



Royal Forest and Bird Protection Society of New Zealand Inc – Comments on Tukituki Water Security Project draft land exchange report

5 October 2026

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Introduction

1. The Royal Forest and Bird Protection Society Incorporated (Forest & Bird) has been Aotearoa New Zealand’s independent voice for nature since 1923. Forest & Bird’s constitutional purpose is:

To take all reasonable steps within the power of the Society for the preservation and protection of the indigenous flora and fauna and the natural features of New Zealand.

2. Forest & Bird is grateful for the opportunity to comment on the Director-General of Conservation’s draft land exchange report on the Tukituki Water Security Project.

Report provides basis for decline by Panel

3. The draft report does not provide a recommendation on whether the land exchange should be approved on the basis that “that is for the Expert Consenting Panel to make its own decision on once appointed”.¹ While the Panel will make its own decision, it must not grant

¹ Draft report at [4]

the approval unless it is satisfied that the land 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. The draft report provides the necessary elements for the Panel to conclude that the exchange will not enhance the conservation values of conservation areas and Crown-owned reserves considered as a whole.

Consideration of the conservation estate “as a whole”

4. In its comments, Forest & Bird submitted that the words “as a whole” in cl 29(2) refer to conservation areas and Crown-owned reserves. In other words, consideration of a land exchange is not limited to the specific values of the two land parcels, but requires consideration of the wider conservation estate and whether the exchange would result in a gain to the conservation estate as a whole.
5. The draft report does not really address that issue. It says that “This report does not provide a recommendation. The end decision based on the contents of this report, is for the Panel under the Act.”² Forest & Bird accepts that the Panel makes its own assessment based on the contents of the land exchange report, but submits that the land exchange report needs to contextualise the values of the DOC-Get and DOC-Give land by reference to the conservation estate as a whole (not just by a comparison of the values of the two blocks), as a gain in conservation value of already well-represented features may not satisfy the test. For example, imagine an exchange where:
 - a. The DOC-Get land is a parcel of intact beech forest
 - b. The DOC-Give land is a parcel containing degraded lowland wetland.
6. Sticking to ecological value to keep the scenario simple, a like-for-like comparison of the two parcels may well conclude that the DOC-Get land has higher value. However, if the extent to which the different ecosystems are represented within the conservation estate as a whole is considered, the exchange would result in a net loss of conservation value to the conservation estate as a whole.
7. The report does not currently include that broader analysis in a comprehensive way (ecological “representativeness” refers to representativeness in the ecological district, not within the conservation estate).

Weighting of subject fields

8. To meet cl 29(2) a land exchange applicant must satisfy the panel that the land exchange (including money and conditions) will enhance all of the conservation values of conservation areas and Crown-owned reserves. A land exchange that enhances some values and diminishes others does not meet that test. The FTAA does not authorise an exchange where some conservation values (e.g. tourism) would be enhanced but others (e.g. biodiversity) would be diminished.

² Page 85

9. The draft report's assessments against individual subject fields³ is:

Subject field	Scenario 1	Scenario 2
Terrestrial ecology	No net gain	Net gain
Freshwater ecology	No net gain	No net gain
Cultural & heritage	Net gain*	Net gain*
Recreation	No net gain / no change	Net gain
Landscape character	Net loss	Net loss

* Qualified by the limitations of the cultural/heritage information and tangata whenua concerns identified elsewhere in the report.

10. The draft report states that it “assumes that each subject field has an equal weighting” but that:

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

11. There is no valid basis for treating terrestrial biodiversity values as more important than freshwater values.
12. Forest & Bird submits that weighting is not required: some conservation values do not achieve a net gain and that is sufficient to fail the net gain criterion in the FTAA.
13. If that is not ultimately considered to be the correct interpretation of cl 29(2) then Forest & Bird submits that the weighting should be informed by the purpose for which the land is held. Here the land concerned is conservation park, which is to be managed so that:⁴
- its natural and historic resources are protected; and
 - subject to a., to facilitate public recreation and enjoyment.
14. “Natural resources” refers (with no internal hierarchy) to plants, animals, air, water, soil, landscape and landform, geological features, and systems of interacting living organisms and their environment. “Historic resource” means a historic place within the meaning of the Heritage New Zealand Pouhere Taonga Act 2014.⁵ Alongside those priorities is the requirement to interpret and administer the Act so as to give effect to the principles of the Treaty of Waitangi,⁶ which include active protection of taonga. This indicates terrestrial

³ This refers to conservation values, i.e. terrestrial ecology, freshwater ecology, cultural and heritage, recreation, and landscape character.

