

**BEFORE HEARINGS COMMISISONERS APPOINTED
BY THE FAR NORTH DISTRICT COUNCIL**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the hearing of submissions on the Proposed
Far North District Plan

SUBMITTER Green Inc Ltd

HEARING TOPIC: Hearing 15B – Rezoning – New Special
Purpose Zones

STATEMENT OF PLANNING EVIDENCE OF ANDREW CHRISTOPHER MCPHEE

18 August 2025

INTRODUCTION

1. My name is Andrew Christopher McPhee. I am a Director / Consultant Planner at Sanson and Associates Limited and Bay of Islands Planning (2022) Limited.
2. I have been engaged by Green Inc Ltd (**GIL**) to provide planning evidence in support of their original submission to the Proposed Far North District Plan (**PDP**)¹.
3. I note that while the Environment Court Code of Conduct does not apply to a Council hearing, I am familiar with the principles of the code and have followed these in preparing this evidence.

QUALIFICATIONS AND EXPERIENCE

4. I graduated from The University of Auckland in 2007 with a Bachelor of Planning (Honours).
5. I began my planning career with Boffa Miskell, where I was a graduate planner until 2009. The same year I joined the Auckland Regional Council in the Policy Implementation Team. When the Auckland Councils amalgamated in 2010, I worked in a number of planning roles, leaving in 2015 as a Principal Planner in the Central and Island Planning Team.
6. I joined the Far North District Council (**FNDC**) in 2015 as a Senior Policy Planner working principally on the review of the district plan. I left FNDC in December 2023 and joined Sanson and Associates Limited and Bay of Islands Planning (2022) Limited with my co-director Steven Sanson.
7. I have been involved in a number of plan change and resource consent hearing processes in my time at Auckland Council, including as the planning lead for a number of topics for the Auckland Unitary Plan process. At FNDC I project managed private plan change 22 and was the portfolio lead for a number of topics for the PDP.
8. I am a full member of the New Zealand Planning Institute and a member of the Resource Management Law Association. In February 2024, I was certified with excellence as a commissioner under the Ministry for the Environment's Making Good Decisions programme.

¹ Submission 164

EXECUTIVE SUMMARY

9. The Tupou Zone is a proposed Special Purpose zone (**TUPZ**) within the PDP, encompassing a 1,439-hectare property previously managed as a sheep and beef farm. This land is characterized by steep, low-quality soils (predominantly Class 6-8) that were marginal for traditional agricultural use. There is a small area of land on the northern coastline that is identified with Class 3 soils (or considered 'Highly Productive Land').
10. The overarching vision is to re-establish and manage extensive native forest ecosystems through large-scale native reforestation and promoting native ecosystem regeneration. This ambitious programme, initiated in 2023 and scheduled to continue until at least 2029, involves planting a significant number of native trees and shrubs, with a target of 687,398 trees across 404.1 hectares.
11. My evidence directly addresses the shortcomings of the initial submission, which the s42A Report for Hearing 15B noted was not supported due to insufficient information. My evidence provides that detailed analysis and a complete set of proposed provisions (including objectives, policies, rules, and standards), along with a Reforestation and Biodiversity Management Plan (**RBMP**) and a Pest Management Plan (**PMP**).
12. The TUPZ is a uniquely integrated self-sustaining ecological and economic model that cannot be effectively managed by standard zoning. I contend that the existing regulatory framework of the Rural Production Zone (**RPROZ**) is more a reactive model of environmental management that is ill-equipped to facilitate the proactive and integrated restoration efforts required for the reforestation project at Tupou. I believe the TUPZ to be a proactive zone where its mandatory management plans act as the operational backbone for implementing the ecological benefits.
13. The economic viability of the Tupou project is intrinsically linked to carbon and biodiversity credits, eco-tourism and eco-education activities, which will contribute to the revenue stream to fund the long-term, and costly, conservation and pest control efforts.
14. Following the analysis set out in this evidence, I conclude that the TUPZ is a sound and necessary planning framework for the management of land use and development at Tupou. It meets the various statutory requirements and is the most appropriate, effective, and efficient way to achieve the objectives of the PDP and the purpose of the Resource Management Act 1991 (**RMA**).

SCOPE OF EVIDENCE

15. I was engaged by GIL to provide planning evidence in support of their original submission to the Proposed Far North District Plan. The primary submission seeks rezoning of their landholdings north of Taupo Bay to a Special Purpose Zone.
16. The land is currently zoned RPROZ in the PDP. The landholdings contain 26 titles and cover a total area of approximately 1,439 hectares.

