

**BEFORE THE INDEPENDENT COMMISSIONER**

**AT WAIRARAPA**

**UNDER** of the Resource Management Act 1991 ("**RMA**")

**AND**

**IN THE MATTER** of a resource consent application by Woolworths New Zealand Ltd ("**Woolworths**") for a new vehicle access and signage at 134 Main Street, Greytown (associated with the existing Fresh Choice supermarket)

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**STATEMENT OF EVIDENCE OF RICHARD PEERS ON BEHALF OF  
WOOLWORTHS NEW ZEALAND LIMITED**

**ARBORICULTURE**

**15 SEPTEMBER 2023**

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**Russell  
McAugh**

A A Arthur-Young / S F D Barnett  
Phone +64 9 367 8000  
Fax +64 9 367 8163  
PO Box 8  
DX CX10085  
Auckland

## **1. INTRODUCTION**

### **Background and experience**

- 1.1 My full name is Richard Peers. I am one of the founding directors of Peers Brown Miller, an arboricultural and environmental consultancy firm which was formed in 2006. Prior to this, I was a founding partner of ArborSolutions Ltd.
- 1.2 I hold the National Certificate of Arboriculture, obtained at the Waikato Polytechnic in 1991.
- 1.3 Prior to commencing work as an arboricultural consultant in 2001, I worked for the Auckland City Council for 10 years in various arboricultural positions, including the management of the tree assets in streets and parks, as the manager of a Council-owned tree contracting business and as a resource consent arborist. As an independent/consultant arborist I have undertaken many assessments of resource consent applications involving tree and vegetation issues.
- 1.4 I have appeared at numerous Council hearings involving tree issues, as both a Council officer and an expert witness. In total, I have 31 years' experience as an Arborist in both the public and private sector.

### **Code of conduct**

- 1.5 I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

## **2. SCOPE OF EVIDENCE**

- 2.1 I have been asked by Woolworths to examine the potential effects on arboriculture from the construction of a new access to 134 Main Street, which forms part of the State Highway ("**Site**"). In particular, I will consider effects in relation to the Copper Beech tree ("**Beech Tree**") which is located on the Site.

2.2 My evidence will:

- (a) Provide an overview of the application by Woolworths to construct and operate an extension to the existing car park to provide vehicular access from Main Street ("**Application**");
- (b) summarise my assessment of the Beech Tree at the existing Site, including the value of the Beech Tree to the Site and to the community;
- (c) address the potential arboricultural effects of the Application;
- (d) respond to relevant matters in the Council's Section 42A Hearing Report dated 31 August 2023 ("**s42A Report**"); and
- (e) recommend conditions for the Application relating to mitigation of arboricultural effects.

### **3. OVERVIEW OF THE APPLICATION AND EXISTING ENVIRONMENT**

3.1 The Beech Tree stands in the southern corner of the Site, to the left as viewed from Main Street. The existing driveway at the Site, servicing the residential dwelling, curves northwards away from the Beech Tree.

3.2 The Application involves the retention of the Tree and demolition of the existing residential dwelling on the Site. The existing driveway will be replaced with a new vehicular access which will run in a straight line past the base of the Beech Tree and will then curve towards the southern boundary. The Application further provides that the stone wall on the Site will be retained.

3.3 The Application proposes to form a pedestrian pathway alongside the southern boundary – interfacing with the public footpath on Main St.

### **4. ASSESSMENT OF THE BEECH TREE**

4.1 I have undertaken two visits of the Site, on 16 and 19 August 2022. During these site visits, I had full entry to the Site and was able to access the base of the Beech Tree from all sides, from the ground level.

4.2 At these site visits, as set out in my report dated 19 September 2022, I observed the following:

- (a) The Beech Tree is in a good state of health and is structurally sound. It is a prominent visual feature of Greytown's Main Street.

- (b) The Beech Tree stands within, and has adapted to, its current growing environment; characterised by a generous area of open ground bounded to the south by the footing of a building on a neighbouring property, a solid concrete driveway to its north and the public footpath to its east.
- (c) With a steel spear, I carried out a probing exercise at the edge of the concrete driveway facing the tree. I was able to probe to deep levels and did not strike any woody root material on that alignment. I consider that the driveway is an inhospitable environment for root development and this factor, coupled with the fact that the root mass of the dense copse of trees and shrubbery on the northern side of the driveway will be occupying that area of ground to the greatest degree, means that there will be little, if any, roots from the Beech tree under and beyond the driveway. Accordingly, I consider that the critical root mass of the Beech tree is concentrated in the existing open ground area it stands in.

### **Treecology Report**

- 4.3 I endorse Mr Partridge's Arborist Treecology Report as a thorough and comprehensive analysis of the Beech Tree.<sup>1</sup> Much of the commentary and assessment in that report relates to the detail shown on an earlier iteration of the Site Plan. That plan has since been amended to demonstrate several improvements to design elements that minimise the potential effects on the tree.
- 4.4 My main point of difference of opinion with the Treecology Report is to do with the extent of the tree's 'tree rooting area'. Figure 2 in the Treecology report shows this to include the driveway and the ground to its north. For the reasons outlined above, I consider that these two areas can justifiably be deducted from that 'rooting area'.
- 4.5 The only other comment I wish to make regarding content in the Treecology report is to do with Mr Partridge's strong advocacy of the use of a CCS (Cellular Confinement system) as the surfacing of the proposed driveway – at least where it passes through the tree's root zone. Mr Partridge recommends the Geoweb product when surfacing the proposed driveway.

