

Ref 557680 (Complaint Ground: 560782)

23 November 2021

Kia ora Michael

Thank you for your letter.

We respond to the points you have raised as follows:

***Impact on the root system***

With respect to MCH, their assessment of the impact (1%) of the root system is without foundation. Pōhutukawa, particularly the sand variety (as Te Hā is), are renowned for their extensive root system, extending many metres beyond the dripline<sup>1</sup>.

Clive Barnes, Arboriculture Operations Manager for Auckland Council has also verbally confirmed the root systems of pōhutukawa can extend up to 10-20 metres beyond the drip line. The proximity to the cliff means that the roots could extend to the lower path, encompassing the entire proposed memorial site.

MCH have made no attempt to scan or identify the extent of Te Hā's root system.

MCH simply have no idea how far the roots extend. There is no basis for their claim.

Our request for a report by a Maori arborist in March 2021, was rejected because "they could not find one". There are of course many arborists who cut trees, but few are trained see them through the spiritual and cultural lens of Te Ao Maori.

As Rob McGowan (QSM) and Donna Kerridge<sup>2</sup> make clear *"to assume that severing some or part of the roots of a significant Pohutukawa as inconsequential to the health and wellbeing of the tree is akin to cutting off a person's legs and telling them they are still healthy."*

This is the understanding that a Maori arborist would have provided at the outset. This is the advice that would have resulted in a different site being selected.

Given the status and importance of the much-loved tupuna rākau it seems astounding that MCH had no understanding of the cultural history or significance of Te Hā, prior to the selection of the site. Information on the cultural significance of Te Hā was never provided to any design team, or to any decision maker, throughout the process.

The information available now, was not made available at the time the designs were rushed through to meet MCH's deadline. When asked to confirm the site selected, the Prime Minister was not provided appropriate information in relation to the significant cultural history of the whenua or of Te Hā.

Once set in motion, and given time pressures, the needs of Te Hā were never prioritised as they should have been. The tupuna rākau's mana and mauri were ignored by MCH. MCH are attempting

---

<sup>1</sup> <https://www.nzffa.org.nz/system/assets/1707/pohutukawa.pdf> page 10

<sup>2</sup> Email from Rob McGowan (QSM) and Donna Kerridge attached and sent to your offices on 21 November 2021, attached below.

to promote a view that the design and the health of the tupuna rākau have remained central to all decision making. That is disingenuous.

### ***Support for the arboricultural management plan.***

Ngāti Whātua Ōrākei did not view the arborist plans until 30 January 2021<sup>3</sup>. They were not provided this information at the point they supported resource consent. They signed off on resource consent seemingly without review of any of the documents. Ngāti Whātua Ōrākei Trust Board's cultural advice amounted to less than a page of broad information. Other mana whenua were denied any meaningful contribution by MCH, contributions that would have highlighted the need for a tikanga process and one that reflected Te Ao Maori.

Ngāti Whātua Ōrākei's own Tikanga process, shared by their Design and Arts Manager with MCH in March 2019, was not shared, or considered in the site or design selection.

MCH cannot hide behind the support of Ngāti Whātua Ōrākei's Trust Board when they themselves have not completed the appropriate due diligence. Ngāti Whātua Ōrākei's Trust Board have failed to fulfill their role as Kaitiaki of the whenua and of the tupuna rākau, Te Hā. They have provided no assessment of the mauri of the tupuna rākau. Ngāti Whātua Ōrākei Trust Board's failed processes, should not be used as an excuse by MCH for their own failure to properly assess the mauri and mana of Te Hā at the outset.

### ***MCH's additional undertakings***

#### *Resource Consent*

In the plans of the resource consent granted, the development of the pathway extends well under the dripline of the tupuna rākau (12 metres)<sup>4</sup>. There is no offer to move the path. The offer to shorten the structure by a metre when the structure itself is 28 metres in length, without any understanding of the root structure, is meaningless.

Further the offer to reduce the size of the structure is subject to the gaining of additional regulatory approvals, as is the commitment made to Ngāti Whātua Ōrākei to add a pou. These are commitments MCH has no authority to make.

#### *Annual cutbacks*

The resource consent granted allows up to 10% of the tree to be cut back annually. There is no protection from these cutbacks. Once constructed MCH hand over responsibility for the ongoing management of the tupuna rākau to Auckland Council. Auckland Council have made no commitment in relation to future management of Te Hā. Unfortunately, Auckland Council's record in managing the protection of trees across Tamaki Makaurau is not something that instils confidence.

#### *Issues and risks not considered fully*

According to resource consent plan tonnes of base coarse aggregate will be applied and compacted to 95%, together with geotextile and drainage material. The extent of the earthworks is 534sqm. The vibrations and shaking of the earth, will very likely destabilise the cliff face. "A tree such as *Pohutukawa* has roots that descend deep into the earth, cementing its connection to the whenua<sup>5</sup>."

This impact has not been considered in any of the reports we have seen.

