

**BEFORE THE FRESHWATER HEARING PANEL**

**UNDER** the Resource  
Management Act  
1991

**AND**

**IN THE MATTER** of the Proposed  
Otago Regional  
Policy Statement  
2021 (Freshwater  
Planning Instrument  
parts)

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**SUPPLEMENTARY EVIDENCE OF SANDRA JEAN MCINTYRE IN RESPONSE TO  
OTAGO REGIONAL COUNCIL EVIDENCE ON NATIONAL POLICY STATEMENT ON  
INDIGNEOUS BIODIVERSITY**

**ON BEHALF OF KĀI TAHU KI OTAGO, NGĀI TAHU KI MURIHIKU AND TE  
RŪNANGA O NGĀI TAHU**

**18 August 2023**

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1. My name is Sandra Jean McIntyre. My qualifications and experience are set out in my evidence-in-chief for Kāi Tahu, dated 28 June 2023.
2. My supplementary evidence responds to the planning evidence of Felicity Boyd for Otago Regional Council (**ORC**) on the implications of the National Policy Statement on Indigenous Biodiversity (**NPSIB**) for the freshwater planning instrument (**FPI**) provisions of the Proposed Otago Regional Policy Statement (**PORPS**). My evidence discusses the implications of the NPSIB for effective management of biodiversity under the FPI provisions. Ms Bartlett has also prepared a response which discusses the implications in respect to matters raised in the Ngāi Tahu ki Murihiku submission on mauri, and on the role of mana whenua in decision-making processes. I support her assessment in respect to these matters.
3. The key documents that I have referred to in preparing this evidence include (in addition to the documents referred to in my evidence-in-chief):
  - (a) the supplementary evidence of Felicity Boyd on FPI implications of the NPSIB, dated 11 August 2023; and
  - (b) the NPSIB.
4. The objective of the NPSIB is to maintain indigenous biodiversity so that there is at least no overall loss in indigenous biodiversity. Recognition of the mana of takata whenua as kaitiaki is identified as part of the requirements for achieving this objective.
5. The evidence of Mr Ellison discusses the value Kāi Tahu place on all indigenous species and the kaitiakitaka responsibility to protect the species and their habitats.<sup>1</sup> The Kāi Tahu ki Otago vision statement includes protection of taoka species and their habitats.<sup>2</sup>
6. Ms Boyd's evidence identifies that the scope of the NPSIB beyond terrestrial biodiversity is limited to the matters listed in NPSIB clause 1.3(2).<sup>3</sup> I agree with her conclusion that the relevance of the NPSIB to the FPI provisions in the PORPS is limited to the matters of highly mobile fauna and wetlands in cl 1.3(2)(b), and the effects management hierarchy in the NPSIB as it relates to those matters.<sup>4</sup>

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<sup>1</sup> Evidence of Edward Ellison at [49] – [51].

<sup>2</sup> See Evidence of Edward Ellison, Appendix 3, point 3 of the vision.

<sup>3</sup> Supplementary evidence of Felicity Boyd at [21].

<sup>4</sup> Supplementary evidence of Felicity Boyd at [34].

### *Highly mobile fauna*

7. In my evidence-in-chief (at [78]) and rebuttal evidence (at [9] to [11]) I discuss provision for species, such as bird species, that are not aquatic species but rely on the health of water bodies for some part of their life stages. Numerous species in this category are listed as highly mobile fauna in NPSIB Appendix 2.
8. I agree with Ms Boyd that the NPSIB provisions requiring mapping and describing highly mobile fauna areas cannot be implemented within the current PORPS process. However, consideration can be given to whether the policy settings in the PORPS will facilitate or hinder achievement of the intent of NPSIB Policy 15, which is to maintain the populations of these species across their natural range. I consider my earlier evidence is relevant in respect to ensuring LF-FW-P7 and LF-FW-P9 support achievement of NPSIB Policy 15.