⁴ Section 19 Conservation Act

⁵ Section 2 Conservation Act

⁶ Section 4 Conservation Act

ecology, freshwater ecology, landscape, heritage and cultural values (where they relate to the protection obligations under the Treaty) should all be weighted equally. Recreation should carry less weight, given the express statutory hierarchy in s 19 Conservation Act.

15. It is desirable for the qualification on the net outcome for cultural values to be resolved as far as practicable before the report is finalised.

Scenarios

16. The draft report addresses the land exchange through two scenarios:⁷

- a. Scenario One: which considers the value of the land as it is now; and
- b. Scenario Two: which considers the value of the land, should the land exchange go ahead (and assumes that means the reservoir and irrigation project goes ahead). This scenario includes proposed improvements and relevant mitigation or offsetting that relates to the land that would be received by DOC, and any positive or negative impacts of inundation, where they relate to that land.

17. The draft then says:⁸

Regarding Scenario Two, the draft report and the expert reports that support it, consider this potential future because, assuming the land is exchanged, it will be only for the purpose of an irrigation scheme with resulting reservoir (inundation). In that sense, it would be irresponsible to not consider the values of the land obtained by the Department given that likely future. Especially if the values are significantly impacted upon negatively or positively by the inundation and associated scheme. The land that is lost through the exchange will be underwater, so the future values are likely to be negligible.

18. The last sentence of paragraph 37 implies that the future values of the land to be lost through the exchange have been considered as part of the exchange, when that is not the case. Scenario Two has only considered the effects of inundation on the DOC-Get land. The DOC-Give land is treated as if it will retain its conservation values. The last sentence of 37 should be clarified:

The land that is lost through the exchange will be underwater, so the future values are likely to be negligible, however this has not factored into DOC's assessment (the land lost through the exchange has been treated as if it retains its current conservation values, despite that not being the outcome that will happen if the exchange proceeds).

19. DOC's approach to Scenario Two has involved a comparison between:

- c. intact, thriving ecosystems and landscapes in the DOC-Give land; and
- d. the values of the DOC-Get land following enhancements (e.g. stock fencing, plant and pest animal control).

20. It is important that only the very limited period of pest and weed control required of the applicant in the proposed conditions in Appendix 8 (generally 5 years for weeds and 10 years

⁷ Paragraph 36

⁸ Paragraph 37

for pest animals) is factored into the assessment of values of the DOC-Get land. Ongoing active management by DOC cannot be assumed.

21. Dr Maseyk in the report attached as Attachment 1 also makes the following points:

- a. Scenario 2 takes into account assumed positive outcomes, should the land exchange go ahead, but not also potentially negative outcomes (such as further fragmentation of indigenous vegetation to provide access to the forestry block).⁹
- b. Scenario 2 requires that the mitigation and offsetting required under the resource consents to address adverse effects of the dam construction and operation, are taken into account. This conflates the works offered under Project A of the IMOA (as required under the RMA consents) with the actions required to uplift the ecological condition of the SEB to ensure it is 'comparable'.¹⁰ The two should be separated (as the former is to address impacts of the dam, the latter is to seek to achieve a net gain in acquiring the land itself, a separate issue/impact).

Conservation General Policy

22. The draft report's assessment of the Conservation General Policy refers only to policy 6(a), when it should also have referred to policies 6(c) and 6(d).

23. The application of policies 6(c) and (d) to a land exchange was considered in *Hawke's Bay Regional Investment Company Ltd v Royal Forest and Bird Protection Society of New Zealand Inc*¹¹, in which the Supreme Court held that these policies are relevant to "disposal, including by exchange"¹², and said:¹³

Since a land exchange of conservation land necessarily entails disposal of the conservation land exchanged, policies 6(c) and (d) were policies that would have to be addressed when making a decision to exchange stewardship area under s 16A or otherwise disposing of it. On that basis the land would not be eligible for disposal ... unless it had "no, or very low, conservation values".

