

Rt Hon Jacinda Ardern

Associate Minister for Arts, Culture and Heritage

cc Hon Carmel Sepuloni, Minister for Arts, Culture and Heritage

Hon Kiri Allan, Associate Minister for Arts, Culture and Heritage

AIDE MEMOIRE: NATIONAL EREBUS MEMORIAL – CONSTRUCTION UPDATE

Date:	5 March 2021	Priority:	High
Security classification:	In confidence / Legally privileged	Reference:	AM2021/131
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Purpose

- 1 To update you on the status of construction at the National Erebus Memorial and Manatū Taonga's engagement with Dame Rangimārie Naida Glavish (Ngāti Whātua) following her public opposition to the Memorial. Note this briefing is up to date as at 12pm Friday 5 May, however the situation continues to evolve rapidly.

Dame Naida and protest at the site

- 2 As you know, iwi leader Dame Naida Glavish has publicly and privately raised concerns regarding the memorial and has been present at a small, peaceful protest at the Memorial site which is comprised of a handful of tents.
- 3 Dame Naida's concerns were initially focused on iwi engagement, the notable pōhutukawa tree at the site, and the Māori heritage of the area. You responded to Dame Naida to provide background to the Memorial project and outline Manatū Taonga's engagement with iwi to date.
- 4 In a letter to you dated 5 March 2020, Dame Naida is now raising issues of process. A response to her latest correspondence will be prepared by the Ministry.
- 5 Following the Ngāti Whātua Ōrākei statement on 3 March and public comments by Dame Naida throughout the week, Manatū Taonga is investigating all options for a hui at which Manatū Taonga and iwi can address the concerns raised.
- 6 Today (5 March) Manatū Taonga participated in a discussion facilitated by Kerrin Leoni who is a member of the Waitematā Local Board. 9(2)(a) have been working to get a meeting with Dame Naida to discuss the issues. We were advised that 9(2)(a) Ngāti Whātua Ōrākei Trust 9(2)(a) 9(2)(a) were also likely to attend however, that was not the case. The meeting is currently underway and we will provide a read-out as soon as possible.

- 7 It is hoped that a resolution can be reached, but we remain confident in the processes followed over the last three years, and committed to the construction of the National Erebus Memorial.

Ngāti Whātua Ōrākei

- 8 In response to Dame Naida’s media interviews Ngāti Whātua Ōrākei issued a statement (see Appendix 1). This statement reiterates Ngāti Whātua Ōrākei’s support of the Memorial and their confidence that the site and trees will be protected. Ngāti Whātua Ōrākei offered to host a hui between Manatu Taonga, those in opposition to the memorial and Erebus whanau to agree a way forward.
- 9 As a result of the on-site investigations under the Archaeologist Exploratory Authority the archaeologist confirmed:
- “No archaeological remains associated with Mataherehere Pa were identified (or have previously been identified) within the proposed area of works; however, there remains potential for subsurface archaeological features/deposits associated with the site and more generally to pre-European Maori occupation to be present within the project area and surrounds.”
- 10 Manatū Taonga has a cultural monitoring plan in place with Ngāti Whātua Ōrākei which will ensure that they are contacted should any artefacts be discovered during the excavation stage and will be kept updated on progress at the site.
- 11 The arboricultural plan for the memorial project has also been endorsed by Ngāti Whātua Ōrākei, who confirmed they are satisfied the works relating to the heritage trees at the site are in line with their values. Manatū Taonga has sought and received further advice from the independent arborist this week that confirms the notable pōhutukawa at the site will be protected (for notes on this conversation see Appendix 2).

Engagement with Erebus families

- 12 Manatū Taonga has been in regular contact with representatives from Erebus families. There is general concern with the re-opening of the debate and the subsequent delay to construction 9(2)(ba) [REDACTED] the Memorial.