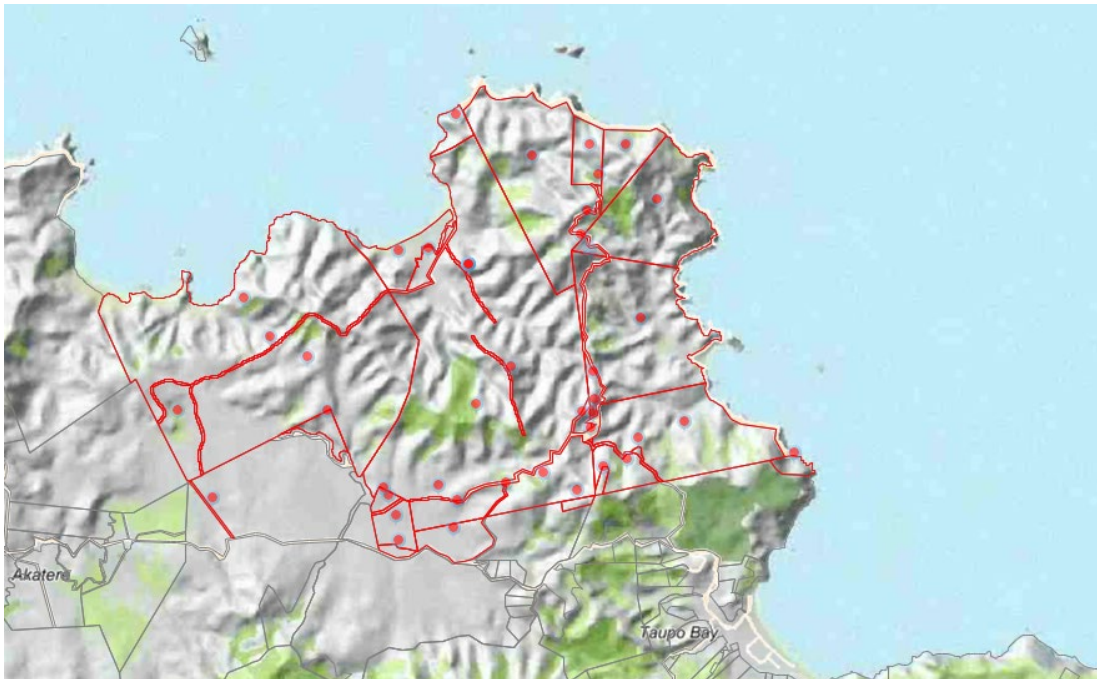


Figure 1: Landholdings seeking Tupou Special Purpose Zone (Source: Prover)

17. I have prepared this evidence in accordance with the guidance of hearing Minute 1, which directs that evidence should highlight areas of agreement and disagreement with the s42A Report and outline proposed changes with a rationale and a s32AA assessment.
18. The s42A Report for Hearing 15B noted that the request for a TUPZ was not supported due to the absence of sufficient information. My evidence has been prepared to directly address that gap. It provides the necessary detailed analysis as well as proposed provisions, a RBMP, and a PMP, thereby responding to the specific concerns raised in the s42A Report regarding the lack of supporting evidence.

TUPOU ZONE SUBMISSION AND RATIONALE

19. The submission by GIL raises concerns that the current PDP, as drafted, creates a strong disincentive to restoring indigenous ecosystems, as such areas would

likely become Significant Natural Areas with associated restrictive controls. The submission requests that the zoning for Tupou be amended from the RPROZ to a new Special Purpose Zone.

20. The vision for TUPZ is to enable the landowner to retain primary production on the more fertile soils of the property while restoring the steep, erodible hill country to native ecosystems. The restored native ecosystems will be actively managed to generate environmental and economic value through carbon and biodiversity credits, eco-tourism and eco-education facilities. A comprehensive pest management programme is an integral part of this plan.
21. The core rationale for a bespoke zone is that the standard RPROZ is ill-equipped to enable and incentivize this unique, proactive restoration model. The TUPZ is designed to provide an enabling regulatory pathway for eco-tourism and eco-education activities, which are intended to generate the revenue necessary to fund the long-term, and costly, conservation efforts.
22. The proposed TUPZ would provide a clear and enabling regulatory pathway dedicated to long-term ecological enhancement, while ensuring that land use options attributed to these endeavours are not unduly constrained.

TUPOU ZONE CHARACTERISTICS AND CONTEXT

23. The landholdings consist of 26 titles and cover a total area of approximately 1,439 hectares. The land was previously managed as a sheep and beef farm and is characterized by steep, low-quality soils (predominantly Class 6-8) that were marginal for traditional agricultural use.



Figure 2: Aerial of the landholdings seeking Tupou Special Purpose Zone

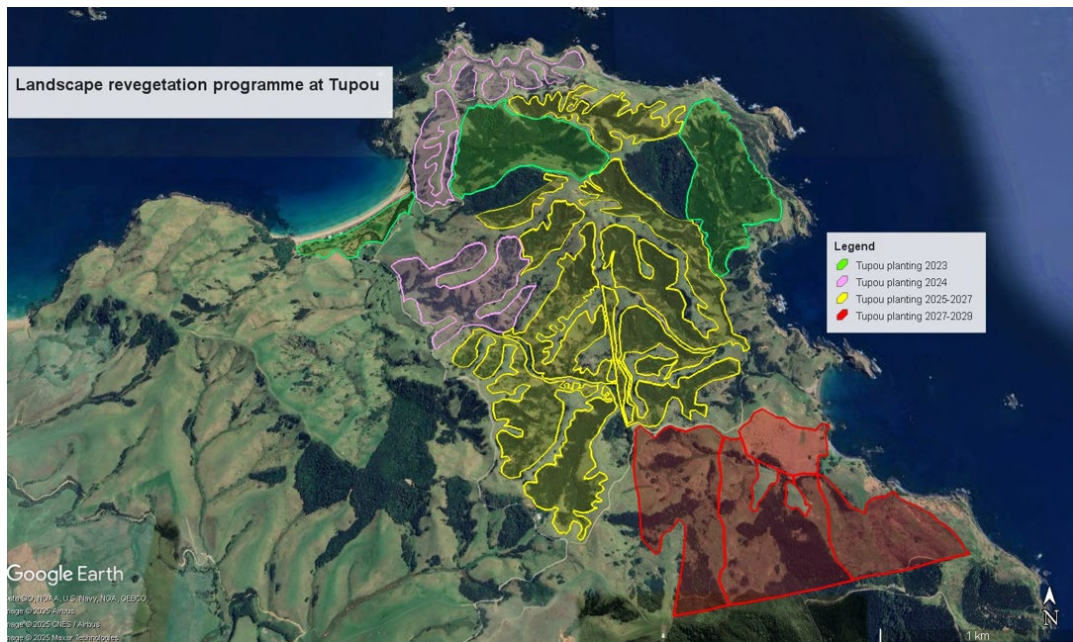


Figure 3: Tupou Special Purpose Zone landscape revegetation programme

24. Prior to the current initiatives on the landholdings, small areas of native forest remained primarily in gullies, which were heavily infested with pests and lacked flowering, seeds, or fruit, resulting in very low bird numbers.
25. A transformative revegetation programme commenced in 2023 and is scheduled to continue until 2029, targeting the restoration of 404.1 hectares with a projected planting of 687,398 native trees and shrubs. This restoration programme is intrinsically linked to and underpinned by an adaptive pest control strategy.
26. The zone also incorporates an innovative, science-based decision-making tool called the Bio Value Index (**BVI**), which was developed over two decades, and is further detailed in Dr Craigs evidence. In short, the BVI measures how indigenous tree species contribute to entire ecosystems, quantifying biodiversity and ecosystem health beyond simple carbon sequestration. The RBMP will require the BVI to be a key performance indicator for monitoring and reporting the project's progression.

