

Dame Rangimarie Naida Glavish DNZM  
Matārāra  
www.SOSNZ.org.nz  
By email contact@SOSNZ.org.nz

16 April 2021

The Right Honourable Jacinda Ardern, Prime Minister of New Zealand  
By email: j.ardern@ministers.govt.nz  
CC: Bernadette Cavanagh, Chief Executive of the Ministry for Culture and Heritage

### **Re. Ministry for Culture and Heritage: Failure of Process**

Tēnā koe e te Piremia Jacinda

National Erebus Memorial Location

1. Thank you for taking the time to meet with me on Friday. Although brief, it was useful to understand your perspective.
2. Unfortunately, your Ministry has not yet responded to my letter to you of 4 March 2021 as they had committed to do on your behalf. I attach it again for your reference<sup>1</sup>. I ask that the Ministry respond with urgency, point by point, in a genuine and transparent way. I am concerned in particular at the failure to address any of the issues raised in relation to the lack of integrity in the Ministry's process that has resulted in this extremely poor outcome for all.
3. I am still waiting for information requested in that same letter under the OIA. This is now some days overdue.

#### **In support of a National Erebus Memorial**

I fully support the creation of a National Erebus Memorial. A dignified place of remembrance that meets the wishes of the Erebus families.

#### **In support of the Erebus families**

4. As I understand it, the primary reason for your commitment to this site is a promise you made to some of the Erebus families that the Memorial would be sited in Dove-Myer Robinson Park. I understand how important keeping your promise is. However, this is a National Memorial, and the evidence is that the views of most Erebus families have been overlooked through the Ministry's poor processes. Keeping your word to a couple of Erebus family members<sup>2</sup> means breaking the pledge of a fitting National Erebus Memorial to many, many more. Confirming a new location is critical to meeting the primary promise which is to create a healing National Memorial.
5. The needs of the Erebus families are clearly summarised in The Colmar Brunton Survey of the Erebus families completed in 2018. This is publicly available. The families need it to face

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<sup>1</sup> Letter to Jacinda Ardern <https://drive.google.com/.../16VasITloDNB0vkrX.../view...>

<sup>2</sup> Email Brodie Stubbs to Ian Maxwell 21 August 2018

South, to be away from picnics and playful activities and to be quiet and secluded. Mataharehare offers none of these things. It does not meet the needs of the families of Erebus.

6. I draw your attention to the ever-growing petition launched by a daughter of Erebus Margaret Brough<sup>3</sup>. In discussions that I have now had with many Erebus families, the views align with the Colmar Brunton Survey. It is clear that the majority of the Erebus families' needs are not met by the Ministry's current site location proposal. This petition will be presented to Parliament.
7. Your Ministry also commissioned a report by experts Boffa Miskell which also concluded the site was a poor choice and suggested that another site overlooking the Manukau Harbour, one that was a destination in its own right, would provide a better outcome. This report is now publicly available on [www.SOSNZ.org.nz](http://www.SOSNZ.org.nz)
8. The Ministry's staff ignored the Boffa Miskell report and ignored the wishes of the majority of Erebus families. Ministry staff knew in 2018 the site was inappropriate. I understand you were not provided the Boffa Miskell report at the time the predetermined site was confirmed. I am certain that had you been fully briefed by the Ministry, and after hearing their disappointment in the site selected from the families in November 2018, you would have relocated the memorial at that point.

#### **Mataharehare (Dove Myer Robinson Park)**

9. This is an ancient Pā site. Had your Ministry drawn your attention to its own policy document on the management of historic sites (2004), you would have insisted that the Resource Consent be publicly notified in accordance with best practice. Instead, even Pouhere Taonga (Heritage New Zealand) was cut out of the Resource Consent process. A villa in Ponsonby has more protection from the Ministry's bulldozers than an ancient Māori Pā site, and an historic park.
10. Your Ministry's response to a legal letter outlining this policy requirement was to disregard it on the basis that they were not the legal owner, even though the legal owners had requested public notification. This reflects the cynical, disrespectful and damaging approach of the Ministry and its fundamental procedural failure.
11. The Ministry proposes 534sqm of earthworks on the Pā site and including directly to the north of the Tupuna Pōhutukawa that is as old as Te Tiriti o Waitangi. It proposes to insert tonnes of concrete and steel directly in front of this great Rakau and into its roots that reach down toward te Waitematā. No arborist is prepared to guarantee that its life will not be affected, because it is clear that it will be. Further, the tree is in the walking phase of its life, and through the coming hundreds of years it would walk toward the light. The Ministry's plans would see it cut into every year as long as it lives. In the past 50 years the Rakau has grown in diameter by 15 metres, and in the next 50 it can be expected to do the same or more.
12. The Tupuna Rakau does not need to be listed as a heritage tree. It is already a heritage tree, it shouldn't need a label to protect it. Your government has failed to address the removal of tree protection instigated by the previous Government. Your Ministry's comments on the

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<sup>3</sup> Change.Org/Mataharehare <http://chng.it/y6qzRRK7RY>

health and future of the Tupuna Pōhutukawa are insulting and demonstrate its failure. Bernadette Cavanagh has already acknowledged that she cannot guarantee its safety<sup>4</sup>, so any promises are meaningless.

13. This is a living Tupuna and must be protected. A single spade in the whenua and any steps to proceed with the desecration of Mataharehare cannot be tolerated.

#### **Mataharehare Pā and the stories of the whenua**

14. Suggestions of telling the wider history of the whenua are welcome. Indeed, that is a core responsibility of the Ministry. It is however a separate matter to the siting of a National Erebus Memorial on this whenua, and the proposed destruction of it. Telling stories after the fact will not fix this breakdown of due process.

#### **Failure of process – summary**

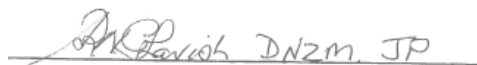
15. The Ministry for Culture and Heritage has committed gross breaches of process. The Crown is in breach of obligations to its Treaty Partner, and its obligations to the people of New Zealand.

#### **Stepping into the breach**

16. The Ministry's processes have failed which has necessitated the Peaceful Protect and the laying of the Rāhui on Mataharehare. The Rāhui protects Mataharehare for all.

#### **Next steps**

17. We need to find a solution and I would like to work with you to find it. The foundation for confirmation of the right location for the National Erebus Memorial is to ensure that it meets the needs of the Erebus whanau. In order to move that process forward, I would like to personally write to the 288 Erebus families you are in contact with and set out my commitment to working to collectively find the right home for the Memorial.
18. I will also work in my role as Member of Pouhere Taonga to see Mataharehare recognised and protected.
19. I remain ready to work with you, the Ministry and the Erebus families to resolve this matter in a way that achieves a positive outcome for everybody.



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<sup>4</sup> Meeting of Waitemata Local Board 17 November 2020, recording