assessment (page iii).

- > *No Māori or other pre-1900 archaeological sites were identified during the field survey. The area of the reservoir and dam does not appear to have been a favoured location for pre-European settlement for topographic reasons, and the tangata whenua have not identified any archaeological sites of significance to them in the immediate vicinity. However, the possibility that pre-1900 subsurface archaeological remains may be encountered during earthworks cannot be completely excluded.*
- > *One archaeological site of early 20th century date was identified within the RWSS area – the site of Gardner and Yeoman’s Sawmill, located on the southern bank of the Makaroro River near Dutch Creek. Various remains of the mill operation were noted, dating from the period 1920s-1950s.*
- > *The mill site is of local historic heritage significance based on its archaeological values, its historical values and its educational potential. However, its heritage values are considered to be moderate rather than high in view of its relatively late date and limited integrity. It is not scheduled for protection on the Central Hawke’s Bay District Plan or registered as a historic place by the NZ Historic Places Trust.*
- > *The site of the mill would be permanently flooded by the RWSS.*

Overall, then the RWSS Archaeological Assessment concluded that the only known historic site that will be affected by the dam and reservoir is the Gardner and Yeoman’s Mill site. It is important to note that this site is not within the DOC exchange land.

Regarding Māori archaeological sites the RWSS Archaeological Assessment found that there were three pā sites in the wider surrounds of the scheme, none of which would be impacted by the proposed dam and reservoir.

The RWSS Archaeological Assessment concludes that it would not be possible to protect the Gardner and Yeoman Mill site in situ, and therefore provides the following mitigation recommendations, in addition to a general Accidental Discovery Protocol recommendation:<sup>20</sup>

- > *Archaeological investigation and further recording of the site should be carried out prior to flooding.*
- > *A report on the history of the mill (based on oral and archival sources) and the results of the archaeological investigation should be prepared and deposited in the local museum and library and the NZHPT library.*

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<sup>20</sup> RWSS Archaeological Assessment (page iv).

- > *An interpretation plan should be prepared and interpretive signage detailing the location and history of the mill should be installed in a suitable location (or locations) near the dam and reservoir that is accessible to the public. This could be associated with the existing Yeoman's Track.*
- > *The boiler and any other significant industrial remains should be removed from the site prior to flooding and deposited in a local museum or installed on higher ground nearby in a location accessible to the public as part of the interpretation of the site.*
- > *A comprehensive Accidental Discovery Protocols should be developed in consultation with the NZHPT and tangata whenua. These would ensure that if koiwi tangata (human remains), taonga or sub-surface archaeological evidence is uncovered during construction, work would cease in the immediate vicinity of the remains so that appropriate action could be taken.*

Regarding the 4<sup>th</sup> of the above recommendations, in the meantime the Yeoman's Mill boiler was removed under the care of the Ongaonga Historical Society and installed as a historical monument at the SH50 entrance to Ongaonga Village in September 2024.

The Board of Inquiry in their final decision report on the RWSS made the following findings in regard to archaeological and heritage values, in ultimately concluding that such effects will be acceptable with appropriate mitigation built into the proposal:<sup>21</sup>

*It is the Board's view that the research already undertaken in relation to archaeological and heritage sites has been thorough, and that based on current knowledge the heritage site identified is the only site that needs to be recognised and provided for in terms of s 6 of the RMA. The Board supports the recommendations in the archaeological assessment report which have been incorporated into the IMOA.*

*It is of course possible that other archaeological sites might be identified during the project assessment or during construction. As stated by Dr Bickler, further research and monitoring strategies will be in place prior to construction and they will be under the supervision of the Historic Places Trust. The protocol accompanying the memorandum of 8 February 2014 will also be included with the conditions.*

*On that basis the Board concludes that the effects of the RWSS on archaeological and built heritage will be acceptable, and appropriate measures to mitigate these effects have been built into the RWSS.*

The Māori Cultural Values Assessment was focussed on the wider values of the Tukituki catchment but does include some commentary on the proposed dam in referencing two earlier Cultural Impact Assessments (“CIA”).

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<sup>21</sup> 'Final Report and Decision of the Board of Inquiry into the Tukituki Catchment Proposal Volume 1 of 3: Report and Decisions', June 2014 (paragraphs 1089 – 1091).

The first CIA was commissioned by HBRC (Wakefield et al, 2010) to investigate eight potential dam sites, while a second Supplementary CIA (Wakefield et al, 2011) was commissioned to consider two potential dam sites, one being on the Makaretu and the other being the now chosen Mākāroro site.

The 2010 CIA concluded that there are no known wāhi tapu sites registered or unregistered specifically located within any of the eight proposed water storage sites and that marae and hapū were cautious and uncertain on what the potential benefits might be for Māori.<sup>22</sup>

The supplementary CIA report revealed there was some support in principle for the proposed dam sites on the Makaretu and the Mākāroro. Mataweka and Tapairu marae raised concern regarding the Mākāroro site given that it is *“located in an area that is pristine, was where taonga species like tuna spawn, and still had remnants of precious native bush.”*<sup>23</sup>

The Board of Inquiry in their final decision report on the RWSS recorded that cultural issues were primarily raised by three parties: Ngati Kahungunu Iwi Incorporated and Te Taiwhenua o Heretaunga<sup>24</sup>, who oppose the RWSS, and Te Taiwhenua o Tamatea<sup>25</sup>, who supports it. The concerns recorded in the decision from the opposing parties related primarily to the adequacy of consultation, effects on the lower Tukituki, and inadequacy of the mitigation and offset package.<sup>26</sup> It is the last of these matters that has relevance to the dam and reservoir site and therefore to the land exchange. The decision states: *“The Board is satisfied that the mitigation and offsetting package is adequate.”*<sup>27</sup>

The various CIA reports and Cultural Values Assessment referenced above were prepared for the RWSS proposal (application lodged 2013, Board of Inquiry decision 2014) and predate the Heretaunga Tamatea Claims Settlement Act 2018. TPW is the Post Settlement Governance Entity (‘PSGE’) for the Heretaunga Tamatea Settlement. The Waipawa River and its Tributaries (which include the Makaroro River) and which in turn are tributaries to the

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<sup>22</sup> Cultural Values Assessment (page 53).

<sup>23</sup> Cultural Values Assessment (page 54).

<sup>24</sup> Which represents hapū in the Heretaunga (central and southern portions of Hastings District) area, including the lower Tukituki catchment.

<sup>25</sup> Which represents hapū in the Tamatea (Central Hawke’s Bay District) area, including the mid and upper Tukituki catchment, inclusive of the Makaroro and proposed dam and reservoir site.

<sup>26</sup> ‘Final Report and Decision of the Board of Inquiry into the Tukituki Catchment Proposal Volume 1 of 3: Report and Decisions’, June 2014 (paragraphs 1134 – 1135).

<sup>27</sup> ‘Final Report and Decision of the Board of Inquiry into the Tukituki Catchment Proposal Volume 1 of 3: Report and Decisions’, June 2014 (paragraph 1141).

Tukituki River<sup>28</sup> are a statutory acknowledgement area (OTS-110-31) as part of this settlement.

The TWSP is being progressed in full consultation with TPW as evidenced by the consultation documented as part of this application and as discussed in section 1 of this report above.

Given the above assessment, neither the PCL or the SEB land have any specifically identified heritage or cultural values and in regard to the wider project effects on archaeological and heritage values were considered to be acceptable and appropriately mitigated by the BOI decision. Nothing has changed in the meantime, other than one of the recommended actions relating to the boiler from the Yeoman's Mill site already being implemented.

In regard to Māori cultural values, there has been a Treaty Settlement in the meantime for which TPW are the PGSE and TWSL is progressing this project in partnership with TPW. An important part of this partnership has been the formation of the MWWP which included representative from four Tamatea marae (Rākautātahi, Tapairu, Pukehou, and Te Rongo o Tahu) and a representative from Heretaunga.

Over the course of four hui the MWWP to considered Mana Whenua interests in the TWSP's impact, and opportunities to inform the TPW Board's consideration of how it may wish to participate, going forward. The MWWP provided the following recommendations to the TPW Board:

- > Support an application to extend the lapse date of the existing resource consents.
- > In principle, provide conditional support for a Fast Track Approvals application for the rescope Tukituki Water Security project, subject to an acceptable plan to avoid, mitigate or offset the identified risks highlighted by a 'Worst Case' assessment.
- > Additionally, a further recommendation for the Board's consideration for the continuation of the Mana Whenua Working Party to advance Mana Whenua interests into the next phases.

The scope of the MWWP was the consideration of the wider TWSP and not specifically the proposed PCL exchange. Nevertheless, the land exchange is an important part of the wider project, for which its in principle support is relevant (see letter in Appendix 2).

Accordingly, there are not considered to be any heritage or cultural reasons against the proposed land exchange.

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<sup>28</sup> Statutory Acknowledgement Area OTS-110-30.

### 5.2.5 Overall Findings

Table 3: Summary Assessment of Conservation Values

	Public Conservation Land	Exchange Land (SEB)
Biodiversity values	<p><b>Medium</b></p> <p>Rationale: The SLR ecological survey found the PCL land to be exchanged to generally be of ecological significance, but comprises of a relatively small area (29.7ha in total), hence the medium rating.</p>	<p><b>High/Medium</b></p> <p>Rationale: The SLR Report sets out that there is a greater extent of indigenous vegetation cover within the block than within the affected DOC land. Of the indigenous vegetation mapped, 101.62 ha was deemed to be ecologically significant. Also, area of indigenous vegetation recommended for a land exchange with DOC is 125 ha, which equates to an exchange ratio of 1:4.2 for DOC land lost. The SLR Report also concludes that the proposed exchange land has a number of features not readily apparent. For example, it would form a buffer and corridor along the newly formed lake and create linkages of a range of representative vegetation types with the Gwavas Conservation Area to the east of the exchange land. If stock are excluded and pests controlled within the SEB, it would provide higher quality habitat than currently exists for virtually all of the At Risk and Threatened indigenous fauna species within this locality, as well as for a range of more widespread species, such as bellbird, tui and whitehead. The SLR Report includes recommendations to ensure that the area of exchange land remains at least as ecologically diverse and functionally intact as that which is to be lost. TWSL adopts those recommendations as part of the project as detailed in section 5.3 below.</p>
Freshwater values	<p><b>Low</b></p> <p>Rationale: The margins of the PCL land incorporate portions of the adjacent Makaroro</p>	<p><b>Low</b></p> <p>Rationale: According to the SLR Report the combined area of seeps and wetlands only comprises some 0.58ha of the SEB land.</p>

	Public Conservation Land	Exchange Land (SEB)
	<p>riverbed and Dutch Creek streambed, which along with a 0.29ha oxbow wetland contribute to an estimated total area of 1.82ha of the total 29.7ha PCL as contributing to freshwater values. These stream and riverbed margins are indistinguishable from the general hydro parcel areas of stream and riverbed to be inundated by the reservoir. The effects on the freshwater values of the stream and river beds to be inundated by the proposed reservoir are addressed through the conditions and the Schedule 6 IMOA projects. Hence the low rating, as it is the terrestrial ecological values that occupy a much greater area of the PCL land.</p>	<p>Four small streams also traverse this land but there are no area calculations of those streams included in the SLR Report. Again, terrestrial ecological values occupy the vast majority of the SEB land, with the freshwater values being comparatively low.</p> <p>Despite this the SLR Report identifies the potential for improved Freshwater Ecology on the SEB land:</p> <p><i>With exclusion of livestock, planting of Donovan Stream and recovery of the riparian vegetation along the other streams, it is expected that the SEB streams will continue to improve in quality and ecological value.<sup>29</sup></i></p>
Recreational values	<p><b>Low</b></p> <p>Rationale: Does not include any recreational tracks or infrastructure, albeit that the land could be accessed from the adjacent river and stream, just as the Ruahine Forest Park land upstream of the reservoir will continue to be.</p>	<p><b>Medium</b></p> <p>Rationale: Boat access directly across reservoir. 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.</p>
Cultural and heritage values	<p><b>Low</b></p> <p>Rationale: No specific archaeological, heritage or Māori cultural values have been recorded as applying to the subject PCL.</p>	<p><b>Low</b></p> <p>Rationale: No specific archaeological, heritage or Māori cultural values have been recorded as applying to the subject SEB land.</p>

<sup>29</sup> SLR Report (page 39)

On the basis of the above assessment, and the greater biodiversity and recreation values of the SEB land over the PCL subject to the exchange, it is considered that there is an overall net benefit in terms of the conservation values of the proposed land exchange.

### 5.3 DETAILS OF IMPROVEMENT WORK

#### 5.3.1 Introduction

The FTAA, Schedule 6, clause 34 requires:

*(b) details of any improvement work to be done to provide a net conservation benefit, including how any money to be provided for improvements to the land could be spent:*

Firstly, this land exchange application is made on the basis that the 170ha of the SEB will provide a significant net conservation benefit in exchange for the 29.7ha of PCL. Accordingly, no money is proposed to change hands as part of the exchange but improvements to the land are proposed to take place prior to the land being exchanged, detailed as follows in terms of both direct improvements relating to the SEB land and indirect improvements relating to the wider project that will contribute to the conservation values of the SEB land.

#### 5.3.2 Direct Improvements

It is proposed that the land exchange would take place within two years of construction of the dam commencing, tentatively before 31 December 2030, (being approximately 2 years before filling of the reservoir commences).

Within one year of construction starting on the dam, tentatively before 31 December 2029, and prior to the land exchange occurring, the following improvement works are proposed by TWSL:

- > Stock proof fencing of the proposed new boundary of the SEB with the remaining Smedley Station land.
- > Pest control work across the 170ha of the SEB, that is additional to the pest control required under Project C of the RWSS consents, Schedule 6 IMOA package.<sup>30</sup> The pest control on the SEB will take place from the commencement of construction and be in

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<sup>30</sup> 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).

accordance with the recommendations in the SLR Report, which includes preparation of a Management Plan to address<sup>31</sup> :

- > *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 (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 exotic mammals.*
  - > Long term pest plant control, notably on-going monitoring and control of wildling pines, to prevent spread of weeds and displacement of indigenous vegetation.
- > Restoration planting of the Donovan's Gully area of the SEB is also proposed, in accordance with the recommendations of the SLR Report. 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."

TWSL also offer as part of this land exchange application, that 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.

### **5.3.3 Indirect Improvements**

Indirect improvements include those matters referenced in the recreation values assessment above that will retain the desirability of the area for recreational users, and enable access to the SEB land and its recreational values. The assessment of the proposed transfer and extension of the Crown Marginal Strips to the reservoir margins is also relevant in enabling access between the public road end and existing Ruahine Forest Park along the reservoir margin as is discussed further in section 6 below. Boat access from the required new visitor area and boat ramp will provide the most direct access option to the SEB land.

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<sup>31</sup> SLR Report, pages 47-48

These improvements are itemised as follows:<sup>32</sup>

- > 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 flooded. Those visitors may then choose to access the SEB 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 5 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)

#### 5.4 ADDRESSING IMPACTS ON EXISTING USERS

FTAA, Schedule 6, clause 34 requires:

- (c) *any proposals to address impacts on existing users of the land to be disposed of by the Crown, such as proposed easements where access to private land or a culturally significant site is via the Crown land that will become private land:*

There are no specifically identified users of the 29.7ha of the PCL land to be exchanged, however that land is available for use by hunters or bird watchers for example. The Opus Recreation Assessment attached as Appendix 7 provides a recreational effects assessment of the wider project as is explained in section 5.2.3 above.

As is concluded in the above assessment the wider project has impacts on existing recreational users with mitigation to provide new recreational opportunities associated with the proposed water storage reservoir and in retaining existing recreational opportunities with new road end recreation facilities and access options to the Ruahine Forest Park. The proposed new access and recreation infrastructure (as required by the existing consent conditions, Schedule 6) are itemised under section 5.3.3 above.

The PCL that will become private land as part of the reservoir extent, does not currently provide access to any private land or significant sites, therefore no easements are proposed in that regard.

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<sup>32</sup> All itemized improvements are requirements of Project A of RWSS Consents Schedule 6.

As explained above however, new access linkages are required as conditions of the existing consents via Schedules 6 & 9. Further to these the proposed replacement Crown Marginal Strips will also provide public access around the reservoir margins to the Ruahine Forest Park in addition to the more direct access routes required from the public road end and as set out in Schedule 9 of the existing consents (see Figure 3 above and Appendix 5 attached).

## 5.5 FINANCIAL AND LEGAL LIABILITIES / OBLIGATIONS

FTAA, Schedule 6, clause 34 requires:

- (c) *information about financial and legal liabilities and obligations associated with the land to be acquired by the Crown:*

There are no financial nor legal liabilities and obligation associated with the SEB land to be acquired by the Crown, that will apply at the time of the exchange.

As is explained in the SLR Report, an open area at the north western end of Smedley land (outside of, but adjoining the 170ha SEB) is proposed to be exchanged with the Kaweka Gwavas Forest Company Ltd (“**KGFC**”) and an access to connect that land with the existing KGFC land is proposed that will result in a portion of the SEB land being bisected by this accessway. See Figure 4 below. The proposed land exchange with KGFC however is not part of this land exchange application and any resource consent required to remove indigenous vegetation to provide this access will form part of TWSL substantial FTAA application. On that basis no assessment of this aspect of the proposal is required as part of this preliminary land exchange application.

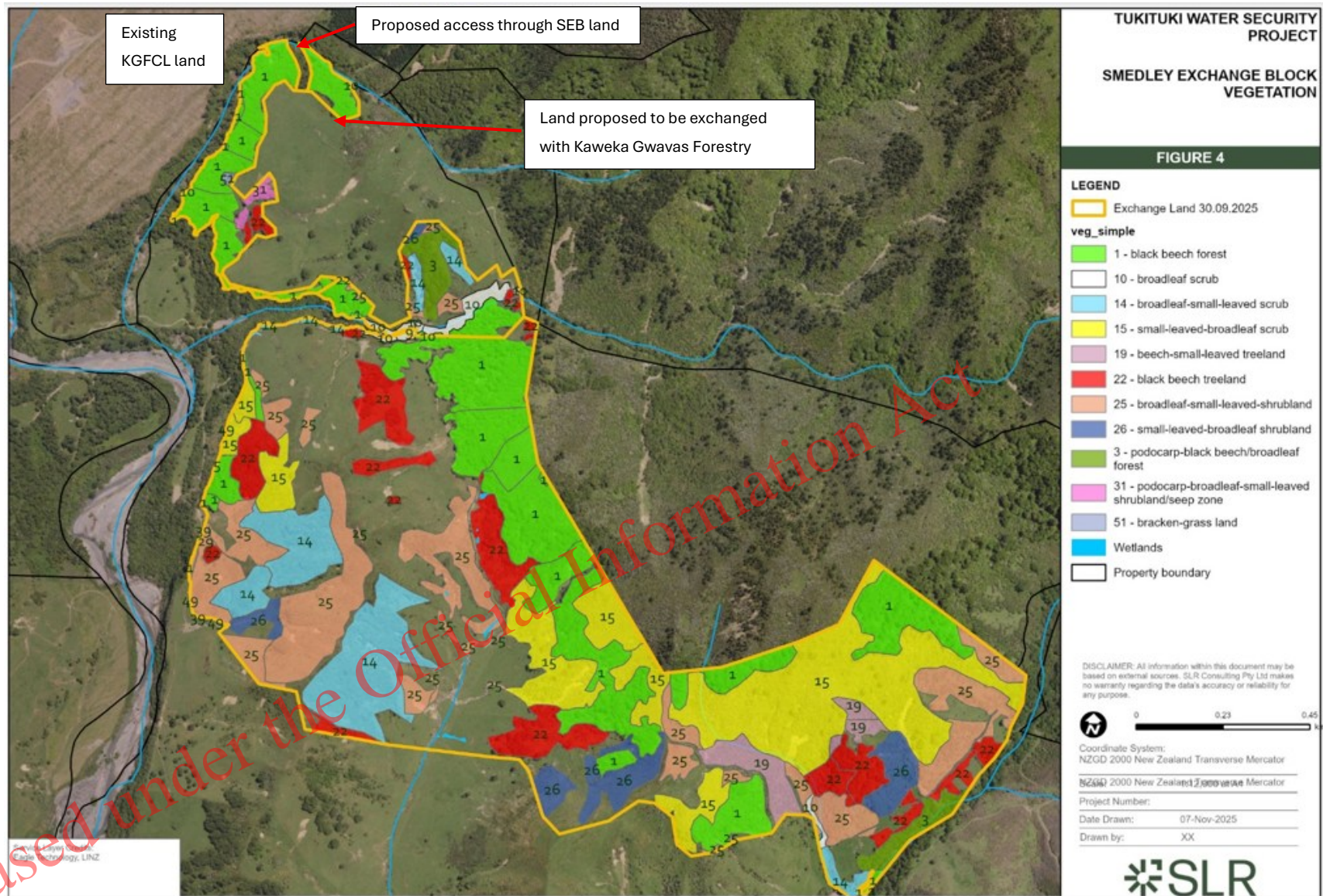


Figure 4: SLR Vegetation Mapping of SEB Block with Gwavas Forestry Exchange Land Identified

## 5.6 REDRESS LAND

FTAA, Schedule 6, clause 34 requires:

- (e) *if the land exchange would trigger a right of first refusal or a right of offer or return, a copy of the written agreement from the holder of the right of first refusal or right of offer or return to waive that right for the purpose of the land exchange:*

The public conservation land to be exchanged does not involve any land that would trigger a right of first refusal, or a right of offer or return.

## 5.7 CONSULTATION

FTAA, Schedule 6, clause 34 requires:

- (f) *full details of any consultation undertaken by the applicant with relevant iwi, and any others with rights or interests in the land to be exchanged by the Crown.*

The following table sets out a record of consultation and engagement on the TWSP undertaken by, or involving, TWSL Director, Mike Peterson, including with Tamatea Pōkai Whenua (“TPW”), Ngati Kahungunu Incorporated (“NKII”) and Central Hawke’s Bay District Council (“CHBDC”).

Table 4: Record of Mana Whenua and General Consultation on the TWSP

Date	
17 August 2022	Meeting with Bayden Barber (NKII Chair) at NKII Office, Hastings
7 September 2023	Meeting with Bayden Barber and NKII representatives at NKII
16 February 2024	Meeting with CHBDC and Pohatu Paku (TPW) and Bayden Barber (NKII)
19 April 2024	Project update and briefing with Bayden Barber, Darryn Russell (CE of TPW) and others at Mr Apple Office.
29 May 2024	Meeting with Steering Group, CHBDC, TPW and NKII meeting at TPW for project update.
16 August 2024	TWSP Funding and Update meeting with Bayden Barber and others via Zoom.
31 January 2025	First meeting of the Tukituki Water Security Project Mana Whenua Working Party

14 February 2025	Second meeting of the Tukituki Water Security Project Mana Whenua Working Party
6 March 2025	Meeting with Darryn Russell and Di Smith (TPW) to discuss project and update.
11 March 2025	Meeting with Bayden Barber and NKII and ANZ CEO at Pakowhai Road to discuss project, finance and land issues.
14 March 2025	Third meeting of the Tukituki Water Security Project Mana Whenua Working Party
27 March 2025	Meeting with TWSP and TPW and Koau staff to discuss funding for TWSP
28 March 2025	Meeting with Bayden Barber and key staff at NKII.
4 April 2025	Final meeting of the Tukituki Water Security Project Mana Whenua Working Party
29 May 2025	Meeting with Darryn Russell and TPW at TPW for project update.
25 August 2025	Meeting with NKII Board and representatives/advisors from TPW at NKII
17 and 18 September 2025	Public meetings in Waipawa and Havelock North with representatives from both TPW and NKII in attendance.
19 September 2025	Update hui with TPW and NKII in attendance at TPW.
10 November 2025	Meeting with TPW for update at TPW.

## 6. CROWN MARGINAL STRIPS

### 6.1 INTRODUCTION

The proposed dam and reservoir would result in the inundation of a number of Crown Marginal Strips (“**CMS**”) on the margins of both sides of the Makaroro River, with a combined area of 12.37ha and total length of 6.48km. TWSL proposes that the inundated CMS be exchanged for new CMS to be created on the margins of the proposed reservoir, with a combined area of 17.3ha and total length of 8.16km. An assessment of the proposed CMS exchange is provided in a technical memorandum from SLR Consulting titled ‘*Tukituki Water Security Project – Marginal Strip Exchange Assessment*’, dated 27 November 2025 (“**SLR CMS Assessment**”), attached as Appendix 10.