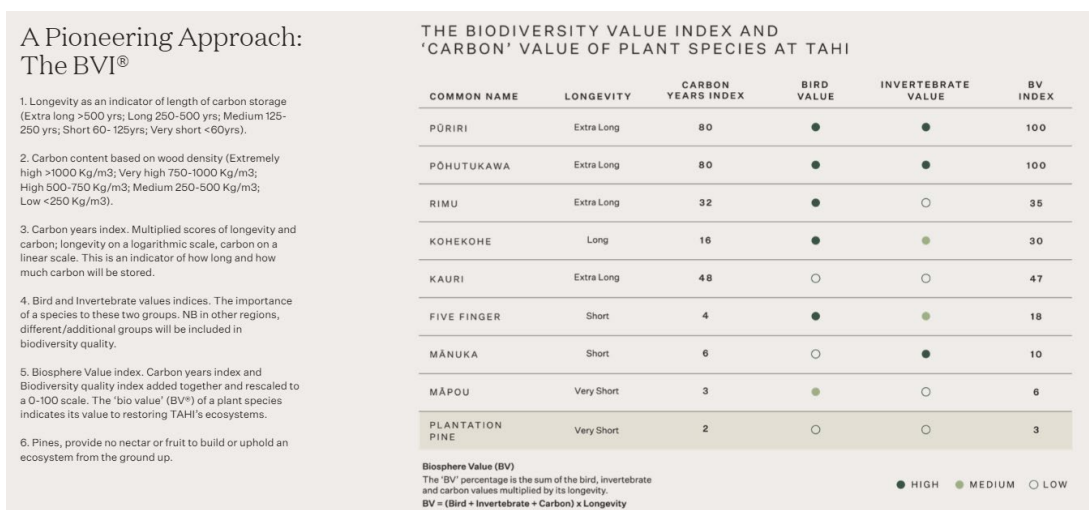


Figure 4: The Biodiversity Value index – BVI (Source: Tahi website)

27. In addition to ecological objectives, the TUPZ is intended to provide for eco-tourism and eco-education opportunities. This includes the development of high-end accommodation and educational facilities, which are designed to support the ecological and economic sustainability of the zone by providing revenue to fund the ongoing conservation and pest control programmes.

SPATIAL OPTIONS FOR THE TUPOU ZONE LANDHOLDINGS

28. I have examined the status quo option and other spatial layers for the landholdings and compared this with the TUPZ.
29. The analysis of the TUPZ is framed around the criteria set out in the National Planning Standards.

Option 1: Rural Production Zone (status quo)

30. The landholdings are currently zoned RPROZ. The primary purpose of this zone is to enable and protect primary production activities, such as farming, forestry and horticulture.
31. The approach to environmental management in the RPROZ in concert with the Ecosystems and Biodiversity chapter is largely reactive, particularly with indigenous vegetation clearance rules. While the RPROZ includes a permitted activity rule for 'conservation activity', it does not mandate or facilitate comprehensive, large-scale, integrated planting that is central to the programme for TUPZ. Further, any future vegetation removal associated with the implementation of eco-tourism or eco-education facilities would face a rigorous consenting process on completion of the large scale planting proposed.

32. In short, the RPROZ framework is ill-equipped to facilitate the integrated and proactive ecological restoration efforts of the TUPZ.

Option 2: Other spatial layers (i.e. overlays)

33. While the National Planning Standards allow for precincts and overlays to manage specific values, I believe a combination of these layers would be impractical for the TUPZ due to the integrated nature of its objectives.
34. Overlays are typically restrictive rather than enabling. Attempting to achieve the TUPZ goals through an overlay framework would create regulatory complexity. It would struggle to provide a single, coherent management approach that combines large-scale revegetation, intensive pest control, and the enabling of compatible eco-tourism and eco-education activities within a single, coherent framework.
35. The TUPZ needs an enabling framework that is fundamentally different from a typical overlay or precinct, and this cannot be achieved efficiently through a combination of spatial layers.

Option 3: Tupou Special Purpose Zone

36. The establishment of the TUPZ integrates objectives that cannot be effectively managed through existing standard zones. The TUPZ is an active restoration zone for land that has little agricultural benefit, aiming to promote biodiversity and native ecosystem regeneration.
37. The TUPZ's regulatory framework is proactive and mandates a Council-approved RBMP and a PMP before development can occur. This framework provides the regulatory certainty and tailored provisions required to enable and manage this unique restoration project.
38. The TUPZ is an innovative zone where the ecological restoration benefits proposed are balanced against activities that support the improved ecology. The framework in the objectives and policies provide a justification for subsequent exemptions in the Ecosystems and Indigenous Biodiversity chapter for vegetation removal.
39. I consider that the TUPZ is the most appropriate spatial layer, and meets all three of the criteria for an additional special purpose zone in the National Planning Standards:
- **It is significant to the district, region, or country:** The Tupou Zone is significant due to its large-scale ecological restoration goals. The restoration

of over 400 hectares of native forest, creation of vital habitats, and its alignment with the district's vision through *“making use of the strategic advantage of the environment, climate, soils culture and people of the Far North”*², makes it a project of significance. As outlined below, the TUPZ also aligns with the Strategic Direction of the PDP.

- **It is impractical to be managed through another zone:** As demonstrated above, the RPROZ is unsuited to the TUPZ's unique, proactive, and integrated objectives. Its focus on primary production is fundamentally different from the ecological restoration focus of the TUPZ.
- **It is impractical to be managed through a combination of spatial layers:** Attempting to achieve the TUPZ's goals through a combination of overlays would lead to regulatory complexity and a lack of holistic management for the landholdings. Overlays are by their nature restrictive, and the TUPZ requires an enabling framework that balances restoration with the economic activities that fund it.

DESCRIPTION OF THE PROPOSED PROVISIONS

40. The following provisions are a detailed draft of the TUPZ.

Overview

- 41. The TUPZ is designated as a Special Purpose zone to facilitate the re-establishment of native forest ecosystems and indigenous biodiversity on marginal rural land.
- 42. The overarching vision is to deliver substantial environmental benefits, including carbon sequestration and the creation of vital habitats for indigenous and threatened biodiversity.
- 43. The zone is underpinned by two Council-approved documents, being the RBMP and a PMP. These plans form the legal and operational backbone of the zone, ensuring all activities are intrinsically linked to the project's core ecological objectives.
- 44. The TUPZ provides a clear and enabling regulatory pathway, dedicated to long-term ecological enhancement, including the implementation of eco-tourism and eco-education facilities.