---

<sup>3</sup> Email from Andrew Browne to Brodie Stubbs 30 Jan 2021, in previous submissions

<sup>4</sup> <https://mch.govt.nz/sites/default/files/projects/LUC60345670%20-%20Plans.pdf> site plan 2494 A-10-02 F

<sup>5</sup> Email from Rob McGowan (QSM) and Donna Kerridge attached and sent to your offices on 21 November 2021.

There will be tonnes of concrete leeching poison into the whenua. The same whenua that feeds Te Hā. There has been no assessment of this or the slope reinforcement work on the tupuna rākau. There has been no assessment of the carbon footprint of the project. The haul road and fencing skirts the outside of the entire tree, wrapping it in fencing, potentially damaging branches as heavy machinery is dragged in. All these matters impact the immediate and future health and wellbeing of Te Hā. This is not how you would treat your grandfather. This is not how you should treat any living being you respect and treasure.

#### *Consideration of Te Ao Maori*

Rob McGowan (QSM) and Donna Kerridge state:

*“In Te Ao Maori our rākau are considered tuakana (elders) to the human species who are considered teina (junior) in their relationships within Te Ao Marama (the natural world). All living creatures are our brothers and sisters. It is our responsibility as the teina species or potiki, the last born, is to care for them and listen when they speak. Caring for the whenua and the natural world is our first priority and all human actions will ultimately be measured against this responsibility”.*

MCH have treated the tupuna rākau as an afterthought, not as tuakana.

#### *No allowance for recent growth*

Further, all consents, reports and assessments refer to a topography plan, created in 2019. Te Hā, continues to grow rapidly. As we approach 2022, any assessments or commitments are out of date, as they relate to the potential impact on the tupuna rākau in 2019.

Tents pitched well clear of the tree just 6 months ago, now have branches brushing up against and growing over the top of them<sup>6</sup>. Te Hā has not stopped growing while this process unfolds.

#### *Damage during construction*

Working by hand does not protect the mauri of the tupuna rākau. With all due respect to those arborists who may work with the tree and supervise construction, it is most likely that, should they encounter roots, inconvenient branches, or other issues, they will simply proceed to cut and cover up any evidence of damage caused. It is impossible to imagine, an arborist would stop work and force a redesign of the memorial, because an inconvenient root is discovered.

Bernadette Cavanagh, CEO of MCH, was unable to offer a guarantee that no damage would occur during construction of the memorial to the tupuna rākau during the Local Board Landowner Approval meeting in November 2020. There has been nothing to suggest that this position has changed. Once construction commences, damage due to human interference will almost certainly occur and that cannot be undone.

The only safe option is to not construct the memorial anywhere near Te Hā.

#### *Wahi Tapu listing*

The tupuna rākau has been submitted for wahi tapu listing with Pouhere Taonga. This important listing will be compromised if the proposed memorial proceeds. When listed, the status of the tree will conflict with plans to cut it back.

---

<sup>6</sup> Images of Te Hā attached

### *Future Growth*

Since 1940, aerial images show the Pōhutukawa has grown 72%<sup>7</sup>. That is nearly 1% per annum. The commitment of MCH to not cut back the tree during construction, has made no allowance for this likely additional growth and makes no allowance for the likely continued growth into the future.

The proposed structure is to be placed directly in the growth path of the tupuna rākau. A fact acknowledged by MCH. To protect the memorial, seating, pathways, and the access to the structure almost a quarter of the tupuna rākau will be unable to grow freely to the North and East. This is significant and brushed aside by MCH. Te Hā has grown equally on all sides and currently has the room to continue that growth, able to double in size over the next 200 years. This amounts to 25% of the future growth of this incredible, treasured tupuna rākau, being denied.

To impede this, is to steal the future from this tupuna rākau but also from our tamariki and mokopuna for generations to come.

### *Mana of the Tupuna Rākau*

There can be no doubt that the mana of the tupuna rākau is significantly diminished by the addition of steel slicing into the whenua, of white concrete, incongruous with the green and blue natural landscape, and the introduction of the sounds of Antarctica in contrast to the sounds of Tui song.

We have also provided you with a letter from Dr Philip Simpson<sup>8</sup>, who says *“the proximity of these opposing experiences reduces the importance and clarity of both....they are incompatible”*. In his letter he outlines the general nature of the tree, its status, its importance into the future, and the place.

We have also attached a recent article from David Trubridge<sup>9</sup> expressing his concern, but also highlighting how such a project could have been, with early consultation and engagement with those who know and love this whenua.

He states *“The whole process of selecting the site and the designers has been another ongoing form of colonial imposition: bureaucrats and politicians marched into an area they knew little about and imposed an external will that disregarded “local knowledge”*

*“In Aotearoa we have a better way that is of this land: in Te Ao Māori a solution is not dropped down from on high, but grows up inclusively from the base and from mātauranga, which embraces community and land.”*

His views echo the views of Rob McGowan (QSM) and Donna Kerridge, Dr Simpson, and the now over 18,000 people who have signed the petition.