### *Wetlands*

9. I agree with Ms Boyd's analysis of the implications of the NPSIB for the FPI provisions relating to wetlands. I support her recommendations to address these implications, subject to a further amendment of LF-FW-P9 that I discuss at [15] below.
10. The Kāi Tahu ki Otago vision statement seeks restoration of existing wetlands and an increase in wetland area.<sup>5</sup> As identified by Ms Boyd, the Kāi Tahu ki Otago submission refers to the devastating effects of wetland loss on indigenous biodiversity in the Otago region and supports the provisions in the PORPS to protect remaining wetlands and reverse the degradation that has occurred.<sup>6</sup> In my evidence-in-chief I refer to the cultural evidence about the importance of wetlands to Kāi Tahu, and support the strong direction on wetland protection and restoration in the PORPS provisions, with some qualifications discussed there.<sup>7</sup> My evidence-in-chief does not discuss the implications of the December 2022 amendment to the definition of "natural inland wetland" to exclude areas with more than 50% exotic pasture, or the implications of carrying this exclusion into the "natural wetland" definition recommended in Ms Boyd's earlier evidence.<sup>8</sup>

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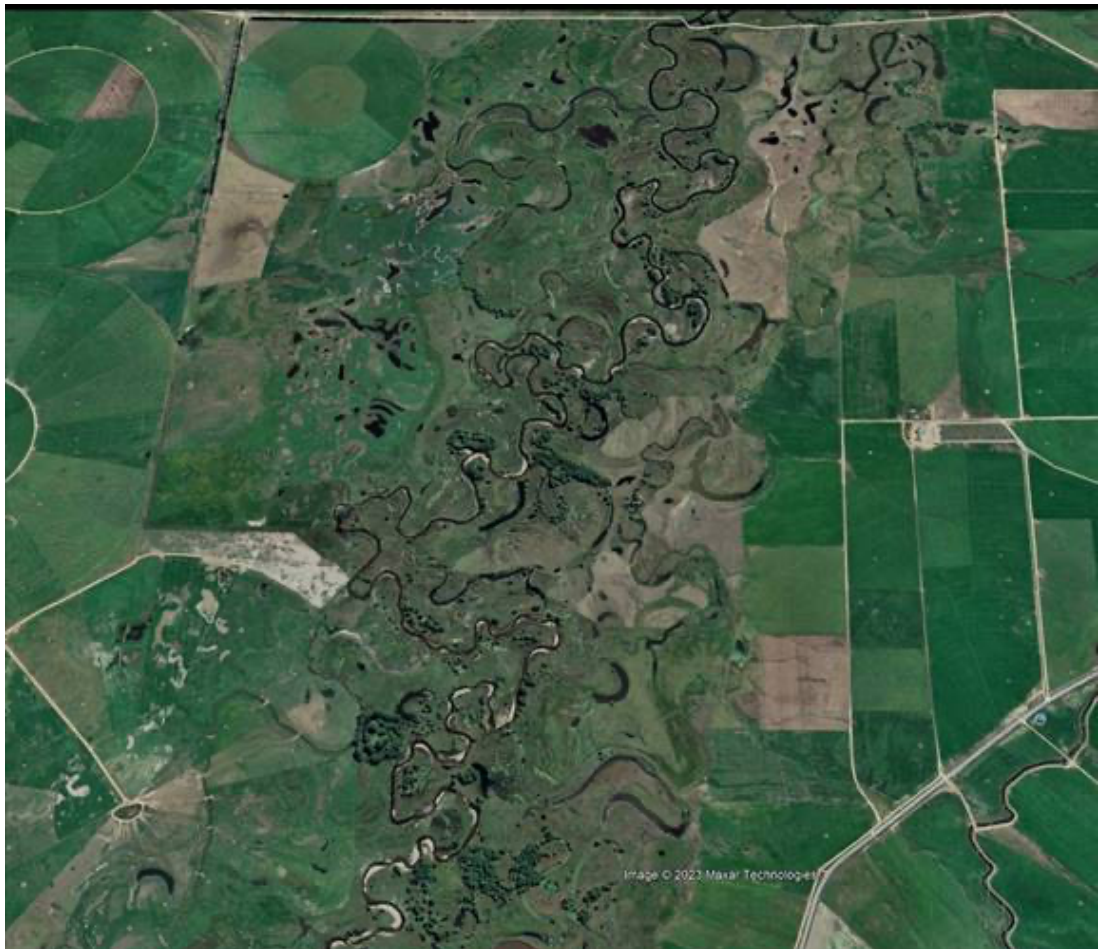
<sup>5</sup> See my evidence-in-chief at [58].