### 6.2 STATUTORY CRITERIA

The existing power in the Conservation Act 1987 for exchange of marginal strips is in section 24E, set out below:

#### **24E Exchange of marginal strips**

- (1) *The Minister may, by notice in the Gazette, authorise the exchange of any marginal strip for another strip of land.*
- (2) *The Minister shall not authorise the exchange of any marginal strip unless the Minister is satisfied that the exchange will better achieve the purposes specified in [section 24C](#).*
- (3) *The land taken by the Crown in exchange for any marginal strip shall be deemed to be reserved as marginal strip.*
- (4) *The Minister may authorise the payment or receipt by the Crown of money by way of equality of exchange in any case under this section; and all money so received shall be paid into the Department of Conservation Grants and Gifts Trust Account, and shall be applied, without further appropriation than this section, for the purposes of this Act.*
- (5) *The Minister or the Director-General may, on behalf of the Crown, do all such things as may be necessary to effect any exchange authorised under this section.*
- (6) *The Registrar-General of Land is hereby authorised and directed to make such entries in registers and do all such other things as may be necessary to give effect to exchanges authorised under this section.*

Section 24C, which sets out the purpose of marginal strips and is specifically referred to in section 24E(2) above, is as follows:

#### **24C Purpose of marginal strips**

*Subject to this Act and any other Act, all marginal strips shall be held under this Act—*

- (a) for conservation purposes, in particular—*
  - (i) the maintenance of adjacent watercourses or bodies of water; and*
  - (ii) the maintenance of water quality; and*
  - (iii) the maintenance of aquatic life and the control of harmful species of aquatic life; and*
  - (iv) the protection of the marginal strips and their natural values; and*
- (b) to enable public access to any adjacent watercourses or bodies of water; and*
- (c) for public recreational use of the marginal strips and adjacent watercourses or bodies of water.*

Section 24(2) of the Conservation Act 1987<sup>33</sup> enables a marginal strip to be created on land extending along and abutting the landward margin of any lake controlled by artificial means, which confirms that a CMS can be created on the margins of the proposed reservoir.

### **6.3 LOCATIONAL DESCRIPTION OF THE EXISTING AND PROPOSED CMS**

#### **6.3.1 Existing CMS**

The CMS proposed to be inundated are legally described and identified in the SLR CMS Assessment.

In summary the existing CMS on the southern side (true right bank) of the Makaroro River extend westwards from the unformed legal end of Makaroro Road, also intersecting with the physical end of Wakarara Road adjacent to the river. This CMS is located in an unbroken strip separating the adjacent pastoral farmland from the river margin and does not extend as far west as the Ruahine Forest Park.

The existing CMS on the northern (true left bank) of the Makaroro River is comprised of four separate unconnected segments, generally separating the adjacent KGFCL forestry land from the river.

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<sup>33</sup> There shall be deemed to be reserved from the sale or other disposition by the Crown of any land extending along and abutting the landward margin of any lake controlled by artificial means a strip of land that—

- (a) is 20 metres wide; or
- (b) has a width extending from the maximum operating water level to the maximum flood level of the lake,—  
whichever is the greater.

Figure 5 below is extracted from the SLR CMS Assessment and spatially identifies the existing CMA that would be inundated by the reservoir in pink, with the blue outline identifying the extent of the proposed reservoir.

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Figure 5: Extent of Existing CMS Proposed to be Inundated (pink lines)



### 6.3.2 Proposed CMS

The proposed CMS on the southern side (true right bank) of the Makaroro River would extend westwards from the proposed new end of Makaroro Road (legal and physical), which is also where the proposed new boat ramp and recreation infrastructure will be located (under the existing consents and associated conditions in Schedules 6 and 9). Unlike the existing CMS, the replacement CMS would extend all the way to the edge of the Ruahine Forest Park to the west. It will also form a buffer between the existing pastoral farm land and the proposed reservoir.

The proposed CMS on the northern (true left bank) of the Makaroro River is proposed to be comprised of two separate segments, separated by the arm of the proposed reservoir extending up the Dutch Creek valley. These CMA, like those that they are replacing will separate the adjacent KGFCL forestry land from the reservoir. Figure 6 below is extracted from the SLR CMS Assessment and spatially identifies the proposed CMA in yellow, with the blue outline identifying the extent of the proposed reservoir.

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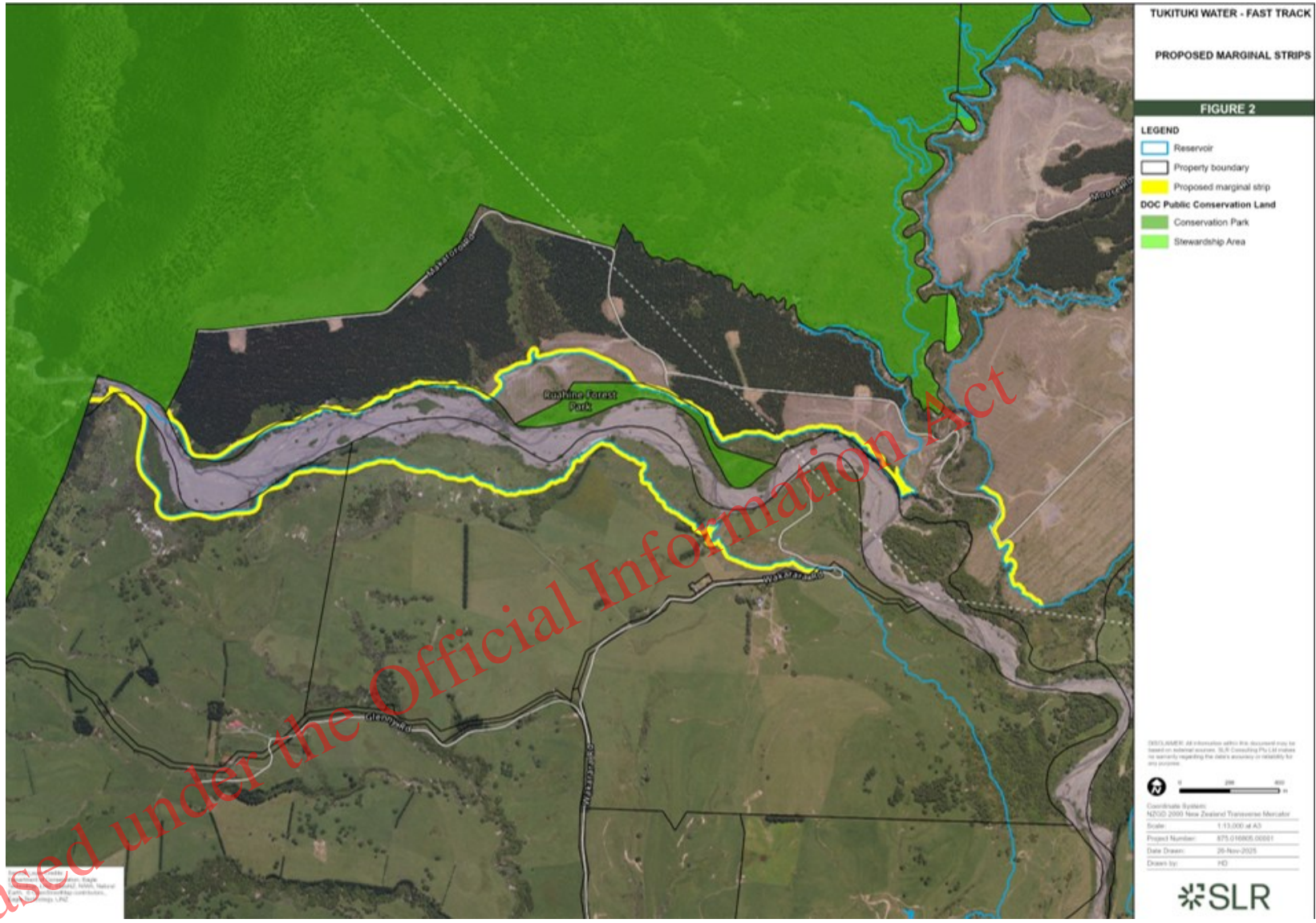


Figure 6: Extent of Proposed Replacement CMS Extents (yellow lines)



## 6.4 CONSERVATION ACT ASSESSMENT OF PROPOSED CMS EXCHANGE

A full assessment against the purposes of CMS against section 24C of the Conservation Act is provided in the SLR CMS Assessment. That assessment confirms that the proposed CMA will achieve all six of the purposes of the purposes of the CMS.<sup>34</sup>

The SLR CMS Assessment provides a specific comparison of the vegetation types within the existing 12.37ha of CMS against the proposed 17.3ha of CMS, concluding as follows:<sup>35</sup>

*Overall, there is 3.81 ha more indigenous vegetation present in the proposed marginal strips than the existing marginal strips. This increase includes an additional 1.97 ha of indigenous forest, 0.91 ha of indigenous treeland, 0.85 ha of indigenous scrub and a small 0.09 ha increase in indigenous shrubland. There is 0.003 ha less mapped wetland in the proposed replacement marginal strip. There is also 2.28 ha more exotic vegetation in the proposed marginal strips comprising pasture and pine plantation.*

Based on the information and mapping within the SLR CMS Assessment, the following table sets out a comparison of the existing extents of CMS that will be inundated against the proposed replacement CMS areas against the three main purposes of section 24C of the Conservation Act.

Table 5: Comparison of Existing and Proposed CMS against Conservation Act Purpose

S24C Conservation Act – Purpose of Marginal Strips	Existing 12.37ha & 6.48km of Makaroro River CMS	Proposed 17.3ha & 8.16km of Reservoir CMS
For conservation purposes	The existing marginal strips are not all defined by fencing and include some 4.57ha of exotic vegetation, in addition to 6.51ha of indigenous vegetation (including 2.27ha of pasture or rank grass). The existing marginal strips therefore achieve conservation benefits for those portions that are vegetated, but with a lesser extent of vegetation than will be achieved on the proposed CMS.	A high proportion of the proposed marginal strips are already vegetated, including 10.33ha of indigenous vegetation and 4.82ha of exotic forest and tree land. Remaining areas are required to be revegetated as part of mitigation works for the project. This will provide excellent buffering to the new reservoir and services such as water filtration, nutrient interception, habitat provision, and provision of terrestrial organic inputs to the aquatic ecosystem.

<sup>34</sup> SLR CMS Assessment, Table 2 (pages 7 & 8).

<sup>35</sup> SLR CMS Assessment (pages 9).

S24C Conservation Act – Purpose of Marginal Strips	Existing 12.37ha & 6.48km of Makaroro River CMS	Proposed 17.3ha & 8.16km of Reservoir CMS
To enable public access to any adjacent watercourses or bodies of water	The existing marginal strips located on the southern side or true right bank provide a strip of public access to the adjacent Makaroro River, including from both the physical and legal ends of Wakarara Road (which are separated by some 800m). Albeit that this CMS is not physically defined. The marginal strips on the true left bank are not continuous and not connected to any formed public road, but would provide areas of public access from the river bed, which is accessible to walkers in low flow conditions, to the bank.	The new marginal strips, where adjacent to pastoral farm land (being that located on the southern side or true right edge of the reservoir) will be fenced from livestock and therefore physically defined. They will have access tracks built along them, and are included in the minimum 20 m buffer required by Project A of the IMOA which provides a good level of protection and restoration planting of indigenous plants with a kowhai focus. These areas will enable public access to the proposed reservoir. The CMS on the true left bank will not be connected to public road access but will be accessible by boat in providing public access in a continuous strip along that margin of the reservoir.
For public recreational use of the marginal strips and adjacent watercourses or bodies of water	Although the existing CMS on the right bank of the Makaroro connects to the public road end it does not provide connection to the Ruahine Forest Park. The CMS on the left bank of the Makaroro are not connected in a continuous strip so only have limited value in providing public access along the banks of the river.	The recreational values will be improved by the proposed true right bank CMS connecting Wakarara Road with the Ruahine Forest Park and the existing DOC tracks, as well as providing access to the lake shore for walkers and boaters.  The proposed true left bank CMS will provide access along the reservoir margins for people who boat across.

## 6.5 FTAA CONSERVATION VALUES ASSESSMENT OF PROPOSED CMS EXCHANGE

As the exchange of CMS is being pursued through the land exchange component of the FTAA process it is also necessary to provide assessment under the FTAA against the conservation values of the land exchange. This assessment is provided in Table 6 below.

Table 6: Summary Assessment of Conservation Values

	Existing CMS	Proposed CMS
Biodiversity values	<p><b>Medium</b></p> <p>Rationale: The existing CMS include some 4.57ha of exotic vegetation (including 2.27ha of pasture or rank grass), in addition to 6.51ha of indigenous vegetation. This indigenous vegetation contributes to riparian habitat albeit that on the true right bank in particular the CMS are not generally fenced to prevent stock grazing.</p>	<p><b>High</b></p> <p>Rationale: The proposed CMS include 10.33ha of indigenous vegetation, and the remaining portions on the true right bank will be fenced and revegetated as part of mitigation works for the project. This will contribute to high quality indigenous riparian habitat on the margins of the proposed reservoir.</p>
Freshwater values	<p><b>Medium</b></p> <p>Rationale: A reasonable portion of the existing CMS are vegetated (6.53ha indigenous) however the total area of 12.38ha also includes 2.27ha of grassland. The vegetated areas contribute to the freshwater values of the Makaroro River, however there is currently no initiatives for the extent of vegetation to be enhanced.</p>	<p><b>High</b></p> <p>Rationale: According to the SLR CMS Assessment a high proportion of the proposed marginal strips are already vegetated (10.33ha in indigenous vegetation), and the remaining parts will be revegetated as part of mitigation works for the project. This will provide excellent buffering to the new reservoir and services such as water filtration, nutrient interception, habitat provision, and provision of terrestrial organic inputs to the aquatic ecosystem.</p>
Recreational values	<p><b>Medium</b></p> <p>&gt; Rationale: Referring to the assessment in Table 5 above the existing CMS do provide public access onto the banks of the Makaroro River, and on the true right bank provide access along the banks from the Wakarara Road end, albeit that access does not extend as far as the Ruahine Forest Park.</p>	<p><b>High</b></p> <p>Rationale: The proposed CMS on the true right bank will provide high recreational values by providing a public access link along the margin of the proposed river from the new Wakarara Road end and recreational area, westward to the boundary of the Ruahine Forest Park. On the true left bank a continuous CMS will be provided on the lake margin through</p>

	Existing CMS	Proposed CMS
	On the true left bank the CMS are not continuous.	to the Ruahine Forest Park boundary that will be accessible by boat from the proposed new boat ramp at the Wakarara Road end.
Cultural and heritage values	<p><b>Medium</b></p> <p>Rationale: The area at the physical Wakarara Road end is the site of the former Yeoman's Mill. There is existing CMS around the edge of this mill site area</p>	<p><b>Medium</b></p> <p>Rationale: The proposed new CMS will extent from the new Wakarara road end where recreational facilities are required as part of the project, including historical information regarding the former Yeoman's Mill.</p>

On the basis of the above assessment, and the greater biodiversity, freshwater and recreation values of the proposed CMS over the existing CMS subject to the exchange, it is considered that there is an overall net benefit in terms of the conservation values of the proposed CMS component of the land exchange.

## 6.6 CONCLUSION OF CMS ASSESSMENT

While both the existing and proposed CMS achieve the purposes of section 24C of the Conservation Act, the proposed CMS will provide a net benefit compared to the existing for the following reasons:

- > A greater extent of connected marginal strips will be provided, 17.3ha in total area and 8.16km in length, versus 12.37ha in total area and 6.48km in length.
- > The proposed CMS on the southern or true left bank will be defined by fencing excluding stock, and will benefit from the restoration planting required by Project A of Schedule 6 IMOA, therefore resulting in improved conservation values to the existing.
- > The proposed CMS on the southern or true left bank will provide a public access connection along the margin of the proposed reservoir from the Wakarara road end all the way west to the boundary of the Ruahine Forest Park and its track network.
- > Both the existing and proposed CMS on the northern side do not have a public road access connection, however the proposed CMS will provide public access along a continuous extent of the reservoir margin to connect with the Ruahine Forest Park which would be accessible for boat users.

## 7. CONCLUSION

Given the above assessment, both the proposed PCL and CMS exchanges provide a significant increase in land area, 29.7ha v 170ha and 17.3 v 12.37ha respectively.

The net benefits of the exchange land over the existing PCL land are however secured by the stock fencing, restoration planting, and pest control that is proposed for the SEB land as part of this application and as recommended in the SLR Report. Those proposed enhancement activities will ensure that the existing biodiversity values of that land will enhance significantly over time, from its current state (which still includes some 102ha of significant indigenous vegetation).

The SLR Report also sets out additional benefits of the SEB land including that it would form a buffer and corridor along the newly formed lake and create linkages of a range of representative vegetation types with the Gwavas Conservation Area to the east. It would provide higher quality habitat than currently exists for virtually all of the At Risk and Threatened indigenous fauna species within this locality, as well as for a range of more widespread species, such as bellbird, tui and whitehead.

The recreation values of both the proposed CMS and the SEB exchange land will be greatly enhanced by the requirements of the existing RWSS consents (that are now part of the TWSL proposal), via the Schedule 6 IMO A requirements. The required actions include:

- > Construction of new historic interpretation/picnic/camp site at the Wakarara Road end at the margin of the proposed reservoir.
- > Construction of access track around top-end of reservoir.
- > Development of walking/cycling tracks around reservoir.
- > Construction of boat ramp (once dam construction complete).
- > Construction of fisherman's hut shelter (post-dam construction).
- > Reservoir margin fencing and 20m buffer restoration, where adjacent to livestock farmland.

The recreational potential for the SEB land benefits from these actions insofar as the Wakarara Road end will remain a visitor destination for recreation, including for walkers, mountain bikers, bird watchers, hunters, fishermen, and picnickers and will become a destination for boat users. The proposed new boating facilities and reservoir will result in the SEB land being accessible by boat, and available to walkers from the boat access. As observed by the SLR Report, there are a number of recreational opportunities for visitors, with many flat 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.

The recreational benefits of the proposed replacement CMS are enhanced by the proposed fencing and restoration planting of the true right bank reservoir margin, as well as its connection from the road end all the way through to the Ruahine Forest Park boundary. The same connection is proposed on the true left bank, albeit that boat access will be required to access that strip.

This TWSL FTAA land exchange application is therefore made on the basis that there are strong net benefits for both the proposed PCL exchange with the SEB land and the replacement of the existing CMS with the proposed reservoir margin CMS.

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Item 17

**From:** Mike Scott s9(2)(a) >  
**Sent:** Friday, 28 November 2025 2:01 pm  
**To:** Amy Robinson  
**Subject:** FW: Tukituki Water Security Project - Preliminary Land Exchange Application (s33 of FTAA) FEE PAYMENT

I guess we won't be paying today!

Mike Scott  
Tukituki Water Security Ltd  
s9(2)(a)

---

**From:** Ben Moginie <Ben.Moginie@epa.govt.nz>  
**Date:** Friday, 28 November 2025 at 13:57  
**To:** Mike Scott s9(2)(a)  
**Subject:** Automatic reply: Tukituki Water Security Project - Preliminary Land Exchange Application (s33 of FTAA) FEE PAYMENT

Kia ora,

Thank you for email. I only work Monday to Thursday. I will respond to your email next Monday.

Kind regards,  
Ben


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**From:** Philip McKay s9(2)(a)  
**Sent:** Friday, 28 November 2025 5:11 pm  
**To:** Amy Robinson; James Winchester; mike.scott; tepuna  
**Subject:** Philip McKay shared the folder "00 External Sharing - TWSL FTAA Land Exchange Application Attachments" with you



## Philip McKay invited you to edit a folder

This e-mail provides access to all the attachments referenced on the TWSL FTAA Land Exchange Application form.

 [00 External Sharing - TWSL FTAA Land Exchange Application Attachments](#)

 This invite will only work for you and people with existing access.

Open

Share

This email is generated through Mitchell Daysh Ltd's use of Microsoft 365 and may contain content that is controlled by Mitchell Daysh Ltd.

 **Philip McKay**  
Partner

s9(2)(a) | PO Box 149, Napier 4140  
[www.mitchelldaysh.co.nz](http://www.mitchelldaysh.co.nz)

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**From:** Philip McKay s9(2)(a)  
**Sent:** Sunday, 30 November 2025 9:32 pm  
**To:** FastTrackApplicationEnquiries  
**Cc:** Amy Robinson; mike.scott; James Winchester; tepuna  
**Subject:** RE: Tukituki Water Security Ltd - Land Exchange Application FTAA  
**Attachments:** TWSL - land-exchange-application-form Redacted Version .pdf;  
Attachment 01 - 2025-11-28 Tukituki Water Security Ltd -  
Overview Report- Includes CMA Assessment.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Kia ora,  
Further to Friday's e-mail we note the application form requires a redacted version with applicant contact details removed to be submitted – please find a redacted version attached. To avoid confusion the attached version of Attachment 01 'Overview Report' corrects two reference on page 52 to correctly refer to the 'true right bank', to avoid confusion please use the attached version of the Overview Report.  
Kind regards,

 **Philip McKay**  
Partner

s9(2)(a) PO Box 149, Napier 4140  
[www.mitchelldaysh.co.nz](http://www.mitchelldaysh.co.nz)

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**From:** Philip McKay  
**Sent:** Friday, November 28, 2025 4:58 PM  
**To:** fasttrackapplicationenquiries@doc.govt.nz  
**Cc:** Amy Robinson <amrobinson@doc.govt.nz>; mike.scott s9(2)(a); James Winchester s9(2)(a); Mike and Rachael Petersen s9(2)(a)  
**Subject:** Tukituki Water Security Ltd - Land Exchange Application FTAA

Kia ora,  
On behalf of Tukituki Water Security Ltd, please find attached a completed FTAA DOC land exchange application form and associated Overview Report.  
I will follow with an email including a link to the 12 attachments referred to in the attached application form.  
Kind regards

**From:** Mike Scott <s9(2)(a)>  
**Sent:** Tuesday, 2 December 2025 10:33 am  
**To:** Tukituki Water Accounts; Ben Moginie  
**Cc:** Amy Robinson; Mike Knobloch  
**Subject:** FW: Tukituki Water Security Project - Preliminary Land Exchange Application (s33 of FTAA) FEE PAYMENT  
**Attachments:** Tukituki Water Security Limited - FTAA-2512-L001 Application fee invoice.pdf; Tukituki Water Security Limited - FTAA-2512-L001 Levy invoice.pdf

Thanks Ben,  
I have now paid these invoices.  
Mike

Mike Scott  
Tukituki Water Security Ltd  
s9(2)(a)

---

**From:** Ben Moginie <Ben.Moginie@epa.govt.nz>  
**Date:** Tuesday, 2 December 2025 at 09:01  
**To:** Mike Scott <s9(2)(a)>  
**Cc:** Amy Robinson <amrobinson@doc.govt.nz>, Projects <projects@fasttrack.govt.nz>  
**Subject:** Re: Tukituki Water Security Project - Preliminary Land Exchange Application (s33 of FTAA) FEE PAYMENT

You don't often get email from ben.moginie@epa.govt.nz. [Learn why this is important](#)

Kia ora Mike,

Please see the invoices attached for payment.

Ben

---

**From:** Mike Scott <s9(2)(a)>  
**Sent:** Friday, November 28, 2025 1:57 PM  
**To:** Ben Moginie <Ben.Moginie@epa.govt.nz>  
**Cc:** Amy Robinson <amrobinson@doc.govt.nz>  
**Subject:** FW: Tukituki Water Security Project - Preliminary Land Exchange Application (s33 of FTAA) FEE PAYMENT

You don't often get email from s9(2)(a). [Learn why this is important](#)

Hi Ben,  
FYI,  
Mike

Mike Scott  
Tukituki Water Security Ltd  
s9(2)(a)

---

**From:** Mike Scott s9(2)(a)  
**Date:** Friday, 28 November 2025 at 13:46  
**To:** Info@fasttrack.govt.nz <info@fasttrack.govt.nz>  
**Cc:** Mike Knobloch s9(2)(a), Philip McKay  
s9(2)(a), Amy Robinson <amrobinson@doc.govt.nz>  
**Subject:** FW: Tukituki Water Security Project - Preliminary Land Exchange  
Application (s33 of FTAA) FEE PAYMENT

Hi Ben / EPA,

I have not heard back from you on my email yesterday morning, so we plan to proceed with submitting our application to DOC this afternoon and we will pay the deposit and levy as soon as you invoice us. The information you require is shown in the attached DOC form. The Applicant and Finance person is the same person (me).

Please advise when you can either provide an invoice or an account to make the deposit.

