

SUBMISSION

To: Petitions Committee

Date: 12 July 2021

Petition: 14,600

Petitioner: Margaret Brough

My name is Margaret Brough. I am the daughter of Aubrey Brough, who died at Erebus in 1979.

This submission has been written with support from Dame Naida Glavish and members of her team.

My petition raises two key issues in relation to the proposed Erebus National Memorial to be located at Mataharehare/Dove Myer Robinson Park.

1. Mataharehare/Dove Myer Robinson Park needs to be protected for its irreplaceable intrinsic value just as it is.
2. The site does not meet the needs of the Erebus families.

In this submission I further raise concerns in relation to the process which has been rushed and flawed from the outset. It also appears to be predetermined given the evidence that has come to light.

1. **Mataharehare/Dove Myer Robinson Park needs to be protected for its irreplaceable intrinsic value just as it is:**

Ancient Pā Site

Mataharehare is a tāonga of Tāmaki Makaurau. It is an ancient Pā site and home to a notable and majestic 180 year old Pōhutukawa that is a tupuna.

It is also a small, beautiful and beloved central city park, used by whānau, joggers, dog-walkers, picnickers and tree-climbing children. It is a joyous place. It is an inappropriate site for a solemn commemorative memorial of the scale envisaged for the Erebus Memorial.

Uninterrupted Views of Waitematā

The vast proposed memorial includes 534sqm of earthworks and a 17 metre long, 8 metre high double-walled concrete and steel structure that would cut through the heart of the last vestiges of whenua with an uninterrupted view of the Waitematā.

The proposed development at Mataharehare would pierce into the roots of the giant ancient Pōhutukawa, putting it at risk¹.

Giant Ancient Pōhutukawa

While the Ministry insist the tree will be protected, CEO of the Ministry of Culture and Heritage (MCH) Bernadette Cavanagh confirmed she could not guarantee there would be no damage caused to this magnificent tree².

¹ Paul Gosling Arborist report

² Video link to WLB meeting 17 November 2020 <https://www.youtube.com/watch?v=qpUuniYrqTM>

There has been no ultrasound undertaken to assess where the roots are, how far they extend beyond the dripline and the impact of the 534 sqm of earthworks on the site. The temporary haul road skirts almost the entire tree, bringing in heavy earthmoving equipment and cranes. Before, during and after construction, this incredible tree is placed unnecessarily at risk.

Invasive annual cutbacks of the tree's branches would also be required to maintain access to the structure. Cutbacks that will put it at risk of disease and inevitably shorten its life.

The development itself would destroy a rare, precious, natural remnant of the timeless past and a continued modern day source of wellbeing for all. This whenua, this environment, this vista has remained largely untouched since 1840. The views enjoyed now are the same that have been enjoyed since Tāmaki Makaurau was first inhabited.

All this destroyed for a structure to recognise a tragedy that has no meaningful connection and can easily be placed elsewhere.

The future of the Pōhutukawa, named "Te Hā"

This precious tree in 200 years will still not have reached middle age. Dr Philip Simpson³, who literally wrote the book on these "Iron hearted taonga" says *"The Notable status of the Parnell Pōhutukawa means that it is a high-level part of our national culture. It should not be exposed to any activities that compromise this status."*

The age of Te Ha, approaching 200 years, is substantial in human terms, especially for a planted tree in a cultural setting. In terms of the tree itself, however, it is young. There are centuries of growth still to come. It might become one of the world's most famous trees in the distant future. We need to be aware of this and not constrain its potential growth.

This memorial serves to remind us of an extremely tragic act, one seemingly rooted in human error. For me the memorial will be a sombre place, one of sadness, regret, empathy for those lost and for their surviving friends and relatives. It will be impossible not to feel a degree of blame and loss. The Pōhutukawa, on the other hand, is a tree of celebration, of wonder and beauty, something to be thankful for.

The proximity of these opposing experiences reduces the importance and clarity of both. I believe they are incompatible."

MCH have undertaken no meaningful assessment of the future growth of the Pōhutukawa tree and the impact this memorial might have on its ability to reach its potential as one of the world's great trees⁴. They see it simply through the lens of their own immediate needs and not the needs of the wider community or of future generations of New Zealanders to come.

