

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

---

REPLY AFFIDAVIT OF ANNA MARIE RADFORD

---

13 February 2020

---

**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

---

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

1 I have prepared this affidavit in reply to some of the points raised in the evidence filed by the TMA.

201.074

### Affidavit of Paul Majurey

2 At [119] of his affidavit, Mr Majurey says that the TMA is “highly regarded” for its engagement with the communities of the Tūpuna Maunga; that the TMA “has been open to engaging” on the Mount Albert/Ōwairaka tree removal; and that I elected not to attend the hui on 28 November 2019.

3 I explained in my previous affidavit dated 6 December 2019 that I have found Mr Majurey and the TMA to be very difficult to engage with, and that I felt I was getting the run-around at every step in relation to my request for the Authority to attend a public meeting to answer the community’s many questions about the proposed tree felling at Owairaka (see [34]-[37] of my affidavit dated 6 December 2019).

4 When the TMA called the hui, it was at a time that Honour the Maunga and the TMA were well-advanced with jointly arranging plans for holding a public question and answer session . The hui came out of the blue and seemed to short-circuit our plans that we were jointly working towards. The first I learned of the hui was when journalists started phoning me for comments.

5 Furthermore, the hui was advertised as an opportunity for people to voice their opinions; and not as an opportunity for people to ask questions. Given that the hui’s announcement reflected a resolved determination by the TMA to go ahead with the felling (at [38]-[39] of my affidavit dated 6 December 2019), it seemed to me that the TMA was not coming to the hui with an open mind.

6 Overall, the TMA’s treatment of me in relation to the hui left me feeling very disrespected.

7 To this day, I do not believe the TMA has ever held a public meeting to answer the community’s questions about the felling on Mt Albert.

8 On 16 January 2020, Mr Majurey and I were able to meet in private along with a small group of representatives from each side. The meeting’s purpose was to sound each other out; it was not a negotiation. The differences between us remain.

- 9 The word “engagement” implies two-way communication – something that has been sorely lacking in the Ōwairaka situation. Honour the Maunga has spoken with hundreds, if not thousands, of people in our own community as well as those in other maunga communities where exotic tree felling has already occurred. The common experience is that TMA’s engagement has either been non-existent at worst, or unhelpful at best.

202.266  
202.269  
202.274

**Affidavits of Nicholas Beveridge (Royal Forest & Bird), Sean Freeman (The Tree Council) and Ana Renker-Darby (Generation Zero)**

- 10 I have read the affidavits of affidavits of Nicholas Beveridge (Royal Forest & Bird), Sean Freeman (The Tree Council) and Ana Renker-Darby (Generation Zero).
- 11 In many ways, there is a lot that we agree on. I support the intention to revegetate the mountain by planting a large number of native trees on it. It is a beautiful and ambitious ecological vision.
- 12 What I do not agree with is the extreme approach to the existing non-native trees. The native replanting does not warrant the removal of all existing non-native trees. I am concerned that it will be many decades before the newly planted native trees will reach maturity, and therefore will be able to provide the equivalent to the existing home for birds and wildlife.
- 13 The existing non-native trees also would provide an ideal environment for new native plantings to grow. This is evidenced by numerous examples of non-native trees on the maunga with lush, healthy native seedlings growing naturally underneath. By comparison, many of the TMA’s open ground native plantings from last winter have already died, and others are withering. A TMA truck now comes and waters the seedlings in response to public complaints about how many have died.
- 202.266 14 With regard to Mr Beveridge’s affidavit (for Forest & Bird), it only refers to supporting the IMP. The IMP did not say that all exotic trees were to be felled, whatever their type, age, location or history, or that this would take place all at once, or that the felling of trees was to be done during bird nesting season (as was intended), or that Ōwairaka/Mt Albert is home to a wide range of native birds including the rare kākā.

This affidavit is **AFFIRMED** at **AUCKLAND** this 13<sup>th</sup> day of February 2020 before me:


  
 Jessica Ellen Sarah Storey  
 Barrister  
 Auckland  
 Barrister of the High Court of New Zealand


  
 ANNA MARIE RADFORD