Thanks and regards,  
Mike

Information required:

- Applicant Organisation Name
- Applicant Organisation NZBN
- Applicant Contact First and Last Name
- Applicant Email Address
- Applicant Phone Number
- Applicant Postal Address for service (including post code)
- Finance Contact First and Last Name
- Finance Email Address
- Finance Phone Number

Mike Scott  
Tukituki Water Security Ltd  
s9(2)(a)

---

**From:** Mike Scott s9(2)(a)  
**Date:** Thursday, 27 November 2025 at 10:20  
**To:** Info@fasttrack.govt.nz <Info@fasttrack.govt.nz>  
**Cc:** Mike Knobloch s9(2)(a), Philip McKay  
s9(2)(a), Amy Robinson <amrobinson@doc.govt.nz>

**Subject:** Re: Tukituki Water Security Project - Preliminary Land Exchange Application (s33 of FTAA) FEE PAYMENT

Hi Ben,

Further to your recent conversation with Amy regarding my paying EPA a \$49,400 deposit for an application to DOC for a land exchange under the FTA, can you please advise how I pay this deposit to the EPA or please provide an invoice. I wish to make the payment today because we are submitting the application tomorrow.

I understand you require some financial information on the applicant, TWSL. We went through a similar process with DOC in August this year, so I attach the DOC customer form with company information. Please let know if there is more reasonable financial information that you require.

Thanks and regards,  
Mike

Mike Scott  
Tukituki Water Security Ltd

s9(2)(a)

---

**From:** Amy Robinson <amrobinson@doc.govt.nz>

**Date:** Thursday, 27 November 2025 at 10:11

**To:** Mike Scott s9(2)(a) >

**Cc:** James Winchester s9(2)(a) Mike Knobloch

s9(2)(a) Philip McKay

s9(2)(a) >

**Subject:** RE: Tukituki Water Security Project - Preliminary Land Exchange Application (s33 of FTAA) FEE PAYMENT

Hi Mike

Jenni has been talking to Ben Moginie at the EPA about your deposit. He has asked that you contact them directly on this matter at [Info@fasttrack.govt.nz](mailto:Info@fasttrack.govt.nz)

Kind regards  
Amy

---

**From:** Mike Scott s9(2)(a)

**Sent:** Wednesday, 26 November 2025 12:46 pm

**To:** Amy Robinson <amrobinson@doc.govt.nz>; Philip McKay s9(2)(a)

**Cc:** James Winchester s9(2)(a); Accounts Receivable <ar@doc.govt.nz>;  
FastTrackApplicationEnquiries <FastTrackApplicationEnquiries@doc.govt.nz>; Mike Knobloch

s9(2)(a)

**Subject:** Re: Tukituki Water Security Project - Preliminary Land Exchange Application (s33 of FTAA) FEE PAYMENT

Kia ora Amy,

We are preparing to lodge the Land Exchange application with DOC shortly, and we look forward to our meeting tomorrow in preparation for this application.

The Land Exchange Application form states on the first page "*You must pay the land exchange application fee and levy (set out in the Fast-track Approvals (Cost Recovery) Regulations 2025) to the EPA before lodging your exchange application with DOC.*" Sch 1 shows the Land Exchange application fee as \$36,000 and a levy of \$13,400.

I wish to pay this \$49,400 tomorrow. Given we have no invoice to reference, can you please advise how I should pay this?, or are you happy we pay into the DOC account shown in the attached invoice and reference our Account Number: [REDACTED], ie:

Include the following details to appear on our bank statement:

Particulars: **LAND EXCHANGE DEPOSIT**

Code: [REDACTED]

Reference: TUKITUKI WATER SECURITY LIMITED

Bank Account: Crown and Department invoices have separate bank accounts and must be paid separately.

For paying this invoice, please make payment to the bank account [REDACTED]

[REDACTED]

Thanks and regards,  
Mike

Mike Scott  
Tukituki Water Security Ltd

[REDACTED]

---

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Item 21 email  
attachment

Environmental Protection Authority  
Private Bag 63002  
Wellington 6140  
New Zealand  
Ph: +64 800 FASTRK (327 875)  
GST No.: 107-239-057  
NZBN: 9429041901977  
fasttrack.govt.nz  
info@fasttrack.govt.nz



**TAX INVOICE**

Tukituki Water Security Limited  
16 Milne Place  
  
Richarmond  
Tasman 7020

Invoice No.: 2753  
Invoice Date: 01/12/2025  
Terms: IMMEDIATE  
Application No.: FTAA-2512-L002  
Application Name: Tukituki Water Security Project  
Customer No.: 700113  
Customer NZBN: 9429048983426

Description	Application Name	Amount
Fast-track Application Fee - Land Exchange	Tukituki Water Security Project	\$36,000.00
	<b>Subtotal</b>	<b>\$36,000.00</b>
	<b>GST</b>	<b>\$5,400.00</b>
	<b>Total Amount Due (NZD)</b>	<b>\$41,400.00</b>

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**Payment Details**

Customer Name: Tukituki Water Security Limited  
Customer No.: 700113  
Invoice No.: 2753

**Remit To**

Swift Code: s9(2)(b)(ii)  
Account: s9(2)(b)(ii)  
Westpac, 318 Lambton Quay,  
Wellington 6140, New Zealand

Please email remittance advice to [finance@epa.govt.nz](mailto:finance@epa.govt.nz)  
Please quote your Customer No. and Invoice No. when making payment

Environmental Protection Authority  
 Private Bag 63002  
 Wellington 6140  
 New Zealand  
 Ph: +64 800 FASTRK (327 875)  
 GST No.: 107-239-057  
 NZBN: 9429041901977  
 fasttrack.govt.nz  
 info@fasttrack.govt.nz



## TAX INVOICE

Tukituki Water Security Limited  
 16 Milne Place  
 Richarmond  
 Tasman 7020

Invoice No.: 6493  
 Invoice Date: 01/12/2025  
 Terms: IMMEDIATE  
 Application No.: FTAA-2512-L002  
 Application Name: Tukituki Water Security Project  
 Customer No.: 700113  
 Customer NZBN: 9429048983426  
 Customer PO No.:

Description	Application Name	Amount
Fast-track Levy - Land Exchange	Tukituki Water Security Project	13,400.00
<b>Subtotal</b>		13,400.00
<b>GST</b>		2,010.00
<b>Total Amount Due (NZD)</b>		<b>15,410.00</b>

### Payment Details

Customer Name: Tukituki Water Security Limited  
 Customer No.: 700113  
 Invoice No.: 6493

### Remit to

Swift Code: s9(2)(b)(ii)  
 Account: s9(2)(b)(ii)  
 Westpac, 318 Lambton Quay,  
 Wellington 6140, New Zealand

Please email remittance advice to [finance@epa.govt.nz](mailto:finance@epa.govt.nz)  
 Please quote your Customer No. and Invoice No. when making payment

Item 23

**From:** Jenni Fitzgerald  
**Sent:** Tuesday, 2 December 2025 3:13 pm  
**To:** jane.borthwick@s9(2)(a)  
**Cc:** Jennifer Caldwell; Helen Atkins | Atkins Law; Richard Preece;  
Fast-Track Info; Amy Robinson  
**Subject:** Land exchange application - Tukituki  
**Attachments:** Written notice of application receipt to Panel Convener -  
Tukituki.pdf

Kia ora Jane

Please find attached correspondence relating to a land exchange application now received. Our decision on completeness is due 13 January and we'll be in touch further following this.

Ngā mihi  
Jenni

**Jenni Fitzgerald**

Manager Fast Track Applications  
Te Papa Atawhai | Department of Conservation

Whare Kaupapa Atawhai | Conservation House  
18 - 32 Manners St | PO Box 10 420, Wellington 6143  
Phone: s9(2)(a)

[www.doc.govt.nz](http://www.doc.govt.nz)

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## Item 24 email attachment

Department of Conservation  
Conservation House  
PO Box 10 420  
Wellington 6143  
doc.govt.nz

2 December 2025

Jane Borthwick  
Panel Convener  
Jane.borthwick@s9(2)(a)

Tēnā koe Jane

### Receipt of land exchange application under the Fast-track Approvals Act 2024

On 28 November 2025, the Department of Conservation received an application for a land exchange under section 33 of the Fast-track Approvals Act 2024 from Tukituki Water Security Ltd in relation to the Tukituki water storage project. The EPA have confirmed the applicant has paid the money required by s 33(3) on 2 December 2025. In accordance with s 33(2), this letter serves as notice of receipt of the application.

DOC will now review the application to decide whether the application is complete and within scope in accordance with s 34. Our decision is due 13 January 2026. We will inform you of the outcome of that process and, if found complete, an estimate of the timeframe we anticipate will be required to provide our final report.

If you have any questions in the meantime, please contact feel free to contact me at [jenni.fitzgerald@doc.govt.nz](mailto:jenni.fitzgerald@doc.govt.nz) or s9(2)(a).

Nāku noa, nā

s9(2)(a)

**Jenni Fitzgerald**  
Manager Fast Track Applications

cc. Jennifer Caldwell s9(2)(a)

Helen Atkins s9(2)(a)

Richard Preece s9(2)(a)

[info@fasttrack.govt.nz](mailto:info@fasttrack.govt.nz)

**From:** Jane Borthwick <jane.borthwick@s9(2)(a)>  
**Sent:** Tuesday, 2 December 2025 3:39 pm  
**To:** Jenni Fitzgerald  
**Cc:** Jennifer Caldwell; Helen Atkins | Atkins Law; Richard Preece;  
Fast-Track Info; Amy Robinson  
**Subject:** RE: Land exchange application - Tukituki

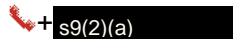
Many thanks Jenny.

Nāku noa, nā

**Jane Borthwick**  
Panel convener for the purpose of the Fast-track Approvals Act 2024



Fast-track is administered by the Environmental Protection Authority.



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---

**From:** Jenni Fitzgerald <jefitzgerald@doc.govt.nz>  
**Sent:** Tuesday, December 2, 2025 3:13 PM  
**To:** jane.borthwick@s9(2)(a)  
**Cc:** Jennifer Caldwell <s9(2)(a)>; Helen Atkins | Atkins Law  
<s9(2)(a)>; Richard Preece <richard.preece@epa.govt.nz>; Fast-Track Info  
<info@fasttrack.govt.nz>; Amy Robinson <amrobinson@doc.govt.nz>  
**Subject:** Land exchange application - Tukituki

Kia ora Jane

Please find attached correspondence relating to a land exchange application now received. Our decision on completeness is due 13 January and we'll be in touch further following this.

Ngā mihi  
Jenni

**Jenni Fitzgerald**  
Manager Fast Track Applications  
Te Papa Atawhai | Department of Conservation

Whare Kaupapa Atawhai | Conservation House  
18 - 32 Manners St | PO Box 10 420, Wellington 6143  
Phone: s9(2)(a)

[www.doc.govt.nz](http://www.doc.govt.nz)

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**From:** Sarah Budd [s9(2)(a)]  
**Sent:** Tuesday, 2 December 2025 2:00 pm  
**To:** Amy Robinson  
**Cc:** Nick Goldwater  
**Subject:** RE: Tukituki has formally lodged - tasks set out in this email

Thank Amy,

For the purposes of the completeness check, are they key things that you need us to confirm have been included in the report? I assume this is not yet a full review of the quality of the report, just confirmation that specific factors have been discussed. Is that correct?

Cheers,



### Sarah Budd

Principal Ecologist, Auckland Ecology Team Leader and Coordinator

P [s9(2)(a)] M [s9(2)(a)]  
[wildlands.co.nz](http://wildlands.co.nz)

Call Free 0508 945 369

12 Nixon Street, Grey Lynn, Auckland 1021

Wildlands staff are located in Rotorua, Bay of Islands, Whangarei, Auckland, Hamilton, Tauranga, Wellington, Christchurch, Dunedin, Wanaka, Queenstown, and Invercargill.



Westpac Rotorua Business Excellence Awards 2017  
Ngāwhiri Kōwhiri Pūkū Whangarei Rotorua  
Kaitiaki Take Kōwhiri  
BUSINESS EXCELLENCE

Supreme Winner



**From:** Amy Robinson <amrobinson@doc.govt.nz>  
**Sent:** Monday, 1 December 2025 1:43 pm  
**To:** Sarah Budd [s9(2)(a)] >  
**Cc:** Nick Goldwater [s9(2)(a)] >  
**Subject:** RE: Tukituki has formally lodged - tasks set out in this email

Yes please

**From:** Sarah Budd [s9(2)(a)] >  
**Sent:** Monday, 1 December 2025 1:34 pm  
**To:** Amy Robinson <amrobinson@doc.govt.nz>  
**Cc:** Nick Goldwater [s9(2)(a)] >  
**Subject:** RE: Tukituki has formally lodged - tasks set out in this email

Hi Amy,

Thanks for this. Can you confirm that we should invoice out time under the "Completeness" task?

Cheers,

### Sarah Budd

Principal Ecologist, Auckland Ecology Team Leader and Coordinator

P [s9(2)(a)] M [s9(2)(a)]  
[wildlands.co.nz](http://wildlands.co.nz)

Call Free 0508 945 369

12 Nixon Street, Grey Lynn, Auckland 1021

Wildlands staff are located in Rotorua, Bay of Islands, Whangarei, Auckland, Hamilton, Tauranga, Wellington, Christchurch, Dunedin, Wanaka, Queenstown, and Invercargill.

**From:** Amy Robinson <amrobinson@doc.govt.nz>

**Sent:** Monday, 1 December 2025 12:59 pm

**To:** Jeremy Prebble <jeremy.prebble@hawkestone.co.nz>; Michael Harbrow <mharbrow@doc.govt.nz>; Richard Nester <rvester@doc.govt.nz>; Sarah Budd <s9(2)(a)>; Nick Goldwater <s9(2)(a)>; Craig Jones <chjones@doc.govt.nz>

**Cc:** Rachael Mora <rmora@doc.govt.nz>; Kev Carter <kecarter@doc.govt.nz>; Shona Bradley <sbradley@doc.govt.nz>

**Subject:** Tukituki has formally lodged - tasks set out in this email

**Importance:** High

Hi everyone

On Friday, Tukituki lodged their land exchange application. I suggest you all skim the Overview Report for context: [Attachment 01 - 2025-11-28 Tukituki Water Security Ltd - Overview Report- Includes CMA Assessment.pdf](#)

The full suite of application documentation can be found here: [Land Exchange Application documentation](#)

Technically speaking, we are not supposed to do any work on this until TWSL has paid its deposit to the EPA. When that happens, the 15 working day statutory clock starts ticking. However, I am aware that TWSL are ready to pay and had been reaching out to the EPA to generate an invoice for this purpose all last week, with radio silence from the EPA. So I propose we use these extra days to our advantage and get as much work done as we can prior to receipt of payment, to manage our collective stress levels.

I have gone through and done a high level initial completeness check ([s34\(1\) completeness check\\_Tukituki.docx](#)), but need input from you all as follows please:

#### Legal

- @Jeremy – can you please do an assessment of whether you think what they have applied for is within the scope of the listed project. Refer to TWSL's argument in section 1.3 of the Overview Report linked above.

#### Disclosure

- @Craig – Apparently you have done this for Belmont, so I'm hoping you will be all over this. Here is a link to the template that needs to be used: [FT - DRAFT land status check template.doc](#)

#### Conservation Values

The attached document provides the criterion for assessment. All we need to do here is determine whether the information provided is sufficient to enable relevant values assessments to be undertaken.

- @Michael – Can you please do a high level review of the recreation assessment: Section 5.2 of the Overview Report, supported by [Attachment 08 - RWSS A9 \(Recreation Assessment\) - OPUS \(May 2013a\).pdf](#).
- @Richard – Can you please do the same for heritage: Section 5.2 of the Overview Report, supported by [Attachment 10 - RWSS A8 \(Archaeology Assessment\) - Clough and Associates \(May 2013\).pdf](#)
- @Sarah and @Nick – The same please for ecology and freshwater: Section 5.2 of the Overview Report, supported by [Attachment 04 - SLR Land Exchange Assessment.pdf](#)

This is the first land exchange application to be lodged under the FTAA so we are feeling our way a little bit. Please be patient with me if I get things wrong as I am trying to figure out the process as I go!

Finally, please remember to record all actual and reasonable time you spend working on this project here: [My Time](#) as the work is cost recoverable from the applicant.

Thanks and please don't hesitate to reach out if you have any questions or comments. I will be in touch again to let you know once payment has been received, at which stage we will know what date we are working towards.

Thanks again  
Amy

**Amy Robinson**  
Project Manager Fast Track Consenting (Contractor)  
Hamilton | Kirikiriroa  
Phone: 09(2)12 1212

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Item 27

**From:** Amy Robinson  
**Sent:** Tuesday, 2 December 2025 3:46 pm  
**To:** Mike Scott; Philip McKay  
**Subject:** Tukituki land exchange application receipt  
**Attachments:** Acknowledgement letter for land exchange application - Tukituki.pdf

Kia ora Mike and Phil

Please find attached formal confirmation of the receipt of the Tukituki land exchange application.  
DOC's decision on completeness is due 13 January, however I'm sure we will be in touch prior to that date. this.

Ngā mihi  
Amy

**Amy Robinson**  
**Project Manager Fast Track Consenting (Contractor)**  
Hamilton | Kirikiriroa  
Phone: s9(2)(a)

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## Item 28 email attachment

Department of Conservation  
Conservation House  
PO Box 10 420  
Wellington 6143  
doc.govt.nz

2 December 2025

Mike Scott  
Tukituki Water Security Ltd  
s9(2)(a)

Tēnā koe Mike

### Receipt of land exchange application under the Fast-track Approvals Act 2024

Thank you for lodging a land exchange application in relation to the Tukituki Water Security project with the Department of Conservation (DOC) under the Fast-track Approvals Act 2024 (the Act).

This letter is to acknowledge that the land exchange application was received by DOC on 28 November 2025. A full list of the documents received by DOC is attached to this letter in Appendix 1. The Environmental Protection Agency has confirmed the payment required by section 33(3) of the Act has been made on 2 December 2025.

DOC must now assess whether the application complies with section 34 of the Act. You will be notified within 15 working days (by 13 January 2026) of this decision.

Costs incurred by DOC in carrying out its functions, duties and powers under the Act in relation to the application are cost recoverable. More information about DOC's role under the Act and cost recovery can be found on the DOC [website](#).

If you have any questions, please contact Amy Robinson at [amrobinson@doc.govt.nz](mailto:amrobinson@doc.govt.nz). Please copy correspondence to [landexchange@doc.govt.nz](mailto:landexchange@doc.govt.nz).

Nāku noa, nā

s9(2)(a)

**Jenni Fitzgerald**

**Fast-Track Manager**



Department of  
Conservation  
*Te Papa Atawhai*

**Te Kāwanatanga  
o Aotearoa**  
New Zealand Government

**From:** James Winchester [s9(2)(a)]  
**Sent:** Wednesday, 3 December 2025 4:52 pm  
**To:** Amy Robinson; Philip McKay  
**Cc:** Jeremy Prebble; Mike Scott  
**Subject:** RE: Tukituki land exchange application - scope query

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi Amy

Thanks for your e-mail. As we discussed at our meeting last week, TWSL has already identified and acknowledged the potential relevance of the question of scope in terms of the Schedule 2 project description.

TWLS does however take the view that, as a mandatory preliminary process under the FTAA, the role of the Director-General of Conservation (**D-G**) for a land exchange application is not that of a decision-maker. Rather, the D-G has the statutory function of reporting and making a recommendation for the purposes of allowing a substantive application to be lodged by TWSL and determined by the Expert Panel.

The decision-maker on the question of the scope of the project and on the substantive application itself, will be the Expert Panel. The D-G can of course raise and identify a scope issue in that report and recommendation if it is considered that such an issue arises, but should otherwise be focusing on the specific statutory matters relating to the conservation merits of the proposed land exchange to assist the Hearing Panel with the consideration and determination of the substantive application.

I trust that this assists in understanding TWSL's position. We would be happy to discuss this issue in further detail with you and Jeremy if that would be useful.

Kind regards

**JAMES  
WINCHESTER  
BARRISTER**

P 06 883 0080

M [s9(2)(a)]

Joll Commons

Level 1, 17 Joll Road

PO Box 8161, Havelock North

[jameswinchester.co.nz](http://jameswinchester.co.nz)



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---

**From:** Amy Robinson <amrobinson@doc.govt.nz>

**Sent:** Wednesday, 3 December 2025 12:33 pm

**To:** Philip McKay [s9(2)(a)] James Winchester  
[s9(2)(a)]  
**Cc:** Jeremy Prebble <jeremy.prebble@hawkestone.co.nz>; Mike Scott  
[s9(2)(a)]  
**Subject:** RE: Tukituki land exchange application - scope query

Apologies for my miscalculation below – the increase is 25% not 37.5%

Regards  
Amy

---

**From:** Amy Robinson  
**Sent:** Wednesday, 3 December 2025 10:10 am  
**To:** Philip McKay [s9(2)(a)]; James Winchester  
[s9(2)(a)]  
**Cc:** Jeremy Prebble <jeremy.prebble@hawkestone.co.nz>; Mike Scott  
[s9(2)(a)]  
**Subject:** Tukituki land exchange application - scope query

Good morning

As you aware, the Tukituki application was formally received yesterday, so DOC is now able to commence the task set out in s34 of the Act, being a determination on whether the application is complete and within scope.

On the matter of scope, DOC would like to understand TWSL's rationale on why the scope matter does not prevent DOC from preparing a report on the land exchange. In other words, why TWSL believes the scope matter potentially applies to the substantive application but not the land exchange application. The listing in the Act provides for the exchange of 22 ha of land, whereas the TWSL application is seeking 27.5 ha – a land area increase of 37.5%.

Could you please clarify TWLS's reasoning behind this?  
Thank you.

Kind regards  
Amy

**Amy Robinson**  
**Project Manager Fast Track Consenting (Contractor)**  
Hamilton | Kirikiriroa  
Phone: [s9(2)(a)]

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**From:** Philip McKay [s9(2)(a)]  
**Sent:** Wednesday, 3 December 2025 1:00 pm  
**To:** Amy Robinson  
**Subject:** RE: Tukituki land exchange application - scope query

Thanks Amy, albeit the exact detail isn't really the key issue here (noting the requested land exchange area is 29.7ha based on the figures in our application). We will seek legal advice from James Winchester in providing our response.

Regards  
Phil

 **Philip McKay**  
Partner

[s9(2)(a)] | PO Box 149, Napier 4140  
[www.mitchelldaysh.co.nz](http://www.mitchelldaysh.co.nz)

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---

**From:** Amy Robinson <amrobinson@doc.govt.nz>  
**Sent:** Wednesday, December 3, 2025 12:33 PM  
**To:** Philip McKay [s9(2)(a)]; James Winchester [s9(2)(a)]  
**Cc:** jeremy.prebble <jeremy.prebble@hawkestone.co.nz>; mike.scott [s9(2)(a)]  
**Subject:** RE: Tukituki land exchange application - scope query

Apologies for my miscalculation below – the increase is 25% not 37.5%

Regards  
Amy

---

**From:** Amy Robinson  
**Sent:** Wednesday, 3 December 2025 10:10 am  
**To:** Philip McKay [s9(2)(a)]; James Winchester [s9(2)(a)]  
**Cc:** Jeremy Prebble <jeremy.prebble@hawkestone.co.nz>; Mike Scott [s9(2)(a)]  
**Subject:** Tukituki land exchange application - scope query

Good morning

As you aware, the Tukituki application was formally received yesterday, so DOC is now able to commence the task set out in s34 of the Act, being a determination on whether the application is complete and within scope.

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Could you please clarify TWLS's reasoning behind this?  
Thank you.

Kind regards  
Amy

**Amy Robinson**  
**Project Manager Fast Track Consenting (Contractor)**  
Hamilton | Kirikiriroa  
Phone: s9(2)(a)

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**From:** Amy Robinson  
**Sent:** Thursday, 4 December 2025 9:28 am  
**To:** James Winchester; Philip McKay  
**Cc:** Jeremy Prebble; Mike Scott  
**Subject:** RE: Tukituki land exchange application - scope query

Good morning James

Thank you for your email. We shall consider your response in terms of s34 of the FTAA and come back to you in due course.

Kind regards  
Amy

---

**From:** James Winchester [s9(2)(a)]  
**Sent:** Wednesday, 3 December 2025 4:52 pm  
**To:** Amy Robinson <amrobinson@doc.govt.nz>; Philip McKay [s9(2)(a)]  
**Cc:** Jeremy Prebble <jeremy.prebble@hawkestone.co.nz>; Mike Scott [s9(2)(a)]  
**Subject:** RE: Tukituki land exchange application - scope query

Hi Amy

Thanks for your e-mail. As we discussed at our meeting last week, TWSL has already identified and acknowledged the potential relevance of the question of scope in terms of the Schedule 2 project description.

TWLS does however take the view that, as a mandatory preliminary process under the FTAA, the role of the Director-General of Conservation (**D-G**) for a land exchange application is not that of a decision-maker. Rather, the D-G has the statutory function of reporting and making a recommendation for the purposes of allowing a substantive application to be lodged by TWSL and determined by the Expert Panel.

The decision-maker on the question of the scope of the project and on the substantive application itself, will be the Expert Panel. The D-G can of course raise and identify a scope issue in that report and recommendation if it is considered that such an issue arises, but should otherwise be focusing on the specific statutory matters relating to the conservation merits of the proposed land exchange to assist the Hearing Panel with the consideration and determination of the substantive application.