Finally, but importantly, it is likely that in a further 100 - 200 years, this incredible tree would have completely covered the site the proposed memorial will occupy. Imagine the mana of such an incredible Tupuna Rākau then. Not for us and our immediate needs today but for the generations that come over the next 800 years of Te Hā’s expected life span.

With commitment and an open mind, the memorial can be relocated.

This incredible tupuna rākau, cannot.

---

<sup>7</sup> Documentation provided in Margaret Brough’s submission

<sup>8</sup> <https://static1.squarespace.com/static/6036d198c3e0453bf0f4e7c0/t/6170aeaebda89133977263f5/1634774703764/Dr+Philip+Simpson.pdf>

<sup>9</sup> <https://www.stuff.co.nz/opinion/300444242/erebus-memorial-should-offer-healing-not-sadness>

There is no way to proceed with the memorial on this site and to protect the mauri and mana of Te Hā.Ngā manaakitanga



**Steve Philips**  
Kaumatua Ngāti Whātuā Ōrākei

**Supported by**

Dame Nadia Glavish DNZM, JP  
Anne Coney  
Margaret Brough  
Roger Burton  
Jo Malcolm  
And the whole Protect Mataharehare Whanau

Attachments

Foot note 2.  
Tēnā koe

We offer the following information about the place of Pohutukawa (*Metrosideros excelsa*) in a Māori world for consideration with regard to the deliberate harming of a tupuna tree at the Mataharehare pā site in Parnell.

Pohutukawa like other trees, species (including the human species) and natural land and seascapes are recognised as living, sentient beings that possess their own mana and mauri. This notion has been tested, accepted and acknowledged in Aotearoa New Zealand in statutes such as;

- Te Awa Tupua (Whanganui River Claims Settlement) Act 2017. With the passing of this Act. the river has been declared an indivisible and living whole from the mountains to the sea, holding “the rights, powers, duties and liabilities of a legal person.” and
- Te Urewera Act 2014, declared the park “a legal entity [that] has all the rights, powers, duties and liabilities of a legal person”.

In Te Ao Maori our rākau are considered tuakana (elders) to the human species who are considered teina (junior) in their relationships within Te Ao Marama (the natural world). All living creatures are our brothers and sisters. It is our responsibility as the teina species or potiki, the last born, is to care for them and listen when they speak . Caring for the whenua and the natural world is our first priority and all human actions will ultimately be measured against this responsibility. “We must give care to the tiniest living creatures. Even though they are too small to be seen they are the foundation that keeps and sustains all life. Caring for them is caring for the mauri” (Tiwaiwaka – healing the mauri of the whenua, 2019)

A tree such as Pohutukawa has roots that descend deep into the earth, cementing its connection to the whenua. As such the Pohutukawa has deep spiritual significance for Māori connecting the beginning and ending of human life. Its red flowers signify the blood of Tawhaki who showed the way from the earth into the heavens. Pacific Island people celebrate their fallen warriors with red flowers for this reason.



Pohutukawa in the Matariki star cluster is the star associated with those who have passed on and connects Matariki to the deceased. Te Rerenga Wairua the departing place of the spirits, is the place where spirits descend down the aka of an ancient Pohutukawa into the underworld.

Whānau often inter the pito (afterbirth) of their future generations into the safe keeping of the roots of rākau such as Pohutukawa to maintain that connection between people and the whenua to which they belong. These trees were set aside and made tapu for this purpose alone and often provided the people with tohu (signs) when necessary . Such trees grew to be grandparent trees that have survived and continue to protect many generations whose pito resides beneath them.

To assume that severing some or part of the roots of a significant Pohutukawa as inconsequential to the health and wellbeing of the tree is akin to cutting off a person's legs and telling them they are still healthy or renovating a house by digging out its foundations to make improvements. The roots of our tuakana Pohutukawa are its connection to the whenua and the mauri. Severing roots will weaken its mauri, that which sustains life. While the tree may continue to live, its mauri (life force, vitalism) and all others that connect to it above and below ground will be impacted. To do this in order to install a memorial to those who have passed on is not only counter intuitive, it is disrespectful to all who connect, feel and depend on the mauri of this tupuna rakau.

William Parry Minister of Internal Affairs (1945) says it all..."a live memorial is immeasurably better than a dead one, as the spirit of the life in trees and beholders of the future would link them in memories". (<https://smex12-5-en-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=https%3a%2f%2fnzta.govt.nz%2fassets%2fprojects%2fmemorial%2dpark%2fdocs%2fliving%2dmemorials%2dpohutukawa%2dat%2dthe%2dnational%2dwar%2dmemorial.pdf&umid=b31b8afb-cabf-40ca-b4d2-156ac8c41def&auth=7d2d0abb068e5711621b1d94b8fe61c48225f872-af94ef67cea1ec11f3ef35b591ab9dee287e4d2b>)

Rob McGowan (QSM)  
Tumuaki Tiwaiwaka Movement  
Rongoā Māori practitioners)

Donna Kerridge  
Māngai Te Kāhui Rongoā Trust (National Collective of

Footnote 6