² Far North 2100: An 80-year strategy for the district

Objectives

45. **TUPZ-O1** *The Tupou zone is managed to enable and actively encourage large-scale native reforestation and biodiversity enhancement on marginal rural land.*
46. **TUPZ-O2** *The Tupou zone supports eco-tourism and eco-education opportunities that are intrinsically linked to and enhance the zone's ecological and economic sustainability.*
47. **TUPZ-O3** *Land use and subdivision in the Tupou zone:*
 - a. *Protects and enhances indigenous biodiversity;*
 - b. *Enables buildings, roads and tracks necessary for the zone's operational requirements and eco-tourism and eco-education activities.*
 - c. *Does not exacerbate any natural hazards;*
 - d. *Is capable of being serviced on-site.*
48. **TUPZ-O4** *The role of landowners as stewards in protecting and restoring significant natural areas and indigenous biodiversity is provided for.*
49. **Objective 1: Reforestation and biodiversity enhancement.** The use of the term 'large-scale' establishes that the proposal is not for a small, localized project but for a larger intervention aimed at a significant ecological impact. The term 'actively encourage' facilitates policies and rules designed to incentivise activities. The focus on 'marginal rural land' acknowledges that much of the landholding is on land that is not economically viable for traditional agricultural uses, providing a new, sustainable pathway for land use.
50. **Objective 2: Eco-Tourism and Eco-Education.** This objective serves as the primary mechanism for generating economic returns and viability from the ecological investment outlined in Objective 1. The phrase 'intrinsically linked' defines the symbiotic relationship between the quality and health of the restored native ecosystem, which is the product that the eco-tourism and eco-education ventures will sell. In turn, the revenue generated from these activities is intended to fund the ongoing management and enhancement of the restoration activities and continued pest control programme. This creates a self-sustaining loop where commercial success is directly dependent on the environmental success of the project.
51. **Objective 3: Responsible Land Use and Subdivision:** This objective outlines a set of principles for land use and subdivision, ensuring that all development within the zone is cognisant of its overarching ecological and sustainability goals.

Protection and enhancement of indigenous biodiversity is the central matter for all development. Enabling buildings, roads and tracks necessary for the zone's operational requirements, eco-tourism and eco-education activities recognises the practical need for this infrastructure, but requires it to be developed in consideration of protecting indigenous biodiversity. This requires a holistic understanding of the ecological benefits established by the zone and allowing planning rules that are flexible enough to allow for the unique activities of the zone which make it financially viable.

52. *Objective 4: Landowner Stewardship:* This objective formalises the landowner's responsibilities beyond simple ownership rights. The term 'steward' resonates with the Māori concept of kaitiaki, or guardianship. While the TUPZ proposal is a private-sector initiative, its adoption of this principle is a conscious effort to align the project's values with a model of responsible land ownership.

Policies

53. ***TUPZ-P1*** *Enable native reforestation and associated activities as predominant land uses on identified marginal lands.*
54. ***TUPZ-P2*** *Enable earthworks and vegetation clearance to facilitate buildings, roads and tracks required for the zone's operations, eco-tourism, eco-education and overall management.*
55. ***TUPZ-P3*** *Provide for eco-tourism and eco-education activities and associated infrastructure that enhances public understanding and support for the zone's environmental objectives.*
56. ***TUPZ-P4*** *Require active management of pest plants and pest animals to protect and enhance native flora and fauna.*
57. ***TUPZ-P5*** *Promote the protection of species that are endemic to Northland by preferentially eco-sourcing plants within the ecological district or region for reforestation and restoration activities.*
58. ***TUPZ-P6*** *Ensure development is resilient to natural hazards particularly on land susceptible to natural hazards.*
59. ***TUPZ-P7*** *Manage primary production activities to complement reforestation and biodiversity goals.*
60. ***TUPZ-P8*** *Recognize and provide for historic heritage and sites and areas of significance for Māori.*

61. *Policy 1: Native Reforestation and Associated Activities:* This policy aims to formally elevate and enable native reforestation to a primary land use for TUPZ. It seeks to incentivise large-scale indigenous biodiversity restoration, particularly on land that is less productive for conventional farming. The use of the term 'predominant' implies that the zone's identity would be defined by this environmental focus, and the phrase 'associated activities' provides the necessary flexibility for complementary uses, which is the key to overcoming the perceived disincentive of the existing zoning (RPROZ) for the landholdings.
62. *Policy 2: Enabling Operational Infrastructure:* This policy seeks to ensure that the physical infrastructure needed for the zone's activities is permitted. It provides a clear pathway for developing infrastructure that is essential to the economic viability of the zone and continuation of ecological investment without facing prohibitive regulatory hurdles. The location of buildings, roads and tracks are not known at this juncture and are largely dependent on the ecological results of the of the RBMP and PMP. This policy is a pragmatic acknowledgment that the zone's environmental goals cannot be achieved in isolation from its operational needs.
63. *Policy 3: Eco-tourism and Eco-education Activities:* The intent of this policy is to establish a financial model for the economic viability of this ecological undertaking through delivering products that immerse the public in the environment. By facilitating commercial activities like eco-tourism, the policy's objective is to create a sustainable revenue stream that funds the zone's environmental mission. Furthermore, eco-education activities are intended to deepen community understanding of the zone's conservation goals, thereby reinforcing its long-term viability.
64. *Policy 4: Pest Management:* The intent of this policy is to mandate a proactive and continuous approach to pest control within the zone. The approach is fundamental to the zone's ecological success and aligns with, and reinforces, broader regional planning for pest control. The environmental integrity of the TUPZ depends on ongoing, active intervention as opposed to a passive approach.
65. *Policy 5: Endemic Species Protection (Eco-sourcing):* This policy demonstrates an understanding of ecological restoration. Its intent is to ensure that reforestation efforts support Northland's unique and endemic biodiversity by using locally sourced plants.
66. *Policy 6: Natural Hazard Resilience:* This policy looks to protect both people and property by requiring that development on the property is located and constructed in cognisance of natural hazards. The policy ensures the safety and

long-term viability of the zone's operations, thereby safeguarding the investment and effort put into its development and environmental restoration.