I trust that this assists in understanding TWSL's position. We would be happy to discuss this issue in further detail with you and Jeremy if that would be useful.

Kind regards

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**JAMES  
WINCHESTER  
BARRISTER**

P 06 883 0080

M s9(2)(a)

Joll Commons

Level 1, 17 Joll Road

PO Box 8161, Havelock North

[jameswinchester.co.nz](http://jameswinchester.co.nz)



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---

**From:** Amy Robinson <[amrobinson@doc.govt.nz](mailto:amrobinson@doc.govt.nz)>

**Sent:** Wednesday, 3 December 2025 12:33 pm

**To:** Philip McKay s9(2)(a); James Winchester

s9(2)(a) >

**Cc:** Jeremy Prebble <[jeremy.prebble@hawkestone.co.nz](mailto:jeremy.prebble@hawkestone.co.nz)>; Mike Scott

s9(2)(a)

**Subject:** RE: Tukituki land exchange application - scope query

Apologies for my miscalculation below – the increase is 25% not 37.5%

Regards

Amy

---

**From:** Amy Robinson

**Sent:** Wednesday, 3 December 2025 10:10 am

**To:** Philip McKay s9(2)(a); James Winchester

s9(2)(a)

**Cc:** Jeremy Prebble <[jeremy.prebble@hawkestone.co.nz](mailto:jeremy.prebble@hawkestone.co.nz)>; Mike Scott

s9(2)(a)

**Subject:** Tukituki land exchange application - scope query

Good morning

As you aware, the Tukituki application was formally received yesterday, so DOC is now able to commence the task set out in s34 of the Act, being a determination on whether the application is complete and within scope.

On the matter of scope, DOC would like to understand TWSL's rationale on why the scope matter does not prevent DOC from preparing a report on the land exchange. In other words, why TWSL believes the scope matter potentially applies to the substantive application but not the land exchange application. The listing in the Act provides for the exchange of 22 ha of land, whereas the TWSL application is seeking 27.5 ha – a land area increase of 37.5%.

Could you please clarify TWLS's reasoning behind this?  
Thank you.

Kind regards  
Amy

**Amy Robinson**  
**Project Manager Fast Track Consenting (Contractor)**  
Hamilton | Kirikiriroa  
Phone: s9(2)(a)

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**From:** James Winchester s9(2)(a)  
**Sent:** Monday, 8 December 2025 12:58 pm  
**To:** Amy Robinson  
**Cc:** Jeremy Prebble; Mike Scott; Jenni Fitzgerald; Philip McKay  
**Subject:** RE: Tukituki land exchange application - scope query

Hi Amy

Thank you for your e-mail below. Our team considers it would be useful to meet before a final view is reached on the question of scope.

The DoC comments in your e-mail are noted, with the following observations made in response for the purposes of our discussions.

In terms of section 34(2)(a)(ii) of the FTAA, approaching that provision on its face, TWSL takes the view that the land exchange application does relate solely to a listed project, being the Tukituki Water Security Project (ie. it is only for the purpose of and in connection with that project, and not any other project or purpose).

The area of land to be subject to a land exchange with the Department of Conservation is a function of the area of land to be inundated, which remains accurate and has not changed in terms of the Project Description. It is TWSL's view that the circumstances of the Project Description in this instance are materially different to those considered by the High Court in the Port of Tauranga matter where a material and significant component of the project had been omitted from the Schedule 2 description. TWSL is not suggesting that the additional area can be simply added to due to the wording "approximate location", because the area of land proposed to be exchanged is already within the approximate location as described. The suggestion that it is not possible to say definitively that Parliament would have included the project in the FTAA if the area being impacted was 42ha (which should be 29.5ha, for the reasons identified below with regard to Crown marginal strips) rather than 22ha is, with respect, not sound when considering the present facts and circumstances.

To the extent that the approximate geographical location is relevant and there is a reference to the 22ha at Ruahine Forest Park, as noted above that is an area which is within the scope of the preceding description, being the "Makaroro River and Waipawa, Tukituki, and Papanui Stream catchments". It is not new or different land and nor is it an area which falls outside those identified catchments. We also note that DoC has observed that the 22ha figure would likely be subject to change if and when a formal survey was undertaken. Following that process, the precise area of land having a certain legal status has changed but that is not a scope constraint if a purposive approach is taken to the Schedule 2 listing. TWSL does not agree that the FTAA contemplated an exchange of significantly less conservation land than that being sought now.

TWSL does not therefore regard the reference to the 22ha area of Ruahine Forest Park land as being a scope constraint for the purposes of a section 34 FTAA decision. In addition, the inclusion of Crown marginal strips in the land exchange application is considered to be within the project description. This involves a straightforward application of the language of "a land exchange with the Department of Conservation" related solely to the listed project (again a function of the area of land to be inundated) and plainly includes land within the approximate geographical location identified. The absence of a specific reference to Crown marginal strips, as well the area of land to be exchanged which might have that status, does not raise any scope issue for this part of the land exchange application.

Please let us know when you would be available to meet on Thursday of this week.

Kind regards

**JAMES  
WINCHESTER  
BARRISTER**

P 06 883 0080

M s9(2)(a)

Joll Commons

Level 1, 17 Joll Road

PO Box 8161, Havelock North

[jameswinchester.co.nz](http://jameswinchester.co.nz)



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---

**From:** Amy Robinson <amrobinson@doc.govt.nz>

**Sent:** Friday, 5 December 2025 2:50 pm

**To:** James Winchester s9(2)(a)

**Cc:** Jeremy Prebble <jeremy.prebble@hawkestone.co.nz>; Mike Scott

s9(2)(a) Jenni Fitzgerald <jefitzgerald@doc.govt.nz>; Philip McKay

s9(2)(a)

**Subject:** RE: Tukituki land exchange application - scope query

Kia ora James

We have met internally to discuss the above application as filed. We are writing to signal that we have formed the preliminary view that part of the application is outside of scope and invite your considered response to this.

As you will know, the Director-General has an obligation to respond by 13 January 2026 under s 34 of the Fast Track Approvals Act 2024. This section requires the Director-General to make a decision on whether the application is complete and within scope. We note s 34(2) (a)(ii) states that the provision is met if among other matters, the land exchange application relates solely to a listed project or a referred project. Listed project is defined in s 4 as one of the projects referred to in Schedule 2.

Schedule 2 of the Act describes the Tukituki Water Security Proposal in the following terms:

<b>Authorised person</b>	<b>Project name</b>	<b>Project description</b>	<b>Approximate geographical location</b>
Tukituki Water Security Limited, Water Holdings Hawkes Bay Limited	Tukituki Water Security	<p>Dam the Makaroro River and create a water storage reservoir to enable regional water security and sustainability, including—</p> <ul style="list-style-type: none"> <li>• constructing an approximately 83-metre-high dam in the Makaroro River</li> <li>• creating a reservoir (of approximately 93 million cubic metres, approximately 7 kilometres long, and with a surface area of approximately 372 hectares)</li> <li>• releasing up to approximately 20 million cubic metres to ensure the provision of minimum flows in the Tukituki River</li> <li>• an irrigation footprint of approximately 20,000 to 30,000 hectares</li> <li>• a land exchange with the Department of Conservation</li> </ul>	Makaroro River and Waipawa, Tukituki, and Papanui Stream catchments, and 22 hectares at Ruahine Forest Park, Hawke's Bay

Your application describes this issue at pages 4 and 5 and concludes:

The issue of the scope of FTAA Schedule 2 will be addressed in the TWSL substantive application and it the TWSL's position that any scope issue is not a legal barrier to the completion of a report and recommendation by the Director-General of Conservation as part of this preliminary FTAA process. We are aware that the FTAA Amendment Bill, on which TWSL has made a submission, is proposing an Order in Council mechanism to enable issues of scope to be rectified prior to the lodgement of substantive FTAA applications. Subject to this component of the Amendment Bill being enacted, the issue of scope will be able to be resolved prior to the substantive FTAA application being lodged. Finally, on the issue of scope, we make the point that the dam and reservoir have been assessed and consented under the RMA (under the former RWSS proposal) on the basis that the adverse effects of the reservoir can be appropriately mitigated and off-set. The assessment of that proposal by the project ecologists and ultimately the BOI had regard to the ecological and biodiversity effects of the same area of land being inundated, which included vegetation assessments of the additional 7.5ha of Ruahine Forest Park land, albeit on the assumption that it was Crown Property as hydro parcel administered by LINZ, rather than public conservation land.

The application is seeking the following by way of a land exchange:

- 29.7 ha of conservation land held as part of the Ruahine Forest Park and administered under the Conservation Act 1987.
- 12.37ha of Crown marginal strips held and administered by the Department under Part 4B of the Conservation Act.

For the following reasons, we have formed the preliminary view that the current proposal is outside the scope as provided for in the Act:

- The Project as listed and described contemplates a land exchange. This is further defined in the approximate location column.
- The approximate location (and area) listed is 22 ha only.
- However, and following the passing of the Act, it has become apparent that ~7.5 ha of further land part of the Ruahine Forest Park is required and an additional area of 12.37 in marginal strips as both are being inundated as part of the Project.
- In short, the Act contemplated an exchange of significantly less conservation land than that being sought now.
- It is not possible to say definitively that Parliament would have included the Project in the Act had the area being impacted was 42 ha, not 22 ha.
- Nor is it convincing to state that the additional area can be simply added to due to the wording "approximate location" (referring to *Ngāti Kuki Hapu Trust v Environmental Protection Agency* [2025] NZHC 2453, at [70]).

We invite your considered response to this position and whether this impacts on your consideration as to whether the issue can wait until it is substantively considered by the EPA. As noted above, the Director-General is required to make a decision under s 34 of the Act by 13 January 2026.

We would be happy to meet to discuss this issue with you if easier in the first instance, however please note that I am unavailable Monday to Wednesday next week.

Kind regards  
Amy

---

**From:** James Winchester [s9(2)(a)]  
**Sent:** Wednesday, 3 December 2025 4:52 pm  
**To:** Amy Robinson <[amrobinson@doc.govt.nz](mailto:amrobinson@doc.govt.nz)>; Philip McKay [s9(2)(a)]  
**Cc:** Jeremy Prebble <[jeremy.prebble@hawkestone.co.nz](mailto:jeremy.prebble@hawkestone.co.nz)>; Mike Scott [s9(2)(a)]  
**Subject:** RE: Tukituki land exchange application - scope query

Hi Amy

Thanks for your e-mail. As we discussed at our meeting last week, TWSL has already identified and acknowledged the potential relevance of the question of scope in terms of the Schedule 2 project description.

TWLS does however take the view that, as a mandatory preliminary process under the FTAA, the role of the Director-General of Conservation (**D-G**) for a land exchange application is not that of a decision-maker. Rather, the D-G has the statutory function of reporting and making

a recommendation for the purposes of allowing a substantive application to be lodged by TWSL and determined by the Expert Panel.

The decision-maker on the question of the scope of the project and on the substantive application itself, will be the Expert Panel. The D-G can of course raise and identify a scope issue in that report and recommendation if it is considered that such an issue arises, but should otherwise be focusing on the specific statutory matters relating to the conservation merits of the proposed land exchange to assist the Hearing Panel with the consideration and determination of the substantive application.

I trust that this assists in understanding TWSL's position. We would be happy to discuss this issue in further detail with you and Jeremy if that would be useful.

Kind regards

**JAMES  
WINCHESTER  
BARRISTER**

P 06 883 0080

M s9(2)(a)

Joll Commons

Level 1, 17 Joll Road

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---

**From:** Amy Robinson <[amrobinson@doc.govt.nz](mailto:amrobinson@doc.govt.nz)>

**Sent:** Wednesday, 3 December 2025 12:33 pm

**To:** Philip McKay s9(2)(a); James Winchester

s9(2)(a)

**Cc:** Jeremy Prebble <[jeremy.prebble@hawkestone.co.nz](mailto:jeremy.prebble@hawkestone.co.nz)>; Mike Scott

s9(2)(a)

**Subject:** RE: Tukituki land exchange application - scope query

Apologies for my miscalculation below – the increase is 25% not 37.5%

Regards

Amy

---

**From:** Amy Robinson

**Sent:** Wednesday, 3 December 2025 10:10 am

**To:** Philip McKay s9(2)(a); James Winchester

s9(2)(a)

**Cc:** Jeremy Prebble <[jeremy.prebble@hawkestone.co.nz](mailto:jeremy.prebble@hawkestone.co.nz)>; Mike Scott

s9(2)(a)

**Subject:** Tukituki land exchange application - scope query

Good morning

As you aware, the Tukituki application was formally received yesterday, so DOC is now able to commence the task set out in s34 of the Act, being a determination on whether the application is complete and within scope.

On the matter of scope, DOC would like to understand TWSL's rationale on why the scope matter does not prevent DOC from preparing a report on the land exchange. In other words, why TWSL believes the scope matter potentially applies to the substantive application but not the land exchange application. The listing in the Act provides for the exchange of 22 ha of land, whereas the TWSL application is seeking 27.5 ha – a land area increase of 37.5%.

Could you please clarify TWLS's reasoning behind this?  
Thank you.

Kind regards  
Amy

**Amy Robinson**  
Project Manager Fast Track Consenting (Contractor)  
Hamilton | Kirikiriroa  
Phone: s9(2)(a)

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**From:** Sarah Budd [s9(2)(a)]  
**Sent:** Tuesday, 16 December 2025 11:40 am  
**To:** Amy Robinson; Craig Jones; Richard Nester; Michael Harbrow; Nick Goldwater  
**Cc:** Jeremy Prebble; Rachael Mora; Kev Carter  
**Subject:** RE: Tukituki completeness check

Hi Amy,

I am comfortable that the application can be considered "complete" from an ecological perspective.

Cheers,



### Sarah Budd

Principal Ecologist, Auckland Ecology Team Leader and Coordinator

P [s9(2)(a)] M [s9(2)(a)]  
[wildlands.co.nz](http://wildlands.co.nz)

Call Free 0508 945 369

12 Nixon Street, Grey Lynn, Auckland 1021

Wildlands staff are located in Rotorua, Bay of Islands, Whangarei, Auckland, Hamilton, Tauranga, Wellington, Christchurch, Dunedin, Wanaka, Queenstown, and Invercargill.



**From:** Amy Robinson <amrobinson@doc.govt.nz>  
**Sent:** Tuesday, 16 December 2025 11:35 am  
**To:** Craig Jones <chjones@doc.govt.nz>; Richard Nester <rnester@doc.govt.nz>; Michael Harbrow <mharbrow@doc.govt.nz>; Sarah Budd [s9(2)(a)]; Nick Goldwater [s9(2)(a)]  
**Cc:** Jeremy Prebble <jeremy.prebble@hawkestone.co.nz>; Rachael Mora <rmora@doc.govt.nz>; Kev Carter <kecarter@doc.govt.nz>  
**Subject:** Tukituki completeness check

Hi everyone

Just wanting to check in as a lot of you might be finishing up this week. Could you please let me know where you have landed or where you think you might land with the Tukituki completeness check.

The fundamental question we need to answer is whether the information provided is sufficient and of appropriate quality to enable relevant values assessments to be undertaken, so please do let me know if you have detected and red flags.

We are still working through the scope matter, but I shall let you know where we land once a decision has been made.

Thanks and I look forward to hearing back.

Kind regards  
Amy

**Amy Robinson**  
 Project Manager Fast Track Consenting (Contractor)  
 Hamilton | Kirikiriroa  
 Phone: [s9(2)(a)]

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**From:** Richard Nester  
**Sent:** Tuesday, 16 December 2025 3:19 pm  
**To:** Amy Robinson  
**Subject:** RE: Tukituki completeness check

Hi Amy

As discussed the Heritage report is dated however, it is likely complete from the perspective of the archaeological values and the cultural heritage (pre-European through to 1850s) values.

Other than a broad landscape approach to the broader area I'm not seeing any detailed evaluation of the proposed exchange land in the report. In saying that there should be enough material to consider this complete

Out of scope

Merry Xmas  
Richard

---

**From:** Amy Robinson <amrobinson@doc.govt.nz>  
**Sent:** Tuesday, 16 December 2025 11:35  
**To:** Craig Jones <chjones@doc.govt.nz>; Richard Nester <rnester@doc.govt.nz>; Michael Harbrow <mharbrow@doc.govt.nz>; Sarah Budd <s9(2)(a)>; Nick Goldwater <s9(2)(a)>  
**Cc:** Jeremy Prebble <jeremy.prebble@hawkestone.co.nz>; Rachael Mora <rmora@doc.govt.nz>; Kev Carter <kecarter@doc.govt.nz>  
**Subject:** Tukituki completeness check

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Thanks and I look forward to hearing back.

Kind regards  
Amy

**Amy Robinson**  
**Project Manager Fast Track Consenting (Contractor)**  
Hamilton | Kirikiriroa  
Phone: s9(2)(a)

Released under the Official Information Act

Item 35

**From:** Philip McKay [s9(2)(a)]  
**Sent:** Friday, 19 December 2025 11:05 am  
**To:** Amy Robinson  
**Subject:** RE: Tukituki completeness check

Thanks Amy.  
Cheers  
Phil

 **Philip McKay**  
Partner

[s9(2)(a)] | PO Box 149, Napier 4140  
[www.mitchelldaysh.co.nz](http://www.mitchelldaysh.co.nz)

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**From:** Amy Robinson <amrobinson@doc.govt.nz>  
**Sent:** Friday, December 19, 2025 10:05 AM  
**To:** Philip McKay [s9(2)(a)]  
**Subject:** FW: Tukituki completeness check

Fyi re heritage

---

**From:** Richard Nester <rvester@doc.govt.nz>  
**Sent:** Tuesday, 16 December 2025 3:19 pm  
**To:** Amy Robinson <amrobinson@doc.govt.nz>  
**Subject:** RE: Tukituki completeness check

Hi Amy

As discussed the Heritage report is dated however, it is likely complete from the perspective of the archaeological values and the cultural heritage (pre-European through to 1850s) values.

Other than a broad landscape approach to the broader area I'm not seeing any detailed evaluation of the proposed exchange land in the report. In saying that there should be enough material to consider this complete

Out of scope

Merry Xmas  
Richard

---

**From:** Amy Robinson <[amrobinson@doc.govt.nz](mailto:amrobinson@doc.govt.nz)>

**Sent:** Tuesday, 16 December 2025 11:35

**To:** Craig Jones <[chjones@doc.govt.nz](mailto:chjones@doc.govt.nz)>; Richard Nester <[rnester@doc.govt.nz](mailto:rnester@doc.govt.nz)>; Michael Harbrow <[mharbrow@doc.govt.nz](mailto:mharbrow@doc.govt.nz)>; Sarah Budd <s9(2)(a)>; Nick Goldwater

<s9(2)(a)>

**Cc:** Jeremy Prebble <[jeremy.prebble@hawkestone.co.nz](mailto:jeremy.prebble@hawkestone.co.nz)>; Rachael Mora <[rmora@doc.govt.nz](mailto:rmora@doc.govt.nz)>; Kev Carter <[kecarter@doc.govt.nz](mailto:kecarter@doc.govt.nz)>

**Subject:** Tukituki completeness check

Hi everyone

Out of scope

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We are still working through the scope matter, but I shall let you know where we land once a decision has been made.

Thanks and I look forward to hearing back.

Kind regards  
Amy

**Amy Robinson**  
Project Manager Fast Track Consenting (Contractor)  
Hamilton | Kirikiriroa  
Phone: <s9(2)(a)>

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**From:** Philip McKay [s9\(2\)\(a\)](#)  
**Sent:** Tuesday, 6 January 2026 4:29 pm  
**To:** Amy Robinson  
**Cc:** mike.scott; James Winchester  
**Subject:** RE: Tukituki completeness check  
**Attachments:** 2025.12.23 TPG Memo - Marginal Strip Advice.pdf

Kia ora Amy and Happy New Year.  
Please find attached a report from The Property Group on the matter raised by Craig in the e-mail below.  
Kind regards  
Phil

 **Philip McKay**  
Partner

[s9\(2\)\(a\)](#) | PO Box 149, Napier 4140  
[www.mitchelldaysh.co.nz](http://www.mitchelldaysh.co.nz)

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**From:** Amy Robinson <[amrobinson@doc.govt.nz](mailto:amrobinson@doc.govt.nz)>  
**Sent:** Friday, December 19, 2025 9:59 AM  
**To:** Philip McKay [s9\(2\)\(a\)](#)  
**Subject:** FW: Tukituki completeness check

As discussed

---

**From:** Craig Jones <[chjones@doc.govt.nz](mailto:chjones@doc.govt.nz)>  
**Sent:** Tuesday, 16 December 2025 11:59 am  
**To:** Amy Robinson <[amrobinson@doc.govt.nz](mailto:amrobinson@doc.govt.nz)>; Richard Nester <[rnester@doc.govt.nz](mailto:rnester@doc.govt.nz)>; Michael Harbrow <[mharbrow@doc.govt.nz](mailto:mharbrow@doc.govt.nz)>; Sarah Budd [s9\(2\)\(a\)](#); Nick Goldwater [s9\(2\)\(a\)](#)  
**Cc:** Jeremy Prebble <[jeremy.prebble@hawkestone.co.nz](mailto:jeremy.prebble@hawkestone.co.nz)>; Rachael Mora <[rmora@doc.govt.nz](mailto:rmora@doc.govt.nz)>; Kev Carter <[kecarter@doc.govt.nz](mailto:kecarter@doc.govt.nz)>  
**Subject:** RE: Tukituki completeness check

Kia ora Amy

Given the marginal strip notation on the title which we have advised the applicant is relevant to Makaroro River, there may be additional moveable marginal strips along Dutch Creek (or potentially other waterways 3m + wide in the yellow parcel highlighted in the image below where they fall within the proposed lake inundation area). I understand that hasn't been discussed/addressed as part of the application to date.

Mauri ora

Craig

Craig Jones  
Senior Statutory Land Management Advisor *Kaitohutohu Turewhenua*  
Department of Conservation – *Te Papa Atawhai*

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Parcel ID ▼

Q 4205194

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**Parcel Details 4205194**

Parcel ID: 4205194

Address:

Legal Parcel: Lot 1 DP 21614

Centroid:

Parcel Intent: Digital Cadastral Database Conversion

Status: Current

Non-survey Definition:

Land District: Napier

Area: 3,056.0000 ha

Calculated Area:

Statutes:

Titles: Freehold: 1075329 Records Embodied in the Register: HBPI/1401

Owners: Pan Pac Forest Products Limited Kaweka Gwavas Forestry Company Limited

**From:** Amy Robinson <[amrobinson@doc.govt.nz](mailto:amrobinson@doc.govt.nz)>  
**Sent:** Tuesday, 16 December 2025 11:35 am  
**To:** Craig Jones <[chjones@doc.govt.nz](mailto:chjones@doc.govt.nz)>; Richard Nester <[rnerster@doc.govt.nz](mailto:rnerster@doc.govt.nz)>; Michael Harbrow <[mharbrow@doc.govt.nz](mailto:mharbrow@doc.govt.nz)>; Sarah Budd <[SB\(2\)\(a\)@doc.govt.nz](mailto:SB(2)(a)@doc.govt.nz)>; Nick Goldwater <[NG\(2\)\(a\)@doc.govt.nz](mailto:NG(2)(a)@doc.govt.nz)>  
**Cc:** Jeremy Prebble <[jeremy.prebble@hawkestone.co.nz](mailto:jeremy.prebble@hawkestone.co.nz)>; Rachael Mora <[rmora@doc.govt.nz](mailto:rmora@doc.govt.nz)>; Kev Carter <[kecarter@doc.govt.nz](mailto:kecarter@doc.govt.nz)>  
**Subject:** Tukituki completeness check

Hi everyone  
 Out of scope [redacted] Could you please let me know where you have landed or where you think you might land with the Tukituki completeness check.

The fundamental question we need to answer is whether the information provided is sufficient and of appropriate quality to enable relevant values assessments to be undertaken, so please do let me know if you have detected and red flags.

We are still working through the scope matter, but I shall let you know where we land once a decision has been made.

Thanks and I look forward to hearing back.

Kind regards  
 Amy

**Amy Robinson**  
 Project Manager Fast Track Consenting (Contractor)  
 Hamilton | Kirikiriroa  
 Phone: [0508300920](tel:0508300920)

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The Property Group Limited  
Christchurch Office  
PO Box 7240 Christchurch 8240  
Level 2, Lion House  
169 Madras Street  
Christchurch 8011

## Email Memorandum

<b>To</b>	Tukituki Water Security Limited
<b>From</b>	The Property Group Limited
<b>Date</b>	23 December 2025
<b>Job No.</b>	720426
<b>Subject</b>	Makaroro River Marginal Strips Advice

---

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### Overview

We refer to the Land Status Reports completed by The Property Group Ltd (TPG) dated 8 October 2025 relating to that part of the Makaroro River hydro parcel subject to the proposed reservoir inundation by the Tukituki Water Security Project (Project), and that dated 13 October 2025 relating to an island/dry land area located within the legal Makaroro River hydro parcel.

