



Submission on the Tukituki Water Security Project Land Exchange Application

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To the Department of Conservation

Submitter details

This submission is from the Parliamentary Commissioner for the Environment, Simon Upton.

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Parliamentary Commissioner for the Environment

The Parliamentary Commissioner for the Environment was established under the Environment Act 1986. As an independent Officer of Parliament, the Commissioner has broad powers to investigate environmental concerns and is wholly independent of the government of the day. The current Parliamentary Commissioner for the Environment is Simon Upton.

Introduction

Thank you for the invitation to comment on the Department's draft report on the land exchange being proposed as part of the Tukituki Water Security Project. I offer two comments – one general and one specific.

A general comment: the Department's guidance on land exchanges needs updating

I am pleased to see some of the suggestions offered in my earlier submission on the Applicant's land exchange application have been adopted by the Department in this draft report.¹

In particular, the Department's decision to evaluate the conservation benefits of the proposed Tukituki exchange under two separate scenarios – one considering the present value and one considering the future value if the project goes ahead – makes good sense. As I have pointed out previously, the statutory test for land exchanges in the Fast-track Approvals Act 2024 (FTAA) is unclear about *when* conservation values need to be enhanced. This matters because there may well be land exchanges that do not enhance current conservation values but, with ongoing conservation effort, could enhance future values. As discussed below, the proposed Tukituki land exchange appears to be an example of this.

While it is outside the scope of this particular Fast-track process, I think the Department should consider formalising this approach in the guidance it has published on land exchanges.² As far as I am aware, this has not been updated since it was first published in August 2025.

¹ PCE, 2026. Comment on Tukituki Water Storage Project Land Exchange Application.

<https://pce.parliament.nz/publications/comment-on-the-tukituki-water-security-project-land-exchange-application>

² Department of Conservation, 2025. External Guidance for conservation values assessments for land exchanges under the Fast-track Approvals Act 2024 – Current 18 August 2025.

https://www.fasttrack.govt.nz/data/assets/pdf_file/0022/23089/Attachment-07-External-DOC-Conservation-Values-Assessments-for-FTAA-Land-Exchange.pdf

Revisiting the guidance would provide the Department with an opportunity to incorporate any other lessons it has learned from the land exchange proposals it has processed to date under the FTAA. I note, for example, that a fifth 'conservation value' (landscape value) is included in the Department's assessment of this proposed land exchange. I also note that the existing guidance has little to say about how different conservation values should be weighted and the extent to which 'trading' between values is appropriate. As always, my office is more than happy to talk these issues through with DOC officials.

A specific comment: the conservation benefit associated with the proposed land exchange is uncertain

Under the FTAA, land exchanges must not be approved unless an Expert Panel is satisfied that "the exchange (including any money that may be received under clause 30 and any conditions that the panel may impose in accordance with clause 32) will enhance the conservation values of conservation areas and Crown-owned reserves considered as a whole".

Based on the analysis contained in the Department's draft report, it is far from clear that this test is met:

"In relation to conservation values, the Department's technical assessments indicate that the exchange would not enhance conservation values under Scenario One [current conservation value]. Cultural and heritage values are the only subject area where an enhancement is identified. Under Scenario Two [potential future conservation value], the proposal would provide enhancement in terrestrial biodiversity, cultural and heritage, and recreation values, but would not provide a net enhancement for freshwater values or landscape character values."

Given these conclusions, much seems to depend on the Expert Panel's views on (i) whether potential future conservation values should be considered, and (ii) whether some 'trading' between those future conservation values is permissible. If the Panel (once established) is sympathetic to these ideas, then the conditions used to secure (and maintain) future conservation gains on the land being received by the Department will become critical.

In my view, the most important condition relates to ongoing weed and pest management. According to ecological advice commissioned by the Applicant, approximately 45 hectares of the 170 hectares being received by DOC is grazed pasture and rank grass. Once stock are removed and the land ceases to be grazed, it is inevitable that a range of weed species will emerge and require ongoing management. As I pointed out in my previous submission, it should be the Applicant – not DOC – that covers the cost of this work. As such, I strongly support the conditions the Department has recommended regarding ecological restoration and pest mammal management, and intend to bring this to the attention of the Expert Panel in due course.

Kind regards

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Rt Hon Simon Upton
Parliamentary Commissioner for the Environment
Te Kaitiaki Taiao a Te Whare Pāremata