

## SUMMARY OF EVIDENCE OF MICHAEL BATHGATE – ECOSYSTEMS & INDIGENOUS BIODIVERSITY

1. Cultural evidence has highlighted the enduring relationship of Kāi Tahu with te taiao, the responsibility associated with being kaitiaki to ensure that mauri is protected and restored, and the importance of mahika kai as a cornerstone of Kāi Tahu culture. This deep and complex relationship of Kāi Tahu to te taiao brings RMA sections 6(e), 7(a) and 8 into play, in addition to s6(c) with its focus on 'significant' biodiversity.
2. The Treaty partnership is at the centre of Te Mana o te Taiao – the Aotearoa New Zealand Biodiversity Strategy 2020 (TMOTT), which seeks that mana whenua are better able to practice rakatira and kaitiaki responsibilities. The planning evidence of Sandra McIntyre emphasised that s6(e) promotes a decision making role for mana whenua and the enabling of cultural practices such as mahika kai.<sup>1</sup>
3. **Kaitiakitaka:** Section 42A changes to ECO-O3 and ECO-P1 clarify the inherited duty of mana whenua to exercise kaitiakitaka. Absent any notified method on Kāi Tahu involvement in biodiversity management and in response to an invitation from the Section 42A author, I have recommended a new method ECO-MX Kāi Tahu kaitiakitaka.<sup>2</sup> This is based on similar methods in the MW and CE chapters but also responds to the recognition of the mana whenua role both in TMOTT and the draft National Policy Statement for Indigenous Biodiversity (NPS-IB).
4. **Mahika kai:** Amendments to ECO-P4, ECO-M4(1A) and ECO-M5(2), (3) appropriately recognise and provide for Kāi Tahu mahika kai practices. While at a policy level mahika kai is managed under ECO-P6, the lack of specific recognition within this policy risks too narrow an interpretation of adverse effects in relation to mahika kai and a new clause is proposed to address this.<sup>3</sup>
5. **Taoka:** I support the Section 42A amendments for taoka species and ecosystems.<sup>4</sup> Despite the non-gazettal of the NPS-IB with its provisions specific to taoka species and ecosystems, I consider the amended ECO provisions provide an appropriate pathway for management of taoka, also providing for the implementation of TMOTT.
6. **Maori land:** The need for an enabling approach to Māori land under MW-P4 was discussed at the MW hearing. The draft NPS-IB signals the need for an alternative management approach to biodiversity management on Māori land. My evidence-in-chief recommended

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<sup>1</sup> Planning evidence of Sandra McIntyre: *The relationship of Kāi Tahu to te taiao*

<sup>2</sup> Paragraphs [93] to [94], also pages 19-20 of Appendix 1, of my evidence-in-chief.

<sup>3</sup> Paragraph [99], also page 18 of Appendix 1, of my evidence-in-chief.

<sup>4</sup> Noting that Maria Bartlett's evidence proposes further amendments to APP3 in relation to taoka species.

the development of alternative provisions.<sup>5</sup> Consistent with approaches sought in other chapters by planning witnesses for Kāi Tahu<sup>6</sup>, I consider that either a new clause should be added to ECO-P6 or an entire new policy added that provides a framework for alternative approaches to effects management in subsidiary plans, as follows:

Recognise the rakatirataka of Kāi Tahu over native reserves and Māori land and enable mana whenua to lead approaches on how adverse effects on indigenous biodiversity in these areas are managed

7. **Integration and clarity:** I support Section 42A amendments to ECO-P7 to clarify management of indigenous biodiversity including taoka in the coastal environment, with two further amendments sought for clarity.<sup>7</sup> I recommend further amendments to clarify the titles of ECO-P4 and ECO-P5, and to clarify in ECO-P10 that it is land-based effects on coastal biodiversity and ecosystems that is under consideration.<sup>8</sup>

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<sup>5</sup> Paragraphs [107] to [109], also page 18 of Appendix 1, of my evidence-in-chief.

<sup>6</sup> For example, Sandra McIntyre evidence-in-chief, para [72] and Appendix 1, page 9 regards MW-M5, para [145] to [149] and Appendix 1, page 43 regards HAZ-NH-P11; also Michael Bathgate Summary of Evidence for the Coastal Hearing, page 4 amendments sought to CE-P2 to CE-P5.

<sup>7</sup> Paragraph [112], also page 18 of Appendix 1, of my evidence-in-chief.

<sup>8</sup> Paragraphs [113] to [114], also pages 17-19 of Appendix 1, of my evidence-in-chief.