67. *Policy 7: Primary Production Management:* The policy's intent is to enable the continuation of activities such as farming in areas where it is viable and appropriate to do so. The policy implies that farming and conservation are not mutually exclusive and can, under the right management, support each other.
68. *Policy 8: Historic Heritage and Significance:* The policy formally acknowledges and protects the cultural and historic values where they apply to the landholding. The policy aligns with the Māori concept of kaitiaki, or guardianship principles.
69. I believe that the effectiveness of the policy framework lies in its integration. The policies are designed to work as a cohesive whole, creating a clear connection between the environmental outcomes and the economic activities that enable them. TUPZ-P1 establishes native reforestation as the predominant land use , while TUPZ-P2 and TUPZ-P3 provide the enabling framework for the eco-tourism, eco-education and operational infrastructure necessary to fund that primary objective.
70. The provisions are not a trade-off. The framework ensures a symbiotic relationship, where the quality of the ecological restoration directly determines the value of the eco-tourism product. TUPZ-P4 (Pest Management) and TUPZ-P5 (Eco-sourcing) act as qualitative controls, ensuring the restoration efforts are ecologically robust and contribute to the zone's long-term success. This integrated approach is central to justifying the consequential amendments sought in other chapters, as it demonstrates that enabling provisions for said infrastructure are functionally tied to the delivery of significant net ecological benefits.

Rules

71. ***TUPZ-R1*** *New buildings or structures, or extensions or alterations to existing buildings or structures.*
72. This rule classifies new buildings, extensions, and alterations as a permitted activity, provided they comply with the identified standards, which include maximum height, height in relation to boundary, setbacks and building coverage. To be considered a permitted activity there must be a Council-approved RBMP and a PMP in place.

73. Where the standards are not met the activities status falls to be a restricted discretionary activity relying on the matters of discretion identified in the particular standard.
74. Where the building or structure accommodates a non-complying activity or there is no Council approved RBMP and PMP then the activity status falls to be a non-complying activity. This approach ensures that maximum scrutiny is applied to an application where the zone does not accommodate the activity or there is an absence of a RBMP and PMP.
75. This rule implements:
- Objectives TUPZ-O2, TUPZ-O3 and Policies TUPZ-P2, TUPZ-P3, which support eco-tourism and eco-education opportunities and enable buildings and infrastructure necessary for the zone's operational requirements.
76. ***TUPZ-R2 Impermeable surface coverage***
77. This rule sets a maximum impermeable surface coverage of 15% as a permitted activity and is taken from the existing zoning proposed in the PDP as RPROZ.
78. Where the threshold of 15% is exceeded then the activity status falls to be a restricted discretionary activity with the matters consistent with those elsewhere in the PDP. This rule is not envisaged to be breached anywhere on the landholdings.
79. This rule implements:
- Objective TUPZ-O3 and Policy TUPZ-P6, which require development to be capable of being serviced on-site and is designed to mitigate potential adverse effects on natural hazard risks.
80. ***TUPZ-R3 Residential activity***
81. ***TUPZ-R4 Eco-tourism accommodation***
82. ***TUPZ-R5 Eco-tourism and Eco-education Facility***
83. These rules regulate the types of living and commercial activities that can occur within the zone. They classify residential, eco-tourism, and eco-education as permitted activities under specific conditions, such as minimum site sizes for

residential units (40ha), maximum guest numbers for accommodation (10), and floor area limits for facilities³.

84. For the eco-tourism and eco-education facilities to be considered a permitted activity there must be a Council-approved RBM) and PMP in place.
85. Where any of these activities or facilities do not meet the permitted controls, an application will be assessed as a discretionary activity, where Council has full discretion to assess.
86. These rules implement:
 - Objective TUPZ-O2 and Policies TUPZ-P2, TUPZ-P3, which are focused on supporting eco-tourism and eco-education as a means of generating economic viability from the zone's ecological health objectives.
87. ***TUPZ-R6 Native reforestation and biodiversity enhancement activities***
88. ***TUPZ-R7 Pest and predator control activities***
89. ***TUPZ-R8 Farming activity***
90. ***TUPZ-R9 Conservation activity***
91. These rules are foundational to the TUPZ zone, classifying native reforestation, biodiversity enhancement, pest and predator control, farming, and conservation as permitted activities.
92. While I acknowledge that 'conservation activities' by definition broadly covers TUPZ-R6 and TUPZ-R7, explicitly providing rules in the zone reinforces the importance of these activities in the TUPZ, which are fundamental to its success.
93. These rules implement:
 - Objectives TUPZ-O1, TUPZ-O2 and Policies TUPZ-P1, TUPZ-P4, TUPZ-P5, and TUPZ-P7 by allowing these core activities in the TUPZ to proceed without the need for a resource consent. Making the activities permitted removes a key regulatory barrier and actively encourages the landowner to engage in these activities.

³ Note that the award winning Longbush Ecosanctuary Welcome Shelter, located near Gisborne, has a documented floor area of 150m². The facility functions as an environmental education space and a gateway for visitors to the sanctuary.