24. There is no reason why that interpretation would not similarly be relevant under the FTAA (other than the "not eligible for disposal" part, which is modified by the FTAA).

25. Policies 6(c) and (d) were referenced and assessed in Forest & Bird's comments on the land exchange application. Clearly the application is contrary to them.

⁹ Attachment 1, page 3.

¹⁰ Attachment 1, page 3.

¹¹ *Hawke's Bay Regional Investment Company Ltd v Royal Forest and Bird Protection Society of New Zealand Inc* [2017] NZSC 106

¹² At [141]

¹³ At [145]

Financial implications for the Crown

26. The draft report says that the applicant has obtained a valuation assessing the value of the DOC-Get land (figures redacted) and the DOC-Give land. The draft report says that the applicant:¹⁴

... highlights that the DOC-Give land is difficult to value as it has no economic value and very little potential for development but has provided an indication that forestry land is currently \$5.5k to \$8k per ha depending on the quality / topography of the land. This would give the DOC-Give land of 29 ha an indicative value of \$160k to \$230k.

27. The valuation report has not been disclosed to Forest & Bird. However, based on the summary in the draft report, we comment that a methodology that values conservation land on the basis of its economic value only, as if it were forestry land, is not sound.

28. In 2024, DOC commissioned NZIER to prepare a report on the value of public conservation land, which estimated that the ecosystem services on PCL generate a gross value of \$16.42 billion per year and a net value of \$10.90 billion per year and the value of natural and built asset stocks on PCL is worth \$134 billion.¹⁵ These figures are limited to available data and don't capture the full market value of resources extracted or activities that occur on PCL due to a lack of available information. Cultural and heritage benefits are also not included in the quantification. These estimates of stocks and flows of the ecosystems of PCL also do not fully reflect the value of biodiversity, which is quintessential to its value and contribution to society.

Appendix 4A - terrestrial ecology – further information in response to Wildlands request

29. Within Appendix 4A, Wildlands has commented on Dr Maseyk's report as follows:

3. The scoring framework for conservation values is opaque and subjective — it is unclear how scores were assigned to each criterion or how different values contributed to criterion scores.

Response: Some degree of subjectivity is inevitable when assessing habitats against a set of criteria that are not explicitly linked to data captured in the field. The application of a numerical model similar to a Biodiversity Offset Accounting Model (BOAM) could be applied to the assessment of relative ecological value. However, this is over and above what is expected by the assessment framework provided in DOC's external guidance for conservation values assessments, which specifically states that these assessments are not expected to involve biodiversity compensation models or similar approaches.

As noted above we do not agree with the conservation values scores provided in the SLR report for some of the criteria. It would be useful to have more information regarding which specific criteria Dr Maseyk considers have been inaccurately assessed, and what her recommended valuation would be for these criteria.

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30. Dr Maseyk has provided the further information sought by Wildlands in the supplementary report **attached** to these comments.

¹⁴ At 146

¹⁵ NZIER, The value of public conservation land: An ecosystem services assessment, December 2024.

Attachments

31. The following reports are attached to and form part of these comments:

- a. Attachment 1: Maseyk F 2026. Tukituki Water Security Project – Response to comments in the Department of Conservation Draft Report on land exchange.



To:	Sally Gepp
From:	Fleur Maseyk
Date:	30 September 2026
Subject:	Tukituki Water Security Project – Response to comments in the Department of Conservation Draft Report on land exchange

Tēnā koe Sally

The Department of Conservation (DOC) has released its draft exchange report in relation to the Tukituki Water Security Project¹. As a party that commented on the application, the Royal Forest and Bird Protection Society of New Zealand Inc. (F&B) has been invited to comment on the draft report. I provided advice to F&B² to assist with their initial comments, and have subsequently been instructed to respond to the following comments within the Wildlands ecological statement of advice prepared for DOC³:

3. The scoring framework for conservation values is opaque and subjective — it is unclear how scores were assigned to each criterion or how different values contributed to criterion scores.

