

BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA

IN THE MATTER of the Resource Management Act 1991 (**RMA**)

AND

IN THE MATTER of a direct referral application under section 87G of the RMA for resource consents for the necessary infrastructure and related activities associated with holding the America's Cup in Auckland

BETWEEN **PANUKU DEVELOPMENT AUCKLAND LIMITED**

(ENV-2018-AKL-000078)

Applicant

AND **AUCKLAND COUNCIL**

Regulatory Authority

**STATEMENT OF EVIDENCE OF ADRIAN LAMONT
ON BEHALF OF THE AUCKLAND COUNCIL**

(ARBORICULTURE)

Dated 21 August 2018

**BROOKFIELDS
LAWYERS**

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1. INTRODUCTION

- 1.1 My full name is Adrian Colin Lamont.
- 1.2 My evidence is given on behalf of the Auckland Council (the **Council**) in its regulatory capacity in relation to the direct referral application filed by Panuku Development Auckland Limited (**Applicant**) seeking resource consents for the construction, occupation, use and maintenance of permanent and temporary infrastructure and undertaking of activities within the coastal marine area and on land, associated with the America's Cup (the **Application**). My evidence relates to the arboricultural aspects of the Application.

2. QUALIFICATIONS AND EXPERIENCE

- 2.1 I have been a practising arborist for approximately 15 years. Since January 2016 I have been a partner in Arb-Eco Limited, an arboricultural consultancy company based in Auckland. Previously I have held positions as a tree surgeon, monitoring arborist, monitoring team leader, planning arborist and parks arborist for the Auckland Council.
- 2.2 The above roles have included, among other things, management of publicly owned trees, advising on infrastructure and development projects, providing arboricultural assessments in support of Resource Consent applications, assessment of Resource Consent applications on behalf of Auckland Council, tree risk and tree health assessments and acting as an expert witness for private, commercial and local authority clients.
- 2.3 My qualifications, certifications and professional memberships are set out below:
- (a) Bachelor of Science (Honours) in geology and geomorphology from the University of Liverpool (United Kingdom), 1992;
 - (b) Advanced certificate in arboriculture from the Telford Rural Polytechnic, 2006;
 - (c) Diploma in arboriculture (Level 5) from the Telford Rural Polytechnic, 2008;
 - (d) Current 'Quantified Tree Risk Assessment' (QTRA) certification;
 - (e) International Society of Arboriculture qualified tree risk assessor (TRAQ);
 - (f) Full membership of the International Society of Arboriculture; and
 - (g) Full membership of the New Zealand Arboricultural Association.

3. MY ROLE

- 3.1 I provided the Council with a report dated 30 May 2018 peer reviewing the arboricultural aspects of the Application (**Report**)¹. My Report was Appendix R to the Council's section 87F Report by Nicola Broadbent. I reaffirm the contents and conclusions of the Report, subject to the matters noted below.
- 3.2 In preparing my original Report, I carried out a site visit on 18 April 2018.
- 3.3 In preparing my Report and this evidence, I have reviewed the documents listed in paragraph 4 of my Report, which includes:
- (a) The Arboricultural Assessment prepared by Stuart Barton of Arbor Connect Limited, which is the principal application document of relevance to my evidence (the **Arbor Connect Report**)²;
 - (b) The assessment of environmental effects report provided by Unio Environmental Limited³;
 - (c) The landscape and visual effects assessment provided by John Goodwin of Boffa Miskell Limited⁴;
 - (d) The urban design, landscape and planning figures provided by Boffa Miskell Limited⁵; and
 - (e) The statement of evidence of Karl Cook and Vijay Lala (Planning) for the Applicant, including Attachment A: Proposed Conditions of Consent (**Proposed Conditions**)⁶.