The Department of Conservation (**DoC**) has , requested that Tukituki Water Security Limited advise: "...there may be additional moveable marginal strips along Dutch Creek (or potentially other waterways 3m + wide in the yellow parcel highlighted in the image below where they fall within the proposed lake inundation area".

This memorandum summarises our investigations and legislative considerations relating to the boundaries and treatment of marginal strips in relation to the proposed reservoir inundation. This should be read in conjunction with our above referenced Land Status Reports, which contain the relevant evidence as to the creation of the marginal strips. We understand that the conclusions detailed within the Land Status Report dated 8 October 2025 relating to the Makaroro River hydro parcel was validated and onboarded by Land Information New Zealand on 4 November 2025.

Our advice has been prepared on the basis that the average width of the relevant riverbeds are not less than 3 metres, as the eventual inundation width cannot be ascertained at this time. We recommend that advice from a qualified surveyor is sought to determine the new boundaries of the affected riverbeds and assess whether any marginal strip is required.

Please note, where the Makaroro Stream is referenced, this also refers to 'Dutch Creek'. Surveys for this area refer to both the Makaroro Stream and Dutch Creek, and should be read as one in the same.

### Summary

Our findings are summarised as follows:

- **Part Section 8 SO 7439 (Area 2):** Subject to an existing marginal strip reservation that is ambulatory, i.e. it will move with the Makaroro River margins.
- **Ruahine State Forest Park (Areas 12 and 14):** Not currently subject to a marginal strip reservation. Marginal strips will be reserved on disposition of land by the Crown, unless declared exempt.
- **Lot 1 DP 21614 (Area 13):** Subject to an existing marginal strip reservation that is ambulatory, i.e. it will move with the Makaroro River margins.
- **Island/Dry Land in Makaroro River:** This land holds the same status as Areas 12 and 14 and is not currently subject to a marginal strip reservation. Marginal strips will be reserved on disposition of land by the Crown, unless declared exempt.
- **The Makaroro Stream** (adjoining Areas 13 and 14) may also be subject to marginal strip reservation upon disposition, depending on the width of the riverbed.
- The remaining parcels having a riparian boundary with the banks of the Makaroro River are not subject to a marginal strip and will not have a marginal strip created upon disposition.

### Investigations

We have reviewed each property having a riparian boundary with the banks of the Makaroro River for evidence that either:

1. there is an existing marginal strip reservation; or
2. the property would be subject to reservation of a marginal strip upon disposition by the Crown.

We have identified the properties that fall within the above points and provide further commentary on these within this memorandum.

### Statutory Interpretation and Commentary

Of relevance to the investigations and treatment of the marginal strips is the date the marginal strip was reserved. Various amendments and additions to Part IVA of the Conservation Act 1987 (**the Act**) were completed on **10 April 1990** through enactment of the Conservation Law

Reform Act 1990. Many of the amendments will have an impact on how the Makaroro River marginal strips are reserved and how they will be impacted by the reservoir.

We provide a brief explanation on the provisions relevant to this memorandum below.

- **Section 24** – This provides for the reservation of a 20-metre-wide marginal strip upon disposition of any land by the Crown that abuts the margin of any foreshow, lake, or riverbed with an average width of at least 3 metres.

s 24(3) provides that a strip of any width reserved from sale under the Act or any other enactment before 10 April 1990 shall be deemed to be reserved as a marginal strip of the same width.

- **Sections 24A and 24AA** – Allows the width of the marginal strip to be reduced or increased, as appropriate.
- **Section 24B** – Certain dispositions may be declared exempt from reservation of a marginal strip.
- **Section 24G** – Where, for whatever reason, the course of any river is altered and this affects an existing marginal strip, a new marginal strip shall be deemed to have been reserved simultaneously with each alteration.

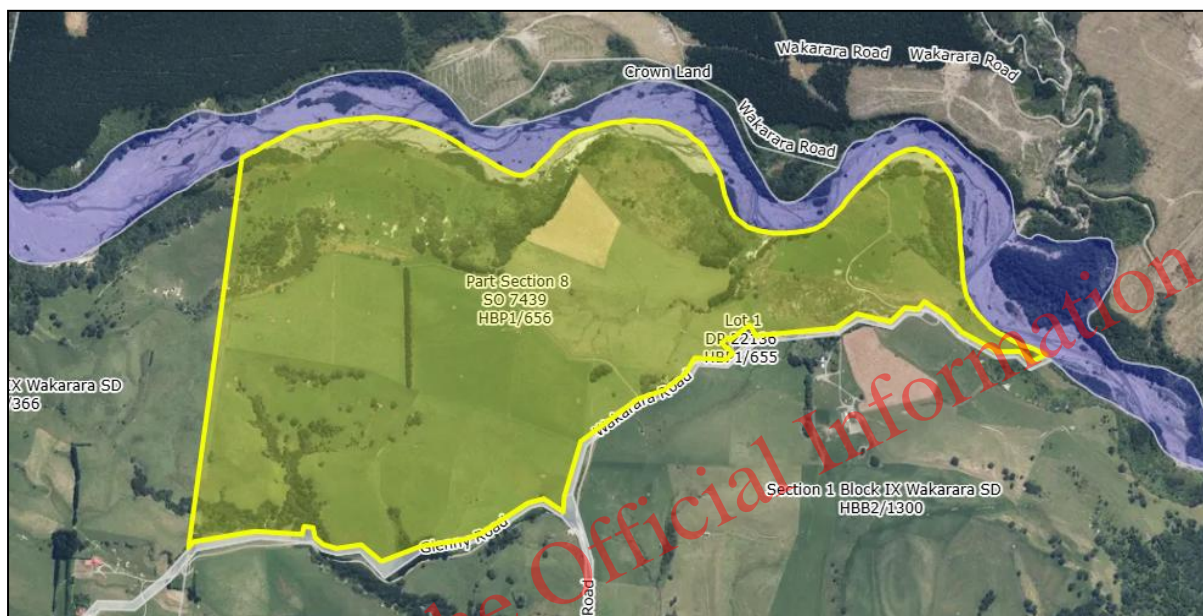
S 24G does not apply to the marginal strips reserved by section 24(3) (refer to s 24G(7)). The boundaries of any marginal strip created before 10 April 1990 will not change with alterations to the river course.

**Area 1 – Section 9 Block IX Wakarara SD**



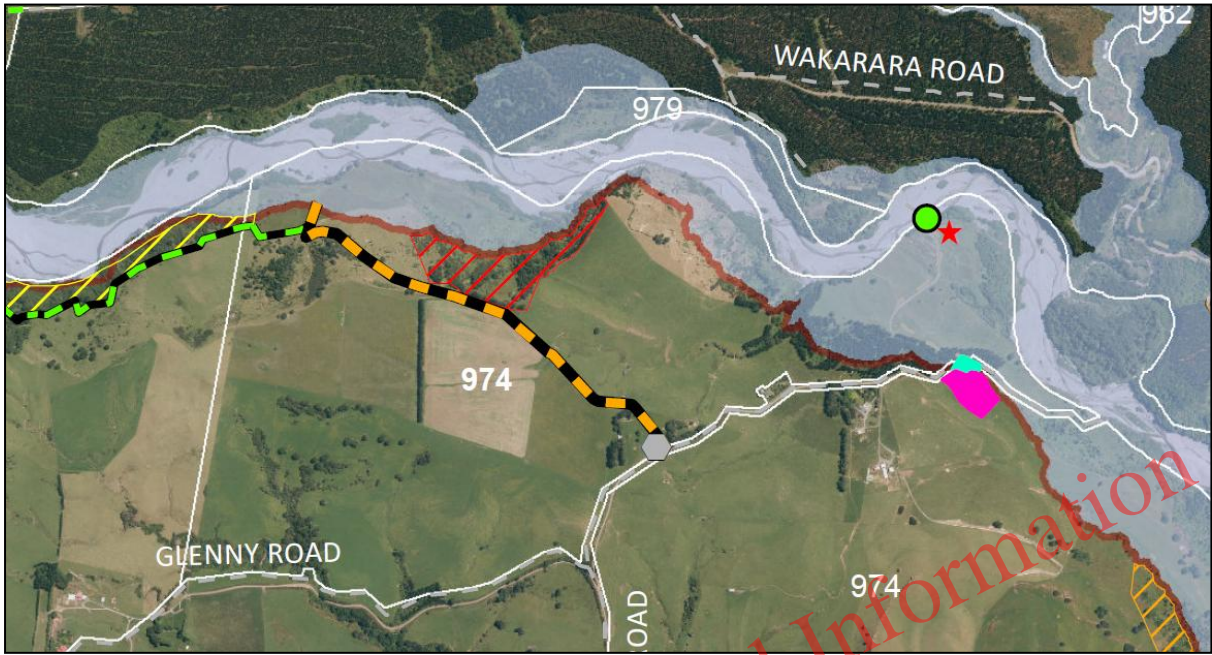
Area 1 is not subject to Part IVA of the Act. Furthermore, disposal of Area 1 by its landowner is not considered a disposition by the Crown under that Act.

**Area 2 – Part Section 8 SO 7439**



Area 2 is subject to a marginal strip reservation as at the date of issue of Certificate of Title HBM4/701, being 11 June 1990. This was after the Conservation Law Reform Act 1990 came into force and therefore, section 24G of the Act applies and a new marginal strip will be reserved along the new margins of the Makaroro River created by the reservoir inundation, i.e. the marginal strip will move with the margins of the river.

The plan below shows the anticipated area of inundation shaded in powdery grey/blue and the boundaries of the existing parcels in white.

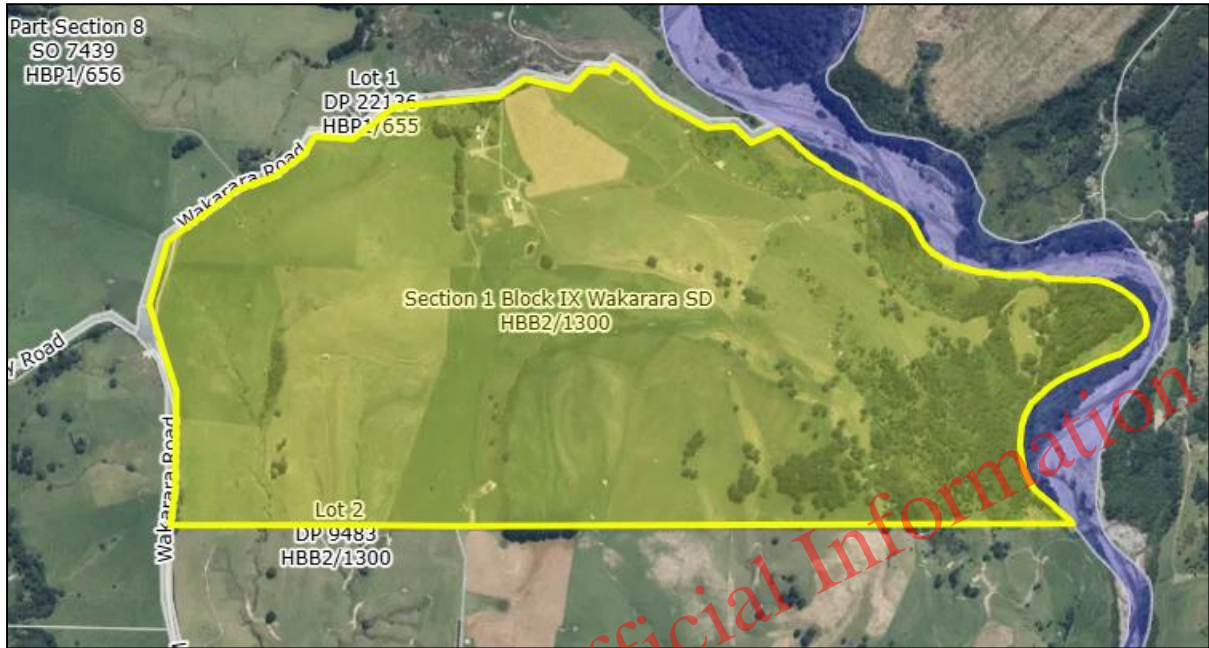


Area 3 – Legal Road



Area 3 is presently a portion of unformed legal road and is not subject to Part IVA of the Act. Furthermore, disposal of Area 3 by its owner is not considered a disposition by the Crown under that Act.

Area 4 – Section 1 Block IX Wakarara SD



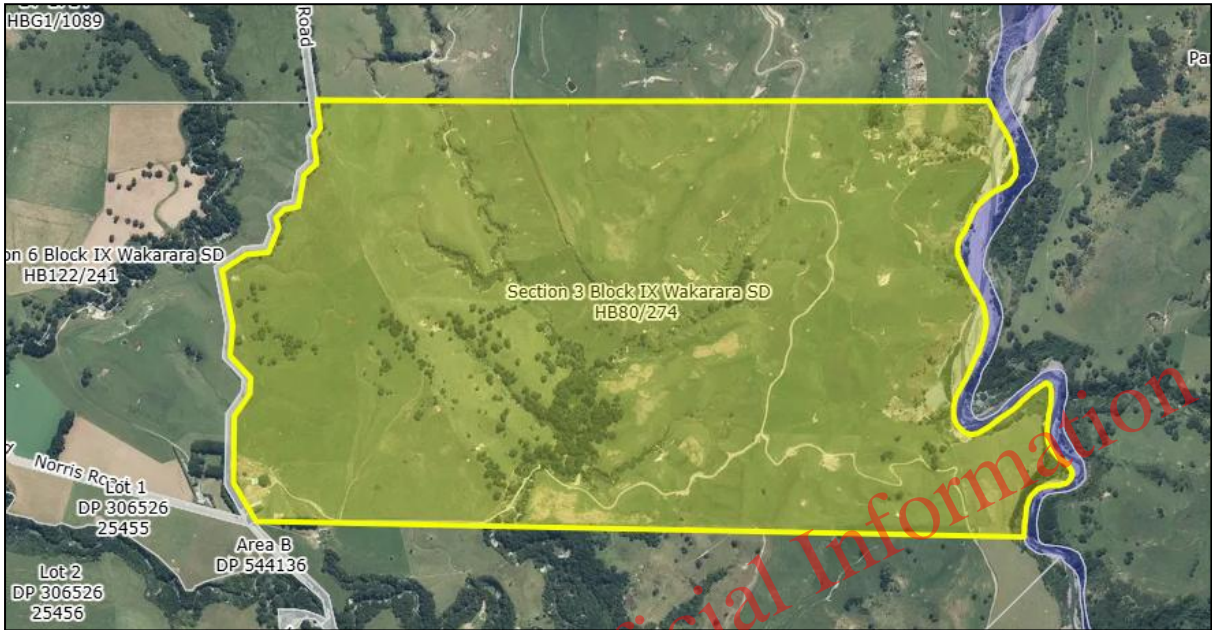
Area 4 is not subject to Part IVA of the Act. Furthermore, disposal of Area 4 by its landowner is not considered a disposition by the Crown under that Act.

Area 5 – Part Section 2 Block IX Wakarara SD



Area 5 is not subject to Part IVA of the Act. Furthermore, disposal of Area 5 by its landowner is not considered a disposition by the Crown under that Act.

Area 6 – Section 3 Block IX Wakarara SD



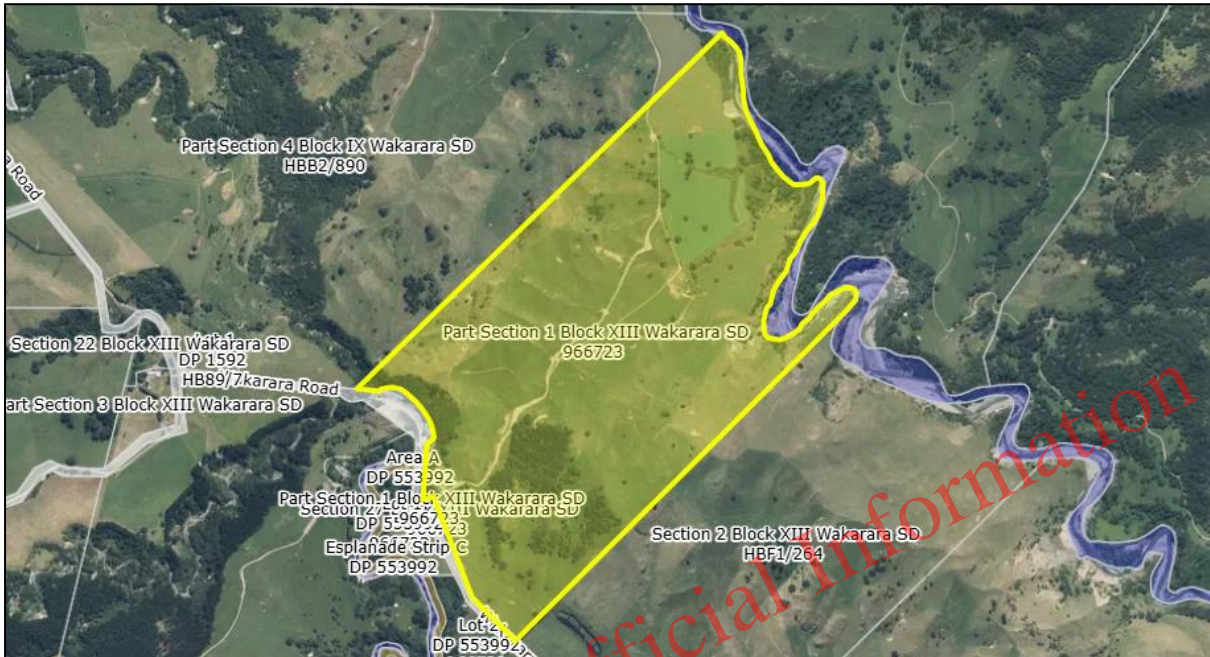
Area 6 is not subject to Part IVA of the Act. Furthermore, disposal of Area 6 by its landowner is not considered a disposition by the Crown under that Act.

Area 7 – Part Section 4 Block IX Wakarara SD



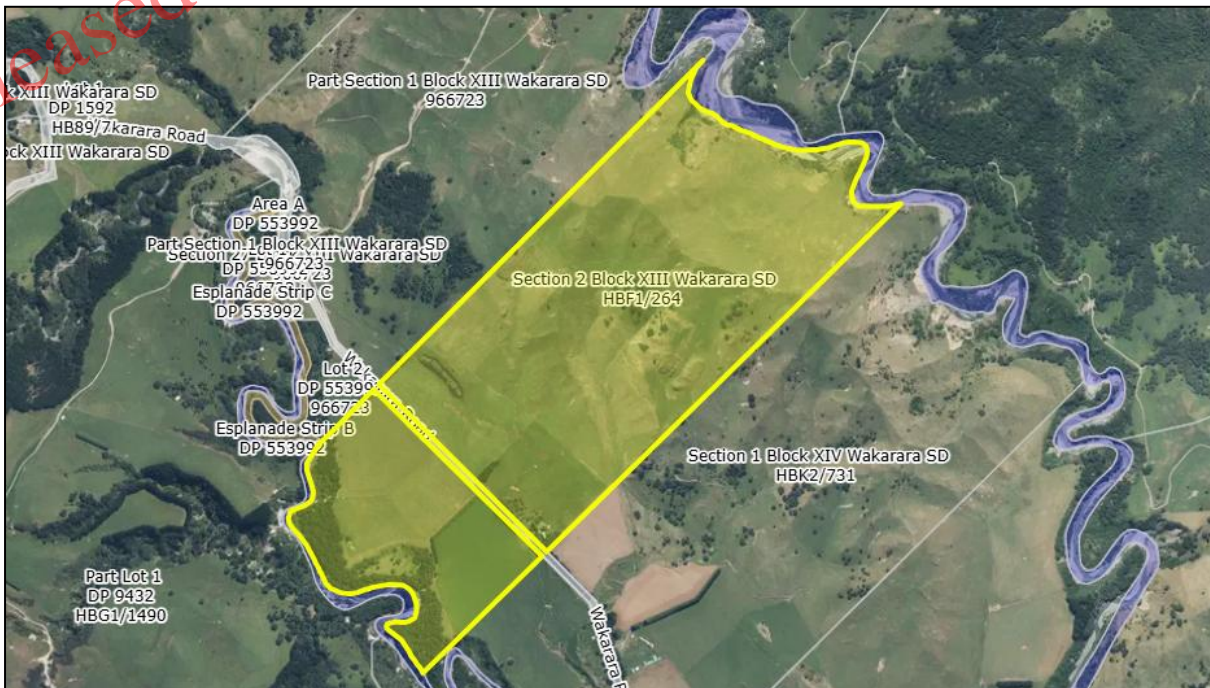
Area 7 is not subject to Part IVA of the Act. Furthermore, disposal of Area 7 by its landowner is not considered a disposition by the Crown under that Act.

Area 8 – Part Section 1 Block XIII Wakarara SD



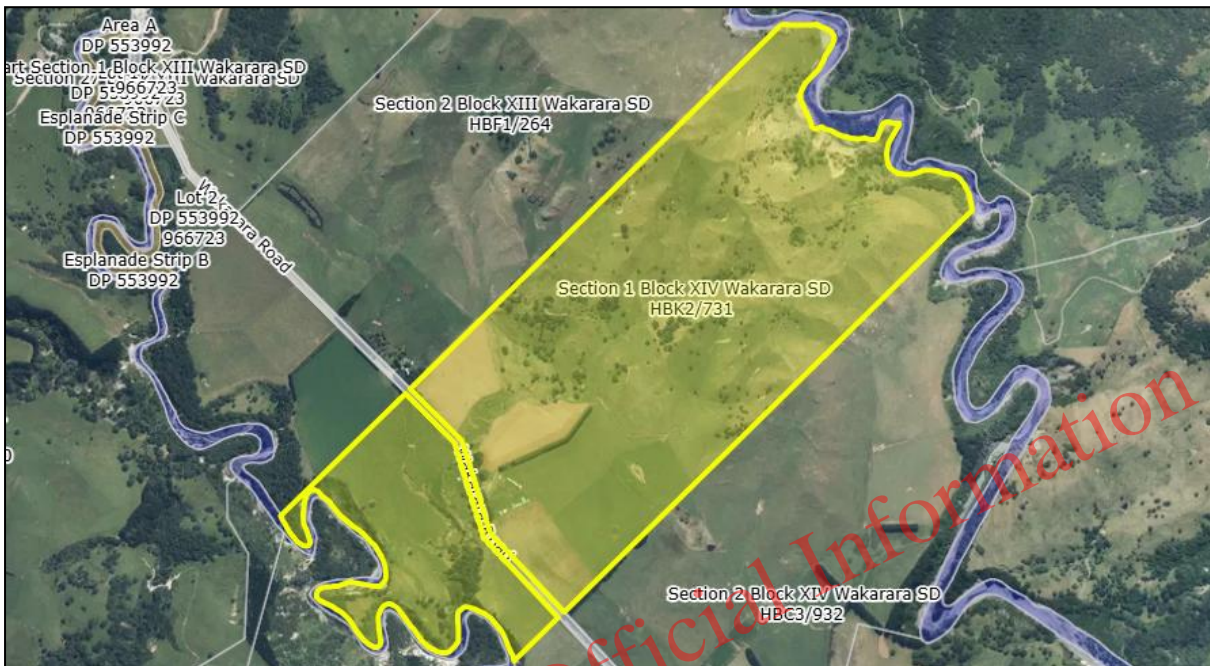
Area 8 is not subject to Part IVA of the Act. Furthermore, disposal of Area 8 by its landowner is not considered a disposition by the Crown under that Act.

