

In the High Court of New Zealand
Auckland Registry

I Te Kōti Matua O Aotearoa
Tāmaki Makaurau Rohe

CIV-2019-404-2682

under the **Judicial Review Procedure Act 2016**

between

Averil Rosemary Norman and Warwick Bruce Norman

Applicants

and

Tūpuna Maunga o Tāmaki Makaurau Authority

First Respondent

and

Auckland Council

Second Respondent

AFFIDAVIT OF ANNA MARIE RADFORD AS TO INTERIM
ORDERS PREVENTING FELLING

13 December 2019

Solicitor:

Andrew Peat
Duncan King Law
95 Manukau Road
Epsom, Auckland
T: 09 623 0515
E: Andrew@dklaw.co.nz

Counsel:

RJ Hollyman QC / JWH Little
Shortland Chambers
70 Shortland Street
Auckland 1010
T: 09 309 1769
E: hollyman@shortlandchambers.co.nz
E: james.little@shortlandchambers.co.nz


AFFIDAVIT OF ANNA MARIE RADFORD AS TO INTERIM ORDERS PREVENTING FELLING

I, Anna Marie Radford, company director of Mt Albert, solemnly and sincerely affirm:

- 1 I have previously given an affidavit in this proceeding, in support of Averil and Warwick Norman's judicial review application relating to the respondents' decision to remove all non-native trees on Mount Albert/Ōwairaka. In that affidavit, I explained my background as the leader and spokesperson of the "Honour The Maunga" group, and our protest occupying the mountain 24/7 to prevent the felling.
- 2 The occupation is still ongoing. This is despite the fact that the Authority had indicated in the joint memorandum dated 8 December 2019 that it is "content not to proceed with the felling until the judicial review application is determined".
- 3 One reason members of Honour The Maunga are still occupying the mountain is because of concerns around the fact that no Court order was made to prevent the implementation of the decision, despite the fact one was requested. The fact that the respondents have since refused to provide formal written confirmation of their position gives us no confidence to stand down.
- 4 The other reason that members are still on the mountain is due to concerns that, prior to the substantive fixture, the respondents might attempt to implement their decision through means other than felling, such as through poisoning or ringbarking the trees. This would enable the respondents or their agents to begin implementing the decision, whilst still technically being inside the terms of joint memorandum (which only refers to "felling").
- 5 Recent inquiries from the Authority as to when the protestors will be leaving the mountain have not allayed these concerns.
- 6 It would therefore provide a lot of comfort if the Court were to make orders that were broad enough to prevent the respondents from taking *any* steps implementing the decision, relating to the removal, destruction or harm to non-native trees on the mountain (including on-site preparation or access restrictions, felling, poisoning, ringbarking or otherwise).


7 If this comfort were provided through a Court order, then it would be my hope that the ongoing presence on the mountain could come to an end.

This affidavit is **AFFIRMED** at **AUCKLAND** this 13th day of December 2019 before me:



Barrister of the High Court of New Zealand

Rayhan Langdana



ANNA MARIE RADFORD