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Associate Minister for Arts, Culture and Heritage

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AIDE MEMOIRE: NATIONAL EREBUS MEMORIAL – SITUATION UPDATE

Date:	24 March 2021	Priority:	High
Security classification:	In Confidence/ Legally privileged	Reference:	AM2021/163
Contact	Bernadette Cavanagh, Chief Executive,		9(2)(a)

Purpose

- 1 To provide an update on the status of construction at the National Erebus Memorial and the Ministry for Culture and Heritage’s continued engagement with Dame Rangimārie Naida Glavish (Ngāti Whātua) following her public opposition to the Memorial. Note this briefing is up to date as at as at 12pm Wednesday 24 March, however the situation continues to evolve.

2 9(2)(j)



Current situation

Protestors continue to occupy the site

- 3 A small, peaceful protest continues at the National Erebus Memorial site within Dove-Myer Robinson Park. Approximately five tents are set up, including a cooking tent and a portable toilet. The Ministry understands that around 10 people are camping overnight and numbers during the day are between 20 and 30. Police have visited the site on several occasions and have engaged with the protestors.
- 4 The ‘Save Robbie’s Park’ group, which now also now identifies as and promotes the ‘Protect Mataharehare’ group, appear to be coordinating activities at the site. This includes BBQ’s, yoga sessions and waiata. These groups have been joined by people with iwi and hapū affiliations to the local area. According to the Protect Mataharehare Facebook page, this includes some people who affiliate to Ngāti Whātua Ōrākei.

5 9(2)(g)(i)

6 A rāhui was placed on the site on 17 March.

9(2)(g)(i) 9(2)(h)

The Ministry is continuing to engage

Engagement with Dame Naida

7 The Ministry continues to seek constructive engagement with Dame Naida Glavish. I sent a short letter to Dame Naida on Monday 15 March, as an initial response to her letter to you of 4 March, confirming she will be provided with the further information she requested.

8 The letter reiterated our shared interest in protecting the pohutakawa tree and acknowledging the pa site, and my wish to meet, at Ōrākei Marae as per Ngāti Whātua Ōrākei's offer. I contacted Dame Naida on Friday 19 March, and we had a phone conversation on Saturday 20 March.

9 This was a cordial discussion. Dame Naida reiterated her position and 'serious concerns' with the proposed memorial but did agree to further dialogue and to work in a constructive manner. Dame Naida has also reached out to me via our mutual contact 9(2)(a) to organise a meeting between the three of us. 9(2)(a)

I am tentatively scheduled to meet with Dame Naida in Auckland on Wednesday 31 March.

10 Dame Naida has advised that she, along with 9(2)(a) wrote to the Maori Affairs Select Committee on 18 March seeking an urgent inquiry into the procedure employed by the Ministry, its failure to adequately consult mana whenua, and whether the site and design of the memorial were selected in breach of Te Tiriti. The letter also seeks for the rāhui placed over construction on Mataharehare to be recognised until such an inquiry is completed. The letter is similar to the one sent to you on 4 March.

11 A detailed response has been prepared to answer the issues raised in Dame Naida's letter to you of 4 March 2021 9(2)(j). The full response will confirm that the Ministry is confident in the

processes and decisions relating to the site selection and Memorial design, and reiterate my commitment to engagement with Dame Naida.

Erebus families

- 12 An update on the occupation of the memorial site was provided to our database of families and members of Operation Overdue on 5 March. The message reaffirmed the Ministry's commitment to seeing the memorial completed. The Ministry is aware that some family members are feeling distressed about the current events. The key concern for many of the families is the suggestion they do not support the location for the Memorial. The Ministry is preparing updated material on the project for the website, and will share links with family members in the coming week.

Ngāti Whātua Ōrākei

- 13 The Ministry remains in regular contact with Ngāti Whātua Ōrākei staff and trustees as key project partners. Over the weekend, Minister Allan and Ministry staff were guests of Ngāti Whātua Ōrākei for the launch of their Te Tai Treaty Settlement Story project. Ngāti Whātua Ōrākei's support was a condition of landowner approval and we will continue to keep in close contact with them to ensure that we retain that support.