4. CODE OF CONDUCT

- 4.1 I have read the Code of Conduct for Expert Witnesses (**Code**) outlined in the Environment Court's Consolidated Practice Note 2014 and have complied with it in preparing this evidence. I also agree to follow the Code when presenting evidence to the Court. I confirm that the issues addressed in this brief of evidence are within my area of expertise, except where I state that I rely upon the evidence of other

¹ CB153, page 3938 onwards.
² CB22, page 1496 onwards.
³ CB4, page 0081 onwards.
⁴ CB12, page 0710 onwards.
⁵ CB41, page 2336 onwards.
⁶ E19, page 1060 onwards.

expert witnesses. I also confirm that I have not omitted to consider material facts known to me that might alter or detract from my opinions.

5. SCOPE OF EVIDENCE

5.1 This statement of evidence covers the following:

- (a) A summary of my evidence (**Executive Summary**);
- (b) An assessment of the Application, including an overview of the key points from my Report (**Assessment of the Application**);
- (c) A brief response to the Applicant's evidence (**Response to Applicant's Evidence**);
- (d) Comments on draft conditions and proposed mitigation (**Conditions / Mitigation**); and
- (e) Conclusions.

6. EXECUTIVE SUMMARY

6.1 As described in section 7 below, the Application involves works that will or may require the removal of certain trees on Brigham Street and Hamer Street.

6.2 In my opinion removal of the subject trees will give rise to only minor adverse environmental effects, i.e. effects that are noticeable but will not cause any significant adverse impacts. I consider the proposed combination of transplanting and replacement planting will provide adequate mitigation for any loss of amenity that will arise due to tree removals.

6.3 For the reasons explained in my Report and in this evidence, I can support the proposed tree works, subject to the imposition of the conditions described in section 9 below, which are reflected in the Applicant's Proposed Conditions attached to the evidence of Vijay Lala and Karl Cook.

7. ASSESSMENT OF THE APPLICATION

7.1 As noted, the principal application document of relevance to this evidence is the Arbor Connect Report. The Arbor Connect Report provides an accurate assessment of the arboricultural aspects of the proposal and I broadly agree with its contents.

- 7.2 The outcome of my assessment is set out at paragraphs 7 to 14 of my Report.
- 7.3 At paragraph 9.1 of my Report I refer to three affected pohutukawa trees within the Brigham Street road reserve requiring removal, as they directly conflict with the proposed footprints of the team bases, and note that one of these trees (Tree 1⁷) is a mature, established, protected tree of good overall quality. The other two (Trees 2 and 3) are small, recently planted, unprotected specimens.
- 7.4 At paragraph 9.2 of my Report I refer to four affected street trees within the Hamer Street road reserve, which are outside the footprint of the team bases but will be vulnerable to adjacent construction effects as well as any enabling works such as service installation, footpath relocation and vehicle accessways to the team bases. I note in my Report that it is proposed to remove at least one of these trees and a willow myrtle (Tree 17) that is within the footprint of a proposed vehicle access. I also note that the level of adverse effects on the three remaining trees (Trees 15, 16 and 18, a pohutukawa and two willow myrtles) will not be known until detailed design is carried out. As a precaution the Applicant has elected to seek consent for their removal but they will be retained if feasible.
- 7.5 I express the view in paragraph 9.3 of my Report that, due to their growing environment, the trees that will or may be removed are not considered to be performing any significant ecological, hydrological, sediment control or ground stability function. The effects of the potential tree removals will therefore be limited to local adverse effects on visual amenity.
- 7.6 I also note in my Report that other trees in the general vicinity of the proposed works in Brigham Street, Hamer Street and Jellicoe Street (that are also noted in the Arbor Connect Report) are unlikely to be impacted by the proposed works due to their physical distance from the works and / or their growing environment. An additional group of shrubs that are not noted in the Arbor Connect Report, located to the immediate south of No.34 Brigham Street, which may be affected by the proposal are unprotected (due to the underlying zoning and their distance from Mean High Water Springs).
- 7.7 I discuss the Applicant's proposals for transplanting and / or suitable replacement planting at paragraphs 9.4, 9.5, 11 and 13 of my Report. The Arbor Connect Report identifies four trees for potential transplanting, subject to detailed analysis (two mature pohutukawa and two mature willow myrtle (Trees 1, 16, 17 and 18). As I

⁷ CB22, Appendix D, page 1496 onwards.

state at paragraph 11 of my Report, in my opinion it is likely that, when detailed analysis is undertaken, it will be concluded that the benefits of transplanting Trees 16, 17 or 18 will not justify the costs and effort. However, Tree 1, which is a better quality specimen in good health that has not been structurally or visually compromised by powerline clearance pruning, may be suitable for transplanting.