The tree has grown over seventy percent in the past 70 years. Aerial photographs show the growth from 1940 until 2017⁵. MCH have completely failed to consider the tree's growth in relation to its natural life⁶. By comparison in 1963 the Dutch memorial was constructed several metres from the canopy of the tree and is clearly visible for several years, until the growth of the tree literally envelops

³ Letter from Dr Philip Simpson attached in Appendix 1

⁴ OIA request email response for clarification (M-7669)

⁵ Photos attached in appendix 2.

⁶ OIA response (M-7485)

it. The Dutch community agree their memorial must be moved (it has already been rebuilt twice) so the tree can continue its awe inspiring growth uninhibited.

This tupuna rakau, this tāonga of Tāmaki Makaurau, this whenua and what it means to us today and importantly what it will mean to our mokopuna in 200 years from now has been completely and utterly ignored by the Ministry charged with protecting our Heritage.

MCH had incredibly limited information on the history of the site at the time it was approved by the Prime Minister and Auckland's Mayor. MCH staff had spent less than half an hour physically on site, knew there were significant issues⁷ and did not advise their Minister of them. They have undertaken no assessment of the great Pōhutukawa from a Māori cultural perspective, nor have they considered the impact on the tupuna rakau over the next 800 years of its natural life.

Application to Protect Te Hā Made to Pouhere Taonga

Kaumatua of Ngāti Whātua Ōrākei have now made an application to Pouhere Taonga/Heritage NZ to grant Te Hā, Wāhi Tupuna⁸ status, such is the value of this tupuna rakau to mana whenua.

MCH claims that the design is site specific and cannot be moved⁹. This is of course incorrect. The design has already moved further to the right by several metres and requires some 534sqm of earthworks to recontour the land, so it can "sit lightly on it". That moving of the original memorial has resulted in increased pathways which will now cut directly under the canopy of the existing tree placing it further at risk than the original design intended.

This design is not specific to this site. It is easily transferred and alternative sites have been identified where the structure works well and is wanted¹⁰.

The memorial can and must be moved. The future health, potential and wellbeing of Te Hā depends on that happening.

2. The site does not meet the needs of the Erebus families:

The Ministry are in contact with the families of 151 of the 257 passengers and crew on board flight TE-901. That is just over 50%. They have no contact with the balance.

Never Been Asked

The Erebus families have simply *never* been asked if they want a National Erebus Memorial¹¹ or where in New Zealand that memorial should be.

Understandably many Erebus families have moved on after such a long period of time. Many have established their own family memorials and see no need for another. Some are indifferent, some are opposed to there being a memorial at all, many are opposed to the site selected¹². A large number expressed their disappointment¹³ at a meeting I attended on the 39th anniversary event also attended

⁷ Boffa Miskell report August 2018

⁸ Pohere Toanga NZ Heritage Wāhi Tūpuna application form

⁹ NZ Herald article 7 December 2019

¹⁰ NZ Herald Article 19 October 2020

¹¹ OIA response (M-7669) 23 June 2021

¹² Letters from Erebus families www.sosnz.org.nz

¹³ Comments from Margaret Brough on the Mataharehare petition page www.sosnz.org.nz

by the Prime Minister. While the Prime Minister assured the Erebus families present that she was listening; she clearly has not heard us.

How did this site get selected when it so clearly did not meet the needs of Erebus family members?

Colmar Brunton Research Misrepresented

Of the 288 family members (representing the families of 151 passengers and crew¹⁴) the Ministry are in contact with, only 116 completed the Colmar Brunton Survey in August 2018.

MCH only asked one key question in relation to the potential location of the proposed memorial notwithstanding we were told in an email on July 5 2018¹⁵, that the results of the survey would be used to “inform the decisions around site selection....”.

From verbatim feedback submitted by family members¹⁶, it is clear they imagined a site with strong links to Erebus. Sites were suggested, near Auckland or Christchurch airports, Mount Cook, even the Desert Road. No one suggested Mataharehare/Dove Myer Robinson Park in Auckland

The only site-specific question asked in the Colmar Brunton¹⁷ was simply “Is a busy or secluded location preferred?”

Sixty-eight percent of those Erebus family members asked preferred a secluded location.

A secluded location was defined as: A **quiet** destination, lower profile area, a green landscape, fewer people passing by and fewer visitors to the memorial.

Mataharehare/Dove Myer Robinson Site Incompatible with Erebus Family Expectations

The site at Dove Myer Robinson Park is far from quiet. In fact, it is incredibly noisy. Far noisier than most inner-city parks.