Area 9 – Section 2 Block XIII Wakarara SD



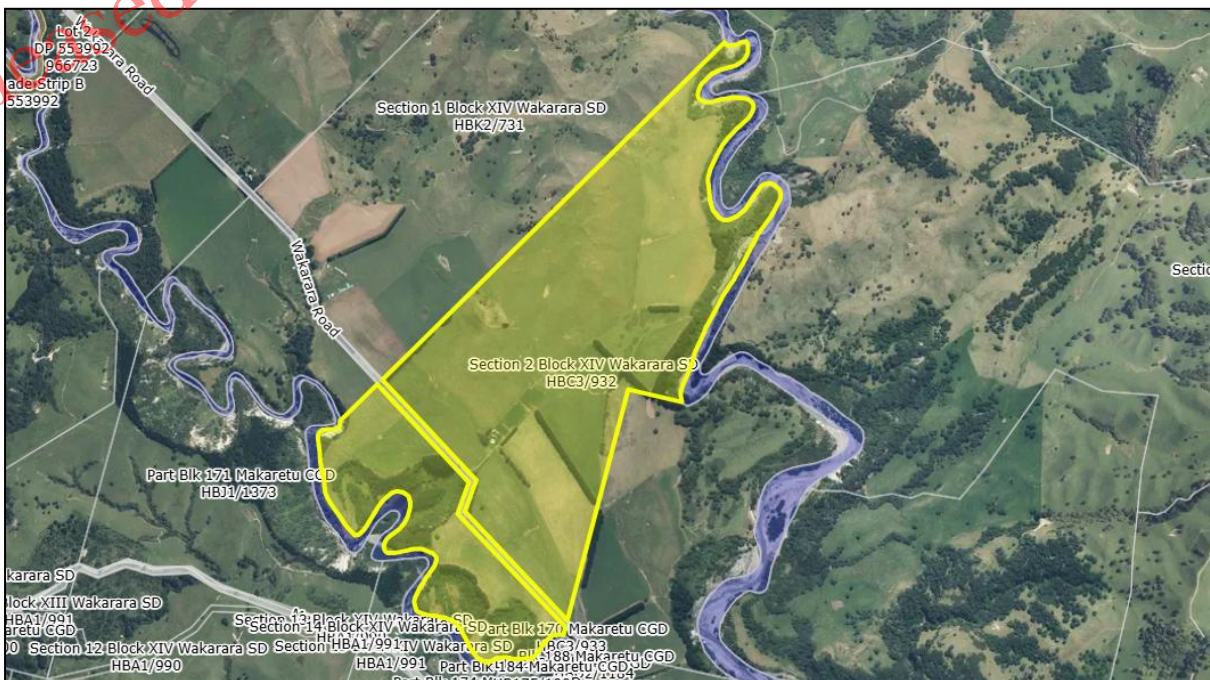
Area 9 is not subject to Part IVA of the Act. Furthermore, disposal of Area 9 by its landowner is not considered a disposition by the Crown under that Act.

Area 10 – Section 1 Block XIV Wakarara SD



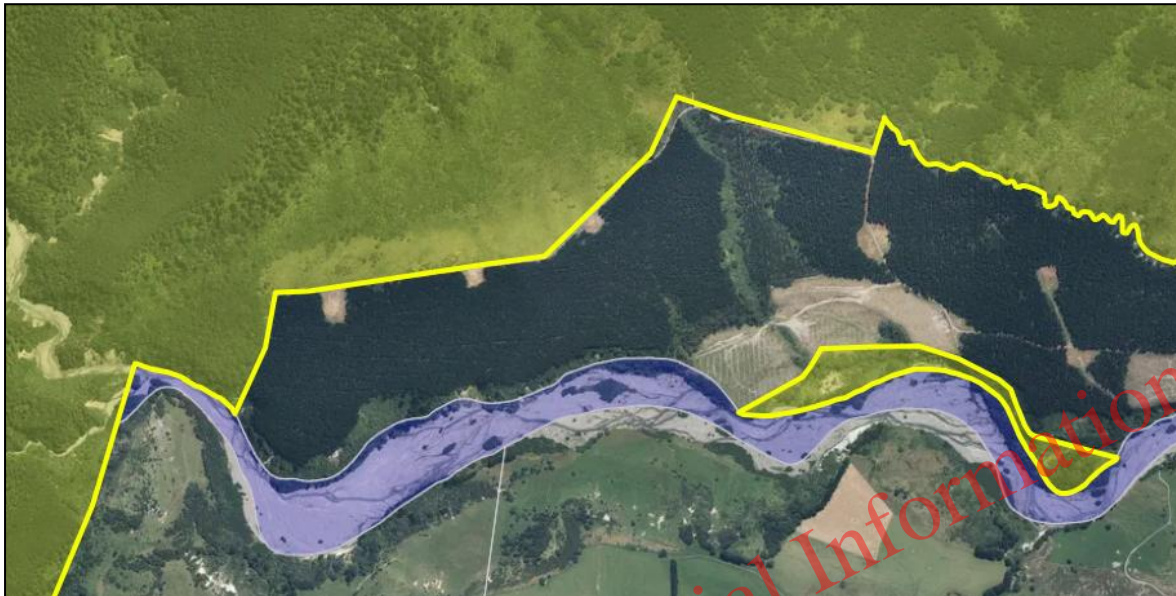
Area 10 is not subject to Part IVA of the Act. Furthermore, disposal of Area 10 by its landowner is not considered a disposition by the Crown under that Act.

Area 11 – Section 2 Block XIV Wakarara SD



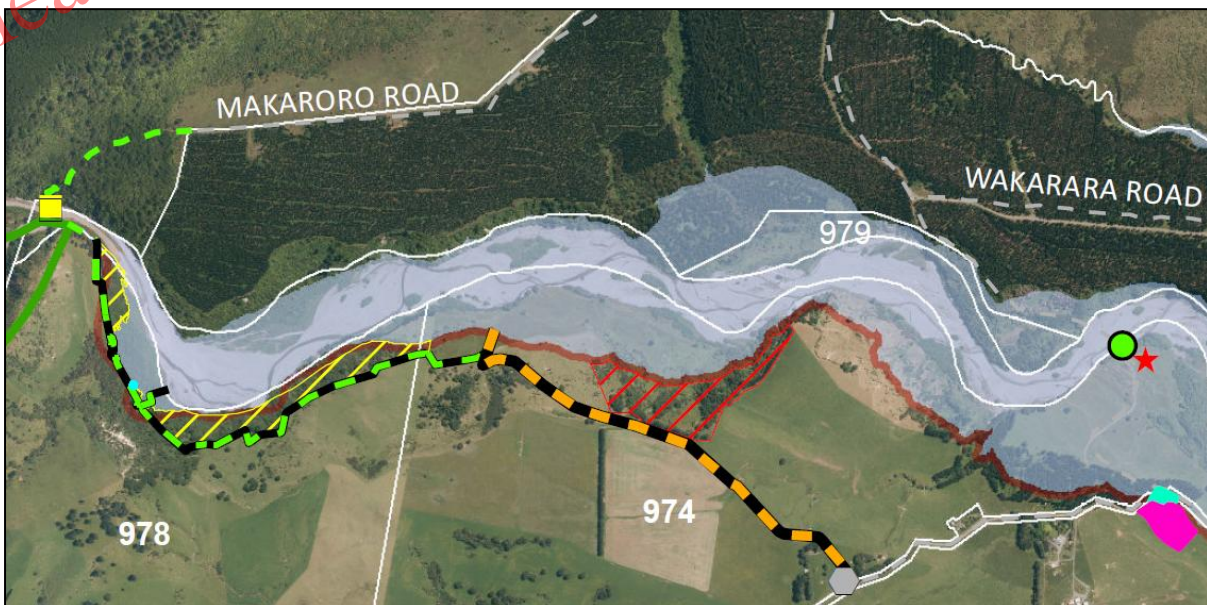
Area 11 is not subject to Part IVA of the Act. Furthermore, disposal of Area 11 by its landowner is not considered a disposition by the Crown under that Act.

Areas 12 and 14 – Ruahine State Forest Park



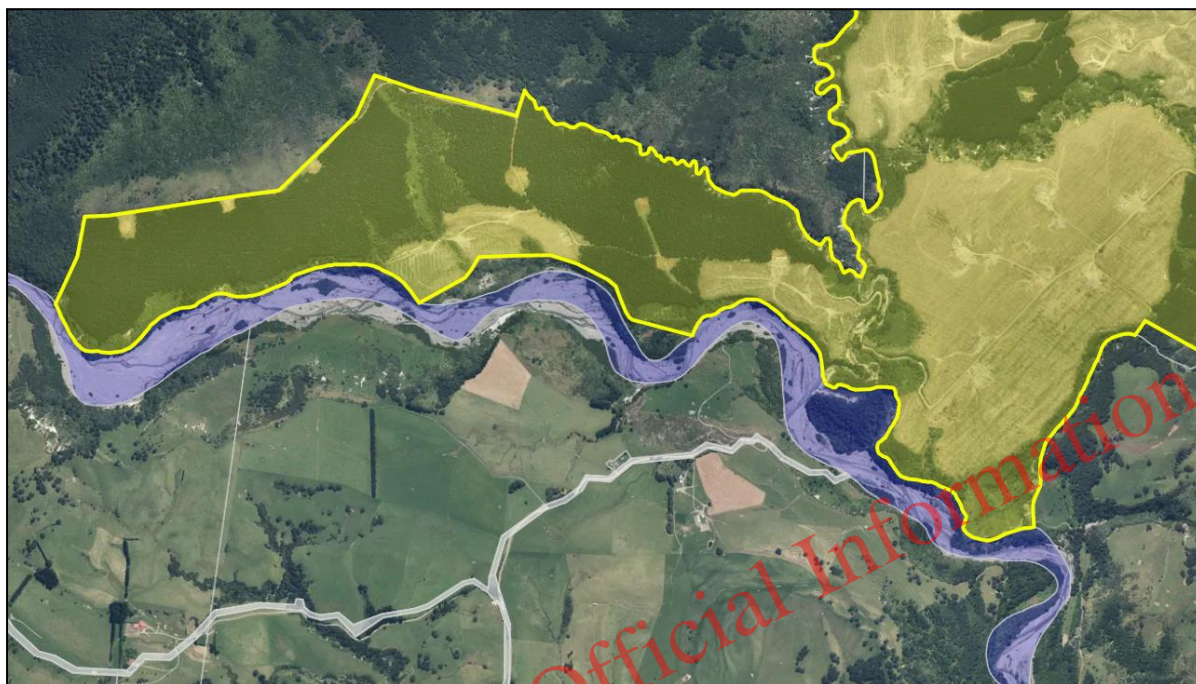
These areas are not currently subject to a marginal strip reservation. However, being that these areas are deemed to be a Conservation Park pursuant to section 61(2) of the Act and are administered by DoC, marginal strips will be created on any disposition of Areas 12 and 14 unless declared exempt. Any marginal strips will be subject to Part IVA of the Conservation Act 1987 as currently enacted.

The plan below shows the anticipated area of inundation shaded in powdery grey/blue and the boundaries of the existing parcels in white.



From review of this plan, it appears that the majority of Area 14 will be inundated, and any of the balance will likely be subject to a marginal strip reservation.

## Area 13 – Lot 1 DP 21614



A marginal strip was reserved from Area 13 when a Crown Forestry Licence under section 30 of the Crown Forest Assets Act 1989 was granted on 30 April 1991. This is because a Crown Forestry Licence is considered a disposition by the Crown pursuant to section 24(9) of the Act. Subsequent transactions are noted as either being subject to section 24(9) or Part IVA of the Act. The memorial on current Record of Title 1075329 expressly excludes sections 24A and 24AA (powers to reduce, or increase, the width of a marginal strip) of the Act.

As the marginal strip was reserved from Area 13 after the Conservation Law Reform Act 1990 came into force, section 24G of the Act applies. Therefore, a new marginal strip will be created along the new margins of the Makaroro River following the reservoir inundation, i.e. the marginal strip will move with the margins of the river.

We note that the boundaries of this marginal strip have not been legally defined but will currently be 20 metres wide from the existing landward margin with the Makaroro River.

### Island/Dry Land in Makaroro River



The above land holds the same status as Areas 12 and 14. We have not viewed any evidence to suggest that this area is subject to an existing marginal strip reservation. However, marginal strips will be created on any disposition of this area unless declared exempt. A marginal strip will be created under Part IVA of the Conservation Act 1987.

### Makaroro Stream

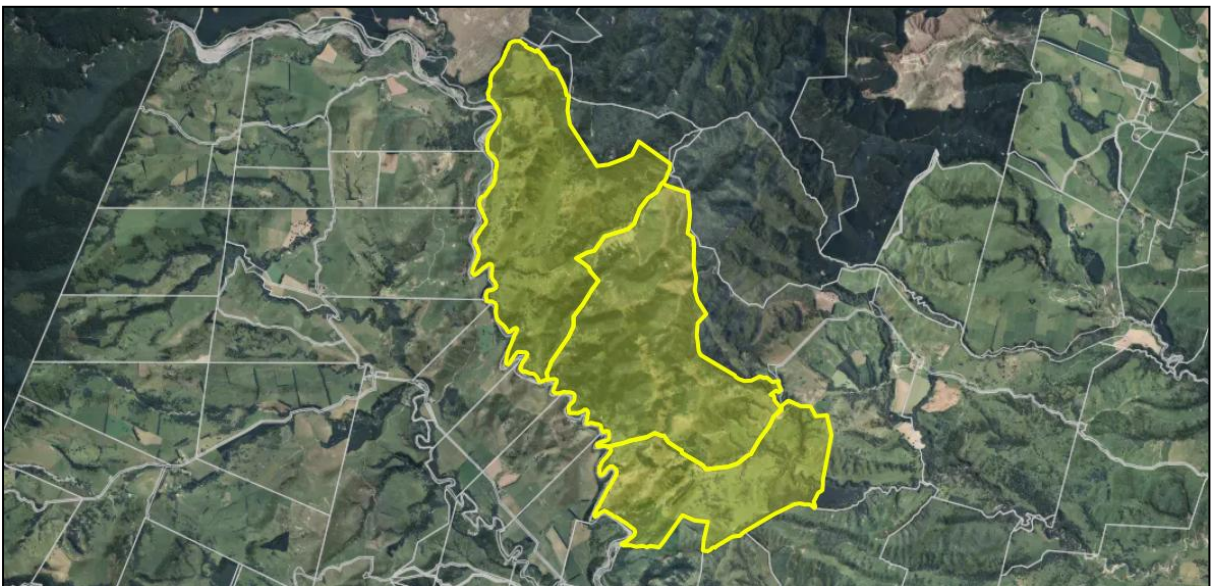
We note that there is currently an undefined stream, flowing south and downstream until it connects with the Makaroro River. This stream is largely located on the boundary of Areas 12 and 13 but also adjoins Part Otaranga Block, held in Record of Title 1095914 by His Majesty the King. This is also part of the Ruahine State Forest and has the same status as Areas 12 and 14. The below aerial map shows the route of the Makaroro Stream in blue.



Assuming the bed of the Makaroro Stream is greater than 3 metres wide, marginal strips will also be reserved from disposition adjoining the Makaroro Stream within Area 12. If the Makaroro Stream is presently greater than 3 metres wide, a marginal strip will have been reserved from sale within Area 13.

As advised in the Overview, we recommend engagement of a qualified surveyor to determine the new boundaries of the affected riverbeds and assess whether any marginal strip is required upon disposition.

**Area 15, Area 16, and Area 17 – Part Section 3 Block X Wakarara SD, Section 4 Block X Wakarara SD, Section 7 Block XIV Wakarara SD**



**Email Memorandum**



These areas are held by the Public Trust in trust as a permanent endowment under the Howard Estate Act 1978. Therefore, Areas 15-17 are not subject to Part IVA of the Act and marginal strips will not be required upon disposition.

Please let us know if you would like to discuss the advice contained within this report, or if DoC requires additional information.

Yours sincerely

**Prepared by:**

s9(2)(a)

**Amber Underwood**

Property Consultant

s9(2)(a)

s9(2)(a)

**Reviewed by:**

s9(2)(a)

**Reviewer's Name**

Jackie Haynes

s9(2)(a)

s9(2)(a)

Released under the Official Information Act

**From:** Philip McKay [s9(2)(a)] >  
**Sent:** Thursday, 8 January 2026 9:39 pm  
**To:** Amy Robinson  
**Cc:** mike.scott; James Winchester  
**Subject:** TWSL Withdrawal of FTAA Land Exchange Application  
**Attachments:** 2026.01.08 - TWSL Withdrawal of FTAA Land Exchange Application.pdf

Kia ora Amy,  
Please find attached a letter advising of the withdrawal of the TWSL land exchange application due to the Schedule 2 scope issue previously discussed.  
Please do not hesitate to contact me if you have any queries.  
Ngā mihi  
Phil

 **Philip McKay**  
Partner

[s9(2)(a)] | PO Box 149, Napier 4140  
[www.mitchelldaysh.co.nz](http://www.mitchelldaysh.co.nz)

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8 January 2026

Amy Robinson  
Department of Conservation

via e-mail: amrobinson@doc.govt.nz

Dear Amy

**RE: Tukituki Water Security Limited – Withdrawal of Land Exchange Application - Fast-track Approvals Act 2024**

I refer to the land exchange application lodged by Tukituki Water Security Limited (“TWSL”) on 28 November 2025 under section 33 of the Fast-track Approvals Act 2024 (“FTAA”). Hereafter referred to as the ‘TWSL Application’.

As you are aware the TWSL Application was lodged on the basis that the proposed land exchange was within the scope of Schedule 2 of the FTAA for the Tukituki Water Security project description. As per our post lodgement discussion TWSL accepts that with an alternative interpretation of Schedule 2 the description listed under the ‘Approximate geographical location’ heading which refers to “...22 hectares at Ruahine Forest Park, Hawke’s Bay”, the application to exchange 29.7 hectares of Ruahine Forest Park and additional Crown Marginal Strips may be considered ‘out of scope’. Accordingly, TWSL hereby withdraws the TWSL Application.

TWSL has applied to the Ministry for the Environment for an Order in Council to amend Schedule 2 of the FTAA as it relates to the Tukituki Water Security project to provide scope for the required land exchange.<sup>1</sup> It is the intention of TWSL to reodge its land exchange application as soon as possible after any Order in Council to amend FTAA Schedule 2 as applied for.

---

<sup>1</sup> As enabled by the Fast-track Approvals Amendment Act 2025 (which came into force on 17 December 2025).

Please do not hesitate to contact me if you have any queries.

Yours sincerely,

s9(2)(a)

Philip McKay  
Partner, Mitchell Daysh Limited

s9(2)(a)

s9(2)(a)

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**From:** Jenni Fitzgerald  
**Sent:** Friday, 9 January 2026 8:50 am  
**To:** Jane Borthwick  
**Cc:** Jennifer Caldwell; Helen Atkins | Atkins Law; Richard Preece;  
Fast-Track Info; Amy Robinson  
**Subject:** RE: Land exchange application - Tukituki

Morning all and Happy New Year.

Please note we have today received notification from the applicant that this application is withdrawn while they pursue an OIC to amend their project description.

Kind regards  
Jenni

---

**From:** Jane Borthwick <jane.borthwick@[REDACTED]>  
**Sent:** Tuesday, 2 December 2025 3:39 pm  
**To:** Jenni Fitzgerald <jefitzgerald@doc.govt.nz>  
**Cc:** Jennifer Caldwell [REDACTED]; Helen Atkins | Atkins Law  
<[REDACTED]>; Richard Preece <richard.preece@epa.govt.nz>; Fast-Track Info  
<info@fasttrack.govt.nz>; Amy Robinson <amrobinson@doc.govt.nz>  
**Subject:** RE: Land exchange application - Tukituki

Many thanks Jenny.

Nāku noa, nā

**Jane Borthwick**  
Panel convener for the purpose of the Fast-track Approvals Act 2024



Fast-track is administered by the Environmental Protection Authority.

[REDACTED]

[REDACTED] jane.borthwick@[REDACTED]

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**From:** Jenni Fitzgerald <jefitzgerald@doc.govt.nz>  
**Sent:** Tuesday, December 2, 2025 3:13 PM  
**To:** jane.borthwick@[REDACTED]  
**Cc:** Jennifer Caldwell [REDACTED]; Helen Atkins | Atkins Law  
[REDACTED]; Richard Preece <richard.preece@epa.govt.nz>; Fast-Track Info

<[info@fasttrack.govt.nz](mailto:info@fasttrack.govt.nz)>; Amy Robinson <[amrobinson@doc.govt.nz](mailto:amrobinson@doc.govt.nz)>

**Subject:** Land exchange application - Tukituki

Kia ora Jane

Please find attached correspondence relating to a land exchange application now received. Our decision on completeness is due 13 January and we'll be in touch further following this.

Ngā mihi  
Jenni

**Jenni Fitzgerald**

Manager Fast Track Applications

Te Papa Atawhai | Department of Conservation

Whare Kaupapa Atawhai | Conservation House  
18 - 32 Manners St | PO Box 10 420, Wellington 6143  
Phone: s9(2)(a)

[www.doc.govt.nz](http://www.doc.govt.nz)

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**From:** Sarah Budd [s9(2)(a)]  
**Sent:** Friday, 9 January 2026 8:55 am  
**To:** Amy Robinson  
**Cc:** Nick Goldwater  
**Subject:** RE: TWSL Withdrawal of FTAA Land Exchange Application

Thanks Amy,

I've asked our accounts team to prepare an invoice.

Cheers,



### Sarah Budd

Principal Ecologist, Auckland Ecology Team Leader and Coordinator

P [s9(2)(a)] M [s9(2)(a)]  
[wildlands.co.nz](http://wildlands.co.nz)

Call Free 0508 945 369

12 Nixon Street, Grey Lynn, Auckland 1021

Wildlands staff are located in Rotorua, Bay of Islands, Whangarei, Auckland, Hamilton, Tauranga, Wellington, Christchurch, Dunedin, Wanaka, Queenstown, and Invercargill.



**From:** Amy Robinson <amrobinson@doc.govt.nz>  
**Sent:** Friday, 9 January 2026 8:30 am  
**To:** Jeremy Prebble <jeremy.prebble@hawkestone.co.nz>; Craig Jones <chjones@doc.govt.nz>; Michael Harbrow <mharbrow@doc.govt.nz>; Richard Nester <rnerster@doc.govt.nz>; Sarah Budd <[s9(2)(a)]> Nick Goldwater <[s9(2)(a)]>; Rachael Mora <rmora@doc.govt.nz>; Kev Carter <kecarter@doc.govt.nz>  
**Subject:** FW: TWSL Withdrawal of FTAA Land Exchange Application

Mōrena team

I hope you all had a good break. This is a quick note to let you know that the Tukituki fast-track application has been withdrawn, as it has been decided that the area of land they applied to exchange exceeds that listed in the Act and therefore the application is out of scope. This was discovered through Craig's great work.

The applicant is now seeking an Order in Council to change the Act so that it includes the full site proposed, and once that process has been completed they intend to relodge. The work we have done so far will remain valid for the subsequent application.

Can I please ask that all time you have spent on the project has been charged to it in [Time](#) as the Fast-track team will need to wrap up the project and provide a final invoice to TWSL.

Thanks for your efforts so far and I will keep you informed of any progress and timing of relodgement as I become aware.

Ngā mihi  
Amy

**From:** Philip McKay [s9(2)(a)]  
**Sent:** Thursday, 8 January 2026 9:39 pm  
**To:** Amy Robinson <amrobinson@doc.govt.nz>  
**Cc:** mike.scott [s9(2)(a)]; James Winchester [s9(2)(a)]  
**Subject:** TWSL Withdrawal of FTAA Land Exchange Application

Kia ora Amy,

Released under the Official Information Act

Please find attached a letter advising of the withdrawal of the TWSL land exchange application due to the Schedule 2 scope issue previously discussed.  
Please do not hesitate to contact me if you have any queries.  
Ngā mihi  
Phil

 **Philip McKay**  
Partner

s9(2)(a) | PO Box 149, Napier 4140  
[www.mitchelldaysh.co.nz](http://www.mitchelldaysh.co.nz)

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**From:** Philip McKay [s9\(2\)\(a\)](mailto:s9(2)(a)@mitchelldaysh.co.nz)  
**Sent:** Monday, 12 January 2026 11:24 am  
**To:** Amy Robinson  
**Subject:** RE: Tukituki completeness check

Good morning Amy,  
Thank you, receipt acknowledged. I have read through and digested and will forward on to our team. This is helpful information, which we will address in the redlodged application.  
Kind regards,  
Phil

 **Philip McKay**  
Partner

[s9\(2\)\(a\)](mailto:s9(2)(a)@mitchelldaysh.co.nz) | PO Box 149, Napier 4140  
[www.mitchelldaysh.co.nz](http://www.mitchelldaysh.co.nz)

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**From:** Amy Robinson <[amrobinson@doc.govt.nz](mailto:amrobinson@doc.govt.nz)>  
**Sent:** Monday, January 12, 2026 10:51 AM  
**To:** Philip McKay [s9\(2\)\(a\)](mailto:s9(2)(a)@mitchelldaysh.co.nz) >  
**Subject:** FW: Tukituki completeness check

Good morning Phil

For your information I have attached a document from Craig relating to the marginal strips along Dutch Creek matter, including his comments below, following receipt of the TPG report last week. Please let me know if you have any question on this and I can follow up with Craig.