94. **TUPZ-R10 Management Plans**
95. This is arguably the most significant rule in the TUPZ framework. It is the catalyst for the submission and approval of RBMP and PMP. As a restricted discretionary activity Council's discretion is limited to the specified of matters discretion, which include methods, timing, responsibilities and monitoring provisions. The matters of discretion also include the use of the BVI as a key performance indicator.
96. The requirement for the RBMP and PMP to include mechanisms for review and adaptation is key to the TUPZ long-term effectiveness. It acknowledges that ecological systems are dynamic and that management techniques may need to evolve in response to monitoring outcomes.
97. By making the review mechanism a matter for Council's discretion, the framework ensures that the plans are not static documents but are subject to ongoing oversight. This provides certainty that the ecological objectives of the zone will be pursued effectively over the long term, even if land ownership or management personnel change. This ensures TUPZ remains effective and responsive to actual ecological results.
98. Where the RBMP or PMP do not provide the detail specified in the matters of discretion, an application will be assessed as a non-complying activity.
99. This rule, and the RBMP and PMP that fall from it, are the 'operational backbone' for implementing the ecological and stewardship policies, including:
- Objective TUPZ-O1 and Policies TUPZ-P1, TUPZ-P4 and TUPZ-P5. Indirectly this rule also implements TUPZ-O4 and TUPZ-P8 in so far that the actions required through these plans implicate the landowners as stewards in the enhancement and protection of indigenous ecosystems.
100. **TUPZ-R11 Activities not otherwise listed in this chapter**
101. This is the standard catch-all rule in all zones within the PDP and classifies any activity not otherwise listed in the zone as 'discretionary'.

The Non-Complying Activity 'Bottom Line'

102. The rules framework contains a critical regulatory backstop. Under TUPZ-R1, any new building that does not have an approved RBMP and PMP in place is a non-complying activity. Likewise, failure to provide the required detail in those plans under TUPZ-R10 also results in non-complying status.

103. This ensures that the two foundational management plans must be in place and approved before any development can occur. This prevents the zone from being used to enable development without the corresponding commitment to the ecological restoration and management, securing the integrity of TUPZ purpose.

Standards

104. **TUPZ-S1** *Maximum Height*
105. **TUPZ-S2** *Height in relation to boundary*
106. **TUPZ-S3** *Setback (excluding from MHWS or wetland, lake and river margins)*
107. **TUPZ-S4** *Building or structure coverage*
108. The standards are designed to manage the physical footprint of any development in the TUPZ to ensure it remains in character with the zone's rural, ecological identity. These standards set specific limitations on the height, location, and total area of buildings and structures. They function as the conditions for the permitted activity status under TUPZ-R1.

CONSEQUENTIAL AMENDMENTS TO OTHER CHAPTERS IN THE PDP

109. The introduction of the TUPZ also requires consequential changes to the PDP to ensure a consistent and effective regulatory framework. I believe the objective and policy framework within the TUPZ provides a cascade to enable the following consequential changes to the Ecosystems and Indigenous Biodiversity, Coastal Environment and Natural Character chapters.

Rule IB-R1

110. A key consequential amendment is the addition in the district-wide Ecosystems and Indigenous Biodiversity chapter Rule IB-R1. The proposed amendment makes indigenous vegetation clearance for buildings, roads, and tracks in the TUPZ a permitted activity. This is critical in providing for eco-tourism and eco-education facilities, which make the reforestation and pest control efforts economically viable.
111. A measurable quantum is proposed to, ensure that the environmental benefits of the zone are not just a high level objective but are applied in a measurable way at a site-specific level. The indigenous vegetation clearance for buildings, roads, and tracks for eco-tourism and eco-education purposes is permitted only where any indigenous tree removed has a BVI value less than 50.

112. This method introduces a science-based metric, making it clear that any necessary removal of indigenous vegetation is targeted at ecologically lower-value species, while the wider project delivers a significant overall gain through the significant planting through the RBMP. The ecological basis for this BVI and its function as a management tool is explained in detail in the evidence of Dr. Craig. This implements:
- Objective TUPZ-O3, Policies TUPZ-P2, TUPZ-P3 and TUPZ-P4, which require land use to both protect indigenous biodiversity and enable necessary infrastructure. It creates a clear, practical test for balancing these two requirements, ensuring that the development of facilities to fund the conservation efforts is done in a way that minimises ecological impact by protecting the most valuable indigenous trees.

Rule IB-R3

113. An exemption is subsequently sought from IB-R3 as vegetation removal is captured in IB-R1 for TUPZ.
114. The basis for this exemption is the significant ecological net benefit achieved from the reforestation and pest control, which far exceeds the quantum of indigenous vegetation removal required for these associated activities/facilities. This will be qualified, quantified, and controlled through the gateway role of the RBMP and PMP which is contingent on Council approval.
115. Consideration under this rule is no longer required as the zone is governed by an integrated and context-specific regulatory framework that ensures a significant net biodiversity gain. Applying the generic, quantitative limits under IB-R3 would be impractical and would undermine the integrated purpose of the zone.

Standard CE-S4

116. An amendment is sought to the Coastal Environment Chapter CE-S4. A specific amendment to the setback standard from the CMA is sought exempting structures associated with eco-tourism and eco-education facilities in the TUPZ.
117. The basis for this exemption is that it allows flexibility to develop activities/facilities that enable eco-tourism and eco-education in the coastal environment, if appropriate. The location of buildings, roads and tracks are not known at this juncture and are largely dependent on the ecological results of the of the RBMP and PMP. The TUPZ is managed through an adaptive process. This exemption provides the necessary flexibility to site structures in the most appropriate locations once the restored landscape matures, which allows for

designs that respond to the specific ecological and topographical features of the site while minimizing impact.

Rule NATC-R1

118. An amendment is sought for permitting buildings and structures associated with eco-tourism and eco-education in wetland, lake, and river margins. The rationale is similar to that for the exemption sought in CE-S4.
119. The purpose of eco-tourism and eco-education activities/facilities is to immerse visitors in the high-value natural environment. Wetlands and river ecosystems are key features where the implementation of these activities/facilities have a functional need to be located on or immediately adjacent to these features.
120. This council-approved RBMP will contain specific details on habitat improvement and ecological restoration of the landholdings. It provides a robust, site-specific mechanism to ensure any structure is designed and located to be part of the area's overall ecological enhancement, ensuring a net positive effect.

Standard NATC-S2

121. An amendment is sought to the Natural Character Standard NATC-S2, specifically an exemption for buildings and structures associated with eco-tourism and eco-education facilities in TUPZ.
122. I note that the National Environmental Standard for Freshwater has numerous setback provisions in respect of wetlands. The standard's limits of 50m² for earthworks and 400m² of vegetation clearance over 10 years are impractical for TUPZ purpose.
123. The exemption provides a more nuanced response, where the landholdings and the ecological benefit from the land use is justified through the mandatory Council approved management plans (RBMP and PMP), providing a significant ecological net benefit in lieu of providing eco-tourism and eco-education facilities within the TUPZ.
124. I note that the exemption sought in NATC-S2 negates the requirements for earthworks and indigenous vegetation clearance consideration under NATC-R3.