The site is immediately adjacent to the Port, directly above a busy Heliport, four lanes of Tāmaki Drive and three train tracks, one dedicated solely to huge diesel freight trains. Diesel trucks leave the port at all hours. The commercial Heliport is constantly busy and the smell of aviation fuel wafts across the park regularly. It is completely inappropriate as a place of sombre reflection.

What the Erebus families did not know was that by the time the survey was sent, MCH had ruled out the 4 other shortlisted sites. The only site left under consideration, when the family feedback was sought, was the site at Dove Myer Robinson Park.

Families also asked that the site face south (53%), a quiet secluded location with few people around the memorial (50%), a memorial that does not include lights, sounds or images (49%).

They did not need to be near water, to be centrally located or have a view of the sea. They imagined grass and a park like location. Given the other shortlisted sites, the Domain in Auckland far better suited their needs and is certainly a more appropriate place for a National Memorial. However, even though the Domain was shortlisted, the Domain committee were **never** asked if they would consider hosting this important National memorial¹⁸.

¹⁴ Email Brodies Stubbs to Jo Malcolm 5 August 2020

¹⁵ Email to Erebus families 5 July 2018 released under OIA 17 September 2020

¹⁶ Colmar Brunton Survey verbatim comments August 2018

¹⁷ Colmar Brunton Survey results August 2014

¹⁸ OIA response (M-6729) (M-6774) emailed 13 November 2020

Boffa Miskell were asked to assess the site in Mataharehare/Dove Myer Robinson Park¹⁹. They were not asked to assess any of the other shortlisted sites. Their report made clear the selected site was inappropriate, finding it was noisy, had no link to Erebus and concluded it would struggle to find meaning.

Site Noise Issues Left Out

The use of the term “quiet” is not referred to when the Ministry summarized the feedback to Erebus family members on 5 September 2018²⁰. That single word had mysteriously disappeared, while the rest of the description remained.

MCH has recently confirmed via OIA²¹ that there has been no assessment undertaken of the noise levels on the site.

Family members²² have been told that MCH consider the ambient noise of an inner-city park appropriate. It is unlikely that a site in any other inner-city park in Auckland is as noisy as Mataharehare/Dove Myer Robinson Park. You need only ask those who are living there twenty-four hours a day, seven days a week.

Cursory Ministry Visit Indicative of Predetermined Choice

Ministry staff had spent only a few minutes at the site on 5 June 2018 when they visited around 10 potential locations over a few of hours²³. They did not return to the site prior to their recommendation and ultimate sign off by the Prime Minister in September 2018, even though serious concerns about the site’s suitability had been raised in the report commissioned by Boffa Miskell.

The site is not peaceful. It is not quiet. It does not face South. It has no meaningful connection. It is a busy picnic spot, a place of celebration, of wellbeing, of joy. It is already a memorial to Sir Dove Myer Robinson.

Other than being a “parklike location” (like literally thousands of sites in New Zealand) there is no other reason for the memorial to be sited in Mataharehare/Dove Myer Robinson Park. No one from the Ministry or Auckland Council has ever been able to explain why this site is the right or best site in New Zealand for the National Erebus Memorial. They cannot because it is not.

MCH, knowing they had an inadequate site in August 2018, declined a sensible offer by Auckland Council to look for alternative sites, and pushed on regardless²⁴, stating that while not a glowing endorsement “neither is it a fatal blow”. They pushed on with it because they were behind the deadline needed for the 40th anniversary of the Erebus accident. Instead, they sought only the opinions of a “*couple of family members we have a close relationship with*”.

They ignored the Erebus family feedback that did not support the site and only reported to the families and the public, the information that did.

I draw your attention to my own comments on the petition “*My observation at the 2018 Erebus memorial meeting is the majority of families were against the selected site. I, along with many other non-Auckland residents, had no idea where Dove Myer Robinson Park was. A noisy discussion started*

¹⁹ Boffa Miskell report August 2018

²⁰ Letter to Erebus families 5 September 2018 released under OIA

²¹ OIA 28 June 2021

²² OIA response to Simon Stokes, son of Alan Stokes (Erebus passenger) – June 2021

²³ LGOIMA request 2 November 2020 and MCH OIA response 28 June 2021

²⁴ Email Ian Maxwell Auckland Council to Brodie Stubbs MCH 21 August 2018

with many people from the floor standing up and objecting. It was very clear to those in attendance on the day, the site was not widely accepted or embraced”.