Construction delays may affect completion date

- 13 Manatū Taonga has paused construction at the site until Monday 8 March at the earliest to allow time for us to work through Health and Safety protocols to ensure that the contractors can operate safely, including at different Covid Alert Levels, and in light of the site occupation.
- 14 With construction paused Manatū Taonga is incurring 9(2)(b)(ii) [REDACTED] This penalty fee will continue until Manatū Taonga issues instructions to commence site setup.

- 15 There may also be a delay to materials being delivered as this order has also been paused. A new booking will be dependent on the delivery firm's capacity. We are keeping in close contact with the contractors to minimise the costs of the delay. The additional costs can be met through the contingency in the project at this stage.
- 16 The construction programme does contain contingency for weather and other issues which may impact work. The current delays will reduce this contingency. We will closely monitor the potential impact on the planned November unveiling date.

9(2)(h)

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Other engagement with Ngāti Whātua

- 21 Manatū Taonga has been working with Ngāti Whātua Ōrākei on another project, Te Tai Whakaea Treaty Settlement Stories (Te Tai) since 2020. The project aims to educate and inform people of Treaty settlements and their impact by connecting and engaging them with a diverse range of Treaty settlement stories. The Ngāti Whātua Ōrākei Treaty settlement story is being launched on 20 March 2021. Minister Allan and senior Manatū Taonga staff will be attending the launch.
- 22 The Te Tai team has a relationship with Dame Naida Glavish. In October 2020, Dame Naida was a spokesperson for Te Mana o Te Reo, the multi-media story published on WAI 11 Māori Language Claim, and interviews of her speaking to the kaupapa were included in the story itself.
- 23 In October Dame Naida also assisted Manatū Taonga and provided cultural support for the transfer of hundreds of taonga tutūru that had completed conservation treatment

and were moved from the University of Auckland to the Auckland War Memorial Museum's collection storage facility in South Auckland.

Next steps

- 24 Manatū Taonga will continue to monitor the situation in Parnell and keep your office informed on any developments at the site or with Dame Naida and the protest group over the weekend.
- 25 Ngāti Whātua Ōrākei remain a key partner in this project and we will continue to work with them closely as we develop a way forward.

9(2)(a)

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Bernadette Cavanagh
Chief Executive

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NGĀTI WHĀTUA ŌRĀKEI

03 March, 2021

Media Statement

Ngāti Whātua Ōrākei statement regarding Erebus memorial project

On 29 November 1979, 257 passenger and crew of Air New Zealand flight 901 tragically lost their lives when their plane crashed into Mt Erebus, Antarctica. Aotearoa's worst peacetime disaster. For over 40 years the whānau and friends of those lost have been left without a place for remembrance or to reflect on the enormous impact of so many lives lost and changed forever.

Since 2018 Ngāti Whātua Ōrākei have been engaged in relation to the progress of the Erebus Memorial project which is intended to correct this long-standing injustice. In November 2018, we wrote to Manatū Taonga, the Ministry of Culture and Heritage, to express our support for the project and also for the use of the proposed site which is in the heart of the Ngāti Whātua Ōrākei rohe. We see this as a natural continuation of the manaakitanga that we have extended to our manuhiri since the foundation of Auckland in 1840.

We have attended meetings held with the Erebus whānau and heard the emotional and long-overdue apology from Air New Zealand. We heard directly from the families involved and those connected to the extremely difficult recovery effort and felt their anguish and the anger at the fact nothing had been done for over 40 years to acknowledge their loss.

In terms of the proposed memorial at Taurarua (Dove Myer Robinson Park), we have reviewed the archaeological assessments and expert aborculture reports. The tupuna Pohutukawa will not be destroyed or affected – this will be retained and protected. We made sure that the location of the memorial would not damage the environment or be culturally inappropriate. As mana whenua we will ensure that the works are completed sensitively and are culturally sound. There will be further cultural narrative added to the site to ensure all whānau and visitors to the site understand the centuries of connection Māori and particularly, Ngāti Whātua Ōrākei, have to this whenua.