Consultation with other departments

- 14 The Ministry is in regular contact with Crown Law on the legal aspects of the situation and has discussed the situation with Te Arawhiti and Te Puni Kōkiri. [REDACTED]

9(2)(j)

Preparing the site for construction

9(2)(j)

9(2)(j)



Legal update [Legally privileged]


9(2)(h)



Financial implications of the occupation

22 The occupation and protest have ongoing implications for construction.

9(2)(b)(ii)



23 9(2)(i)



24 Delays may impact the planned completion date of 28 November 2021 for the 42nd anniversary of the accident. Whilst there is a weather contingency in the programme, any delay to the start beyond Easter could mean the memorial cannot be completed by the anniversary date.


Options for engagement around the tree and pā site

25 The Ministry has secured all the necessary approvals to construct the memorial. The Ministry's processes were reviewed by an independent QC who advised that the decision-making was 'reasonable'. The Ministry remains confident in the processes

and decisions related to the project and is working to make available further assurances to Dame Naida and others protesting the project. In addition to those assurances, and as a demonstration of good faith, the Ministry is looking at whether there are additional measures that could be taken to provide further reassurance around the health of the pōhutukawa and acknowledgement of the pā.

- 26 The Ministry has engaged again with the independent arborist who prepared the arboricultural assessment report. Over the time of the project to date, six other qualified arboricultural experts have reviewed the proposal. None have raised any concerns with the proposed work and the potential for adverse effects on the tree. In accordance with regulatory processes, Ngāti Whātua Ōrākei has reviewed the arboricultural plans and confirmed they are satisfied the proposed works align with their values. The Ministry remains confident that all necessary steps are being taken regarding the earthworks to ensure the tree is protected, and that the health and longevity of the notable pōhutukawa will not be compromised.
- 27 A detailed archaeological assessment of the site has been undertaken, and the memorial project considered by Heritage New Zealand Pouhere Taonga. Ngāti Whātua Ōrākei has reviewed the assessment and supports the approach to respect and protect the heritage values of the site. This includes the protocols relating to koiwi taonga and taonga tūturu found at the site. An archaeologist will be onsite to monitor all earthworks and ensure any archaeological evidence encountered is correctly investigated, recorded and analysed.

28 9(2)(g)(i)



Capturing stories about the pā site and location

- 29 The Ministry is exploring opportunities for wider story telling of the pā site. This has been discussed with the Ngāti Whātua Ōrākei Trust Chief Executive as a potential approach for engaging Dame Naida and alleviating her concerns about the significance of the site being undermined. Ngāti Whanaunga has also expressed an interest in this idea and advised that other iwi/hapū may also be interested.
- 30 Ideas for this include:
- Developing a digital storytelling project covering the early Māori history of the site as well as later, colonial history.
 - Audio-visual interviews with key people/historians etc, giving an opportunity for differing perspectives, as well as images, maps etc.
 - On-site signage, possibly including QR codes to link visitors with online content.

- Building on the Ministry's Te Tai Treaty Settlement Stories project with Ngāti Whātua Ōrākei.
- Specially curated educational content to align with the Aotearoa New Zealand history curriculum.
- Establishing a small heritage trail linking several sites.

Next steps

- 31 Manatū Taonga will continue to monitor the situation in Parnell and keep your office informed on any developments at the site or in our engagement with Dame Naida.
- 32 Ngāti Whātua Ōrākei remain a key partner in this project and the Ministry will continue to work with them closely as we develop a way forward. 9(2)(f) [REDACTED] This will help inform decisions about when we will have the necessary plans in place to start construction safely.
- 33 We will keep you informed about the potential meeting with Dame Naida on 31 March.

9(2)(a)



Bernadette Cavanagh
Chief Executive