After the site was announced on the 39th anniversary, where the site was clearly rejected, just seventy-six Erebus family members completed the survey on the six shortlisted memorial designs.

It is very clear that after the site was announced, engagement with a significant number of family members dramatically declined.

MCH are unable to provide any evidence of the level of support from family members for the proposed memorial site²⁵. They have not asked the families to comment or to express a view either way, so they simply do not know.

The petition is now 14,500 and it swells larger with support every day. (<http://chnq.it/y6qzRRK7RY>)

There are other matters that this committee should be aware of, and I have covered them to the best of my ability.

3. The process of establishing the National Erebus Memorial has been flawed from the outset

The flawed process is set out in Dame Naida Glavish’s letter to the Prime Minister dated 4 March 2021²⁶. I understand this letter remains substantially unanswered. Dame Naida has now written to request a full independent inquiry by a suitably qualified expert in the Treaty of Waitangi to be undertaken²⁷.

There can be no doubt the process taken to create the proposed National Erebus memorial has been flawed. Investigative journalist Mike White spelled out just how flawed in his recent article on Stuff and in the Sunday Star Times²⁸. That flawed process has resulted in a poor outcome that has divided every stakeholder group.

Far from bringing the Nation together to reflect on the past, this process has repeated the trauma of the past by the government dragging up all the hurt, misinformation and division caused by the Erebus crash and the aftermath in the first place.

Failure to engage with the local community in a meaningful way.

Daniel Laufer, PhD, MBA, an Associate Professor of Marketing at Victoria University of Wellington, and an expert in Crisis Management made clear in a recent article *“Local residents that live in the proposed sites are important stakeholders that need to be involved early in the process and consulted extensively throughout the discussions. It is also important to consider sites that have a connection with the crisis associated with the memorial in order to win the support of local communities”*.²⁹

²⁵ OIA response (M-7669) 23 June 2021

²⁶ Letter From Dame Naida Glavish to the Prime Minister 4 March 2021

²⁷ Letter From Dame Naida Glavish to CEO of MCH 18 June 2021

²⁸ <https://www.stuff.co.nz/national/125324453/bitter-battle-over-erebus-memorial-splits-families-iwi-politicians-and-community>

²⁹ <https://www.stuff.co.nz/business/opinion-analysis/300333159/the-challenges-in-creating-a-memorial-in-the-aftermath-of-a-crisis>

In early briefing documents³⁰ the Prime Minister is given an outline of the project with highlighted risks. It is very clear that no consideration had been given to the views of any local community, nor was it intended that there be any consultation with this critical stakeholder.

The community that lives around the immediate area were only engaged by Auckland Council as a last-minute afterthought and after a legal letter was sent reminding the Waitemata Local Board of their obligations under the Local Government Act³¹.

Rushed targeted consultation followed. This was ultimately extended due to the provision of inaccurate information by MCH.

Huge Public Push Back

Flyers were sent to 2500 households in the immediate area. The response rate was significant, described as “huge”, by council staff³².

Submissions from the local community in relation to the proposed memorial on the site were overwhelmingly opposed (77%)³³.

MCH rather than engaging openly and listening to concerns raised by several community groups, including Parnell Heritage, the Parnell Community Committee and the Dutch Society and individuals (including Erebus family members), they bulldozed their agenda through.

After asking the Board members how they intended to vote in December 2019, the Chair of the Local Board, Richard Northey, shared with staff in the Mayor’s office that MCH and the proposed National memorial was likely to be declined.

At the 11th hour MCH inexplicably withdrew Landowner Approval³⁴, instead suddenly deciding that the Local Board would be better informed once other regulatory approvals had been gained. That decision also gave them more time to convince a clearly opposed Local Board that they should ignore their community and support the Ministry and therefore the “Erebus families” instead.

Community objections were repeatedly dismissed by the Ministry³⁵ and the voice of the Erebus families artificially elevated.

Significantly more opposition than support

However, between the beginning of October 2020 and 16 November 2020³⁶ in the lead up to the vote the Local Board received 145 emails from the community writing in opposition to the proposal. They received just 14 emails from Erebus family members and friends in support of it. These emails were also copied to MCH. A similar number in support and in opposition had been received by the WLB in the lead up to the original meeting planned for 3 December 2019.