<sup>6</sup> Submission of Kāi Tahu ki Otago at [3.8].

<sup>7</sup> See my evidence-in-chief at [77].

<sup>8</sup> Fourth brief of supplementary evidence of Felicity Boyd – LF (NPSFM amendments) dated 24 February 2023, at [19] to [54].

11. As Ms Boyd’s supplementary evidence highlights, the December 2022 amendment to the definition of “natural inland wetland” reduces the area of wetlands protected by the PORPS provisions. In the case of a complex wetland system, the reduction in area can be significant, with the extreme of this effect being illustrated in the example of the Upper Taiari scroll plain wetland complex highlighted by Ms Boyd.<sup>9</sup> This wetland system has regionally, nationally and internationally significant biodiversity values,<sup>10</sup> and Mr Ellison also refers to its value to Kāi Tahu.<sup>11</sup> Below I include an image of the Taiari scroll plain (taken from Google Earth) to illustrate the nature of this wetland system and effect of the pasture exclusion.



*Google Earth image of part of the Taiari scroll plain near Patearoa*

12. The nature of wetlands is that they include a transition between dryland and aquatic ecosystems. The close hydrological and ecological interconnections between land and water in wetlands contributes to their rich biodiversity and is part of their mauri. They

<sup>9</sup> Supplementary evidence of Felicity Boyd, [65] and [67].

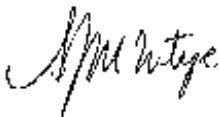
<sup>10</sup> The wetlands and their values are described at <https://www.orc.govt.nz/managing-our-environment/water/wetlands-and-estuaries/central-otago-district/upper-taiari-wetlands-complex>.

<sup>11</sup> Evidence of Edward Ellison at [46] and [55].

cannot be managed effectively by assuming a hard boundary between wet and dry or between indigenous and exotic vegetation. Such an approach does not provide for integrated management and carries a risk of incremental degradation through “edge” effects.

13. To maintain the integrity of wetland ecosystems and habitats for indigenous species, I consider it is important for the PORPS to provide a policy framework for protection of those areas of transition. I support the focus of the PORPS on the broader category of “natural wetlands” to achieve this. However, I also agree with Ms Boyd that incorporating the pasture exclusion within the definition of “natural wetlands” would undermine this intent and poses a significant obstacle for achieving protection and restoration of wetlands. This is particularly highlighted by the issue Ms Boyd draws attention to regarding the ability to implement the intent of NPSIB cl 3.21(2)(d).<sup>12</sup>
14. For scope to amend the definition of “natural wetland”, Ms Boyd relies on the Kāi Tahu ki Otago submission point referred to above. I consider this is appropriate. The pasture exclusion, which has been made more absolute in the December 2022 amendment, weakens the provisions that were supported in the submission point. The amendment Ms Boyd proposes restores those provisions to their original strength.
15. Ms Boyd recommends an amendment to LF-FW-P9 to clarify the distinction in approach to management of natural inland wetlands and to the broader category of natural wetlands. I support the intent of this amendment but consider that the intent could be made clearer. Rather than referring generally to “irreversible damage”, I recommend that clause (1) of LF-FW-P9 be amended as follows:

*(1) preventing activities that will, or are likely to, ~~result in irreversible damage to~~ degrade the ecological integrity of a natural wetland; ...*



**Sandra McIntyre**

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<sup>12</sup> Supplementary evidence of Felicity Boyd, [69].