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<sup>1</sup> J Partridge, *Arboricultural Impact Assessment, 134 Main Street, Greytown*. Treecology Tree Consultancy, 9 March 2022.

4.6 In discussion of this issue with colleagues, and from experience of seeing such a surfacing type being utilised, I am dubious about Geoweb's resilience against the movement and manoeuvring of heavy vehicles. Notwithstanding that opinion, I consider that there is not requirement to pursue an alternative construction methodology provided the tree protection measures I recommend are adopted as conditions of consent and adhered to. Further, I understand that the ultimate pavement design and detailed construction methodology will occur following grant of resource consent, and again, subject to the conditions I recommend, will require input from the project arborist.

## 5. ASSESSMENT OF EFFECTS ON ARBORICULTURE

5.1 I am pleased to note that the following changes were made to elements of the design layout in the vicinity of the tree following receipt of my report of 19 September 2022,<sup>2</sup> to ensure the overall protection of the tree:

- (a) The width of the driveway has been reduced from 9m to 8.3m. This has meant that there is no extension of the new driveway into open ground until the point where it begins to curve towards the southern boundary.
- (b) The three carpark spaces that were shown within the tree's root zone have been eliminated altogether. The ground that they would have occupied will now remain undisturbed.
- (c) The section of low-level concrete wall that was originally shown beside the driveway on the northern side of the tree has been deleted.
- (d) The existing low-level white stone wall along the street boundary in front of the tree is to remain in place and be cleaned and repaired. This also eliminates a potential excavation activity within the tree's root zone.
- (e) The advice pertaining to the construction detail of the pedestrian path behind the tree has been accepted, ie. that it should be permeable and of a type that does not involve root disturbance beyond a very minor degree. I understand the conditions proposed by Ms Panther Knight ensure this outcome.

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<sup>2</sup> R Peers *Assessment of proposed works affecting Copper Beech Tree at 134 Main Street Greytown*. Peers Brown Miller Ltd, 19 September 2022.

- (f) Similarly, a construction methodology for the roadway surfacing needs to be carefully designed to ensure it is appropriate where passing through the root zone of the tree. I anticipate that the project team will consult with the works arborist when that process commences. I understand the conditions proposed by Ms Panther Knight ensure this outcome.

## **6. S42A REPORT**

- 6.1 I have reviewed the s42A Report with particular regard to the matter of the Copper Beech tree.

### **Retention of the tree**

- 6.2 Paragraph 75 summarises various concerns raised by submitters opposing the application. The issue of the Certificate of Compliance being granted by Council has led some submitters to be sceptical of Woolworths' commitment towards the retention of the Beech Tree.

- 6.3 However, this commitment has always been my understanding and that this is the basis of my engagement to provide arboricultural advice and recommendations to ensure that the tree is successfully accommodated in the design of the proposal.

- 6.4 It is very common for trees in such environments to be retained successfully within all manner of development sites all over the country and in many cases with greater degrees of impacts on the subject trees than would be the case here. Trees have an ability to tolerate a certain level of alteration to their environment without suffering any discernible adverse effects. Peers Brown Miller has longstanding experience working in this field of arboriculture and I have confidence that the Beech Tree will continue to thrive in its altered environment should this proposal go ahead. This would especially be the case if the recommended tree protection methodology outlined below is adopted and adhered to.

### **Pruning**

- 6.5 I also wish to respond to the comment regarding the pruning that will be required.<sup>3</sup> As I noted in my Report, some level of pruning is required to the eastern side of the tree's canopy to attain clearance for vehicles. However,

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<sup>3</sup> S42A Hearing Report at 75.

such pruning can be carried out with precision and in accordance with correct arboricultural practice and would be similar to the same such pruning commonly carried out on street trees, trees in public spaces and alongside driveways in private properties.

- 6.6 As expressed in my Report, I see no issue with this, nor do I consider the pruning would compromise the form of the Beech Tree.

### **Methodology Report**

- 6.7 The s42A Report also references some of the commentary contained in a report provided to SWDC by Richie Hill of The Paper Street Tree Company. Mr Hill notes that my report does not contain a detailed tree protection methodology. The purpose of my report was to review the plans that were produced and to suggest any improvements and alterations that should be explored to reduce the scale of, or eliminate, any adverse effects on the Beech Tree.

- 6.8 That exercise has been undertaken to my satisfaction and I have now been able to put together a tree protection methodology that is specifically targeted to the confirmed detail of the various activities that are to take place in the vicinity of, and on, the tree, as outlined in paragraph 7 of my evidence.

### **Watercourse**

- 6.9 Mr Hill's concerns about the adverse effects on the root zone of the tree, resulting from a blocked watercourse on the north side of the property can be dismissed. The water course is not to be blocked or redirected.