The Ministry refuse to provide information in relation to the numbers of emails they have received in support of the memorial.³⁷

³⁰ OIA response BR2018/335

³¹ Letter from Russell McVeagh to WLB on 9 September 2019

³² Email to Jo Malcolm from Ziggy Yates Auckland Council 4 November 2020

³³ Waitemata Local Board minutes 3 December 2019

³⁴ <https://www.stuff.co.nz/national/125324453/bitter-battle-over-erebus-memorial-splits-families-iwi-politicians-and-community>

³⁵ WLB Workshop notes 20 October 2020

³⁶ Email Tammy Hendricks (Auckland Council) 16 November 2020.

³⁷ OIA response to Simon Stokes Erebus family member June 2020

It is clear community views did not diminish with the project gaining non-notified resource consent or the passing of time, or the expensive flyer delivered to the community by MCH in late October 2020.

Given there was never any intention by MCH to consult with the community and their ongoing dismissal of community views and concerns, it is not surprising that the memorial is not embraced or accepted by the people who live or work nearby or who use the park each day.

Failure to properly advise and consult transparently with decision makers

Iwi

Iwi and mana whenua were not consulted properly and Ngāti Whātua Ōrākei engaged only as an afterthought.³⁸

When legitimate questions were raised about the site and support from the Erebus families, Ngāti Whātua Ōrākei were advised that the Erebus families were “*unanimous*” in their desire for a parklike location³⁹ and that the response to the site selected was “*overwhelmingly positive*”. The facts reveal that is patently untrue.

Critical information (Boffa Miskell and the Colmar Brunton Survey) was withheld from Ngāti Whātua Ōrākei when seeking support for the location. Mana whenua was also denied an opportunity to contribute to the selection of the final design that would ultimately rest on their whenua.⁴⁰

Other mana whenua were deliberately excluded from early consultation, even though Auckland Council staff advised MCH they should be part of the consultation⁴¹, and went so far as to make arrangements for MCH to attend the Mana Whenua Kaitiaki Forum on 31 October 2018, which MCH chose not to attend.

Ministry Dividing Mana Whenua

MCH instead chose to deal exclusively with Ngāti Whātua Ōrākei and only consulted more widely when required to gain regulatory approvals.

Even when they were required to consult with wider Iwi at resource consent stage, it was clear they had no intention of allowing any meaningful contribution⁴².

Iwi have been treated disrespectfully as an afterthought and not engaged with in a meaningful manner as one would expect when the Crown deals with their Treaty Partner⁴³.

The Waitemata Local Board

The Waitemata Local Board (WLB) were deliberately misled about support for the site from Erebus family members⁴⁴. When asked by board member Sarah Trotman if all the Erebus families were in support of the site, Ministry staff said “*The vast majority of those we have contact with are* (remember the Ministry are only in contact with families of just over 50% of the passengers and

³⁸ Letters from Dame Naida Glavish to MCH 3 March 2021, 18 June 2021

³⁹ Email to Arts and Design Manager from Brodie Stubbs 8 February 2019

⁴⁰ Email exchange NOW Arts and Design Manager and Brodie Stubbs MCH 12 – 28 March 2019

⁴¹ Email David Barker and Ian Maxwell, to Brodie Stubbs MCH 9 October 2018

⁴² Email exchange 26 August 2019 NW (Mike Baker) and MCH (Brodie Stubbs)

⁴³ 18 March 2021 Dame Naida Glavish Letter to the Maori Affairs Select Committee

⁴⁴ WLB Workshop notes 28 October 2020

crew). *I don't recall any that are on our list that, sorry that is not 100% correct, almost without exception they are".*

Member Sarah Trotman sought clarification asking, *"So that would be like, over 95% in favour?"*

Ministry staff responded, *"Yes, quite easily that number".*

Misrepresentation by Ministry Led to Misleading Local Board

Given the Ministry have never asked the question of the families, they were in no position to make that statement and have subsequently not been able to provide any evidence by way of an OIA to support it. In fact, MCH have advised that they have no record of the number of emails or letters in support.

The information briefed to the Local Board deliberately misled WLB members in relation to the views of Erebus families.