Response: Some degree of subjectivity is inevitable when assessing habitats against a set of criteria that are not explicitly linked to data captured in the field. The application of a numerical model similar to a Biodiversity Offset Accounting Model (BOAM) could be applied to the assessment of relative ecological value. However, this is over and above what is expected by the assessment framework provided in DOC's external guidance for conservation values assessments, which specifically states that these assessments are not expected to involve biodiversity compensation models or similar approaches.

As noted above we do not agree with the conservation values scores provided in the SLR report for some of the criteria. It would be useful to have more information regarding which specific criteria Dr Maseyk considers have been inaccurately assessed, and what her recommended valuation would be for these criteria.

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¹ Department of Conservation DRAFT Report on land exchange. Tukituki Water Security Project – Land Exchange Application (FTAA-2603-L003). Dated 14 September 2026.

² Maseyk F 2026. Tukituki Water Security Project – Terrestrial ecology review of Land Exchange Assessment report. The Catalyst Group Contract Report No. 2026/225. Prepared for the Royal Forest and Bird Society.

³ Wildland Consultants Ltd. Statement of advice Ecology (Sarah Budd, Nicholas Goldwater, Richard Storey), independent consultants for Department of Conservation. In the matter of FTAA-20603-L003–Tukituki Water Security – Land Exchange. Dated 3 September 2026.

I touch on each of the points raised in Wildlands' comments below.

Use of numerical models and DOC guidance

I agree with the Wildland comments that it is not appropriate to use the biodiversity offsetting accounting model (BOAM)⁴. This is because, as a like-for-like model the BOAM would certainly not be the right tool in this situation, which is the evaluation of comparative value across a range of values, many of which are dissimilar (an 'out of kind' exchange), and an analysis of the contribution the two sites make to the Public Conservation Land (PCL).

I am aware that a framework to evaluate comparability of out of kind values does not exist. I also agree that the DOC guidelines⁵ do not shed any illumination on appropriate approaches to do this, nor do they require this level of granular assessment. However, I maintain that in the absence of a transparent and objective framework to do so, the resultant assessment is broad (at the level of the ecological criterion, comparing ordinal ranks with each other) and reliant on subjective assessment. It is difficult to determine with confidence that the exchange will enhance PCL as a whole (from an ecological perspective), and this is particularly so when we are relying on management actions to generate a future uplift in values to ensure values are enhanced.

This is a failing of the draft guidelines as adhering to them leads to conclusions of comparability without the evidence base to support it and provides for exchange of out of kind values without guidance as to appropriateness of doing so – there are no 'exchange rules'. The draft guidelines also do not provide a structured way to determine if the exchange land enhances the PCL as a whole in terms of addition of values, for example, not already well represented in the DOC estate. I discuss this matter in more detail in my original report.

Assessment against criteria

The emphasis of my original comments were not so much a critique of the values assigned, as to the lack of a transparent, repeatable, structured *comparative analysis* of the public conservation land (DOC-give) and Smedley Exchange Block (DOC-take), and their respective (current and potential) contribution to the PCL as a whole.

As I set out in my original report, I consider the ecological criteria themselves to be useful for identifying the significance of areas, and to guide the identification of values.

⁴ Maseyk FJF, Barea L, Stephens RTT, Possingham HP, Dutson G, Maron M. 2016. A disaggregated biodiversity offset accounting model to improve estimation of ecological equivalency and no net loss. *Biological Conservation* 204:322–332. Accessible from: <https://www.doc.govt.nz/about-us/our-policies-and-plans/guidance-on-biodiversity-offsetting/biodiversity-offsets-accounting-system/>

⁵ Draft external guidance for conservation values assessments for land exchanges under the Fast-track Approvals Act 2024 (Current 18-August).

