



Penny Nelson  
Director General Department of Conservation  
PO Box 10420  
Wellington 6143

Sent by email: [landexchange@doc.govt.nz](mailto:landexchange@doc.govt.nz)

26 May 2026

Dear Penny

## **Re: Comments on Tukituki Water Storage Project Land Exchange Application**

Thank you for the invitation to comment on the Tukituki Water Storage Project's Land Exchange Application currently under the Department of Conservation's (DOC) consideration. The comments provided here are intended to help DOC as it prepares its report on the proposed land exchange required under s 35 of the Fast-track Application Act 2024 (FTAA).

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".<sup>1</sup> The Department of Conservation has published guidance on how to assess if conservation values are being enhanced in practice.<sup>2</sup> The applicant appears to have followed that guidance. Based on the information provided by the applicant, it would appear the proposed land exchange is reasonable and likely beneficial from a conservation perspective.

I do however have some questions for DOC to consider that relate to both the assessment provided, and indeed any other assessment based on the same methodology. I have previously raised related points about how land swaps might be best evaluated when submitting on DOC's *2025 Modernising conservation land discussion document*.<sup>3</sup>

## **How is comparative conservation value being evaluated?**

According to DOC's guidance, the four conservation values that must be weighed up as part of any FTAA land exchange are biodiversity, freshwater, recreational and a combined cultural and heritage value. An overview report commissioned by the applicant concludes that two of these values (freshwater, cultural and heritage) score the same in both parcels of land, but the biodiversity and recreational values score higher on the land being offered up

---

<sup>1</sup> Fast-track Approvals Act 2024.

<sup>2</sup> External Guidance for conservation values assessments for land exchanges under the Fast-track Approvals Act 2024, current 18 August 2025 (DOC).

<sup>3</sup> [https://pce.parliament.nz/media/rlojwcr/submission-on-modernising-conservation-land-management\\_discussion-document.pdf](https://pce.parliament.nz/media/rlojwcr/submission-on-modernising-conservation-land-management_discussion-document.pdf)

for exchange, the Smedley Exchange Block (SEB) for Public Conservation Land (PCL).<sup>4</sup> This being the case, an overall evaluation of the exchange, in terms of conservation values, is straightforward. It can reasonably be concluded that the value of the conservation estate would be enhanced, as the FTAA test requires.

However, digging deeper into the material provided raises some questions. Most notably that the conservation values described in the overview report do not always align with those in other reports provided by the applicant. For example:

1. The overview report scores the PCL biodiversity as medium and the SEB land as high/medium,<sup>5</sup> while the underlying ecological assessment report seems to score the two areas more similarly.<sup>6</sup> With respect to biodiversity values the ecological assessment report states that, "Overall the Smedley Exchange Block is of comparable value to the DOC land being lost."
2. The ecological assessment report also scores freshwater values higher for the PCL than the SEB land whereas, as noted above, the overview report scores them the same.<sup>7</sup>

It is unclear to me how the biodiversity and freshwater values described in the ecological assessment report have been converted into those cited in the overview report. It is therefore difficult to compare the qualities of the parcels of land being proposed for exchange. Understanding how the final score of each conservation value was determined is important and needs to be transparent. I am not sure that this is the case here.

I also question how this test might be applied if the four different conservation values of the two parcels of land being evaluated for exchange were more different - and therefore the benefits less clearcut than that described in the overview report. According to DOC's guidance, trading between the four values is allowed but it remains unclear to me how this should be conducted. For example, what if a swap was assessed as resulting in worse biodiversity outcomes but better heritage ones? How would these differences be reconciled? More generally, is it the intention that the four conservation values should carry equal weight?

## How is the area exchanged best assessed and what rate matters?

The area of land being proposed for exchange is another important factor in any assessment of whether conservation value is being enhanced by a land swap. This application proposes that 29.7 ha of PCL be exchanged for 170 ha of private, SEB land. This equates to an exchange ratio of 1:5.7.

The application's ecological assessment claims that the private land includes 125 ha of indigenous vegetation, which equates to an exchange ratio of 1:4.2 with the PCL land being lost.<sup>8</sup> The ratio changes again if the comparison were to be made based on the vegetation subtypes. For example, the ratio would be 1:2.6 for indigenous forest.<sup>9</sup> The question I have is: what ratio would be deemed necessary as a minimum and for what type of land or ecosystem? Knowing the quality of each area seems critical for this - but so too does having some guidance on what an appropriate ratio might be for each exchange.

---

<sup>4</sup> [Tukituki Water Security Limited Exchange of Land Overview Report](#)

<sup>5</sup> Summary Assessment of Conservation Values – Table 3.

<sup>6</sup> Land Exchange Assessment – Table 11. This table scores one out of four criterion differently but the justification is unclear.