A few minutes later in the same meeting, member Julie Sandilands (in relation to her likely vote in 2019) stated *"At that time, I was tending no and the reason for that was because on one hand, every day we were getting emails from constituents saying no I don't want it, no I don't want it, no I don't want it. The presentation we had from you guys didn't balance that. Now I think you've talked to us, yeah, it wasn't clear to me at the time how much support, in terms of physical numbers you've been able to contact of the families and in terms of what % were in favour. I had nothing to balance it."*

Ultimately, member Sandilands voted in favour of the memorial proceeding, stating the views of the families having swayed her opinion.

On 12 November 2020, Board member Kerrin Leoni requested a phone conversation with Tamsin Evens of MCH⁴⁵. This eventually occurred the day before the Board landowner decision meeting. In that conversation, Kerrin asked whether a smaller version of the National Erebus memorial could be considered. Tamsin advised that the memorial plan was based on the site⁴⁶. This is of course incorrect as the memorial has increased in size and location on the site from the original designs reviewed by two of the former WLB members.

Once again MCH dismissed genuine concerns regarding the structure on the site.

During the decision meeting Kerrin Leoni stated that the views of the families and the blessing of Ngāti Whātua Ōrākei had influenced her views.

However, Ngāti Whātua Ōrākei, have not blessed the site⁴⁷, further as already stated, it is clear Ngāti Whātua Ōrākei's support was gained without providing all relevant and factual information. I understand Ngāti Whātua Ōrākei has written to MCH seeking further clarification regarding Erebus family support and requesting that the size of the structure be reconsidered⁴⁸.

The decision to grant landowner approval was narrowly approved by WLB by just four votes to three.

⁴⁵ OIA (M-7129) emails between Kerrin Leoni (WLB) and the MCH

⁴⁶ Email from Kerrin Leoni WLB member 6 July 2021

⁴⁷ Confirmation in an email from Trina Thompson (WLB advisor)

⁴⁸ Letter Marama Royal NWO to Bernadette Cavanagh CEO MCH 27 April 2021

The Waitemata Local Board members were deliberately misled by the Ministry on matters that directly impacted their vote.

Ministry's Own Expert Report Was Damning

The damning Boffa Miskell report was hidden from decision makers, including the Waitematā Local Board (when asked for landowner approval in principle) and the Prime Minister (when asked to confirm the site)⁴⁹. It was not shared with the Erebus design selection panel nor was it shared with the Urban Design Panel. It was, for all intents and purposes buried until discovered as the result of a LGOIMA request where it had been shared with just one member of Auckland Council staff, Ian Maxwell.

Interestingly, Auckland Council's immediate response⁵⁰ was to offer to look for better suited sites⁵⁰. An offer, Brodie Stubbs MCH almost immediately declined.

Incomplete Briefing by Ministry to PM & Others

In briefing documents to the Prime Minister in her capacity as Minister for Arts Culture and Heritage, the Ministry have provided less than complete information. They failed to share the issues with the site and misrepresented Auckland Council advice in relation to engagement with Iwi.⁵¹

Throughout the process, decision makers have been asked to make critical decisions without complete information and in some cases, with deliberate misinformation.

Failure to voluntarily notify resource consent

One of the most significant failures in the process was the deliberate decision to seek non-notified resource consent.

After the sudden and inexplicable last minute withdrawal of the Landowner consent application on 2 December 2019, the Waitemata Local Board as landowners requested the Resource Consent be notified⁵². They stated that given public interest and the significant heritage and environmental importance it should be publicly notified on the grounds of special circumstances.

When asked by Sarah Trotman in October 2020, why the decision was taken by the Ministry not to request notification⁵³, MCH responded "*I'm fairly sure we weren't aware the Board asked for it to be notified*".

Ministry Chose to Ignore Need for Public Notification

However, Boffa Miskell (MCH planning consultants for the project) **were** advised by Auckland Council senior planner by email on 20 January 2020⁵⁴ that the Board had requested notification. Further it was included in the Planner Notification Report⁵⁵. There are also several emails⁵⁶ between Brodie Stubbs (MCH) and Ian Maxwell (Auckland Council) on the matter of resource consent and the decision

⁴⁹ OIA request response 1 May 2020

⁵⁰ Email Ian Maxwell Auckland City 21 August 2018

⁵¹ OIA request (M-7129) AM2021/050 10 February 2021

⁵² Email from Trina Thompson, relationship manager WLB 9 December 2019

⁵³ WLB Workshop notes 28 October 2020

⁵⁴ Email between Johnathan Gregg (Auckland City Senior Planner) and Sarah Heritage Boffa Miskell Planner

⁵⁵ Planner Notification Report National Erebus Memorial Resource Consent Application pages 4 and 5

⁵⁶ LGOIMA - 8140007446 - Council and Min Culture/Heritage emails

as to whether to voluntarily request public notification or not. They took legal advice and spoke at length with their planners.