Standard SUB-S1

125. Being a new zone there are currently no subdivision controls that apply. As such a new subdivision category for the TUPZ is proposed that mirrors the RPROZ.

RPROZ is the most restrictive of all the zones in the PDP in terms of subdivision and establishes a clear framework for land fragmentation within the zone.

STRATEGIC DIRECTION IN THE PDP

126. The TUPZ is consistent with the following strategic objectives identified in the PDP:

Natural Environment (Economic Prosperity)

127. *Objective SD-NE01 - A culture of stewardship in the community that increases the district's biodiversity and environmental sustainability.* The vision for TUPZ is to re-establish and foster extensive native forest ecosystems on land previously managed as a sheep and beef farm, which had low-quality soils. This shift from traditional, less sustainable land use to active ecological restoration inherently promotes the ethic of stewardship. TUPZ-O4 explicitly provides for 'the role of landowners as stewards in protecting and restoring significant natural areas and indigenous biodiversity'. The consenting requirement for a RBMP and a Pest Management Plan (PMP) in TUPZ-R10 ensures that stewardship is not only aspirational but is required through long-term monitored actions.
128. *Objective SD-NE02 - Active management of ecosystems to protect, maintain and increase indigenous biodiversity for future generations.* This is central to TUPZ in terms of what it is attempting to achieve. TUPZ-O1 aims 'to enable and actively encourage large-scale native reforestation and biodiversity enhancement'. This objective sets a clear mandate for active intervention and improvement of the landholdings. TUPZ-P1 enables native reforestation and associated activities as predominant land uses, while TUPZ-P4 requires 'active management of pest plants and pest animals'. The rules TUPZ-R6 and TUPZ-R7 explicitly permit 'native reforestation and biodiversity enhancement activities' and 'pest and predator control activities', respectively. This integrated and proactive approach to habitat creation and increased biodiversity directly aligns with this strategic objective to increase indigenous biodiversity for future generations.
129. *Objective SD-NE04 - Land use practices mitigate climate change by enabling carbon storage and reducing greenhouse gas emissions.* TUPZ directly contributes to climate change mitigation through its proposed land use practices, particularly large-scale reforestation. The overarching vision for TUPZ includes delivery of substantial environmental benefits, including significant carbon sequestration. The commitment to planting nearly 700,000 native trees across over 400 hectares represents a substantial investment in natural carbon storage.

130. *Objective SD-NE05 - The natural character of the coastal environment and outstanding natural features and landscapes are managed to ensure their long-term protection for future generations.* While the primary focus of TUPZ is on ecological restoration, its provisions contribute to protecting and enhancing natural character in its coastal context. TUPZ-O3 ensures that land use and subdivision ‘protects and enhances indigenous biodiversity’ and ‘does not exacerbate any natural hazards’. This contributes to the overall health and resilience of the natural environment.
131. *Objective SD-NE06 - Areas of significant indigenous vegetation and significant habitats of indigenous fauna are protected for current and future generations.* TUPZ seeks to promote biodiversity through restoration, primarily native reforestation and promoting native ecosystem regeneration. Where the land was previously degraded, the comprehensive planting program and pest management plan aims to establish new areas of significant indigenous vegetation and create viable, life supporting habitats. TUPZ-O3 explicitly states that land use and subdivision in the zone ‘protects and enhances indigenous biodiversity’. TUPZ-P5 promotes the protection of species endemic to Northland by preferentially eco-sourcing plants within the ecological district or region. This ensures that the restored areas contribute to the integrity and ecological resilience of Northland's unique biodiversity.
132. The TUPZ aligns with the strategic direction for economic prosperity by creating a new, sustainable economic model on land that was previously marginal for primary production. It diversifies the district's economy by establishing high-value eco-tourism and eco-education products, leveraging the district's natural environment as a strategic advantage. This directly supports the vision in FN2100 of *"making use of the strategic advantage of the environment, climate, soils culture and people of the Far North"*⁴.

HIGHER ORDER DIRECTION

Resource Management Act 1991 (RMA)

133. Section 5 of the RMA defines the purpose as promoting the sustainable management of natural and physical resources. The proactive approach to ecological restoration on previously degraded land demonstrates a commitment to sustainable management by actively improving the health of the environment.
134. Section 6 addresses matters of national importance, specifically the protection of areas of significant indigenous vegetation and significant habitats of

⁴ Far North 2100: An 80-year strategy for the district

indigenous fauna. TUPZ-O1 and TUPZ-O3 explicitly aim to enable and encourage large-scale native reforestation and biodiversity enhancement, and protect and enhance indigenous biodiversity. The mandatory RBMP (TUPZ-R10) ensures systematic planning for species selection, planting density, and long-term maintenance to create and protect significant habitats. The PMP is crucial for safeguarding native species from threats, directly contributing to the protection of indigenous fauna.

135. In respect of Section 7, TUPZ promotes efficient use by converting marginal agricultural land into a high-value ecological asset that provides ecosystem services and new economic opportunities (i.e. eco-tourism, eco-education facilities and carbon credits). This represents a more efficient use of the land's potential in the long term.

The TUPZ framework provides a mechanism to give effect to the principles of Te Tiriti o Waitangi (Section 8). TUPZ-O4 and the concept of stewardship resonate with the core principle of kaitiakitanga. Furthermore, TUPZ-P8 requires the recognition and provision for sites and areas of significance for Māori.

National Policy Statement for Indigenous Biodiversity (NPS-IB)

136. The core objectives and provisions of TUPZ emphasise revegetation and pest control and seeks to improve indigenous biodiversity over the landholdings. This goes over and above the objective in the NPS-IB which seeks to “*maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity after the commencement date*”.
137. TUPZ provides a proactive mechanism for Council to pursue indigenous biodiversity protection and restoration goals at a time when a temporary suspension of new SNA identification under the NPS-IB have been applied.