- 7.8 I agree with the Applicant's proposal to plant a 5m tall replacement tree for each tree that is removed and cannot be transplanted. In my opinion, the proposed combination of transplanting and replacement planting will provide adequate mitigation for any loss of amenity that will arise due to tree removals.

8. RESPONSE TO APPLICANT'S EVIDENCE

- 8.1 The Applicant has provided no expert evidence with respect to trees, however the Applicant's planning evidence from Mr Lala and Mr Cook provides an assessment of the proposal's potential effects on trees in the Planning Evaluation table at Attachment B, with the following comment / summary⁸:

Considering the proposed conditions of consent, we consider that the potential adverse effects on the identified trees will be appropriately managed throughout the construction period and will be no more than minor. And the proposal is considered to be consistent with the objectives and policies in E15 and E17 of the AUP for the reasons set out in the AEE.

- 8.2 The above summary is consistent with my assessment as outlined in section 7 above.
- 8.3 I have also seen the relevant conditions appended to the Mr Lala's and Mr Cook's evidence. As discussed further below, I concur with and endorse these conditions.

9. CONDITIONS / MITIGATION

- 9.1 Paragraph 15 of my Report discussed the Applicant's original set of proposed tree protection conditions (33(m) and 120-135), which I considered to be generally suitable to ensure adverse effects on the subject trees will be avoided, minimised or mitigated. I recommended that conditions 120 and 125 be amended to include Tree 18. I also proposed the following additional conditions, which were captured in Appendix U to Ms Broadbent's section 87F report⁹:

⁸ E19, page 1266 onwards.

⁹ CB156, page 3978 onwards.

- (a) Condition 121A: The appointed arborist shall provide advice during the detailed design phase and development of the construction methodologies and enabling works to be undertaken in Hamer Street to ensure the potential effects on trees and the number of tree removals required are minimised.
- (b) Condition 125A: All reasonable care shall be taken during the works to ensure that the trees within Hamer Street that are growing outside the project area are retained in a safe and healthy condition. Only in instances where the Appointed Arborist (taking into consideration the tree species, age, condition and tolerance to damage, root zone disturbance and pruning) can demonstrate to the satisfaction of Council's Arborist that the stability and / or long-term health of a tree is likely to be compromised by the works may the tree be removed.
- (c) Condition 125B: If feasible and proportionate to the value of the tree (in the opinion of the Appointed Arborist), any tree to be removed may be transplanted to another location or stored and replanted back within the vicinity of the project area, subject to the approval of Council's Arborist.
- (d) Condition 132A: All works required to install services within Jellicoe Street shall be undertaken outside the below-ground rain garden structures.
- (e) Condition 135A: The Consent Holder shall supply a completion memorandum to the Team Leader Compliance Monitoring – Central upon completion of all works on site. This memorandum shall include minutes of the pre-commencement meeting that is required as a condition of consent, a log of all site visits and actions undertaken by the Appointed Arborist, confirmation of the number, size, species and location of all replacement or transplanted trees, and confirmation that all required tree protection measures were adhered to for the duration of the works.

9.2 As noted, I have read the Applicant's planning evidence by Mr Lala and Mr Cook and reviewed the set of draft conditions attached to that evidence. The conditions relating to trees are set out at conditions 120 to 135A of Attachment A to their

evidence¹⁰. The Applicant's revised set of conditions incorporates all of the changes listed above and is therefore supported.

10. CONCLUSIONS

- 10.1 Overall, in my opinion the proposed activities with respect to protected trees will give rise to only minor adverse environmental effects, which will be adequately mitigated by implementation of the conditions of consent offered by the Applicant.

Adrian Lamont

21 August 2018

¹⁰ E19, page 1215 onwards.