To suggest they were unaware of the request from the Landowner is once again, deliberately misleading.

Non-Notified resource consent was sought and granted, notwithstanding the Ministry's own policy that it should be voluntarily notified⁵⁷. Notwithstanding that the landowners unanimously wanted it publicly notified⁵⁸. Notwithstanding that members of the public and Erebus families had requested public notification. Notwithstanding that this site is significant for both Pakeha⁵⁹ and for Maori⁶⁰.

The consequence of that choice was that the Ministry knowingly shut down the voices of those who could have rightfully and meaningfully raised concerns and objections.

This failure to voluntarily notify resource consent, shut out Heritage NZ Pouhere Taonga, local residents, Iwi groups and arborists⁶¹ who all hold concerns for the impact on the tupuna rakau of the proposed National Memorial.

For a Ministry, whose core responsibility is to protect our Heritage, to deliberately take steps to limit the understanding of the history and heritage of the whenua, is simply unacceptable and lacks integrity.

MCH have subsequently engaged a QC⁶² to review their processes, but even then, have not been transparent and have not provided all the information. For example, her findings rely on an email to Erebus families seeking their input into features of the various shortlisted locations, that was never sent. Ms. Kristy McDonald ONZM QC concluded that the processes were "reasonable" based on the information she had to hand.

As a result, MCH have claimed that her findings of "reasonable" mean their process *must* have been "robust".

A finding by a QC of a "reasonable" process, with limited and inaccurate information, does not give any confidence that the process was in fact "robust" or had integrity.

So where are we now?

Dame Naida Glavish and the team at Protect Mataharehare have worked tirelessly to protect both the whenua and the Pōhutukawa - Te Hā. That team is made up of Erebus families, Ngāti Whātua Ōrākei hapu, local residents and members of the public from across Tāmaki Makaurau and Aotearoa, New Zealand. They have now been on site for 134 days and 132 nights.

Far from a healing and positive outcome - this project has become divisive, damaging and hurtful.

MCH have unacceptably and deliberately rushed a process, to meet political deadlines, at the expense of getting this important memorial right for *all* stakeholders.

⁵⁷ Arts Culture and Heritage policy 2004

⁵⁸ Letter to the planning team from the Waitemata Local Board

⁵⁹ John Adam Report – Historical Landscape Dove Myer Robinson Park

⁶⁰ Submission to Heritage NZ Pouhere Taonga

⁶¹ Letter from Paul Gosling arborist

⁶² Audit report Ms Kristy McDonald ONZM QC WLB meeting minutes

Those who have signed my petition can see so clearly, what the Ministry have ignored since August 2018.

This is the wrong site for the proposed National Erebus memorial.

Having lost my father, Aubrey Brough at Erebus, to have been so completely dismissed by the MCH Erebus project team and the Prime Minister is incredibly hurtful and disappointing.

This project needs to be rethought and the memorial moved to a site that has a meaningful link to Erebus and a community that embrace it, if it is to deliver what it was intended to do – bring healing and peace to the families and to the Nation.

There are such sites in New Zealand. The Christchurch Antarctic centre, sites facing South and overlooking the Manukau Harbour, near to Auckland Airport.

MOTAT has approached the Prime Minister's office⁶³, offering to create a National Erebus Memorial Park at Western Springs, immediately adjacent to their aviation wing. Their offer includes telling the whole Erebus story in a purpose built exhibit, including the good that came from the tragedy and providing future generations and children with an opportunity to keep the story and lessons from Erebus alive.

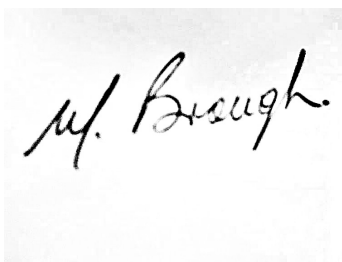
There are meaningful, appropriate alternative sites, that have simply never been considered, even though they clearly make more sense.