Regional Policy Statement for Northland (RPS)

138. *Objective 3.4 Indigenous ecosystems and biodiversity.* The core purpose of TUPZ is to significantly increase indigenous biodiversity and ecosystem integrity and health on the landholdings. This goes beyond protection and is akin to proactive enhancement, which will improve indigenous ecosystems.
139. *Objective 3.5 Enabling economic wellbeing.* The strong environmental objectives of TUPZ will be used to establish a high value ecological asset that will support activities such as eco-tourism and eco-education activities, with the potential to leverage carbon and biodiversity credits.

140. *Objective 3.15 Active management.* TUPZ supports large-scale native reforestation and requires the implementation of a RBMP and PMP. These are examples of active management. The provisions within the zone are designed to ensure that these efforts are not only permitted but actively required and supported.

National Planning Standards

141. The Zone Framework Standard within the National Planning Standards specify a range of zones and explicitly includes the ability to create special purpose zones where justified. The proposal for the TUPZ as a special purpose zone aligns directly with the flexibility provided by the National Planning Standards. The provision of special purpose zones is a deliberate response in the National Planning Standards to enable local authorities to address unique local circumstances that cannot be adequately managed by standard zones.

FURTHER SUBMISSIONS

142. The proposed TUPZ has been met with support by way of four further submissions. There are no further submissions opposing the proposed rezoning.
- Carly McIlroy (FS112.1) supports the submission as it will result in a large net biodiversity gain and this should be promoted and enabled, rather than restricted.
 - Harold Corbett (FS58.3) supports the submission for similar reasons to FS112.1, including that a Tupou Special Purpose Zone is the most appropriate tool to achieve the native ecosystem restoration vision for the property.
 - Neil Mitchell (FS83.1) supports the submission and the proposed high standard of conservation promoted through restoration project and special purpose zone. The further submission states that it represents an important approach to land management.
 - Dr John Craig (FS28.004) raises concerns that the PDP would result in a large area of the land at Tupou potentially becoming SNA and considers that where net biodiversity gain is promoted there needs to be flexibility for future potential land uses which an SNA would prohibit.

SECTION 32AA EVALUATION

143. S32AA mandates that all proposed plan changes undergo an assessment to ensure they are the most effective and efficient means to achieve the purpose of the RMA.

144. The proposed TUPZ is a new and distinct zoning classification, specifically designed to manage a particular geographic area with unique environmental attributes and ambitious restoration objectives.
145. I consider that the outcomes sought in TUPZ present specific land management challenges and opportunities that cannot be adequately addressed by utilising or appropriately modifying existing standard zones.

EVALUATION OF EFFICIENCY AND EFFECTIVENESS

Effectiveness

146. I anticipate the TUPZ to be highly effective in achieving the stated objectives and contributing significantly to sustainable management in the Far North District. The specific, targeted nature of the TUPZ provisions, including the detailed revegetation and pest control programmes, makes it inherently more effective in achieving precise ecological restoration outcomes than relying on the general rules found in existing zones.

Efficiency

147. The TUPZ provisions represent the most efficient means of achieving its objectives when compared to alternative planning approaches. The status quo of the RPROZ would likely require numerous, complex, and potentially costly resource consents for the activities essential to the project's funding and success. A bespoke zone is the most efficient option, as it provides a clear, integrated, and tailored regulatory framework that simplifies compliance and reduces the administrative burden for both the landowner and the Council.

COSTS BENEFIT ANALYSIS

148. A comprehensive cost-benefit analysis of TUPZ determines a significant net benefit across environmental, economic and social impacts.

Benefits

149. *Environmental & Ecological:* The core benefit is the large-scale native reforestation and pest control, leading to a measurable increase in indigenous biodiversity and ecosystem health. The restoration of native vegetation, particularly on steep slopes, will significantly improve freshwater quality by reducing erosion and nutrient runoff into waterways.
150. *Economic:* The landholdings will create a high-value ecological asset on land with marginal agricultural profitability, that employs two full time employees

specifically for planting and pest control. The eco-tourism and eco-education activities/facilities provide a sustainable revenue stream that funds the ongoing restoration efforts, creating a self-sustaining economic model. Further, there is also the potential to leverage are also the carbon credits and biodiversity credits.

151. *Social/Cultural:* The project fosters a culture of stewardship (kaitiakitanga), aligning with the Māori concept of guardianship. It provides educational opportunities for the community and visitors, raising awareness about biodiversity and conservation.

Costs

152. The primary costs associated with the project are the initial administrative expenses for the plan's development and the ongoing financial commitment required for pest control and restoration efforts. The project is funded by the owners of TUPZ.

Risks

153. My evidence has identified that the greatest risk of acting is the project's reliance on financial viability to maintain the restoration efforts. This risk is mitigated by the proposed TUPZ provisions, which provide the regulatory certainty needed to secure that viability.
154. Conversely, the risks of not acting, that is retaining the status quo Rural Production Zone, are significant:
- The landowner would be disincentivised from undertaking large-scale restoration due to the restrictive nature of the RPROZ rules and the potential for restored areas to become designated as SNA, which would limit future land use options.
 - The opportunity to achieve significant biodiversity gain, carbon sequestration, and freshwater quality improvement on a landscape scale would likely be lost
 - The alternative of seeking multiple, complex resource consents under the RPROZ would be inefficient for both the applicant and the Council, creating administrative costs and uncertainty without a guarantee of an integrated outcome.
155. I believe that the proposed TUPZ is the most effective and efficient option, as the risks associated with the status quo are greater than the managed risks of the proposed TUPZ.

CONCLUSION

156. I believe the Tupou special purpose zone project represents a unique, large-scale, private-sector initiative that will deliver significant and lasting environmental benefits to the Far North District.
157. My evidence demonstrates that a bespoke planning framework is essential to provide the regulatory certainty required for the project's long-term success.
158. I conclude that the introduction of a special zone for Tupou is the most appropriate method for this purpose. It provides a flexible yet robust framework that enables and incentivises the project's core conservation activities while providing a clear and predictable pathway for the eco-tourism and eco-education that are vital for its financial sustainability.

Attachment A – Proposed Tupou Special Purpose Zone Provisions

ATTACHMENT B –Reforestation and Biodiversity Management Plan

ATTACHMENT C –Pest Management Plan