<sup>7</sup> Land Exchange Assessment – Table 12.

<sup>8</sup> Ecological Values Land Exchange Report, SLR Consultants Ltd.

<sup>9</sup> Ecological Values Land Exchange Report, SLR Consultants Ltd – Table 3.

## Enhanced conservation values - now or later?

The guidance published by DOC is unclear about exactly when conservation values must be enhanced by a land swap: now or at some point in the future?<sup>10</sup> This matters because it will affect the sorts of swaps that are likely to meet the statutory test in the FTAA.

There is lack of alignment on this point within this application. The ecological assessment report states that “a current value approach” must be used. However, the report also mentions the need for ongoing management to maintain ecological diversity and functionality. This being the case, an important question is whether the management actions being suggested in the proposal are enough to ensure that the value is retained - or in fact enhanced?

The applicant’s recreational values assessment provides another example. The overview report scores the recreational value of the SEB land as ‘medium’ and that of the PCL land as ‘low’. The current recreational value provided by the actual parcel of PCL land is scored as ‘low’ and it is pointed out that the land does not include any tracks or infrastructure to allow any recreational use. Applying the same logic, there would also appear to be very little current recreational value on the SEB land as well, as it also currently has no tracks or infrastructure.

The recreational assessment focuses on potential future benefits that would be provided by the creation of the dam and its ancillary infrastructure such as roads, boat ramps and tracks (presumably being provided for under consent conditions for the dam itself). These may well be considerable, but it is unclear whether this is the correct comparison to make for the proposed land exchange if it is intended to be based on the current recreational value of the land in question. Furthermore, how do we know that people are going to use the dam and its surrounds for recreational purposes?

While it is not mentioned in the application, the Gwavas Conservation Area (existing PCL) which is adjacent to the SEB land is classified as stewardship land.<sup>11</sup> What would happen to the assumed benefits from the SEB land being adjacent to this PCL if this stewardship land were to be removed from the conservation estate in the future?

Some clarity on these points in DOC’s guidance would be helpful:

1. How should uncertain future benefits - or costs - be treated as part of land exchange proposals?
2. Should some sort of discount be applied where there is uncertainty about the realisation of those benefits or costs?
3. In addition, what is DOC’s long-term plan for the Gwavas Conservation Area?

This last question illustrates the importance of hastening the stewardship reclassification process, something I have commented on previously.<sup>12</sup>

## What conditions should accompany the proposed exchange?

Ultimately, DOC will have to arrive at a view about the merits of the proposed swap and, if it goes ahead, will also become the manager of the SEB land. The pastoral history of the SEB land is notable in this context. Once stock is removed, it is likely that a range of weed species will emerge and require ongoing management. The ecological assessment report, for example, notes that “wilding conifers are present on the adjacent Gwavas Conservation

---

<sup>10</sup> The guidance states that “land exchanges under the FTAA must enhance the conservation values of land managed by the Department (now or in the future with restoration work).”

<sup>11</sup> [DOC Public Conservation Land, DOC Open Spatial Data.](#)

<sup>12</sup> [https://pce.parliament.nz/media/rlojbwcr/submission-on-modernising-conservation-land-management\\_discussion-document.pdf](https://pce.parliament.nz/media/rlojbwcr/submission-on-modernising-conservation-land-management_discussion-document.pdf).

Area” and could “become a threat to some of the more open and seral habitats within the SEB once stock are excluded.”

The ecological assessment report also suggests that the applicant will assume responsibility for this work in the short term, with pest plant and animal pest control to be “undertaken for a minimum of 2 years or until land transfer to DOC (whichever is longer).” In my view that is not long enough. Eradicating weeds on the SEB land will very likely take decades rather than years, and it should be the applicant – not DOC – that covers the cost of it. I would note here that the ability to include money in land exchanges under the FTAA provides a mechanism for achieving exactly that.

## The importance of ground-truthing

I question how much surveying of the SEB land has taken place to support the application. The bulk of the information provided in the ecological assessment report appears to be based on a previous assessment of area for the Ruataniwha Water Storage Scheme proposal over a decade ago. That survey work primarily involved sampling the land that would have been flooded by the proposed dam, rather than the SEB block itself. It seems that very little ground-based survey work has occurred in the SEB block since then which is perhaps why the report describes quite a few species as ‘potentially’ occurring in the SEB land rather than known to be.

I am interested to know if any suitably qualified DOC staff have recently visited both parcels of land to assess their current value as well as what might be needed to improve and maintain them. It is important to know whether DOC are making their assessment based on their own information or are relying on the information provided.

I trust these questions are of use to you in your deliberations and I look forward to commenting on the Director-General’s report on the proposed land exchange in due course.

Kind regards



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