Thanks and regards  
Amy

---

**From:** Craig Jones <[chjones@doc.govt.nz](mailto:chjones@doc.govt.nz)>  
**Sent:** Wednesday, 7 January 2026 11:38 am  
**To:** Amy Robinson <[amrobinson@doc.govt.nz](mailto:amrobinson@doc.govt.nz)>  
**Cc:** Jeremy Prebble <[jeremy.prebble@hawkestone.co.nz](mailto:jeremy.prebble@hawkestone.co.nz)>  
**Subject:** RE: Tukituki completeness check

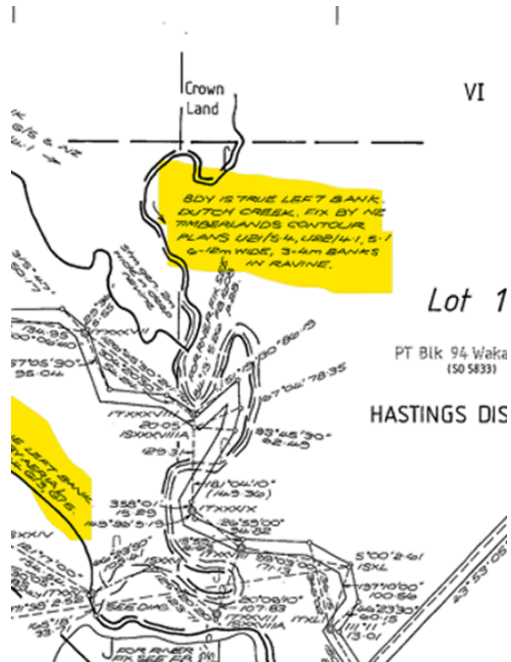
Kia ora Amy

Thanks for the latest TPG memo re marginal strips.

Here are my SLM disclosures for the forest park and marginal strip areas – along with attachments for each.

The main thing is I can confirm marginal strips exist along Dutch Creek given when this was disposed in 1991 of it was surveyed as being '6-12m wide' (refer DP 21614 Sheet 3 (Image 6b – page 9 DOC-10611211) – and snipped here for your ease of reference. TPG in their latest memo are incorrect on their page 13 where they claim 'if the Makaroro Stream [Dutch Creek] is presently greater than 3 metres wide.....' the relevant time was the time of disposition – not 'presently'. Therefore, no surveying is required to assess whether a marginal strip applies or not.

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FT - DRAFT land status check template - Tukituki - SLM - Ruahine Forest Park  
<https://doccm.doc.govt.nz/cwxv4/wcc/faces/wccdoc?dDocName=DOC-10611206>  
 SLM - Tukituki fast-track - disclosure attachments for forest park incl. island parcel  
<https://doccm.doc.govt.nz/cwxv4/wcc/faces/wccdoc?dDocName=DOC-10611208>

FT - DRAFT land status check template - Tukituki - SLM - marginal strips  
<https://doccm.doc.govt.nz/cwxv4/wcc/faces/wccdoc?dDocName=DOC-10611210>  
 SLM - Tukituki fast track - parcels where marginal strip notation exists on title  
<https://doccm.doc.govt.nz/cwxv4/wcc/faces/wccdoc?dDocName=DOC-10611211>  
 Mauri ora

Craig

Craig Jones  
 Senior Statutory Land Management Advisor *Kaitohutohu Turewhenua*  
 Department of Conservation – *Te Papa Atawhai*

---

**From:** Amy Robinson <[amrobinson@doc.govt.nz](mailto:amrobinson@doc.govt.nz)>  
**Sent:** Wednesday, 7 January 2026 9:13 am  
**To:** Craig Jones <[chjones@doc.govt.nz](mailto:chjones@doc.govt.nz)>  
**Cc:** Jeremy Prebble <[jeremy.prebble@hawkestone.co.nz](mailto:jeremy.prebble@hawkestone.co.nz)>  
**Subject:** FW: Tukituki completeness check

Kia ora Craig – happy new year. I hope you had a relaxing break.  
 Attached is a memo from the Property Group in relation to the Makaroro River marginal strips, as per the email chain below. Could you please let me know if there is anything further needed on this matter? Thank you.

Ngā mihi  
 Amy

---

**From:** Philip McKay [s9\(2\)\(a\)](mailto:s9(2)(a)@doc.govt.nz)  
**Sent:** Tuesday, 6 January 2026 4:29 pm  
**To:** Amy Robinson <[amrobinson@doc.govt.nz](mailto:amrobinson@doc.govt.nz)>  
**Cc:** mike.scott [s9\(2\)\(a\)](mailto:s9(2)(a)@doc.govt.nz); James Winchester [s9\(2\)\(a\)](mailto:s9(2)(a)@doc.govt.nz)  
**Subject:** RE: Tukituki completeness check

Kia ora Amy and Happy New Year.  
Please find attached a report from The Property Group on the matter raised by Craig in the e-mail below.  
Kind regards  
Phil

 **Philip McKay**  
Partner

**S9(2)(a)** | PO Box 149, Napier 4140  
[www.mitchelldaysh.co.nz](http://www.mitchelldaysh.co.nz)

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**From:** Amy Robinson <[amrobinson@doc.govt.nz](mailto:amrobinson@doc.govt.nz)>  
**Sent:** Friday, December 19, 2025 9:59 AM  
**To:** Philip McKay <**S9(2)(a)**>  
**Subject:** FW: Tukituki completeness check

As discussed

---

**From:** Craig Jones <[chjones@doc.govt.nz](mailto:chjones@doc.govt.nz)>  
**Sent:** Tuesday, 16 December 2025 11:59 am  
**To:** Amy Robinson <[amrobinson@doc.govt.nz](mailto:amrobinson@doc.govt.nz)>; Richard Nester <[rnester@doc.govt.nz](mailto:rnester@doc.govt.nz)>; Michael Harbrow <[mharbrow@doc.govt.nz](mailto:mharbrow@doc.govt.nz)>; Sarah Budd <**S9(2)(a)**>; Nick Goldwater <**S9(2)(a)**>  
**Cc:** Jeremy Prebble <[jeremy.prebble@hawkestone.co.nz](mailto:jeremy.prebble@hawkestone.co.nz)>; Rachael Mora <[rmora@doc.govt.nz](mailto:rmora@doc.govt.nz)>; Kev Carter <[kecarter@doc.govt.nz](mailto:kecarter@doc.govt.nz)>  
**Subject:** RE: Tukituki completeness check

Kia ora Amy

Given the marginal strip notation on the title which we have advised the applicant is relevant to Makaroro River, there may be additional moveable marginal strips along Dutch Creek (or potentially other waterways 3m + wide in the yellow parcel highlighted in the image below where they fall within the proposed lake inundation area). I understand that hasn't been discussed/addressed as part of the application to date.

Mauri ora

Craig

Craig Jones  
Senior Statutory Land Management Advisor *Kaitohutohu Turewhenua*  
Department of Conservation – *Te Papa Atawhai*

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Parcel ID ▼

Q 4205194

**Parcel Details 4205194**

Parcel ID:	4205194
Address:	
Legal Parcel:	Lot 1 DP 21614
Centroid:	
Parcel Intent:	Digital Cadastral Database Conversion
Status:	Current
Non-survey Definition:	
Land District:	Napier
Area:	3,056.0000 ha
Calculated Area:	
Statutes:	
Titles:	Freehold: <a href="#">1075329 Records Embodied in the Register: HBPI/1401</a>
Owners:	Pan Pac Forest Products Limited Kaweka Gwavas Forestry Company Limited

**From:** Amy Robinson <[amrobinson@doc.govt.nz](mailto:amrobinson@doc.govt.nz)>  
**Sent:** Tuesday, 16 December 2025 11:35 am  
**To:** Craig Jones <[chjones@doc.govt.nz](mailto:chjones@doc.govt.nz)>; Richard Nester <[rvester@doc.govt.nz](mailto:rvester@doc.govt.nz)>; Michael Harbrow <[mharbrow@doc.govt.nz](mailto:mharbrow@doc.govt.nz)>; Sarah Budd <[srbudd@doc.govt.nz](mailto:srbudd@doc.govt.nz)>; Nick Goldwater <[ngoldwater@doc.govt.nz](mailto:ngoldwater@doc.govt.nz)>  
**Cc:** Jeremy Prebble <[jeremy.prebble@hawkestone.co.nz](mailto:jeremy.prebble@hawkestone.co.nz)>; Rachael Mora <[rmora@doc.govt.nz](mailto:rmora@doc.govt.nz)>; Kev Carter <[kecarter@doc.govt.nz](mailto:kecarter@doc.govt.nz)>  
**Subject:** Tukituki completeness check

Hi everyone

[Redacted] Could you please let me know where you have landed or where you think you might land with the Tukituki completeness check.

The fundamental question we need to answer is whether the information provided is sufficient and of appropriate quality to enable relevant values assessments to be undertaken, so please do let me know if you have detected and red flags.

We are still working through the scope matter, but I shall let you know where we land once a decision has been made.

Thanks and I look forward to hearing back.

Kind regards  
Amy

Amy Robinson  
 Project Manager Fast Track Consenting (Contractor)  
 Hamilton | Kirikiriroa  
 Phone: [0755211211](tel:0755211211)

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**From:** Philip McKay [S9(2)(a)]  
**Sent:** Monday, 9 February 2026 1:45 pm  
**To:** Amy Robinson  
**Subject:** RE: Tukituki completeness check

Great thanks Amy for the reminder. I will just send out a meeting request later on this afternoon and adjust the time as necessary if it doesn't suit the others.  
Cheers  
Phil

 **Philip McKay**  
Partner

[S9(2)(a)] | PO Box 149, Napier 4140  
[www.mitchelldaysh.co.nz](http://www.mitchelldaysh.co.nz)

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**From:** Amy Robinson <amrobinson@doc.govt.nz>  
**Sent:** Monday, February 9, 2026 1:01 PM  
**To:** Philip McKay [S9(2)(a)]  
**Subject:** RE: Tukituki completeness check

Hi Phil – just following up on this. Did you manage to get feedback on a meeting time?  
I am free all that day and believe Jeremy is also

Thanks  
Amy

---

**From:** Philip McKay [S9(2)(a)]  
**Sent:** Tuesday, 3 February 2026 2:14 pm  
**To:** Amy Robinson <amrobinson@doc.govt.nz>  
**Cc:** mike.scott [S9(2)(a)]; James Winchester [S9(2)(a)]; Rebecca Mackenzie [S9(2)(a)]  
**Subject:** RE: Tukituki completeness check

That sounds perfect thanks Amy.  
Please let me know if anyone has any time preferences for the 11<sup>th</sup> (except Mike who I know is away) and I will send out a meeting request.  
Thanks  
Phil

 **Philip McKay**  
Partner

[S9(2)(a)] | PO Box 149, Napier 4140  
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**From:** Amy Robinson <amrobinson@doc.govt.nz>  
**Sent:** Tuesday, February 3, 2026 1:04 PM  
**To:** Philip McKay [S9(2)(a)]  
**Cc:** mike.scott [S9(2)(a)]; James Winchester [S9(2)(a)]; Rebecca Mackenzie [S9(2)(a)]  
**Subject:** RE: Tukituki completeness check

Hi Phil – we can meet on the 11<sup>th</sup> if that's okay with your team.  
It will just be Jeremy and myself, unless you think we need in cast the net wider?

Kind regards  
Amy

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**From:** Philip McKay [S9(2)(a)]  
**Sent:** Tuesday, 3 February 2026 11:34 am  
**To:** Amy Robinson <[amrobinson@doc.govt.nz](mailto:amrobinson@doc.govt.nz)>  
**Cc:** mike.scott [S9(2)(a)]; James Winchester [S9(2)(a)]; Rebecca Mackenzie [S9(2)(a)]  
**Subject:** RE: Tukituki completeness check

Kia ora Amy,  
Just checking in with you on the Tukituki project. It sounds like the OIC to change Schedule 2 my go through later this month. In the meantime, we would like to have a Teams Meeting with you and whoever else is appropriate from the DOC team to discuss the Crown Marginal Strip issues identified by Craig Jones.  
We have looked into this matter further and would like to talk through the best approach for our soon to be redogged land exchange application.  
How would your team be placed for a meeting either Wednesday 11<sup>th</sup>, Thursday 12<sup>th</sup>, or Friday 13<sup>th</sup> Feb?  
Kind regards,  
Phil

---

**From:** Amy Robinson <[amrobinson@doc.govt.nz](mailto:amrobinson@doc.govt.nz)>  
**Sent:** Wednesday, January 7, 2026 9:11 AM  
**To:** Philip McKay [S9(2)(a)]  
**Cc:** mike.scott [S9(2)(a)]; James Winchester [S9(2)(a)]  
**Subject:** RE: Tukituki completeness check

Hi Phil – happy new year to you too. I hope you had a relaxing break.  
Thanks for providing this report, I shall forward it on to Craig.

Kind regards  
Amy

---

**From:** Philip McKay [S9(2)(a)]  
**Sent:** Tuesday, 6 January 2026 4:29 pm  
**To:** Amy Robinson <[amrobinson@doc.govt.nz](mailto:amrobinson@doc.govt.nz)>  
**Cc:** mike.scott [S9(2)(a)]; James Winchester [S9(2)(a)]  
**Subject:** RE: Tukituki completeness check

Kia ora Amy and Happy New Year.  
Please find attached a report from The Property Group on the matter raised by Craig in the e-mail below.  
Kind regards  
Phil

**Philip McKay**  
Partner

[S9(2)(a)] | PO Box 149, Napier 4140  
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**From:** Amy Robinson <[amrobinson@doc.govt.nz](mailto:amrobinson@doc.govt.nz)>  
**Sent:** Friday, December 19, 2025 9:59 AM  
**To:** Philip McKay [S9(2)(a)]  
**Subject:** FW: Tukituki completeness check

As discussed

---

**From:** Craig Jones <[chjones@doc.govt.nz](mailto:chjones@doc.govt.nz)>  
**Sent:** Tuesday, 16 December 2025 11:59 am  
**To:** Amy Robinson <[amrobinson@doc.govt.nz](mailto:amrobinson@doc.govt.nz)>; Richard Nester <[rnester@doc.govt.nz](mailto:rnester@doc.govt.nz)>; Michael Harbrow <[mharbrow@doc.govt.nz](mailto:mharbrow@doc.govt.nz)>; Sarah Budd [S9(2)(a)]; Nick Goldwater [S9(2)(a)]  
**Cc:** Jeremy Prebble <[jeremy.prebble@hawkestone.co.nz](mailto:jeremy.prebble@hawkestone.co.nz)>; Rachael Mora <[rmora@doc.govt.nz](mailto:rmora@doc.govt.nz)>; Kev Carter <[kecarter@doc.govt.nz](mailto:kecarter@doc.govt.nz)>  
**Subject:** RE: Tukituki completeness check

Kia ora Amy

Given the marginal strip notation on the title which we have advised the applicant is relevant to Makaroro River, there may be additional moveable marginal strips along Dutch Creek (or potentially other waterways 3m + wide in the yellow parcel highlighted in the image below where they fall within the proposed lake inundation area). I understand that hasn't been discussed/addressed as part of the application to date.

Mauri ora

Craig

Craig Jones  
Senior Statutory Land Management Advisor *Kaitohutohu Turewhenua*  
Department of Conservation – *Te Papa Atawhai*

The screenshot shows the PREMIERE web application interface. On the left, a sidebar displays 'Parcel Details 4205194' with the following information:

- Parcel ID: 4205194
- Address:
- Legal Parcel: Lot 1 DP 21614
- Centroid:
- Parcel Intent: Digital Cadastral Database Conversion
- Status: Current
- Non-survey Definition:
- Land District: Napier
- Area: 3,056.0000 ha
- Calculated Area:
- Statutes:
- Titles: [Freehold: 1076329 Records](#), [Embodied in the Register: HBP 1/1401](#)
- Owners: Pan Pac Forest Products Limited, Kaweka Gwavas Forestry Company Limited

The main area displays a topographic map of the region, showing contour lines, roads, and water features. A yellow parcel is highlighted on the map. Labels on the map include 'Anderson', 'Moore', 'Historic mill site', 'Tongahiti Lodge', and 'Wakarara'. A search bar at the top right contains the text 'Parcel ID' and '4205194'. A large red watermark 'Released under the Official Information Act' is overlaid diagonally across the map.

**From:** Amy Robinson <[amrobinson@doc.govt.nz](mailto:amrobinson@doc.govt.nz)>  
**Sent:** Tuesday, 16 December 2025 11:35 am  
**To:** Craig Jones <[chjones@doc.govt.nz](mailto:chjones@doc.govt.nz)>; Richard Nester <[rnester@doc.govt.nz](mailto:rnester@doc.govt.nz)>; Michael Harbrow <[mharbrow@doc.govt.nz](mailto:mharbrow@doc.govt.nz)>; Sarah Budd <[sbudd@doc.govt.nz](mailto:sbudd@doc.govt.nz)>; Nick Goldwater <[ngoldwater@doc.govt.nz](mailto:ngoldwater@doc.govt.nz)>  
**Cc:** Jeremy Prebble <[jeremy.prebble@hawkestone.co.nz](mailto:jeremy.prebble@hawkestone.co.nz)>; Rachael Mora <[rmora@doc.govt.nz](mailto:rmora@doc.govt.nz)>; Kev Carter <[kecarter@doc.govt.nz](mailto:kecarter@doc.govt.nz)>  
**Subject:** Tukituki completeness check

Hi everyone

Out of scope [REDACTED] Could you please let me know where you have landed or where you think you might land with the Tukituki completeness check.

The fundamental question we need to answer is whether the information provided is sufficient and of appropriate quality to enable relevant values assessments to be undertaken, so please do let me know if you have detected and red flags.

We are still working through the scope matter, but I shall let you know where we land once a decision has been made.

Thanks and I look forward to hearing back.

Kind regards  
Amy

**Amy Robinson**  
Project Manager Fast Track Consenting (Contractor)  
Hamilton | Kirikiriroa  
Phone: 521 411 111

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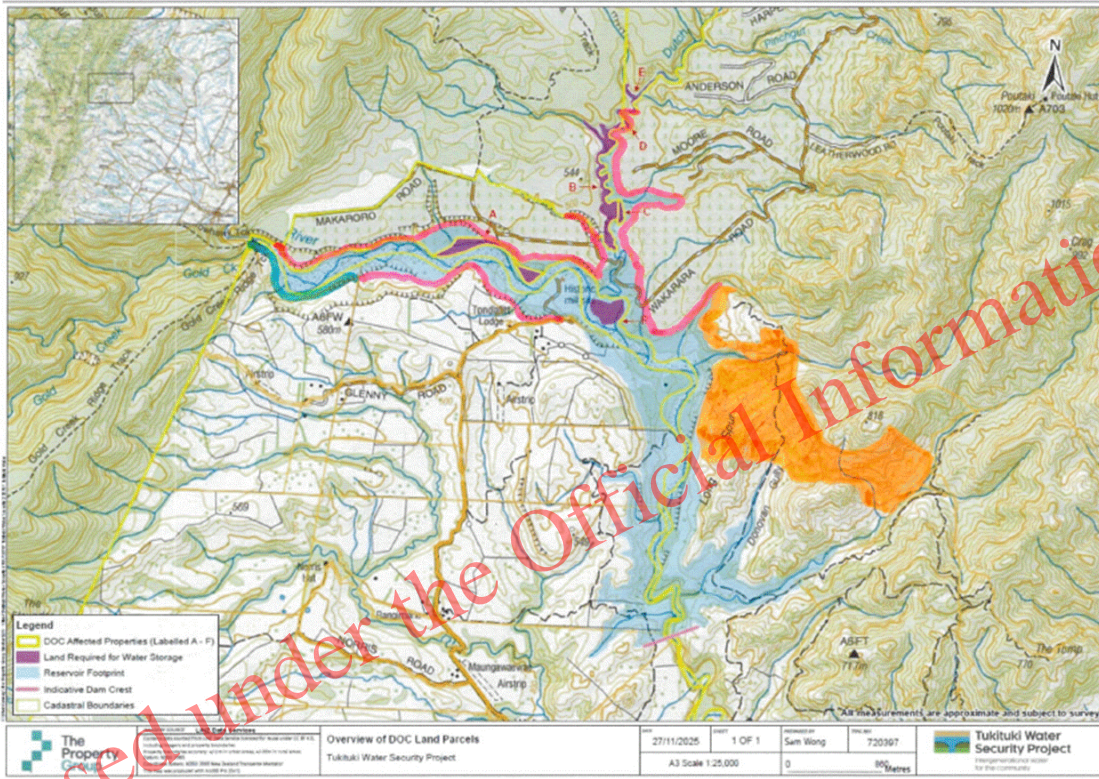
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From: Philip McKay s9(2)(a)  
 Sent: Wednesday, 11 February 2026 12:07 pm  
 To: Amy Robinson  
 Cc: Jeremy Prebble; James Winchester  
 Subject: TWSL - FTAA Land Exchange Meeting

Hi Amy,  
 Thank you for your time on the phone just now. Please see below a plan snip showing what we understand to be the Crown Marginal Strip requirements on the proposed reservoir margins – we would like to discuss this issue at our meeting, and the proposition that this will be given effect to by the Conservation Act in any case, so need not be part of the Land Exchange application.

FIGURE 2 – OVERVIEW PLAN OF PCL EXCHANGE LOCATIONS OVER TOPOGRAPHICAL MAP



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Look forward to catching up this afternoon.  
 Kind regards,  
 Phil

**Philip McKay**  
 Partner

s9(2)(a) | PO Box 149, Napier 4140  
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**From:** Philip McKay s9(2)(a)  
**Sent:** Tuesday, 17 February 2026 12:35 pm  
**To:** Amy Robinson  
**Subject:** TWSL

Hi Amy, just checking in if you or Jeremy have had any thoughts on the marginal strip issue since our meeting last week.  
Don't hesitate to give me a call if that is easier.  
Thanks.  
Phil

 **Philip McKay**  
Partner

s9(2)(a) | PO Box 149, Napier 4140  
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**From:** Philip McKay s9(2)(a)  
**Sent:** Monday, 16 March 2026 4:59 pm  
**To:** Amy Robinson; FastTrackApplicationEnquiries; James Winchester; mike.scott; tepuna  
**Subject:** Philip McKay shared the folder "00 - External Sharing - TWSL FTAA Relodged Land Exchange" with you



## Philip McKay invited you to edit a folder

Further to the e-mail just sent, the link below provides access to all the attachments referenced on the TWSL FTAA Land Exchange Application form.

 [00 - External Sharing - TWSL FTAA Relodged Land Exchange](#)

 This invite will only work for you and people with existing access.

Open

Share

This email is generated through Mitchell Daysh Ltd's use of Microsoft 365 and may contain content that is controlled by Mitchell Daysh Ltd.

 **Philip McKay**  
Partner

s9(2)(a) | PO Box 149, Napier 4140  
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**From:** Philip McKay s9(2)(a)  
**Sent:** Monday, 16 March 2026 4:54 pm  
**To:** FastTrackApplicationEnquiries; Amy Robinson  
**Cc:** mike.scott; James Winchester; tepuna  
**Subject:** Tukituki Water Security Ltd - Land Exchange Application FTAA Relodged  
**Attachments:** TWSL - land-exchange-application-form 16 March 2026.pdf; TWSL Land Exchange Application Overview Report- 16 March 2026.pdf

**These attachments have been removed as they are publicly available on the Fast-track website here:**  
Kia ora, <https://www.fasttrack.govt.nz/projects/tukituki-water-security/land-exchange-application>  
On behalf of Tukituki Water Security Ltd, please find attached a completed FTAA DOC land exchange application form and associated Overview Report.  
I will follow with an email including a link to the 12 attachments referred to in the attached application form.  
Kind regards  
Phil

 **Philip McKay**  
Partner

s9(2)(a) | PO Box 149, Napier 4140  
[www.mitchelldaysh.co.nz](http://www.mitchelldaysh.co.nz)

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**From:** Philip McKay [s9(2)(a)]  
**Sent:** Wednesday, 18 March 2026 10:18 am  
**To:** Amy Robinson  
**Subject:** RE: Tukituki Water Security Ltd - Land Exchange Application FTAA Relodged

Hi Amy, I am just following up with Mike Scott on this and will get back to you with the reply.  
Cheers  
Phil

 **Philip McKay**  
Partner

[s9(2)(a)] | PO Box 149, Napier 4140  
[www.mitchelldaysh.co.nz](http://www.mitchelldaysh.co.nz)

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**From:** Amy Robinson <amrobinson@doc.govt.nz>  
**Sent:** Wednesday, March 18, 2026 10:03 AM  
**To:** Philip McKay [s9(2)(a)]  
**Subject:** RE: Tukituki Water Security Ltd - Land Exchange Application FTAA Relodged

Hi Phil

Can you please confirm whether a deposit was paid to the EPA for the application?

Thanks  
Amy

---

**From:** Philip McKay [s9(2)(a)]  
**Sent:** Monday, 16 March 2026 4:54 pm  
**To:** FastTrackApplicationEnquiries <[fasttrackapplicationenquiries@doc.govt.nz](mailto:fasttrackapplicationenquiries@doc.govt.nz)>; Amy Robinson <[amrobinson@doc.govt.nz](mailto:amrobinson@doc.govt.nz)>  
**Cc:** mike.scott [s9(2)(a)]; James Winchester [s9(2)(a)]; tepuna [s9(2)(a)]  
**Subject:** Tukituki Water Security Ltd - Land Exchange Application FTAA Relodged

Kia ora,

On behalf of Tukituki Water Security Ltd, please find attached a completed FTAA DOC land exchange application form and associated Overview Report.