Wildlands have replicated the assessment undertaken by SLR (in accordance with the draft DOC guidelines), applying a scenario approach to undertake their assessment of the SEB⁶. Two scenarios are described:

***Scenario 1** considers the ecological value of the Smedley Exchange Block (SEB) land as it is now.*

***Scenario 2** considers the ecological value of the SEB land, should the land exchange go ahead. This scenario includes any relevant mitigation or offsetting that relates to the land that would be received by DOC, and any positive or negative impacts of inundation, where they relate to that land.*

I am of the view that taking a scenario approach to the assessment is useful in a general sense, but I have additional concerns at the confusion scenario 2 introduces in relation to the inclusion of 'any relevant mitigation or offsetting'.

Scenario 1 is describing current state, in the absence of management (status quo). It does not introduce consideration of a counterfactual trajectory (e.g., condition in the future under continuation of the current surrounding land use and absence of management interventions). Although not explicitly stated, this is the scenario the PCL site is also assessed under – current values and condition.

Scenario 2 assumes a future state based on the assumption of recovery trajectory in response to management actions (e.g., fencing, pest control, weed management). Assumptions are coarse and do not describe species or habitat-specific recovery trajectories, nor are they explicit about time in the future when these values would be reached (e.g., 2, 5 or >10 years). I also note scenario 2 takes into account assumed positive outcomes, should the land exchange go ahead, but not also potentially negative outcomes (such as further fragmentation of indigenous vegetation to provide access to the forestry block).

The scenario approach is helpful to highlight the degree to which proposed management interventions to uplift values within the SEB are being relied on to ensure values are enhanced but comparing the two states within the SEB – present state and in the future – does not provide any additional assessment of the comparability of the PCL and the SEB.

Critically, Scenario 2 requires⁷ that the mitigation and offsetting required under the resource consents to address adverse effects of the dam construction and operation, are taken into account. This conflates the works offered under Project A of the IMO A with the actions required to uplift

⁶ Wildlands Statement of advice paragraph 11.

⁷ Para 36 (footnote 13) of the DOC Draft Report on land exchange confirms scenario 2 includes the mitigation or offsetting in IMO A Schedule 6.

the ecological condition of the SEB to ensure it is 'comparable'. There is an obvious overlap in the area subject to Project A and the SEB.

Works undertaken to enhance the DOC-get land must not also be counted as part of the IMOA, the intention of which is described in the Overview report⁸

'to mitigate or offset adverse environmental effects of the broader project.'... '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.'

This conflation is also noted in the Wildlands Statement of advice⁹, and is contrary to the applicant's claims that any work undertaken in the SEB will be additional to that required under the resource consent to manage adverse effects.

I do not agree with the Wildlands report that potential issues of 'double-dipping' on enhancement works are solely a legal issue to be dealt with separately. I am of the view that it is a matter for suitably qualified ecologists to comment on and is a critical matter in terms of ecological outcomes. This is particularly relevant for this assessment, given the reliance on the proposed active management within the SEB to enhance ecological values for the purposes of meeting requirements of the land exchange.

I do not necessarily dispute the values assigned to each criterion by either the SLR or Wildland ecologists, in so far as I can only conclude these were assigned in an 'overall' way for each criterion based on the information available to the respective teams, and their own assessments from site visits. There is little value adding my assessment, particularly as I have not been provided with the opportunity to undertake a site visit due to resourcing constraints and am therefore not in a position to agree with or query site assessments, but I make the following observations:

- *Assessment against the criteria.* It is evident that both the PCL and SEB met the ecological significance criteria and both sites comprise a range of ecological values. There is some discrepancy between the SLR and Wildland ecologists on conservation values within the SEB for some criteria. This has not materially impacted the overall conclusion (for terrestrial ecology) that the values in the SEB are *likely to be comparable* but will not be *enhanced* unless active management is in place. I maintain the overall conclusions of comparability are subjective, and that conclusions that conservation values will be enhanced is reliant on active management. Comparisons of Scenarios 1 and 2 confirm this.

⁸ Mitchell Daysh 2026. Tukituki Water Security Limited. Exchange of Land Overview Report. Fast Track Approvals Act 2024, section 3, pg 11.

⁹ Wildland Consultants Ltd. Statement of advice. Ecology. Dated 3 September 2026.