Unfortunately, there have been some recent public claims that there will be greater impact on the site and to the Pohutukawa tree than was shared with us through the consultation process. As a result we asked for clarification from Manatū Taonga in relation to these claims. This has been provided. We have also asked for those making the claims to provide their evidence. This has not been provided. As a result, we remain completely in support of this very worthy and long overdue memorial.

What is sadly lost in all of this, are the families of those tragically lost in the Erebus disaster. Since day one we have been supportive of their journey to have a place to reflect and remember. We as tangata whenua understand very deeply the need to be able to grieve and acknowledge respectfully those we have lost. We understand completely the importance of having a place of mana to be able to visit and remember our loved ones. As the Erebus whānau have chosen a site in our rohe, we will respect their wishes and ensure this is done in a culturally and environmentally safe way. As mana



NGĀTI WHĀTUA ŌRĀKEI

whenua of Central Auckland, this is our role to play and we take this seriously. We do this every day on many projects across Tāmaki.

It has been clear to us that there is a campaign being run by a small number to stop the memorial. We have tried to avoid engaging in activities that are part of what seems to be a public relations campaign to stop the project. This statement is to clarify our position, to show our continued support, and will be our final public statement on the opposition to this kaupapa.

Finally, to correct the course of this kōrero, we offer our manaaki. We encourage Manatū Taonga, those in opposition and any Erebus whānau who would like to meet at Ōrākei Marae to discuss and agree a way forward.

Nō reira, e ngā tini aitua, koutou kua ngaro ki tua o te ārai, haere koutou

Haere, haere, haere atu rā

Marama Royal

Chair, Ngāti Whātua Ōrākei Trust

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Appendix 2 - Arborist information

Discussion with independent arborist for the National Erebus Memorial project:

Matt Paul, Director, Peers Brown Miller Ltd, Thursday 4 March 2021

This note provides more detailed information about all works at the National Erebus Memorial relating to the notable pōhutukawa (tree no.2 in the arborist report).

Appropriate cultural oversight

- In developing the arboricultural plans, and in accordance with regulatory processes, mana whenua (Ngāti Whātua Ōrākei in this case) have reviewed the proposal and confirmed they are satisfied the proposed works align with their values.

Pruning

- Less than one percent of the pōhutukawa's canopy will be pruned. This pruning is solely to ensure the tree is not affected during construction (specifically during the installation of the strip footing at the beginning of one of the memorial walls).
- All work relating to the pōhutukawa will be carried out by hand, including the pruning.
- Pruning of the tree is already regularly carried out, for example, to protect the Dutch War Memorial also located nearby and to ensure the pathway in front of the tree remains accessible.

Installation of services for the whakanoa and pathway

- All work is happening at an appropriate distance from the base of the pōhutukawa (approximately 20 metres or greater).
- The new Memorial is therefore situated well away from the pōhutukawa's main root system and the groundworks taking place have the potential to affect less than 1 percent of the 'protected root zone'.
- The protected root zone is an area calculated according to each specific tree and is used as a guide to ensure works are carried out according to best practice. Earthworks can occur within this zone of a tree in a safe way (and regularly do).
- It is likely that no pōhutukawa roots will be encountered during the works.
- If any roots are encountered, they will be of such a small size, in terms of the tree's overall root system, that there will be no impact on the health or future of the tree (10mm or less in diameter).
- In normal circumstances, a notable tree may have works take place within 10 to 20 percent of the protected root zone area. In this case, the percentage of the pōhutukawa's protected root zone that will have works take place within it is less than one percent.
- Extra care is being taken regarding the earthworks to ensure the tree is protected. For example, the conduit to install the services is being carried out using 'directional drilling'.
- This does not mean the trees roots will be cut or harmed. The process of installing the conduit to link the services to the memorial site will take place well beneath the pōhutukawa's root system (at a depth greater than one metre below ground). This process avoids any effect on the tree, due to its location from the base of the tree and the depth at which it is carried out.
- The installation of the pathway will not affect the tree roots.
- All proposed works pose no risk to the health or longevity of the pōhutukawa and are minimal.