

Under the Resource Management Act 1991

In the matter of the Central Hawkes Bay Proposed District Plan

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# Memorandum of counsel for Kāinga Ora – Homes and Communities

25 February 2022

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Hearing Stream 1



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# Memorandum of counsel for Kāinga Ora – Homes and Communities

1 As advised to the hearings administrator, Ms Williams, Kāinga Ora – Homes and Communities does not wish to be heard orally in relation to the matter in Hearing Stream 1 (**HS1**).

2 Below I set out its position in relation to two submission points in HS1.

## **S129.063**

3 Kāinga Ora accepts the recommendations of the s 42A report-writer and supports the additional wording changes to NFL-I1.

## **S129.002**

4 There appears to be some confusion in relation to the definition of “clearance” – relating to ecosystems and indigenous biodiversity.

5 As notified, the definition of “clearance” included by undertaking several listed activities in the vegetation drip line, one of which was “over-planting”. Kāinga Ora sought the deletion of “overplanting” because it is inconsistent with “clearance” on its face, and not a word or concept that Kāinga Ora or its advisors have heard of before in relation to vegetation clearance or indigenous biodiversity. In other words, it is unclear what it means.

6 The s 42A report writer has recommended rejecting Kāinga Ora’s submission. In doing so, she has not expressly referred to the opinion of the Council’s consultant ecologist, Gerry Kessels of Bluewattle Ecology, who says:

I am not familiar with the term ‘over-planting’ in the context of indigenous biodiversity and suggest that Kāinga Ora and Ngā hapū me ngā marae o Tamatea be invited to comment further on this issue in the context of significant natural areas.

7 There is nothing Kāinga Ora can add to its submission by way of further comment. It, like Mr Kessels, does not know what it meant by “overplanting”. It is for the Council to comment further about its meaning in the context of the definition of vegetation clearance and indigenous biodiversity.

8 In the absence of further clarification is it submitted that it should be deleted.

Date: 25 February 2022



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Nick Whittington  
Counsel for Kāinga Ora – Homes and Communities