- *Enhancement of SEB values.* I agree broadly that with appropriate, targeted, and sustained management actions the condition of biodiversity values within the SEB will improve over time which will enhance representativeness (through improved ecological integrity) and diversity by (for example) recovery of species lost to browse pressure. However, while the management actions can be conditioned to occur in the short-term, and prior to the land exchange occurring, recovery of values (and thus enhancement) will not occur until some point in the future and this future point will vary across values (e.g., some recovery of vegetation communities within 3-5 years of excluding grazing but considerably longer (10–15+) for structural recovery, establishment of slower growing canopy species, soil recovery, invertebrate recovery etc. Fauna species will also respond differently to different management actions).
- *Rarity and distinctiveness.* I agree with Wildlands comments as to the uncertainty regarding the presence or otherwise of threatened species within the SEB. However, the presence of threatened land environments might on its own justify a score of M, meaning the scoring would not shift regardless of whether threatened species were present or not. What remains uncertain is how the presence or absence of threatened species would alter a comparison between the PCL and SEB.
- *Ecological context.* Neither the SLR report or the Wildlands comments consider the wider ecological context of the SEB, in relation to the forestry block, and the need for construction of an access road which would result in the loss of indigenous vegetation. While the effects of constructing an access road are out of scope of this assessment, considerations of the wider landscape in relation to the area and its ability to maintain indigenous biodiversity values are relevant. While this might not change the respective ecologists assigning a M/H score to ecological context (based on other considerations), it must be a consideration in comparing whether the PCL M/H score or the SEB M/H score contributes more to the PCL as a whole and which has less risk to the assumed future state. Scenario 2 analysis considers probable future trajectories (recovery in response to management) but should also consider threats and pressures under that scenario.
- *Reliant on assumptions.* While all ecologists agree that the assumptions underpinning the assessments appear reasonable, reliance on assumptions remains an issue and introduces an element of uncertainty, and an inability to be entirely confident in conclusions drawn. Given the potential loss of high value public conservation land, a precautionary approach should be taken when reliant on basing assessments on assumptions. I note Wildlands statement of advice¹⁰ draws the same conclusion.
- *Comparative analysis.* Neither assessment provides any insight as to what components make up the criterion score, or how each component contribute to the score assigned, benchmarks are not used to provide a common reference point, and there are no definitions of scores or

¹⁰ Wildland Consultants Ltd. Statement of advice. Ecology. Dated 3 September 2026. Para 46.

thresholds between them (e.g., the difference between Low and a Medium). Thus, we are no better informed as to what the sliding scale of L, L/M, M, M/H, H means at a more granular *comparative* sense.

- *Overall conclusions.* The overall assessments of comparability appear (in both assessments) to be weighted by the larger extent of indigenous vegetation within the SEB, and also appear to assume that extent of indigenous vegetation serves as a surrogate for all other ecological values. This obscures differences in landforms, underlying geology, altitude, aspect, other ecological features, functions, processes, sequences, etc., and offers no commentary on the potential exchange of threatened species, ecosystems, or land classifications (for example, the potential to be trading one threatened species for a different threatened species or trading threatened land environments with less threatened land environments).

Conclusions

The issue I raise is less whether the scores assigned against each criterion are appropriate and more how these scores can inform a comparative analysis of the PCL exchange land and the SEB. In replicating the same assessment as SLR, Wildlands have identified some further values and re-emphasised the need for active management within the SEB to generate uplift in values, but in following the draft DOC guidelines, have not provided much in way of finer comparative analysis between the two blocks. 'Overall assessments' therefore remain relatively subjective and high-level due to the lack of an alternative framework by which to compare and weigh out of kind values. Putting comparability to one side, the dependence on management actions to enhance values within the SEB is evident, and as such there will be a temporal delay in values being enhanced.

I suggest limiting assessments to only that suggested by the draft DOC guidelines is preventing a more fulsome, transparent, and objective assessment of the merits of the proposed exchange, in a comparative sense and in consideration of enhancing conservation values of the PCL as a whole.

In this sense, I have not shifted from the conclusions in my original report.

Nāku iti noa, na



Dr Fleur Maseyk
Conservation Scientist