## **7. PROPOSED CONDITIONS**

- 7.1 The successful retention of the Beech Tree depends on the quality of the protection and monitoring procedures, to ensure those protective measures remain in place while there is a risk of damage during the construction phase.
- 7.2 Below I set out a suite of appropriate works methodologies and recommended tree protection measures which Woolworths has incorporated into the Application to ensure that any adverse effects on the tree during the project are avoided – or minimised at the least.<sup>4</sup>

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<sup>4</sup> Assessment of Environment Effects 8 June 2023 at 5.6.

- 7.3 Prior to any works commencing on the Site, including demolition, I recommend that a meeting shall be held at the Site to discuss all issues pertaining to the protection of the Beech Tree and to gain a common understanding of the proposed tree protection measures and any relevant conditions of consent in that regard. Present at the meeting should be;
- (a) the consent holder;
  - (b) the site foreman or project manager;
  - (c) the appointed worksite supervisory arborist ("Works Arborist");
  - (d) the arborist engaged to undertake the pruning of the tree; and
  - (e) any other relevant personnel.
- 7.4 During this pre-commencement meeting, the location of site offices shall be discussed and the appropriate location for these agreed upon with the Works Arborist.
- 7.5 At the pre-commencement meeting, the appropriate extent of the pruning of the tree shall be calculated, discussed and agreed upon.
- 7.6 The agreed pruning shall be undertaken before any construction work commences on the site. The pruning shall be carried out in accordance with modern and correct arboricultural standards.
- 7.7 The pruning would be restricted to just the raising of the lower canopy level to then height required for truck clearance.
- 7.8 Prior to any works commencing on the site, including demolition or house removal works, a protective fence of the Rent-a-fence style shall be erected to enclose the Beech Tree. The precise location of the protective fence shall be discussed and agreed upon at the required pre-commencement meeting, but it shall be set, at the least, at the radius defined by the existing driveway and the extent of its dripline to the west.
- 7.9 The protective fence shall be affixed securely to the ground to prevent it being shunted inwards. However, the fence can be adjusted accordingly when particular works on the ground in the vicinity of the Beech Tree are to commence.
- 7.10 No storage of materials, spoil, equipment, fuels and oils, or passage of vehicles or machinery, shall take place on open ground within the area of ground enclosed by the protective fence.



- 7.11 The Works Arborist shall supervise the breaking up and uplifting of the existing driveway surface, where within the root zone of the Beech Tree.
- 7.12 The Works Arborist shall assist with, and supervise, the cut made to define the edge of the new driveway closest to the Beech Tree. Any roots encountered in the depth of this cut shall be severed cleanly by the arborist. Hessian shall be pinned over any cut root ends and a sheet of root barrier plastic should be pinned to the entire cut face – to be left in place when then the chosen surfacing is installed and backfilling occurs.
- 7.13 The Works Arborist shall supervise the construction of the new pedestrian pathway passing behind the Beech Tree. Any ground disturbance associated with the construction method of whichever type of pathway is chosen shall first be approved of by the Works Arborist - who would issue guidelines pertaining to how this should be carried out.
- 7.14 All tidying of the ground and landscaping activity in the open root zone area of the Beech Tree shall be carried out by hand or hand operated tools only. No machinery should be allowed to traverse this area and there shall be no lowering of the ground level apart from minor levelling (by hand) of any uneven area.
- 7.15 The coppicing plum tree that stands under the canopy of the tree shall be cut to ground level. The stump must not be extracted by machine; rather, ground carefully or treated with herbicide to prevent further coppicing.
- 7.16 The open ground within the root zone of the tree can be supplemented with new soil, but only with topsoil or a good quality garden mix soil, and to a depth of no more than 200mm. It is particularly recommended that this entire root zone area is mulched with a combination of compost and aged tree chippings.
- 7.17 Washings derived from the production of concrete shall not be flushed on to open ground within the root zone of the Beech Tree.
- 7.18 A log of all involvement of the Works Arborist shall be maintained for the duration of the project. This log would record in detail all visits to the site, all actions taken, instructions issued to site personnel pertaining to tree protection and, compliance with conditions of consent relating to tree protection and pruning. The completed log would be provided to the consent holder at the completion of the project – to serve as a compliance report for the Council.

## **8. CONCLUSION**

- 8.1 Although not scheduled or protected, I am aware that the Beech Tree has importance to some in the community and to the special character of the streetscape. I am satisfied that Woolworths is conscious of the importance of and the community regard for the Beech Tree. I consider that the Application has carefully addressed my concerns to preserve and protect the Beech Tree.
- 8.2 I respect the status of this Beech Tree as a valued natural feature of the Greytown streetscape and, on both a personal and professional level, I am fully committed to ensuring that it can be incorporated successfully within the design of the proposed accessway.
- 8.3 I am satisfied the tree protection regime that I have outlined above provides adequate protection of the Beech Tree. If successfully adopted and formalised by way of resource consent conditions and the guidelines therein are adhered to with a high level of commitment given to a successful outcome, I am confident that the Beech tree would continue to thrive in its altered environment.

**Richard Peers**  
15 September 2023