I have lost all confidence in MCH. The Ministry has been dismissive and deliberately misleading which has been unhelpful both to the greater purpose and all the people impacted.

I have no confidence that if this matter is referred to a Minister of the Crown, that it will be properly and fairly considered.

Therefore, I respectfully ask that my petition goes before a full Select Committee, so that all parties affected can be properly and powerfully heard in the spirit of transparency and for the principled purpose of finding a new and appropriate home for this important National memorial.

Regards

A handwritten signature in black ink that reads "M. Brough". The signature is written in a cursive style and is positioned above a horizontal line.

Margaret Brough

⁶³ NZ Herald article 19 May 2021

Appendix 1.

From: Philip Simpson <philipsimpson@xtra.co.nz>

Date: Thu, 24 Jun 2021 at 13:16

Subject: Parnell Pōhutukawa

To: Luke Niue <parnellpcc@gmail.com>

Dear Luke, thank you for the opportunity to communicate with you and your many colleagues about the future of the Notable pōhutukawa in the Dove Myer Robinson Park, Parnell. As you know my book on the Iron-hearted trees received accolade in the 2006 New Zealand Book Awards, indicating that the people of New Zealand are very aware and fond of pōhutukawa. It is of course a treasure (Rakau Rangatira, a chiefly tree) to Māori as well. I was for many years a trustee for Project Crimson.

I do not feel competent to comment on the quality of the proposed Erebus Memorial in terms of its physical impact on the tree. I will leave that to the expert arborists. My comments are of a more general nature about the tree, its status, its importance into the future, and the place.

My first thought is about the form of the tree itself and what this represents within pōhutukawa in general. Pōhutukawa is a genetically diverse species with variation in growth form, leaf size and shape, aerial root formation, flowering time and flower colour, and soil preferences. The Parnell tree is an example of the spreading sand dune form. This growth habit is likely to be an adaptation to the seasonally dry characteristics of sand, its unstable quality, its infertility, the extremes of temperature that sand dunes experience and the high wind of coastal environments. I do not know where this individual came from but there are fine examples of this growth form in widely scattered places. I am familiar with those at East Cape. That at Te Araroa is revered. Many are in isolated places and they are focal points for animals to feed and shelter and I have seen seriously damaged examples. I am not aware of any places that are entirely natural, and the spreading pōhutukawa trees are often few and scattered. Sand dune habitats generally have been poorly managed and attract weeds and recreational disturbance. Hence it is a growth form that is worthy of special attention. To have one within the city is a treat.

My second thought is about the status of this tree being defined as a Notable tree within the classification of the RNZIH. This is a very important status. Aotearoa New Zealand is a forest nation, given world renowned distinction because of its trees. We tend to have a rather inconsistent and reckless attitude to trees because so much of the national effort has gone into tree removal. Aspects of our past attitudes persist. However, the tree-scape of built New Zealand has important heritage character that shapes a sense of place among us. Notable trees sit at the pinnacle of this respect. I am dismayed that so many Notable trees have been lost simply to neglect, competition for space, unimaginative solutions to health and safety, and simply a lack of recognition of cultural value. I presented the Tane Mahuta Public Lecture on "The native treelands of New Zealand" (published in the Journal of the RNZIH 18(2):20-27, 2015) lamenting a lack of concern among rural land owners for the wellbeing of the public landscape that they manage. The Notable status of the Parnell pōhutukawa means that it is a high level part of our national culture. It should not be exposed to any activities that compromise this status.

The age of this tree, approaching 200 years, is substantial in human terms, especially for a planted tree in a cultural setting. In terms of the tree itself, however, it is young. There are

centuries of growth still to come. It might become one of the world's most famous trees in the distant future. We need to be aware of this and not constrain its potential growth. My third thought relates to the proposed memorial. This memorial serves to remind us of an extremely tragic act, one seemingly rooted in human error. For me the memorial will be a sombre place, one of sadness, regret, empathy for those lost and for their surviving friends and relatives. It will be impossible not to feel a degree of blame and loss. The pōhutukawa, on the other hand, is a tree of celebration, of wonder and beauty, something to be thankful for.

The proximity of these opposing experiences reduces the importance and clarity of both. I think they are incompatible.

I hope these thoughts are of some value. Thank you once again for the opportunity. Philip

Dr Philip Simpson

51 Falconer Road
RD1, Takaka 7183

Appendix 2.

