

EVIDENCE SUMMARY - MICHAEL BATHGATE – NATURAL FEATURES & LANDSCAPES

1. **NFL-O1:** I support the Supplementary Evidence version of NFL-O1, which clarifies that restoration of outstanding and highly valued natural features and landscapes is an outcome sought by the proposed Otago Regional Policy Statement 2021.
2. **NFL-P2:** I do not support the Supplementary Evidence version of NFL-P2, which manages adverse effects on the values of outstanding natural features and landscapes. The introduction of capacity into the effects test of this policy promotes a ‘maximum permissible harm’ approach which I do not believe will be effective in achieving NFL-O1. I have identified a number of shortcomings with this proposed approach, set out in paragraph [138] of my evidence-in-chief. I consider this policy should revert to the notified version, with the relationship between capacity and effects management resolved in lower order plans.
3. **Integration with CE:** My evidence-in-chief raised questions regarding integration between the NFL and CE chapters.¹ At the Coastal hearing, the Section 42A author, Mr MacLennan, clarified his view that the NFL chapter only manages natural features and landscapes outside the coastal environment, while the CE chapter manages natural features and landscapes inside the coastal environment.² If this is the case, then NFL-P6 will need amendment as it currently specifies that CE-P6 contributes to the achievement of NFL-O1. It may need broadening to clarify that CE-O3 and the CE methods are also applicable to managing natural features and landscapes in the coastal environment (there may also be other relevant CE provisions).
4. I have also recommended changes to APP9 to clarify that the criteria apply to identification of all natural features, landscapes and seascapes in the coastal environment, not just outstanding or highly valued ones.³
5. **Māori land:** The need for an enabling approach to Māori land under MW-P4 was discussed at the MW hearing. My evidence-in-chief recommended the development of alternative provisions for the NFL chapter.⁴ Consistent with approaches sought in other chapters by planning witnesses for Kāi Tahu⁵, I consider that either new clauses should be added to NFL-P2 and NFL-P3 or an entire new policy added that provides a framework for alternative approaches to effects management in subsidiary plans, as follows:

¹ Paragraphs [135]-[136] of my evidence-in-chief.

² Paragraph [42] of Opening Statement of Andrew MacLennan: CE Coastal Environment.

³ Paragraph [135(c)(v)], also page 29 of Appendix 1, of my evidence-in-chief.

⁴ Paragraph [134], also page 26 of Appendix 1, of my evidence-in-chief.

⁵ 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.

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

6. **NFL-M1:** I have recommended changes to NFL-M1(2A)⁶ to allow for a tikaka-based approach to landscape identification and recording, which brings this part of the method in line with similar identification methods such as MW-M1 and HCV-WT-M1.

⁶ Paragraphs [140-141], also page 28 of Appendix 1, of my evidence-in-chief.