

BEFORE THE HEARINGS PANEL

UNDER the Resource Management Act 1991
IN THE MATTER of the Proposed Otago Regional Policy Statement 2021

REBUTTAL EVIDENCE OF MARIA BARTLETT
ON BEHALF OF WAIHŌPAI RŪNAKA, TE RŪNANGA O ŌRAKA-APARIMA AND TE
RŪNANGA O AWARUA

14 December 2022

INTRODUCTION

1. My name is Maria Bartlett. My evidence-in-chief dated 23 November 2022 outlines my qualifications and experience relevant to the matters in this brief of evidence.
2. I have prepared this rebuttal evidence following discussion with Sandra McIntyre and Michael Bathgate as part of the coordinated Kāi Tahu case.
3. I support points made in the rebuttal evidence of Sandra McIntyre as they pertain to the submission points of Ngāi Tahu ki Murihiku.
4. My rebuttal evidence is focussed on a single point regarding prioritisation in the integrated management chapter (IM-P1/IM-P2).

INTEGRATED MANAGEMENT HIERARCHY

5. There are a number of parties that have asserted in their evidence-in-chief that the introduction of a hierarchy in the Integrated Management (IM) chapter is an over-extension of national direction for freshwater management into areas unrelated to that national direction.¹ In other words, that the hierarchy of obligations in Clause 1.3(5) of the National Policy Statement for Freshwater Management 2020 (**NPSFM**) has been inappropriately applied beyond the sphere of freshwater management, and across all domains of the proposed Otago Regional Policy Statement (**PORPS**). I do not consider this to be an accurate representation of the origins of the hierarchy within the IM chapter (notified as IM-P2 and subsequently recommended to be amalgamated into IM-P1).
6. The IM chapter hierarchy places the highest level of priority on the mauri of the natural environment, which (as discussed by Ms McIntyre in her evidence) is aligned to the life supporting capacity of the natural environment. This is founded in mātauranga Māori. This priority is expressed at paragraph 13 of the submission of Te Ao Mārama on behalf of Ngāi Tahu ki Murihiku. The priority is also reflected in Te Tangi a Tauira², the 2008 iwi management plan of Ngāi Tahu ki Murihiku,³ which must be taken into

¹ For example, in the evidence-in-chief of Susannah Tait for Fonterra, Claire Hunter for Oceana Gold and Stephanie Styles for Manawa Energy.

² *Te Tangi a Tauira – the cry of the people – Ngāi Tahu ki Murihiku natural resource and environmental iwi management plan*, 2008.

³ See for instance p27 of *Te Tangi a Tauira*.

account pursuant to s 61(1)(2A) of the RMA. It is also reflected in the cultural evidence⁴ and in the co-drafted sections of the PORPS⁵. In my opinion, there is support for the hierarchy outside the provisions of the NPSFM, which supports its inclusion within the IM chapter.

7. Whilst working for Te Rūnanga o Ngāi Tahu, I supported the technical team working for iwi and hapū that contributed to the inclusion of the concept of Te Mana o te Wai into the NPSFM and its subsequent development.⁶ I observe that the national significance of Te Mana o te Wai to freshwater management has evolved as a direct consequence of mātauranga Māori informing policy development at the national level,⁷ and see no reason why the same approach cannot be taken in other areas at a regional level.
8. Similarly, it is the influence of mātauranga and the involvement of Kāi Tahu in the development of the PORPS that had led to the emphasis on mauri in this draft instrument, and prioritisation of its protection within the notified version of IM-P2. In her evidence-in-chief⁸, Ms McIntyre highlights concerns about amendments to the prioritisation in re-drafted IM-P1 included in the S42A report recommendations, with reference to Section 5 of the RMA. I note also that Sections 6(e), 7(a) and 8 support the broader application of the hierarchy, along with the need to achieve consistency with other provisions of the PORPS that reference mātauraka Māori⁹ and Treaty principles.¹⁰
9. I note also that the necessity to protect and restore the natural environment as a priority, including so that the health and well-being of people is supported into the future, has been highlighted in and/or supported by the evidence of other parties.¹¹

Maria Bartlett

14 December 2022

⁴ See for instance paragraphs 19 and 20 in the evidence-in-chief of Edward Ellison.

⁵ See the Kāi Tahu Values section, MW-P3, RMIA-WAI-I5, RMIA-MKB-I1, RMIA-AA, RMIA-CE-I2.

⁶ My direct involvement was with the 2014 version of the NPSFM and its amendment in 2017.

⁷ In part enabled by the work of the Land and Water Forum ([About Us \(landandwater.org.nz\)](https://landandwater.org.nz)) and the Iwi Chairs Forum ([Tikanga | Iwi Chairs Forum Secretariat Sharing The Vision of Kotahitanga](#)).

⁸ Which I have supported in my evidence-in-chief at paragraphs 10 and 57.

⁹ For instance, IM-P3 and IM-P6, MW-P3, CE-P13, LF-WAI-P2, ECO-P1.

¹⁰ For instance, 'Partnership, Te Tiriti o Waitangi and Kāi Tahu' and 'Environmental management perspectives and values of Kāi Tahu' sections, MW-O1, MW-P1 and MW-P2.

¹¹ For instance, evidence-in-chief of Ben Farrell for Otago Fish & Game Council, Murray Brass for Department of Conservation, Leanne Roberts on behalf of Horticulture NZ.