

Further Comments on Tukituki Water Security Project Land Exchange Application FTA207

Hawke's Bay / East Coast Conservation Board
Final Submission

1. Introduction and Position

The Board welcomes the opportunity to comment further on this proposal. We recognise that the statutory test does not require a like-for-like replacement of the conservation values affected by the proposed exchange. The question is whether the exchange, together with any money received and conditions imposed, will enhance the conservation values of conservation areas and Crown-owned reserves considered as a whole. Based on the information available, we are not satisfied that this has been shown. In particular, there is not yet enough clear evidence about the scale, likelihood, timing and lasting value of the proposed gains to demonstrate the enhancement required by that statutory test. For that reason, the Board opposes the proposed exchange. If the Panel is not prepared to decline it on the information currently available, we ask that further information and an independent assessment be obtained before a decision is made.

2. Matters That Remain Unresolved

Several important questions remain unanswered. We need a clearer understanding of the significance and scale of the conservation values that would be lost, the contribution those values make when conservation areas and Crown-owned reserves are considered as a whole, and the nature and scale of the proposed gains. We also need to know how much those gains depend on future management, how likely they are to be achieved, when they would be delivered, and whether the proposed conditions would protect them over the long term. Until these matters are addressed, the Board does not believe there is a sufficiently clear and reliable basis for concluding that the statutory test has been met.

3. Understanding the Balance of Losses and Gains

The assessment must give the Panel and the community a clear, evidence-based picture of whether the exchange will enhance the conservation values of conservation areas and Crown-owned reserves considered as a whole. This means setting out the scale of the losses and proposed gains, when they would occur, how likely the gains are to be achieved and endure, the risks to delivery, and the assumptions behind the assessment. Comparing these matters does not impose a like-for-like replacement requirement; it provides the evidence needed to determine whether the statutory test has been met. Without this information, the Board does not believe the Panel can confidently reach that conclusion.

4. Riverine, Riparian and Alluvial Environments

The Board is particularly concerned about the permanent loss of riverine, riparian and alluvial environments associated with the Makaroro River system. These environments form part of the natural heritage valued by communities across Hawke's Bay and the East Coast and contribute to the conservation values protected across conservation areas and Crown-owned reserves. We are not suggesting that their exact ecological and landscape characteristics must be recreated on the exchange land. We do, however, consider that their significance, rarity and permanent loss must be properly understood and taken into account when the Panel applies the statutory test. The information provided does not yet show clearly how this has been done.

5. Immediate Losses and Reliance on Future Gains

The existing conservation values would be lost immediately and permanently. By contrast, many of the proposed gains depend on successful restoration, ongoing care, secure resourcing and long-term compliance. Promises about future management are not enough on their own to give the Board or the community confidence that enhancement will occur. The assessment should therefore explain when the gains are expected, how likely they are to be achieved, and how progress will be measured and reported. It should also make clear who is accountable and what will happen if delivery falls short.

6. Conditions and Long-Term Protection

If the exchange is approved, the Board considers that the conditions should provide real and lasting protection for the conservation outcomes on which that approval depends. To give the Panel and the community confidence that those outcomes will be delivered, the conditions should set clear measures of success, timeframes, monitoring and public reporting requirements, actions to correct any shortfall, and financial and legal safeguards that support delivery over the long term. Conditions that record only intended activities would not provide adequate assurance. If the proposed measures are not delivered, the required enhancement may not occur.

7. Further Information and Independent Assessment

Before any decision is made, the Board asks for further ecological assessment of both the affected land and the proposed exchange land. We also seek a clear assessment of whether the exchange will enhance the conservation values of conservation areas and Crown-owned reserves considered as a whole, including the expected timeframes, risks and level of confidence in the proposed outcomes. The conservation measures relied upon should be described in detail, together with evidence that the people and resources needed to deliver and maintain them are secured and that clear long-term stewardship arrangements are in place. In the Board's view, an independent review of the assessment method and the likelihood of achieving

the proposed conservation outcomes would provide important assurance for the Panel and the community.

8. Scope of These Comments

Our comments focus on the question the Panel must decide: whether the proposed land exchange, including the conservation measures and conditions that form part of it, will enhance the conservation values of conservation areas and Crown-owned reserves considered as a whole. We are not relying on the wider effects of the infrastructure, irrigation, land use, precedent or project financing, except where those matters directly affect whether the promised conservation outcomes can be delivered, sustained and enforced.

9. Relief Sought and Conclusion

The Board asks the Panel to decline the proposed exchange because the information provided does not show that the exchange, including the proposed conservation measures and conditions, will meet the statutory test set out above. We are not seeking a like-for-like replacement or the recreation of the affected land's particular ecological and landscape features. Our concern is that the losses would be immediate and permanent, while the scale, likelihood, timing and lasting value of the proposed gains have not been demonstrated clearly enough to show that the required enhancement will occur. If the Panel is not prepared to decline the exchange on the information currently available, we ask that further information and an independent ecological review be obtained before a final decision. If approval is still being considered, the Board considers that it should be subject to strong, enforceable conditions that secure, monitor and maintain the conservation outcomes relied upon over the long term.