I will follow with an email including a link to the 12 attachments referred to in the attached application form.

Kind regards

Phil

 **Philip McKay**  
Partner

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**From:** Philip McKay [s9(2)(a)]  
**Sent:** Thursday, 19 March 2026 3:43 pm  
**To:** Amy Robinson  
**Subject:** RE: Land exchange - Tukituki

Thanks Amy



[s9(2)(a)] | PO Box 149, Napier 4140  
[www.mitchelldaysh.co.nz](http://www.mitchelldaysh.co.nz)

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**From:** Amy Robinson <amrobinson@doc.govt.nz>  
**Sent:** Thursday, March 19, 2026 3:30 PM  
**To:** Melissa Wharewera <Melissa.Wharewera@epa.govt.nz>; Jenni Fitzgerald <jefitzgerald@doc.govt.nz>; Philip McKay [s9(2)(a)]  
**Subject:** Re: Land exchange - Tukituki

Thanks Melissa  
Please email Phil Mackay, cc'ed in this response.

Amy

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**From:** Melissa Wharewera <[Melissa.Wharewera@epa.govt.nz](mailto:Melissa.Wharewera@epa.govt.nz)>  
**Sent:** Thursday, March 19, 2026 3:04:50 PM  
**To:** Jenni Fitzgerald <[jefitzgerald@doc.govt.nz](mailto:jefitzgerald@doc.govt.nz)>; Amy Robinson <[amrobinson@doc.govt.nz](mailto:amrobinson@doc.govt.nz)>  
**Subject:** Re: Land exchange - Tukituki

Thanks for the quick response. I'm happy to send the applicant some information about the Levy Fee Waiver request. Could you please send me the details of who to send that to.

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Ngā mihi

**Melissa Wharewera**

Senior Application Administrator

s9(2)(a)



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**From:** Jenni Fitzgerald <[jefitzgerald@doc.govt.nz](mailto:jefitzgerald@doc.govt.nz)>  
**Sent:** Thursday, 19 March 2026 11:45 am  
**To:** Amy Robinson <[amrobinson@doc.govt.nz](mailto:amrobinson@doc.govt.nz)>; Melissa Wharewera <[Melissa.Wharewera@epa.govt.nz](mailto:Melissa.Wharewera@epa.govt.nz)>  
**Subject:** RE: Land exchange - Tukituki

Just adding to this, the only other agency that would potentially have costs would be the EPA for the financial admin. The application was withdrawn before anyone else was invited to participate. Regarding the levy – EPA deal with all the finances directly with the applicant.

---

**From:** Amy Robinson <[amrobinson@doc.govt.nz](mailto:amrobinson@doc.govt.nz)>  
**Sent:** Thursday, 19 March 2026 11:41 am  
**To:** Melissa Wharewera <[Melissa.Wharewera@epa.govt.nz](mailto:Melissa.Wharewera@epa.govt.nz)>  
**Cc:** Jenni Fitzgerald <[jefitzgerald@doc.govt.nz](mailto:jefitzgerald@doc.govt.nz)>  
**Subject:** RE: Land exchange - Tukituki

Hi Melissa

I can confirm that the invoice of \$6695.80 is the sole invoice from the Department, and that it has been approved by the Manager (Jenni Fitzgerald cc'ed into this email). No other agencies have inputted into this application.

I have spoken with the applicant regarding a fee waiver, however they were uncertain as to exactly what that was. Could you please advise?

Thanks and regards  
Amy

**Amy Robinson**  
**Project Manager Fast Track Consenting (Contractor)**  
Tauranga  
Phone: s9(2)(a)

---

**From:** Melissa Wharewera <[Melissa.Wharewera@epa.govt.nz](mailto:Melissa.Wharewera@epa.govt.nz)>  
**Sent:** Thursday, 19 March 2026 11:06 am  
**To:** Amy Robinson <[amrobinson@doc.govt.nz](mailto:amrobinson@doc.govt.nz)>  
**Cc:** Jenni Fitzgerald <[jefitzgerald@doc.govt.nz](mailto:jefitzgerald@doc.govt.nz)>  
**Subject:** Re: Land exchange - Tukituki

Good morning

Below are the steps our Finance team have sent through in regards to costs for Tukituki Water Security. There's a few things that need confirming from your end before we can raise a new invoice. And we need to know if the applicant will be requesting a levy waiver as well.

**Withdrawn Application Cost Finalisation and Refund** (FTAA-2512-L001 Tukituki Water Security)

1. Obtain confirmation from **DOC** that all costs and timesheets have been submitted to the EPA (submission date to be confirmed).
  - a. As at today, only one invoice has been received from DOC for **\$6,695.80**.
  - b. Pending **Manager's approval** of the DOC timesheet.
2. DoC to obtain confirmation from **other agencies**, if applicable, that all costs have been submitted to the EPA (including submission dates).
  - a. Currently, no other invoices have been received.
3. Share the final confirmed costs confirmation with Finance.
4. EPA Finance to process the refund to the nominated bank account provided by the applicant.

**Resubmitted Application** (FTAA-2603-L003 Tukituki Water Security V2)

1. DoC to confirm with the applicant whether they will be requesting a **levy waiver**.
  - o If no waiver is requested, the **full levy amount** will be charged upon resubmission.
1. Finance to:
  - o Set up the new application in Oracle
  - o Generate new invoices for:
    - Application fee (**full amount – no transfer between applications**)
    - Levy (**amount pending levy waiver confirmation**)

Let me know if you have any questions.

Noho ora mai

**Melissa Wharewera**  
Senior Application Administrator

s9(2)(a)



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**From:** Amy Robinson <[amrobinson@doc.govt.nz](mailto:amrobinson@doc.govt.nz)>  
**Sent:** Wednesday, 18 March 2026 10:38 am  
**To:** Melissa Wharewera <[Melissa.Wharewera@epa.govt.nz](mailto:Melissa.Wharewera@epa.govt.nz)>  
**Cc:** Jenni Fitzgerald <[jefitzgerald@doc.govt.nz](mailto:jefitzgerald@doc.govt.nz)>  
**Subject:** FW: Land exchange - Tukituki

You don't often get email from [amrobinson@doc.govt.nz](mailto:amrobinson@doc.govt.nz). [Learn why this is important](#)

Hi Melissa

I have spoken to the applicant about this. Apparently when they lodged they requested that the EPA generate an invoice for the deposit so they can then pay it. Also, they are keen to understand if there were any funds remaining / leftover from the original application, I assume that if there was, they would seek to use it to offset the second deposit.

Could you please follow this up? Their key contact in this regard is Mike Scott:

s9(2)(a)

Thanks and regards  
Amy

**Amy Robinson**  
Project Manager Fast Track Consenting (Contractor)  
Tauranga  
Phone: s9(2)(a)

---

**From:** Jenni Fitzgerald <[jefitzgerald@doc.govt.nz](mailto:jefitzgerald@doc.govt.nz)>  
**Sent:** Wednesday, 18 March 2026 9:29 am  
**To:** Amy Robinson <[amrobinson@doc.govt.nz](mailto:amrobinson@doc.govt.nz)>  
**Subject:** FW: Land exchange - Tukituki

Know anything about this?

---

**From:** Melissa Wharewera <[Melissa.Wharewera@epa.govt.nz](mailto:Melissa.Wharewera@epa.govt.nz)>  
**Sent:** Wednesday, 18 March 2026 9:23 am  
**To:** Jenni Fitzgerald <[jefitzgerald@doc.govt.nz](mailto:jefitzgerald@doc.govt.nz)>  
**Subject:** Fw: Land exchange - Tukituki

Kia ora Jenni

Thanks for informing us about Tukituki. Has the applicant requested a waiver of the levy? If they have, can you please send that through to us.

Noho ora mai

**Melissa Wharewera**  
Senior Application Administrator

s9(2)(a)



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**From:** Jenni Fitzgerald <[jefitzgerald@doc.govt.nz](mailto:jefitzgerald@doc.govt.nz)>  
**Sent:** 18 March 2026 8:06 AM  
**To:** Ben Moginie <[ben.moginie@epa.govt.nz](mailto:ben.moginie@epa.govt.nz)>; Richard Preece <[richard.preece@epa.govt.nz](mailto:richard.preece@epa.govt.nz)>  
**Cc:** Amy Robinson <[amrobinson@doc.govt.nz](mailto:amrobinson@doc.govt.nz)>  
**Subject:** Land exchange - Tukituki

Hi team

Belatedly, Tukituki have re-lodged their application Monday. Amy is project managing this one. Can you let us know when payment is received?

Thanks

Jenni

**Jenni Fitzgerald**

Manager Fast Track Applications

Te Papa Atawhai | Department of Conservation

Whare Kaupapa Atawhai | Conservation House

18 - 32 Manners St | PO Box 10 420, Wellington 6143

Phone: s9(2)(a)

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**From:** Philip McKay s9(2)(a)  
**Sent:** Friday, 20 March 2026 9:46 am  
**To:** Fast-Track Info  
**Cc:** Jenni Fitzgerald; Amy Robinson; mike.scott; James Winchester  
**Subject:** RE: Levy fee waiver - Tukituki Water Security Ltd  
**Attachments:** TWSL Request for Waiver of FTAA Land Exchange Levy.pdf

Kia ora,  
Please find attached a written request for a FTAA land exchange application levy fee waiver.  
We look forward to hearing from you on this matter.  
Ngā mihi  
Phil

 **Philip McKay**  
Partner

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**From:** Fast-Track Info <info@fasttrack.govt.nz>  
**Sent:** Thursday, March 19, 2026 4:11 PM  
**To:** Philip McKay s9(2)(a)  
**Cc:** Jenni Fitzgerald <jefitzgerald@doc.govt.nz>; Amy Robinson <amrobinson@doc.govt.nz>  
**Subject:** Levy fee waiver

Tēnā koe Phil

The policy for fees and levies can be found at the bottom of this page - [Fees, charges and cost recovery](#). If you would like to request a levy fee waiver, we require your request in writing. You will need to include the reason why you would like the levy fee waiver, and proof of bank account.

I've sent this from a shared inbox as I'm on leave tomorrow. But someone will be able to action if it's returned tomorrow.

Noho ora mai

**Melissa Wharewera**

Senior Application Administrator



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**From:** Amy Robinson <[amrobinson@doc.govt.nz](mailto:amrobinson@doc.govt.nz)>  
**Sent:** Thursday, 19 March 2026 3:30 pm  
**To:** Melissa Wharewera <[Melissa.Wharewera@epa.govt.nz](mailto:Melissa.Wharewera@epa.govt.nz)>; Jenni Fitzgerald <[jefitzgerald@doc.govt.nz](mailto:jefitzgerald@doc.govt.nz)>; Philip McKay s9(2)(a)  
**Subject:** Re: Land exchange - Tukituki

Thanks Melissa  
Please email Phil Mackay, cc'ed in this response.

Amy

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**From:** Melissa Wharewera <[Melissa.Wharewera@epa.govt.nz](mailto:Melissa.Wharewera@epa.govt.nz)>  
**Sent:** Thursday, March 19, 2026 3:04:50 PM  
**To:** Jenni Fitzgerald <[jefitzgerald@doc.govt.nz](mailto:jefitzgerald@doc.govt.nz)>; Amy Robinson <[amrobinson@doc.govt.nz](mailto:amrobinson@doc.govt.nz)>  
**Subject:** Re: Land exchange - Tukituki

Thanks for the quick response. I'm happy to send the applicant some information about the Levy Fee Waiver request. Could you please send me the details of who to send that to.

Ngā mihi

**Melissa Wharewera**

Senior Application Administrator

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**From:** Jenni Fitzgerald <[jefitzgerald@doc.govt.nz](mailto:jefitzgerald@doc.govt.nz)>  
**Sent:** Thursday, 19 March 2026 11:45 am  
**To:** Amy Robinson <[amrobinson@doc.govt.nz](mailto:amrobinson@doc.govt.nz)>; Melissa Wharewera <[Melissa.Wharewera@epa.govt.nz](mailto:Melissa.Wharewera@epa.govt.nz)>  
**Subject:** RE: Land exchange - Tukituki

Just adding to this, the only other agency that would potentially have costs would be the EPA for the financial admin. The application was withdrawn before anyone else was invited to participate. Regarding the levy – EPA deal with all the finances directly with the applicant.

---

**From:** Amy Robinson <[amrobinson@doc.govt.nz](mailto:amrobinson@doc.govt.nz)>  
**Sent:** Thursday, 19 March 2026 11:41 am  
**To:** Melissa Wharewera <[Melissa.Wharewera@epa.govt.nz](mailto:Melissa.Wharewera@epa.govt.nz)>  
**Cc:** Jenni Fitzgerald <[jefitzgerald@doc.govt.nz](mailto:jefitzgerald@doc.govt.nz)>  
**Subject:** RE: Land exchange - Tukituki

Hi Melissa

I can confirm that the invoice of \$6695.80 is the sole invoice from the Department, and that it has been approved by the Manager (Jenni Fitzgerald cc'ed into this email). No other agencies have inputted into this application.

I have spoken with the applicant regarding a fee waiver, however they were uncertain as to exactly what that was. Could you please advise?

Thanks and regards  
Amy

**Amy Robinson**  
**Project Manager Fast Track Consenting (Contractor)**  
Tauranga  
Phone: s9(2)(a)

---

**From:** Melissa Wharewera <[Melissa.Wharewera@epa.govt.nz](mailto:Melissa.Wharewera@epa.govt.nz)>  
**Sent:** Thursday, 19 March 2026 11:06 am

**To:** Amy Robinson <[amrobinson@doc.govt.nz](mailto:amrobinson@doc.govt.nz)>  
**Cc:** Jenni Fitzgerald <[jefitzgerald@doc.govt.nz](mailto:jefitzgerald@doc.govt.nz)>  
**Subject:** Re: Land exchange - Tukituki

Good morning

Below are the steps our Finance team have sent through in regards to costs for Tukituki Water Security. There's a few things that need confirming from your end before we can raise a new invoice. And we need to know if the applicant will be requesting a levy waiver as well.

**Withdrawn Application Cost Finalisation and Refund** (FTAA-2512-L001 Tukituki Water Security)

1. Obtain confirmation from **DOC** that all costs and timesheets have been submitted to the EPA (submission date to be confirmed).
  - a. As at today, only one invoice has been received from DOC for **\$6,695.80**.
  - b. Pending **Manager's approval** of the DOC timesheet.
2. DoC to obtain confirmation from **other agencies**, if applicable, that all costs have been submitted to the EPA (including submission dates).
  - a. Currently, no other invoices have been received.
3. Share the final confirmed costs confirmation with Finance.
4. EPA Finance to process the refund to the nominated bank account provided by the applicant.

**Resubmitted Application** (FTAA-2603-L003 Tukituki Water Security V2)

1. DoC to confirm with the applicant whether they will be requesting a **levy waiver**.
  - o If no waiver is requested, the **full levy amount** will be charged upon resubmission.
1. Finance to:
  - o Set up the new application in Oracle
  - o Generate new invoices for:
    - Application fee (**full amount – no transfer between applications**)
    - Levy (**amount pending levy waiver confirmation**)

Let me know if you have any questions.

Noho ora mai

**Melissa Wharewera**  
Senior Application Administrator

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**From:** Amy Robinson <[amrobinson@doc.govt.nz](mailto:amrobinson@doc.govt.nz)>  
**Sent:** Wednesday, 18 March 2026 10:38 am  
**To:** Melissa Wharewera <[Melissa.Wharewera@epa.govt.nz](mailto:Melissa.Wharewera@epa.govt.nz)>  
**Cc:** Jenni Fitzgerald <[jefitzgerald@doc.govt.nz](mailto:jefitzgerald@doc.govt.nz)>  
**Subject:** FW: Land exchange - Tukituki

You don't often get email from [amrobinson@doc.govt.nz](mailto:amrobinson@doc.govt.nz). [Learn why this is important](#)

Hi Melissa

I have spoken to the applicant about this. Apparently when they lodged they requested that the EPA generate an invoice for the deposit so they can then pay it. Also, they are keen to understand if there were any funds remaining / leftover from the original application, I assume that if there was, they would seek to use it to offset the second deposit.

Could you please follow this up? Their key contact in this regard is Mike Scott:

s9(2)(a)

Thanks and regards  
Amy

**Amy Robinson**  
**Project Manager Fast Track Consenting (Contractor)**  
Tauranga  
Phone: s9(2)(a)

---

**From:** Jenni Fitzgerald <[jefitzgerald@doc.govt.nz](mailto:jefitzgerald@doc.govt.nz)>  
**Sent:** Wednesday, 18 March 2026 9:29 am  
**To:** Amy Robinson <[amrobinson@doc.govt.nz](mailto:amrobinson@doc.govt.nz)>  
**Subject:** FW: Land exchange - Tukituki

Know anything about this?

---

**From:** Melissa Wharewera <[Melissa.Wharewera@epa.govt.nz](mailto:Melissa.Wharewera@epa.govt.nz)>  
**Sent:** Wednesday, 18 March 2026 9:23 am  
**To:** Jenni Fitzgerald <[jefitzgerald@doc.govt.nz](mailto:jefitzgerald@doc.govt.nz)>  
**Subject:** Fw: Land exchange - Tukituki

Kia ora Jenni

Thanks for informing us about Tukituki. Has the applicant requested a waiver of the levy? If they have, can you please send that through to us.

Noho ora mai

**Melissa Wharewera**  
Senior Application Administrator

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**From:** Jenni Fitzgerald <[jefitzgerald@doc.govt.nz](mailto:jefitzgerald@doc.govt.nz)>  
**Sent:** 18 March 2026 8:06 AM  
**To:** Ben Moginie <[ben.moginie@epa.govt.nz](mailto:ben.moginie@epa.govt.nz)>; Richard Preece <[richard.preece@epa.govt.nz](mailto:richard.preece@epa.govt.nz)>  
**Cc:** Amy Robinson <[amrobinson@doc.govt.nz](mailto:amrobinson@doc.govt.nz)>  
**Subject:** Land exchange - Tukituki

Hi team

Belatedly, Tukituki have re-lodged their application Monday. Amy is project managing this one. Can you let us know when payment is received?

Thanks

Jenni

**Jenni Fitzgerald**

Manager Fast Track Applications

Te Papa Atawhai | Department of Conservation

Whare Kaupapa Atawhai | Conservation House

18 - 32 Manners St | PO Box 10 420, Wellington 6143

Phone: [REDACTED]

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20 March 2026

Melissa Wharewera  
Senior Application Administrator – Fast-track  
Environmental Protection Authority

Via e-mail: [info@fasttrack.govt.nz](mailto:info@fasttrack.govt.nz)

Dear Melissa and team,

**RE: Fast-track Approvals Act – Land Exchange Application Levy Waiver and Fee Refund**

Thank you for your e-mail dated 19 March 2026.

Pursuant to regulation 7 of the Fast-track Approvals (Cost Recovery) Regulations 2025, Tukituki Water Security Ltd (“TWSL”) seeks a waiver of the levy for its land exchange application relodged with the Department of Conservation (“DOC”) on Monday 16 March 2026, and a refund of the unused portion of the application deposit fee paid with the original land exchange lodged with DOC on 28 November 2025.

The reasons for this request are set out as follows:

- > Following lodgement of its land exchange application TWSL entered into post lodgement discussions with staff processing the application on behalf of DOC.
- > The outcome of the discussion was agreement that there was a risk the application may be returned as being ‘out of scope’ as the description of the project in schedule 2 of the Fast-track Approvals Act 2024 (“FTAA”) references “22 hectares at Ruahine Forest Park”, when the land exchange application applied for was for 29.7 hectares of Ruahine Forest Park.

- > Following amendments to the FTAA coming into effect in December 2025, TWSL requested an amendment to the referencing of the project in Schedule 2 to remove the specific reference to 22 hectares of Ruahine Forest Park.
- > TWSL formally withdrew its land exchange application on 9 January 2026, prior to the decision being made pursuant to section 34 of the FTAA as to whether the application is complete and within scope.
- > An Order in Council was made on 9 March 2026, titled 'Fast-track Approvals (Wairakei South and Other Projects) Amendments Order 2026', which came into force on 13 March 2026.
- > That order includes amendments to the listing of four separate projects in Schedule 2, including the Tukituki Water Security Project for which the specific reference to 22 hectares of Ruahine Forest Park is removed.
- > Following minor amendment to reflect the changes to schedule 2 and to explain why the application was previously lodged and withdrawn, the TWSL land exchange application was relodged on 16 March 2026.
- > A waiver of the levy for the land exchange application lodged on 16 March 2026 is sought on the basis that the levy was paid for the previous application but the costs covered by the levy were not incurred with the application being withdrawn early in its processing, and the application now relodged is for the same project as that previous application.
- > A refund of the unspent portion of the original application fee is also sought for the reason that only a portion of the fee was used in the processing of the previous application, given its withdrawal prior to the FTAA section 34 decision being made.

For the above reasons an invoice is sought for the application fees for the land exchange application lodged by TWSL on 16 March 2026, with a waiver of the levy.

A refund of the unspent portion of the previous application fee is also sought.

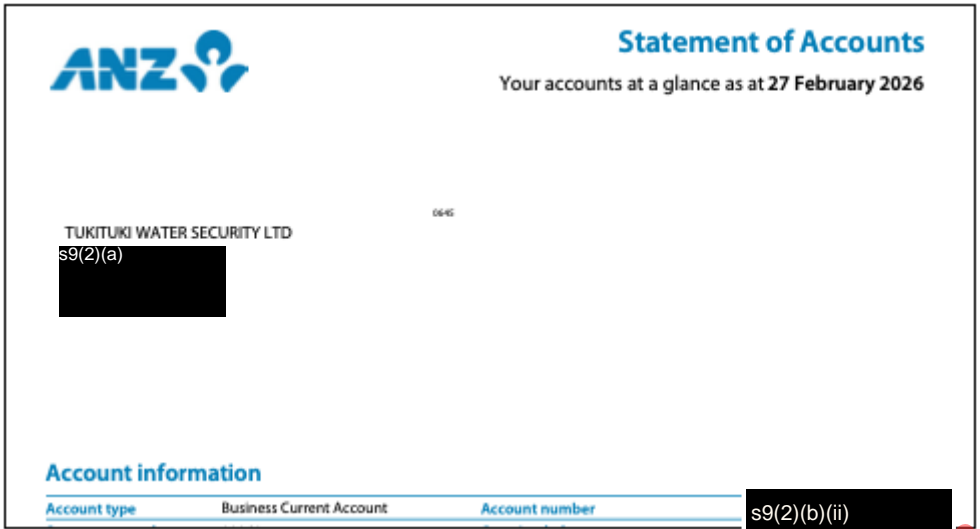
The TWSL bank account details are:

TUKITUKI WATER SECURITY LTD

s9(2)(b)(ii)

ANZ

Proof of the account number is that it was the same bank account from which the previous application fee was paid from. The flowing snip from a bank statement is also provided:



We look forward to a prompt response to this request and the issuing of an invoice so that the processing of the TWSL land exchange application can commence.

Yours sincerely,

[redacted] s9(2)(a)

Philip McKay  
Mitchell Daysh Limited

[redacted] s9(2)(a)

[redacted] s9(2)(a)

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**From:** Sarah Budd [s9(2)(a)]  
**Sent:** Tuesday, 24 March 2026 11:36 am  
**To:** Amy Robinson  
**Cc:** Nick Goldwater  
**Subject:** RE: Tukituki freshwater expertise

Hi Amy,

Our freshwater ecologist is Dr Richard Storey. He is also working on a number of other fast-track reviews for the DOC freshwater team.

As yet, he hasn't been heavily involved in this review as it has focused on the land swap only.

Cheers,



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**Sarah Budd**  
Principal Ecologist, Auckland Ecology Team Leader and Coordinator  
P [s9(2)(a)] M [s9(2)(a)]  
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**From:** Amy Robinson <amrobinson@doc.govt.nz>  
**Sent:** Tuesday, 24 March 2026 11:14 am  
**To:** Sarah Budd [s9(2)(a)]  
**Subject:** Tukituki freshwater expertise

Hi Sarah

I hope you are well. I have just had a phone call with the FW Manager at DOC. She was wanting confirmation of who the freshwater scientist was that you had working on the Tukituki project, primarily as she is concerned that there are very high FW values and wants comfort that we have the right person on the job. Could you please let me know?

Thanks  
Amy

**Amy Robinson**  
Project Manager Fast Track Consenting (Contractor)  
Tauranga  
Phone: [s9(2)(a)]

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