

IN THE HIGH COURT OF NEW ZEALAND
AUCKLAND REGISTRY

I TE KŌTI MATUA O AOTEAROA
TĀMAKI MAKĀURAU 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 MAKĀURAU AUTHORITY
	First Respondent
And	AUCKLAND COUNCIL
	Second Respondent

FURTHER AFFIDAVIT OF BRADLEY WILLIAM BEACH

Filed 3 April 2020
the day of 2020

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I, **BRADLEY WILLIAM BEACH**, Arboricultural Project Manager, of Auckland, solemnly and sincerely affirm:

INTRODUCTION

1. I provided an affidavit to the Court on 31 January 2020, in relation to these proceedings. That affidavit summarised the tree removal methodology Treescape Consultants Ltd prepared for the resource consent application lodged by the Tūpuna Maunga o Tāmaki Makaurau Authority (**Tūpuna Maunga Authority**) regarding its application and decision to undertake a restoration project to establish 13,000 indigenous plantings and remove 345 exotics trees on Ōwairaka / Te Ahi-kā-a-Rakataura / Mt Albert.
2. I understand that the applicants have added a ground of review to their claim that challenges the Auckland Council's non-notification decision of the Tūpuna Maunga Authority's resource consent application.
3. In this affidavit I respond to assertions on the adequacy of Treescape's Tree Removal Methodology prepared for the resource consent assessment, raised in the reply affidavit Andrew Barrell and filed by the applicants on 18 February 2020, including the non-notification decision of the Auckland Council.
4. I, again, confirm that I have read and will comply with the 'Code of conduct for expert witnesses' contained in the High Court Rules 2016.

202.282

RESPONSE TO THE AFFIDAVIT OF ANDREW FRANCES BARRELL

5. In paragraphs 8 – 10, Mr Barrell criticises the lack of arboricultural evidence before the Council in making its decision.

Paragraph 8

6. In paragraph 8, he says that he:

“would have expected the Council as the decision-maker, on the resource consent application, to have required a detailed assessment of the application from an arboricultural perspective”.

7. The resource consent application process followed, as per previous restoration projects, carried out by TMA. In all other applications the provided reports were sufficient for the application process.

8. In the instance of Ōwairaka, a final site walkover was carried out between myself and David Stejskal (Regional Arborists and Ecological Manager – Auckland Council). This site visit was to vet the methodology and pricing of the works.

Paragraphs 9 and 10

9. Mr Barrell's makes general comments in paragraphs 9 and 10 about the lack of an arboricultural report. Whilst no stand-alone arboricultural report was provided for the resource consent application, accompanying documents such as the Assessment of Ecological Effects details the tree removals and restoration planting.
10. Arboricultural reports will usually have a summary of recommended actions for individual trees or groups of trees. These actions are produced by the consultant and usually based on client requirements taking into consideration best practice arboriculture whilst providing their own input. It is often that, multiple consultant arborists may be engaged by different parties with reports resulting conflicting recommended actions, dependent on the personal views of the arborist or the client. Arborist reports in these instances are often extremely specific with regard to tree removals and may not be carried out with consideration to wider project or replacement planting programs. This was not the case for the Tūpuna Maunga Authority, who commissioned Treescape early on, engaged in site visits and preparation with us, to ensure that the Tree Removal Methodology included best practice techniques.

Paragraph 12

11. Mr Barrell describes the tree removal methodology as merely an "inventory and technical process description".
12. The purpose of the Tree Removal Methodology was to demonstrate that all practicable steps have been taken in producing a best practice methodology that will result in the minimal possible impact to native trees that are to be retained, and the archaeological values of the significant site.

Paragraph 15

13. Mr Barrell criticises that there was “no assessment from an arboricultural perspective” (in paragraph 15), and refers to the Assessment of Ecological Effects excluding “amenity and arboricultural effects of exotic tree removal”.
14. In my view, it is appropriate that the effects of the project were assessed carefully by experts in their fields, including ecology and landscape and visual amenity. My expert assessment was also appropriately confined to the relevant arboricultural matter of how to remove the exotic trees with the least impact on the site (including the remaining native trees).

Paragraphs 15 – 22

15. In paragraphs 15 – 25, Mr Barrell criticises the felling of trees on the basis of their health and safety risk, and that they are categorised as ‘research plants’ in the Regional Pest Management Strategy (**RPMS**).
16. Auckland Council RPMS allocates species into corresponding categories relative to their area and potential to cause harm. Classification of the same species can also vary dependent local areas and sites throughout Auckland.
17. It is important to note that only plants and animals with potential to cause ecological harm because of their invasive properties are included in the RPMS
18. With these factors in mind, noting the specific values of the site including the archaeological, and cultural values, and the risk to these values posed by these invasive species, it is my opinion that it is appropriate to remove the trees on Ōwairaka that are included in the RPMS, regardless of classification as it is clear they are less desirable to consider for retention than species outside of the RPMS.
19. In relation to Mr Barrell’s opinion that the eucalyptus trees do not pose a health and safety risk, regardless of a tree’s species-specific propensity for failure, the soil conditions on Ōwairaka and other scoria laden volcanic cones throughout Auckland is not favourable due to its brittle nature. Regardless of species this already puts trees at an increased likelihood for failure.
20. Several eucalyptus trees that are to be removed are over 20m tall and within fall distance of occupied properties, or in the vicinity of highly used tracks and roadways. Whilst Mr Barrell dismisses the requirement to take

into consideration, there is still the potential that one of these larger trees, the same as the species that fell during the superstorm, could fail and damage occupied property and cause injury to the occupants.

CONCLUSIONS

21. It remains my view that the Tree Removal Methodology that Treescape prepared for the resource consent application was properly considered. It included sufficient arboricultural information for the Council to understand the best practice techniques that would be implemented to remove the trees and that the methods of removing the trees would have minimal impact on the remaining native trees and culturally significant site.

BRADLEY W BEACH

AFFIRMED by **BRADLEY WILLIAM
BEACH** at)
This day of 2020))
before me:)

B W BEACH

A solicitor of the High Court of New Zealand